

PRAYER

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

CONDOLENCES

Honourable Members there are no condolences this morning

PETITIONS

So we move to Petitions, are there any Petitions? There are no Petitions.

GIVING OF NOTICES

Giving of Notices. Are there any Notices this morning? There are no Notices.

QUESTIONS WITHOUT NOTICE

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

MR NOBBS First question is for Mr Robertson as the Minister responsible for quarrying. Is it a fact that the Norfolk Island Government has an agreement with the owner of Portion 5a and then it's subleased to a company operating a quarry on Norfolk Island, and is this agreement and if not when did it cease?

MR ROBERTSON Thank you Mr Speaker. Yes that is a fact the agreement is worked that way and yes the agreement is still in place. It ceases on the 24th of this month.

MR NOBBS Just a supplementary to that. Is it correct that all payments made for the rock go directly to the land owner and that no payment are made to the Norfolk Island Government.

MR ROBERTSON Thank you Mr Deputy Speaker. The royalty which accrue from the rock crushed or the rock won in Potion 5a is paid to the landowner. There was a separate payment made for a spur of rock which was taken in about September of last year, which was kept by the Administration.

MR NOBBS Just a supplementary.

DEPUTY SPEAKER Before you do so Mr Nobbs. Gentleman if you would be more comfortable without your coats, please feel free to remove them.

MR NOBBS I just ask a supplementary to that. Why is it that the Norfolk Island Government is required to provide for the regulation of quarrying and pay for its regulations if nothings received, which it obviously has not, for the regulations, is this not yet another free service paid for by the local taxpayer whilst one section of the private enterprise laps up the profits.

MR ROBERTSON Thank you Mr Deputy Speaker. I don't think so. In actual fact it was an agreement made for the continuation of mining which had been in place before and that continuation is to ensure that there is control over 5a which was the wish of the owner of 5a and to ensure that the rock was won and distributed through out the community. Because of difficulties that have happened in the past and

difference. That has been apart from looking at it and trying to work out for myself what's been going on there, I have had no official input into it.

MR NOBBS Just a supplementary Minister, I think we went to the wrong place because on the 9th the area was an absolute environmental disaster. The great pile of soil over

DEPUTY SPEAKER Is there a question Mr Nobbs?

MR NOBBS Yes I am sir, extended into the rocks. Mild seas were washing the dirt into the Bay for some 200 metres, what were your instructions related to this environmental disaster?

MR ROBINSON I wonder if Mr Nobbs bothered to go down and have a look during the last rain. It was three times or many times worse than the releasing of that water.

MR NOBBS I ask the Minister again, what were your instructions relating to what was an environmental disaster and it wasn't in the mouth of the valley, I can assure you of that. It was south of the mouth of the valley.

MR ROBINSON I think you and I are at cross purposes here Ron. I didn't see massive amounts of soil being washed in. I presume your talking of part of the road reserve that washed in. There was a slip as I recall but it didn't look like millions of tons as you try to make out that it was.

MR NOBBS Just a further one. I am asking you Minister, did the company apply under the planning act to move the quantity of earth it did, as required in the Planning Act.

MR ROBINSON Not that I am aware of.

MR NOBBS If they didn't what have you done to initiate proceedings under the plan against the company?

MR ROBINSON Until we receive advice from the Public Service I do not intend to do anything off my own bat.

MR NOBBS Just another one for the Minister. Minister we are about to start on the Cascade Cliff. Whose responsible for environmental controls. Is it Norfolk Island or is it the Commonwealth?

MR ROBINSON That's another one of those confusing ones Ron. On crown land it is the Commonwealth, where it goes into 5a it's probably ours and until it is all sorted out it's going to be a confusing situation for a long while yet.

MR NOBBS Minister you've mentioned the 9th when you first saw it. It is now the 17th, the Cliff starts on the 24th. You can't get an answer on whose what from the 9th to the 17th, when will you decide or when will it be worked out who is actually responsible environmental conditions in the Cascade Cliff Project which I assume could start next week.

MR ROBINSON Ron if you had put these questions on notice I could have had some answers for you. The fact of the matter is the ministers of the government of our colonial overlords have between 9 and 10 ministerial assistants, who are not public servants, to look into matters like this. The four ministers of the Norfolk Island Government have a quarter share of a part time secretary to government to track

MR NOBBS

I've been told to address it to him Mr Deputy Speaker.

MR ROBERTSON

Thank you Mr Deputy Speaker. Part of that was correct. Early in the piece when the Cascade Cliff was coming on as a project, discussions were ensuing and in this forum the members decided that because of a possible connection with Mr Robinson and Island Industries that somebody else take over the Cascade Cliff as it was a commercial venture at that stage, it was passed over to me. I might remind members that that association that Mr Robinson had with Island Industries in the past, had finished before that and that in actual fact there was no financial contact at all with Island Industries but because there was some feeling among members in this house it was passed to me. I then proceeded with that. Crushing wasn't a part of that, it was purely just the quarrying and we managed to reopen the quarry and get rock flowing again which was crushed by Island Industries on Portion 48c, which was in fact controlled by the Administrator under a separate licence and so there was no action done by us as far as intervening with that crushing procedures. Any particular issues that came on crushing was dealt with by the Administrator, straight to Island Industries. So the result of all that is only of very, very recent times has it sort of passed over to me that now that the quarry is reaching its end and the crushing is come to an end on the 15th October that we needed to begin looking at some other sources of crushing materials and some other possible crushing sites. So that's when I became involved and that's where we are at this present point in time.

MR NOBBS

Just on another subject Gary. On air safety. At the last meeting you gave a rather dramatic account of an aircraft incident over Norfolk. Has there been a result from the official inquiry as yet?

MR ROBERTSON

Thank you Mr Deputy Speaker. I did mention that those types of inquiries are confidential and as being confidential remain so. Thank you Mr Deputy Speaker.

MR NOBBS

Can I just ask him. There has been a completion of the inquiry though?

MR ROBERTSON

The documentation that is required to be done has all been filed and completed and it's in with the regulatory authorities on the mainland.

MR NOBBS

Just a supplementary if I may. It seemed Minister and I don't know if your actually responsible in this area but anyhow. It seemed an ideal opportunity to test our preparedness on the Island here. Was there any post incident inquiry locally involving all arms of the local disaster group?

MR ROBERTSON

Thank you Mr Deputy Speaker. That would come under the emergency committees and I am no part of that. What took place from that, I do know there was some discussions within some of the members of that but what actually took place I'm not privy to and I haven't been advised but I do know there was some bits and pieces and no doubt they would have followed it through but I suggest that you ask the question of the Minister concerned.

MR NOBBS

Could I ask the question of the Minister concerned. I think it's Mr Gardner.

MR GARDNER

Thank you Mr Deputy Speaker. Following on from the incident there were a few concerns raised by some participants in the emergency management committee. I am not aware yet as to whether those concerns have been dealt with by the committee as a whole but as you can appreciate the committee are working tirelessly one would hope to see the necessary legislation introduced into this House for carriage which will basically give a firmer footing and firmer grounding for the Emergency Management Committee to work under and the procedures and guidelines would then be more strictly adhered to than they can possibly be at the moment.

MR NOBBS Just a supplementary Mr Deputy Speaker. Are you aware of what mechanism within the local disaster plan triggers such a post incident inquiry.

MR GARDNER Thank you Mr Deputy Speaker. I am unable to give you the actual facts for that right at this moment Ron but I'll certainly take it up and see what I can find out for you and copy it to you in the next few days.

MR NOBBS Just another question for Mr Robertson. At the last meeting I asked if it was correct that the Tender Board had neither verified the method used in calling tenders or accepted the recommendation of the appointment of SMEC to the Cascade Cliff Project. Have you an answer to that Gary, you said you were going to take it on board.

MR ROBERTSON I have an answer to that which I'll read out at the appropriate time.

MR NOBBS All right, fine. Thank you.

MR BROWN I direct this question to the Minister for Tourism and Commerce. Minister have there been complaints about what is known as 'third line forcing', that is where a business proprietor refuses to provide any of his product to a purchaser unless the purchaser deals exclusively with that provider. If there have been such complaints, are there any proposals to amend the Fair Trading Act in similar terms to the relevant provisions of the mainland's Fair Trading Act and Trade Practices Act.

MR ROBERTSON Thank you Mr Deputy Speaker. Yes I have actually had one complaint from one of the operators who came and saw me recently, not the first time he had seen me eighteen months prior to that and we had discussed the issue but it wasn't to the same degree as it is now. I had told him that I would be taking it on board and would be looking thoroughly at that type of thing. Right connected with this at the same time is a number of other issues regarding tour operators. I have started an investigation into it and we will continue with this. I don't suggest that it is going to happen in 5 minutes but within the next month to reply to and I understand also that there is a private company up town that has already started looking into some form of legislation or some changes that could be done to this legislation and no doubt we will be hearing from them in the future. But it is taken on board and yes things will happen.

MR BATES Thank you Mr Deputy Speaker. Question for Mr Smith, the Chief Minister. Could the Minister advise what was the criteria for the issue of invitations to the opening of the new Airport Terminal Building and was the public in general invited to attend.

MR SMITH Thank you Mr Deputy Speaker. What was behind the invitations to the opening of the airport terminal, was people who had been involved in producing the building, including past assembly members, and probably extended to some people that were from the airport from years ago but that was basically what the invitation list was about. It was on the radio that morning that the airport would be opening that day and I did actually meet two people who came around to have a look. I suppose there were other options if that is what Mr Bates is referring to in his question whether we should have made it open house and asked everybody. Maybe that was something that could have been done but I think the airport is open almost every day and I would invite anybody to go and have a look at our new building that has been a long time coming but is now complete.

MR BROWN Thank you Mr Deputy Speaker. Could I direct this question to the Minister for Immigration and Resource Management that relates to firearms. Minister are you in a position to table

today all of your correspondence in relation to the Firearms Amendment Bill 1998 and if so would you be prepared to do so?

MR ROBINSON Thank you Mr Deputy Speaker. As we are discussing this Bill later on in the House, I have in fact got the major correspondence to do with the 1998 Firearms Amendment Bill that came before this House and as members are aware, it didn't go through. I have here, first there's a letter of November from Senator the Honourable Amanda Vanstone dated approximately November 97, there's another letter from her 18th November 1997, there's one from her on the 16th December 1997 and I'll just read out a little piece of this one. Thank you for your letter of the 5th December regarding Norfolk Island's Firearms Act 1997. I appreciate the measures you anticipate taking in response to my letter of 18th November 97 which if passed by the Assembly will meet the majority of the requirements of the national agreement on Firearms regulation. However I believe the Act would still remain deficient in two key areas. There's a further letter sent by myself to the Senator on the 5th December, another one sent on the 19th January to His Honour the Administrator. I refer to Senator Vanstone's letter dated 15th December 97 regarding the Firearms Act 1997. It is pleasing to note that Senator Vanstone sees only two remaining problems with the Act. Then I have a copy of a fax from the Office of Law Enforcement Coordination

DEPUTY SPEAKER Mr Robinson may I interrupt you. I just want to point out to you Standing Order 54 which refers to anticipation of debate. The matter that you are referring to now is a substantive matter listed for us today and in that context it would not be appropriate to preempt any matters that you would want to bring forward at that time or any other members would want to bring forward at that time.

MR ROBINSON Thank you Mr Deputy Speaker. Yes I will still table it in answer to Mr Browns question and yes I will refrain and bring it up at the appropriate time.

DEPUTY SPEAKER Can I also point out to Mr Brown that you will have that opportunity to explore in that context Mr Brown.

MR BROWN Thank you Mr Deputy Speaker. I was hoping that for the benefit of members that the documents could be made available.

MR NOBBS Just one for Mr Smith. There have been conflicting newspaper reports on the mainland related to the establishment of Greenwich University on Norfolk Island. First question is has Norfolk Island a seat on the council of Australian Education Ministers and our responsible Minister with a Public Service officer responsible attends and if so does Norfolk Island have a representative at most of these meetings.

MR SMITH Thank you Mr Deputy Speaker. Ministerial Council, yes we do attend, not as a right as other Ministers do in the Australian sense as a state or territory minister does or in fact ministers of education from New Zealand and in fact ministers of education from Papua New Guinea are part of that Ministerial Council. We are invited to go along, we are able to speak at the council. That's coming up in April/May this year which I intend to be going to and the normal Administrative officer that goes with me will be going to that Ministerial council as well.

MR NOBBS Is it the only Ministerial Council that we attend with a Minister and a Public Servant support and if so why?

MR SMITH Mr Deputy Speaker there are other Ministerial Councils that we take part in, the one I can think of is the TMC, Tourist Ministers Council. There is a process that goes along there. Gary will be attending that next month I think. Whether he takes somebody from the service or the Tourist

Board I'm not quite sure. Gary might not if he is, or if he's not. There is one other one that just slips my mind at the moment but there are various Ministerial Councils we do get invited to.

MR NOBBS Minister given the diverse comment on Greenwich University in the press including an amazing amount of political comment from both Federal and some state parliaments, why has the Norfolk Island Government not launched vigorously into the debate.

MR SMITH Thank you Mr Deputy Speaker. What they do on the mainland and what the Federal Government matters is a matter for them. Norfolk Island has partial responsibility for education, as we all know, it is a Schedule 3 matter which means it is handled by both Governments that is the Australian Government and the Norfolk Island Government. There certainly has been some media flurry about the Greenwich University. Earlier this year I had a couple of interviews about the University, they wanted to know how it was set up here, legislative wise, which I explained but there has been no further flurry of media attention at this end. What happens over there I assume is largely a political matter. I don't think it's got much to do with education at all.

MR NOBBS Minister the aspersions were cast on the 'hill-billy nature' or words to that effect, I forget what they were, of the Norfolk Island Government in a lot of these cases including some from the Victorian Minister for Education if I recall and plus some of his federal colleagues, oh it mightn't be colleagues but of that ilk. Why didn't the Norfolk Island Government rise and support the proposal and criticise these turkeys for trying to rubbish us. I mean I can't believe this didn't happen. Why didn't it happen?

MR SMITH Thank you Mr Deputy Speaker. Because we have got on with the job. We had a request from a person to do certain things to allow a University to be set up here. We first passed a regulation that later was requested to be made into an Act, which members will remember. We all supported that. That allowed the person to do what they wanted to do, this is in relation to Greenwich University of course, and that is an Internet based University. It is not as if it is a large building stuck at Anson Bay. But as for the media comment maybe sometime they might think we are a hill-billy sort of a government, but they don't know. We have done what we thought was appropriate. The University is up and operating and I don't hear any complaints locally about the University and that is what would matter to me most.

MR NOBBS I've got several for Mr Robinson. At the last meeting Ric Mr Adams who was then a member asked Mr Gardner in your absence, a question related to waters around Norfolk and he advised that he hoped you would provide a statement at this meeting. Will you be providing a statement in statement time?

MR ROBINSON No I will not at this stage Ron but there is a meeting of the Norfolk Island Consultative Committee tomorrow and we will be probably be sitting down talking around in circles as has been the past except for the fact that we now appear to be getting somewhere with it and that is in regard to the extension of the Norfolk Island box from 30 by 50 that it is a the moment to 50 by 75, and we will be discussing the Norfolk Island Government being able to legislate for all activity in that box apart from 'big eye tuna' and several of the tuna species that the Australian Government wishes to retain control of. Until that meeting is over I really can't let you know how we are progressing.

MR NOBBS I assume you will be attending the meeting and that is actually goes contrary to what we as an Assembly approved at a recent motion of, well last year some time and I ask you what is being done to promote the motion that was put where we would have total control of a twelve mile area around the Island , O.K. so that's nearly 30 by whatever they've got now and that we would have joint

management of the remainder out to the 200 mile limit. What is being done to promote that? I would have thought it was a far better deal than what you are looking at.

MR ROBINSON I would have thought that a larger area would be better for us Ron. I could reduce our requests to say just twelve miles around the Island if you like.

MR NOBBS Can I just question, I don't think the Minister understands what he is on about and I would ask him would he please.

MR BROWN Point of Order. Mr Deputy Speaker with respect a question should not contain abuse of the Minister.

DEPUTY SPEAKER That is so Mr Nobbs and I would ask you to bear in mind continually that this is question time. It is not a time to debate matters and if you could confine your contributions to raising questions with the appropriate Ministers.

MR NOBBS I question the understanding by the Minister and I would ask if he would please sit down and go through it particularly with the people concerned to see whether we can progress this because if you have one species that's not included in it it's pretty useless. Would you be prepared to sit down with some people and talk it through

MR ION ROBINSON Thank you Mr Deputy Speaker. I think first of all Ron you and I have got to sit down and sort out exactly what you want. Let me also add that it is not up to the Australian Fisheries Management Authority. That is only one part of obtaining sovereignty over our twelve mile limit, or the box or whatever, so as I said first of all Ron you and I have got to sit down and sort out exactly what you want and then we can progress matters

MR NOBBS Thank you Mr Deputy Speaker. Another one for Mr Robinson. Ric when you took on the role of Minister for Immigration I think it was in October or November or something like that, you were requested by Members and you agreed to undertake a review within one month of immigration decisions taken during the time of this Eight Assembly. You were asked by Mr Gardner and it was agreed. After some five months when will the results of your review be available

MR ION ROBINSON Thank you Mr Deputy Speaker. I did put that in train. As I understood it I could find nothing abnormal so I didn't do anything further about it. Sorry Ron. I should have probably come and reported to you as Chief Stirrer around the place the results

MR NOBBS I'm sorry you didn't. I've got a couple for Mr Smith. Is it correct that Canberra, apart from other changes proposed in the legislation applying to Norfolk, also wished to change the method of appointing the Deputy Administrator by having the person appointed directly by the Minister for Territories. As this is yet another blatant attack on self government and the politicising of appointments what steps are being taken to combat this

MR SMITH Thank you Mr Deputy Speaker. It may be wise for me to give you the situation that existed previously that the Deputy Administrator is appointed by the Governor General. That's the current situation and that was found to be a little bit awkward when the Official Secretary Ralph Condon left and the new chap took up the space and the Administrator had to leave the Island and to get the new Official Secretary sworn in as the Deputy Administrator created a little bit of a problem at that time because they had to find the Governor General and get him to approve it so what has been suggested is that it be brought down to the Ministerial level so that the Minister for Territories can make

that appointment of the Deputy Administrator and what we've done about that and the comments we've made on the Norfolk Island Amendments Bill which is the Bill we are all aware of that the Commonwealth is expecting to put on the table next week in relation to electoral matters and firearms matters, it also includes that one with the appointment of the Deputy Administrator. We've sent off our protest at the way the Bill is being done, our comments I suppose and one of our comments is that if we are on the road to self government, the appointment of the Administrator and the Deputy Administrator should be something that is done by the head of the Norfolk Island Government rather than being dealt with in the mainland sense. I don't think I've heard any adverse views to that being put to us at this point in time but no doubt we will hear some more about it

MR NOBBS Just another one for Mr Smith. At the last meeting Mr Adams suggested that the change in policy to include the level of purchase at which tenders must be called of \$20,000 was not determined by the full Assembly. What have you subsequently done to correct this obvious oversight

MR SMITH Mr Deputy Speaker if I recall correctly Mr Adams did ask a question, something along the lines of is it true that the threshold for tender processes was raised to \$20,000 and I said at the time, that yes that had happened quite some time ago, it was done by the Tenders Board which is actually the Government and we made the decision to do that and I think I may have even said if we omitted to tell Members about it at the time or if I omitted to do that well I'm sorry that it happened, but you now know. But it was done for a very real reason. It was because the \$10,000 threshold had been around for a long time and the Tenders Board, similar to the Government, doesn't want to be dealing with every little administrative decision that needs to be made and we were dealing with, I think what Mr Adams might have been referring to was the mower situation where it depends how the purchases are done, and I think there was one instance where three mowers were approved in one tender budget. If they had been put in as separate tenders they wouldn't even have come to the Tenders Board. To eliminate that sort of thing. It also shows that you put a bit of confidence in your public service. They are dealing with far larger amounts of money than \$20,000 on purchasing a piece of machinery or something, all the time so we felt at the time that it was worthwhile putting the threshold up to \$20,000 and so far I don't know that that has caused any stress with anybody in the service or with the government however, if you know of some instances Mr Nobbs or any Member who has a problem with it, well we will review it

MR NOBBS Thank you Mr Deputy Speaker. I have a question for Mr Robertson. There's approximately 1700 tonnes of crushed metal required for the Cascade Cliff, has the tender been called for that.

MR ROBERTSON Thank you Mr Deputy Speaker. No. Advice has been received that rock will be required within the next three or four weeks and we find that calling a tender from one operator is not necessary

MR NOBBS Just a supplementary. How long have you known that there is a requirement for 1700 tonnes of metal before the cliff can start

MR ROBERTSON Thank you Mr Deputy Speaker about five months

MR NOBBS Mr Robertson you got an expression of interest from another operator in placing a new crusher on the Island. Will you advising the people about this proposal and the acceptance or otherwise by the government

MR ROBERTSON Thank you Mr Deputy Speaker by that you are referring to the proponent when you say advising the other people, is that what you are referring to

MR NOBBS Sorry, do you call them residents, or ordinarily resident or just the people living here

MR ROBERTSON Thank you Mr Deputy Speaker I had a telephone conversation with the person that you are referring to yesterday advising him that he would be receiving a letter from me. After speaking with all Members of this House on Monday I spoke with him yesterday which is only a day later, advising him that a letter would be coming out to him and for what procedures he has to do and then naturally things will take its course from there

MR NOBBS Getting back to the Fair Trading Act, at the last meeting in response to a series of questions by Mr Adams on Fair Trading I undertook to review the mechanisms which currently triggers the Act, which is who complains at the moment to suggest a more proactive and less self regulatory approach. Has this occurred and if so, what are the outcomes

MR ROBERTSON Thank you Mr Deputy Speaker the question actually asked wasn't quite the way you worded it Ron. Reference was more made to an advert that appeared in one of the local publications referring to the Liquor Bond and referring to the fact that there was presumed to be a misleading in that advert and was I going to follow that through. In actual fact, two pages further on in that particular publication is a full advertorial which in itself explains in great detail exactly what a person should do and I said at that time that I would look into it and I would have certainly sorted that matter out with the Bond which has been done. The Bond Manager the next morning actually

MR NOBBS I don't wish to correct the Minister but I asked the question in relation to what triggers the Act and I think that was handled by Mr Adams and I ask again, you undertook to review, maybe it was the meeting before last, I can't remember now but I thought it was the last meeting, you were asked to review the mechanism and agreed, the mechanism that currently triggers the Act, that is, if somebody complains the Act is triggered and Mr Adams wanted you to look at a more pro active role

MR ROBERTSON Thank you Mr Deputy Speaker. Probably two meetings prior to that I had actually made a statement on a document regarding the Fair Trade Practices Act as it applies on Norfolk Island and in that I mentioned to anybody that wished that there was a \$5000 or \$10000 penalty involved and the only way that could happen is by somebody making a complaint and I guess that would be the same as anywhere that I don't think the Norfolk Island Government should become the judge and jury on somebody breaking the law, it would have to be done through a person who is not particularly happy with something that has been advertised or something that is contravening that Act and they would start a complaint and naturally enough the complaint would be followed through in the normal sources. Now I have spoken with the Legal boys on this and we will be looking at it a little further down the line. At the moment as you are well aware our legal fellows are very tied up with looking at many things but it will be followed through in due course. At the moment there is an ability there for somebody to complain and yes there is the ability for that complaint to be followed through to finality so it's not obstructing anything at this stage

MR NOBBS I ask a question, not on my favourite subject because I find it a bit sickening but I ask it on landing fees again. Is it correct that one airline is bringing in two different types of aircraft and one is paying the landing fees immediately and the other is not being paid

MR ROBERTSON Thank you Mr Deputy Speaker they are being paid

MR NOBBS On both airlines

MR ROBERTSON Yes

MR NOBBS So the airline is up to date with its landing fees apart from the agreement that we have

MR ROBERTSON Thank you Mr Deputy Speaker there has been agreement made on a time frame of payment and that time frame is on time

MR NOBBS As the Minister responsible for quarrying and I assume crushing now will you be making a statement on the current situation in relation to crushed rock

MR ROBERTSON I hadn't thought of making one at this particular point. I was going to be making a full statement to the newspaper to appear in this weekends newspaper

MR NOBBS Okay. Is the Norfolk Island Government a signatory to any agreement that involves the Commonwealth and the crushing company

MR ROBERTSON Thank you Mr Deputy Speaker. Tripartite agreement to ensure that things happen, the Government yes, as the Administration

MR NOBBS The Administration. Weren't you instructed by the Members of this Assembly not to become involved in what is really between the Commonwealth and the Crushing Company

MR ROBERTSON That is quite right and that is exactly what we are. We are not involved in the Crushing Company with the Administration, that is a lease which is done between the Federal Government of which we have no signatory part and the Crushing Company

MR NOBBS And we are not a signatory

MR ROBERTSON We are not a signatory at all

MR NOBBS You just said we are a signatory

MR ROBERTSON There's a tripartite. There are two different issues that you are talking on Ron. As far as the crushing is concerned and as far as the actions of what is happening I'm instructed by the Members of this Assembly that we have no part of it. And we have exactly that. No part of it. What we do have a part of is ensuring that the regulatory situation within that area is secure and that is to monitor and make sure that under the Crown Lands Act the Administrator can appoint one of our officers, that's in the Act, to actually police that and we've agreed to that sort of thing. We've also agreed to a monitoring process and the noise requirements which are there. Now we're part of that. We are not part of the licence and we are not signatory's

MR NOBBS Mr Deputy Speaker I'm absolutely shattered by this because I find it quite difficult. I thought the Minister was instructed to stay right out that the Norfolk Island Government...

MR BROWN Point of Order

DEPUTY SPEAKER Point of Order Mr Brown

MR NOBBS Point of Order. I don't think Mr Brown can keep butting in. Obviously he's got a contract...

DEPUTY SPEAKER Order. Order Mr Nobbs. There is a Point of Order being sought

MR BROWN Two points Mr Deputy Speaker. The first one is I wonder whether we've gone beyond the time for question time but the second and more important is I wonder whether Mr Nobbs can confine himself to questions rather than endeavouring to make a statement

DEPUTY SPEAKER The Point about sticking to questions is sustained Mr Brown. Mr Nobbs if you would be kind enough to do that. You point out the time. You are quite right Mr Brown. We have reached that time. Time has expired for Questions Without Notice this morning Honourable Members

MR NOBBS I'll move that it be extended for ten minutes

DEPUTY SPEAKER The proposal is that there is an extension of ten minutes. Is that endorsed by Members. Would the Clerk please call the House on the question that Question Time be extended for a further ten minutes

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

DEPUTY SPEAKER The result of voting Honourable Members, the ayes five the noes two with one abstention the ayes have it. We have a further ten minutes of Questions Without Notice

MR ROBINSON Mr Deputy Speaker is that within the Standing Orders of the House the way that was just done. Isn't that why we extended the time to an hour to prevent this kind of dragging out for the rest of the day. It's Standing Orders that I'm concerned about and I've forgotten the exact number where it says "...Questions Without Notice time should only be for thirty minutes" then at a motion in this House we extended that time to one hour

DEPUTY SPEAKER Yes we did that and I'm just looking up that particular amendment Mr Robinson. It's my recollection Mr Robinson that we did make an amendment a short time ago now in which we extended the time for a half hour to a total period of one hour on the basis that that could also be extended by motion but we are just endeavouring to confirm that notwithstanding that, and the bit we are looking for is "... which may be extended for a nominated time by agreement of a motion without notice

MR ION ROBINSON Thank you. I stand corrected

DEPUTY SPEAKER ... and that is the procedure we have just now followed and therefore we have a further ten minutes, thank you. Mr Nobbs

MR NOBBS Thank you Mr Deputy Speaker. I'm just returning to the crusher exercise if I may. Is it not correct that the last lease held over 48c, the Commonwealth was responsible for all environmental issues

MR ROBERTSON The Commonwealth in that lease, to my understanding, perhaps it might be easier Mr Deputy Speaker if Mr Nobbs put these questions on Notice because we are getting into some areas here which I was not privy to the previous lease, it was something that was done between the Administrator's Office and Island Industries and I would suggest that instead of the grilling here at this particular time and probably a better understanding from Mr Nobbs if he would put the question on Notice and we do it in the correct manner and go through the whole of the documentation

MR NOBBS Fine. I don't know whether this can be answered. It's in relation to firearms registration on the Island. Do you rule that the same Mr Deputy Speaker as you did before that it's the subject of a debate or can I ask a question

DEPUTY SPEAKER If it relates to a motion we have in front of us on the Notice Paper Mr Nobbs it will be ruled in the same context. It therefore means that you can still raise the matters that you would want to raise of course but it would be in the context of when that debate comes forward which will happen today

MR NOBBS So I could just try it

DEPUTY SPEAKER No, you won't try it

MR NOBBS No. Oh well. I pass another one at Mr Robinson. You've been reported or the story goes that you've been issuing a number of GEP's since the last meeting of the Assembly. Will you consider the practice of publishing the names of those who are granted GEP's at the same time as they are granted

MR ION ROBINSON I would be happy to talk to Members about that Mr Nobbs but I certainly won't do it just because you yourself want it done. I will consult the Members

MR NOBBS The question has actually been put some time ago but there's been no response to it and I asked you...

MR BROWN Point of Order Mr Speaker. I wonder if Mr Nobbs could confine himself to questions

DEPUTY SPEAKER Yes, you are leading up to a question Mr Nobbs

MR NOBBS Yes I am. This is my last one actually John so you'll be happy and it's addressed to Mr Smith. Will you be making a Statement to the people through the House on the proposed electoral changes to the Norfolk Island Act and what is being done to fight the issue

MR SMITH Thank you Mr Deputy Speaker. I had no statement to make about that but I can make a short statement on where we are up to with that

DEPUTY SPEAKER Further Questions Without Notice Honourable Members. Then we have concluded for today in respect to Questions Without Notice

PRESENTATION OF PAPERS

Are there any Papers to present this morning

MR SMITH Mr Deputy Speaker I have financial indicators to present this morning and I move that they be noted so that I may make comment on them. These financial indicators are to February. Mr Deputy Speaker just a few comments provided to me from the Finance Manager in relation to income from the financial indicators and as Members might note the customs duty collected to 20th February 1999 cash only receipts is \$21,000 short of the revised budget. This result is similar to the month ended 31 January. The second income from other taxes is about \$56,000 short of the revised budget. In its category vehicle registrations is \$31,000 behind and departure fees \$36,000 behind. Interest received is \$9,000 short of the revised budget but happily FIL is \$10,000 ahead of the revised budget estimate. Income from other charges category is \$26,000 behind the revised budget however income from several of the items in this category will not be fully realised until the last three months in the second half of the financial year. Earnings from the GBE's is ahead by \$5,000, the result is directly associated with exceptionally good profits being generated by the Liquor Bond. The actual liquor profit for February 1999 has not yet actually been determined but the result reported is considered to be conservative. In expenditure, welfare expenditure is still ahead of budget as was the situation at the end of December and January but the percentage excess has dropped from 121% of budget to 111% of budget at the end of February and secondly capital works purchases are still ahead of budget at 28 February, this is once again due to completion of the stage of the Burnt Pine upgrade. Purchase of that land for \$113,000 at Middlegate and the full draw down of the vote for the purchase of vehicles and mobile plant. Mr Deputy Speaker I table that document

DEPUTY SPEAKER The question before us is that those papers be noted. Any participation in that debate? I put the question Honourable Members

QUESTION PUT

AGREED

The ayes have it

MR ROBERTSON Thank you Mr Deputy Speaker. I table the inbound passenger statistics for both January and February. The Members have already been copied with them

DEPUTY SPEAKER Thank you. Any further Papers to present. We will move to Statements

STATEMENTS

MR GARDNER Thank you Mr Deputy Speaker, we are short on numbers today due in part to the resignation of one of our Members from the Legislative Assembly. It is my wish Mr Deputy Speaker to recognise the role that Mr Robert Adams has played in and the contribution he has made to the Seventh and Eighth Legislative Assembly's of Norfolk Island. Mr Adams was first elected to the Legislative Assembly in May 1994 and in July of 1995 assumed the role of Minister for Industry and Forests a function he performed for the remainder of the life of the Seventh Legislative Assembly.

upskilling programmes for staff development have been initiated and issues such as the standardisation of equipment which Brian referred to earlier this morning in Questions Without Notice and infection control, have and will continue to be addressed. Mrs Webb has also been involved in finding a solution to the problems associated with outstanding debts owing to the Hospital and significant progress was made culminating in the Department of Veteran Affairs agreeing to the Enterprise contracting its services to them. I wish to record my sincere thanks to Mrs Webb for her contribution to the Hospital Enterprise and on a personal note to the assistance and co-operation she has provided to myself in my short term as Minister for Health.

Mr Speaker, I also advised last month that the board of Management at the Hospital were in the process of advertising and interviewing to fill the vacancy of Director. I am pleased today to advise that the successful applicant was Mr John Christian son of Margie and the late Ernie Christian. John has a Bachelor of Science and Microbiology, extensive international experience in medical equipment sales and is no stranger to the workings of the Hospital Environment. John possesses a good level of clinical medical knowledge as a result of his academic qualifications and daily interactions with nurses, doctors and surgeons Australiawide which enables him to better communicate and understand the needs of clinical staff. John was also, and this was of particular importance Mr Deputy Speaker, was able to ably demonstrate his strong business background, excellent people management skills, good financial management and budgetary skills against the selection criteria for the position of Director of the Norfolk Island Hospital Enterprise. Mr Speaker I welcome the appointment of Mr John Christian as Director and wish him and his family every success and happiness in his time on Norfolk Island

MR SMITH

Mr Deputy Speaker, in relation to a couple of matters that were raised this morning by two of the Members. One was from Mr Nobbs about the electoral issue that has been around for quite some time and he asked if I would make a statement about where we are up to with that. Just to put it on the record again, with the Norfolk Island amendment Bill 1999 as it is called, this is a Bill proposed by the Commonwealth to amend the Norfolk Island Act which is our main piece of Commonwealth legislation, but the intention with the Bill is to amend the Norfolk Island Act so that basically anybody who want to be on the electoral roll in Norfolk Island will need to be an Australian citizen once the Bill becomes an Act and the other major part of it is recommending that the qualification period for a person to be on the electoral roll would be six months as opposed to 900 days as it currently stands. Members will remember this started I think in March last year, when it was announced by Press Release to us, well at the same time as I received a letter, to be fair, without any consultation on Norfolk Island's part, that this was going to happen. There's been a process that has gone on since that time including a referendum which the community came back with almost 80% of the community coming back, telling us that we don't want Canberra telling us what to do with our electoral matters because we felt it was a matter for this community as much as the same feeling would be around in other communities in other countries including Australia. Though the results of that referendum were sent to the then Minister, Alex Somlyay who didn't comment on the referendum at all, but he did visit the Island just shortly before the referendum and he said he would wait to see what happened with the referendum. We never had any further comment from Minister Somlyay. This year the new Minister for Territories, Senator Ian Macdonald sent us a letter saying that this thing had not gone away and that the Commonwealth was going to be developing the legislation to put into Parliament to make these changes. When we received the Bill, I can't remember when it was, maybe three or four weeks ago, we were given five working days to comment on the amendment to the Norfolk Island Act which I think is totally unfair of any government to expect us to pick up and comment on a change to our main piece of legislation, the Norfolk Island Act. However, we were granted an extra couple of days as there was a public holiday in that time as well, but we did manage to get a letter of comment back to the Federal Minister and Members around the table will remember we sat here and discussed the contents of the letter. We objected to the proposals as we have always done, to the Commonwealth, however, we have been given the opportunity

to have further negotiations as the Bill is expected to be introduced I think, next week 22nd of this month and I expect that that will be sitting around on the table over there for a while and that could give us time to negotiate. We have stated once again that the Norfolk Island community, if there is any change to be made, then change should be made by the Norfolk Island Legislative Assembly in relation to electoral matters, not for the Commonwealth or any other country that's around who wants to make changes to our democratic rights over here. That's where we are up to with that. We are now waiting for comments to come back from the Federal Minister in relation to the referendum and also the comments that we have made on the Bill. That's all in relation to that one Mr Deputy Speaker

I have a further Statement. Brian asked me a question this morning in relation to the Strategic Plan that is dated April 1998. I think we actually adopted it in October. In relation to education it was suggested by Mr Bates this morning that under the community service part of the Strategic Plan it says things it this morning I'll just read out those things again. As an issue in this Strategic Plan under education it's got four dot points. One is ensuring education and employment about education and although Brian mentioned opportunities to Norfolk Island youth either on the Island or elsewhere; 2. The development of vocational education and training curricula on Norfolk Island and upgrading Norfolk Island's school buildings and the relative costs and benefits of delivering Years 11 and 12 education students on Norfolk Island compared to subsidising access in New South Wales, Queensland Schools and colleges and specific project with planned details. The following projects will receive priority. Development of a plan for the education and vocational training for Norfolk Island residents with a view to developing innovative practical and cost effective approaches and solutions that meet the needs of Island residents with a view to recognise and reflect developments in school education and vocational education and training VET in Australia, access to and use of technology, the possibilities for integration of service provision and building upon linkages established with VET providers in New South Wales and Queensland. I'm happy to say that even before we adopt that plan there are already discussions being held with the educators at the school, principally the principal. We have been very fortunate, we have a teacher at school who is a careers man, Stephen Ley, we have the principal who is very keen on vocational training, as much as we can do in Norfolk Island, we also now have an accredited TAFE teacher in Tricia Magri who has been doing a course over some years to become a teacher and I congratulate Tric on upskilling herself to this position of where she is able to now take TAFE courses at the school which is right along the lines of what the Strategic Plan was talking about before, in vocational education. I've held the view and I've expressed it many times within this Assembly and probably past ones that education is a very important part of the Norfolk Island community and its culture because there's no point in a government funding an education system which it has done and does well. Some would say we pay alot of money for it and perhaps we do, but it's no good doing all that if kids get to the school leaving age and leave school and go somewhere else. That's not been a good investment. Years 11 and 12 were commenced I think in 1991-92 to give kids who didn't have the opportunity to get off to the mainland to do further education studies, gave them that time, and that has worked quite well I think over the years but it needed further extension of vocational training where Norfolk Island residents, the kids who go to the school, when they get to the age of years 11 and 12, that they have a career path that maybe we can assist with. That is being put in train and alot of things are happening in that area and this year we should see perhaps even the plan that is referred to in the Strategic Plan as far as education in that sense is concerned. I would say once again that I commend Tric Magri for doing her course that is now going to assist alot of the Norfolk Island kids as they come through the school here on Norfolk Island

DEPUTY SPEAKER

We've concluded Statements Honourable Members.

frontage of less than 35 metres so Mr Deputy Speaker I of course move that this House pursuant to Subsection 19(2) of the Subdivision Act 1996, approves the draft variation to the Planning Subdivision Code now before the House.

MR NOBBS I haven't got any concerns really with the present proposal but I will ask the Minister, how many applications are held up with this one particular amendment.

MR ROBINSON As I understand it , three were, four, a total of four were waiting on the last amendment and this will clean up the last of them.

MR NOBBS I just find it difficult and I am not being critical of the Minister because I know he has a lot on his plate, but there are a lot of quite significant amendments to the plan without changing the overall thrust of it and I put to him such things as the plan currently allows him to approve one particular building per block and it doesn't have to go the planning board and there are several other items and I forget what they are that do the same. I suggested last year, twelve months or more ago that there should be a requirement that gazettal of those particular Category 1 applications which the Minister can approve without going to the planning board. It should be at least put in the gazette so that people know precisely what's happening because we've got difficulty at the moment where as people gradually knowing that I am actually an Assembly Member on the planning board, that you get asked what about this one and we know nothing about it. So those sort of simple little things which I don't think would take a lot of time should be done and if we have the time to do something which effects one I think we should do something, and I ask him to consider those sort of mini amendments to procedures to allow that to proceed.

MR ROBINSON Thank you Mr Deputy Speaker. Ron is quite correct there is a lot to be done with the planning code and it should have been put out in last weeks paper. To tell the truth it should have been in last weeks paper, but we are inviting submissions to amending the Norfolk Island Plan and Ron has already given me a list of amendments or suggested amendments and that is exactly what the Public Service are working on at this very moment.

DEPUTY SPEAKER The question Honourable Members is that this motion be agreed to. Those of that opinion say Aye

QUESTION PUT
QUESTION AGREED

The ayes have it Thank you.

PUBLIC RESERVES ACT 1997 - HUNDRED ACRES RESERVE - DRAFT PLAN OF MANAGEMENT

MR ROBINSON Thank you Mr Deputy Speaker. I table first a copy of the Draft Plan of Management for Hundred Acres Reserve and two a copy of each submission made in accordance with the public invitation required by Paragraph 11(a) of the Public Reserves Act 1997, and three a public paper entitled 'proposed amendments to the Draft Plan of Management for Hundred Acres Reserve' and move that this House for the purposes of Subsection 13(2) of the Public Reserves Act 1996 resolves that the Draft Plan of Management for Hundred Acres Reserve is approved subject to the alterations contained in the document titled 'Proposed Amendments to the Draft Plan of Management for Hundred Acres Reserves'. Thank you Mr Deputy Speaker. The management of public reserves must involve the community. The Public Reserves Act 1997 therefore requires that each reserve be managed in accordance with a plan of management which has been subjected to community consultation and comment and then accepted by the Assembly and the Administrator. The Conservator of Public

Reserves is in the process of producing draft plans of management for each public reserve and it is hoped that all these will have been through the public consultation process and be available for approval by the Assembly by July of this year. After receiving Assembly approval each plan will be referred to the Administrator in accordance with Section 14 of the Act. Public submissions on the Draft Plan of Management for Hundred Acres Reserve was sought in September and October last year in accordance with Section 11(a) of the Act. A number of written and verbal submissions were received and I thank those people for their contributions. I'd also like to thank those people in the community and those organisations who provided advice to the Conservator of Public Reserves during the preparation of the preliminary draft of the plan of management. This plan provides an outline of the natural and cultural values of the Hundred Acres Reserve and sets out the management objectives and actions which it is intended to implement. The plan also sets out the activities which are permitted in the Reserve. Plans of management are not immutable but should be seen as living documents which attempt to clearly set down the intended use of each reserve and the management goals agreed by the community. The community is encouraged to participate in and contribute to the annual review of the implementation of this plan by the Conservator of Public Reserves and to its future revision where necessary. In accordance with Section 13(1) of the House, I lay before the House as I have already mentioned and move that this House for the purposes of Subsection 13 resolves that the Draft Plan of Management for Hundred Acres Reserve is approved subject to the alterations contained in the document entitled 'Proposed Amendments to the Draft Plan of Management for Hundred Acres Reserve'.

MR BROWN Mr Deputy Speaker. The Minister and those in the Public Service who have assisted him, have obviously done a lot of work in bringing this document to the present stage, however I am unable to support it today and I hope that the Minister will be adjourning debate rather than asking for the matter to dealt with to finality is one, as I have written to the Minister on two occasions. I understand that the Minister has referred my letters to the Public Service but that not much has happened in relation to them and my concern is in relation to risk management. In my view the Hundred Acres Reserve is a time bomb in terms of the risk of the Administration being sued if someone slips and falls while walking through that Reserve. The walkways in my view are dangerous, in my view there are parts of those walkways that should have stairs, there are parts of those walkways that should have rails. The walkways should regularly be filled in areas where there are holes. They should regularly be filled in areas where there are roots across the track. In general we are not paying enough attention to the risk that the changes that have occurred in society in other places where people have become quite litigious are going to eventually come upon us here on Norfolk Island. In my view Mr Deputy Speaker the Hundred Acres Reserves should be closed, along with our other Reserves at this stage and gradually reopened as and when sufficient work has been done for them to be certified as complying with modern practices in terms of Reserves and it's for that reason that I won't be supporting the motion today.

MR ROBINSON Thank you. Yes Mr Brown has written to me on two occasions and on the last occasion was the 12th March, I stamped it urgent and just finished talking to the Conservator about it yesterday. To start with number one in Mr Browns concerns, yesterday the Conservator bought over some signs that he actually had made up. There are more signs being made at the moment and there will be an appeal in the next budget for \$8,000 for timber to put down the paving and pathways. Another item of Mr Browns concern was that tour operators should be required to hold a licence to satisfy minimum safety and competence requirements, to hold adequate public liability insurance and to keep the Administration indemnified against any claims arising from their use of the Reserves. That's already in progress. The Administration should hold adequate public liability and that is as I say in the process of being organised. These are very valid and important concerns and I haven't had a chance to write to Mr Brown to advise him of the steps that have been taken but they are being taken.

MR SMITH Thank you Mr Deputy Speaker. I was approached in the last couple of days by a person who put in a submission on the Draft Plan of Management for Hundred Acres Reserve and they were concerned that in the response to the public submissions there appeared to be a lack of interest of putting the public submissions, the good bits, into the draft plan of management and I was going to ask the Minister if he would adjourn it but I now hear that you are only tabling that, you are only tabling the submissions but also a paper entitled proposed amendments to the draft plan. I don't seem to have it Ric, it's in there is it?

MR ROBINSON I will adjourn it. If it is the wish of the members of the House I have no particular desire to ram it down anybody's throats.

MR SMITH Mr Deputy Speaker, if Mr Robinson is prepared to adjourn it to the next meeting I'd be happy with that because I need to go through that to make sure I know what I am agreeing to. Thank you Mr Deputy Speaker.

MR ROBINSON Is it the wish of the members of the house to adjourn it. I see we have two in favour, might as well. In that case Mr Deputy Speaker I so move.

DEPUTY SPEAKER The proposal before us Honourable Members is that this matter be adjourned and be made an order of the day for a subsequent day of sitting. Those of that opinion say Aye.

QUESTION PUT
QUESTION AGREED

The matter is so adjourned.

PUBLIC SERVICE ACT 1979 - NEED TO AMEND TO ACHIEVE CERTAIN OBJECTIVES OF THE HOUSE IN RESPECT TO SENIOR MANAGEMENT AND THE PUBLIC SERVICE BOARD

MR NOBBS Thank you Mr Deputy Speaker I move the motion that's in my name on the notice paper and I will be dealing with sections of it as they go through and it saves repeating myself. Mr Deputy Speaker I have been involved in Public Service activities for a number of years and am extremely disappointed at the progress or lack thereof in the strategic planning and with it the review of the Public Service. I won't go into the background, I think everybody knows that we've had a report and the whole lot but I will say that this motion by simple amendments to the existing Act does nothing other than improving the Service and particularly the relationship between the Service and the Assembly. I'll now deal specifically with the motion. Point 1, Actually the motion starts that in order to progress Public Sector reform initiated by the House at it's sittings on 5 October 1998, this House :

1. Rescinds the motion recorded in Items 9,12, and 13 in the minutes of proceedings of the October 5th 1998. I have been advised of the need under Assembly procedures to rescind these three motions although I see this particular motion progressing the October decisions. Motions of October 5, 9 and 12 deal specifically with the senior management positions and the recruitment and appointment of senior management positions in the Public Service. At that stage it was suggested that we would have a Chief Administrative Officer and five Managers under them. This hasn't been progressed obviously because we haven't got the money to do it. The third motion was an instruction to the Minister responsible to bring a draft Public Service Act to the November meeting which didn't happen.
2. Of the motion, and I'll read it, requests the Executive Member with responsibility for the Public Service to take the necessary action to A. Rename the position of Chief Administrative Officer to that of Chief Executive Officer with expanded duties, A. again the first one, requiring the

preparation of a draft organisational structure for the Public Service for the approval by the Legislative Assembly and B. giving him the responsibility for the engagement and dismissal of staff. 2 b. or not to be, change the composition of the Public Service Board to two independent members and one member chosen by the Public Service. The Board to only have the power to hear appeals against the decisions of the Chief Executive Officer and to review the performance of the Public Service. 2 c. Establish a consultative committee comprising two executive officers and four other members elected by the employees of the Public Service from among their number to advise the Chief Executive Officer and the Public Service Board on operational matters. Point 2, the start of it renames the position CAO as CEO, nothing startling but it does allow for the establishment of senior executive group. The term executive has its own connotations. Administrative Officer implies a clerical type position implies head of administrative unit whereas the executive positions may also head technical as well as scientific disciplines. Point 2 also requires the CEO to prepare a draft organisational structure for approval by the Assembly. That is approval of the positions contained in the structure, not who actually fills those positions as the Assemblies role is in providing policy not recruitments. The CEO will also responsible to hire and fire, currently the CAO can hire temporary employees, the proposal is to extend this to all employees. Currently there is no procedure to appeal appointments. The motion rectifies this. The Public Service will no longer be the hirer and firer, but would stand back and hold the role of review. Review of all aspects of the Service performance as well as decisions of the CEO which it retains but extends and includes appeals in recruitment process. The composition of the Public Service Board will be reduced to two outside appointments and one elected staff member. The point also includes a proposal to establish a consultative committee of six, comprising two EO's and four elected from the staff. This group is essential, staff must have such an avenue. It would provide great support and input to both the CEO and the Public Service Board.

3. States that this House agrees that the revised organisational structure referred to in 2(a.a.) above A. That there shall be four executive officers, one of whom shall be the Chief Executive Officer. That the existing three positions designated program managers be reclassified as executive officers. C. For the establishment of a senior management group comprised of the Chief Executive Officer and three executive officers. D. For the division of the Public Service into four departments, each headed by one of the executive officers. That each executive member of the Legislative Assembly be designated as responsible for the functioning of the four departments and may direct the executive officer heading the department whose functions he is responsible for, on matters other than those of recruitment of staff in that department. That point deals with a revised organisational structure whilst preparation of a draft is required of the CEO it is appropriate for the Assembly to provide guidance. The proposal deals with the reality, this particular point, we are short of dollars. If we need additional staff positions, they can come on line later. I won't get into the actual requirements here except to say that on the basis of my experience, the structure with four executives should be adequate now. Problems in the Service is not in the number of executives.
4. Also refers to the need for a closer relationship between the Service and the Legislature, however it is essential that the separation of powers that is of the judiciary, legislature and the Service is maintained and be seen to be separated. This is embodied within this motion and must be seen to be so in its interpretation. One problem which has come up over the years. Ministers have been known to sidestep, claiming the Public Service Board is the boss, in other words blame them. I think Chinny used 'ent me' at one stage. I believe we all know how it should work. The Assembly sets the policies and the Ministers are responsible to see that policies are implemented. The motion suggests initially four executive officers including the CEO in the senior management group and each reporting to one of the Ministers. Under current arrangements a senior staff member may in the course of their duties be required to answer to any one or all four Ministers. Mr Deputy Speaker this is ridiculous. There is thought in some quarters that the CEO should be online between the executive officers and the Ministers. This is serious in administrative problems. We have seen in the past CAO's placing

themselves between the Service and the Assembly. If this type of structure is maintained there is a danger. Firstly the CAO would continue to be a funnel between the executive officers and the ministers and funnels need regular cleaning. Two if the CAO doesn't act as a funnel he will be in danger of being isolated by the executive officers and it could progress to the stage where the position would become redundant. Point 4, Mr Deputy Speaker, the House directs the executive member responsible to ensure that further amendments to the Public Service Act; A.. recognise that the present members of the Public Service have as a right to specific terms and conditions of employment. B. Accept that some employees and others have expectations that some terms and conditions are not totally appropriate, and C. following appropriate discussion between the members of the Public Service and the Assembly. Doesn't sound right. Point four of the motion is designed specifically Mr Deputy Speaker to spell out the Assemblies position in relation to the future direction. There is a need to ensure that members of the Service have as a right specific conditions of employment however there is also an expectation both within and also outside the service that these conditions are not totally appropriate. The future direction must take these points into account and the motion provides a commitment to dialogue. There will be some give and take as part of the process of negotiation. In this process I believe such as the consultative committee will play a significant role. This motion Mr Deputy Speaker is to get the show started and on the road. There will be need for some repairs and maintenance along the way, which can be expected but lets cut out the uncertainty and stop playing around the edges and I ask all members to take this motion seriously. It contains issues that have been discussed and re-discussed and I believe that it is a way to progress straight away the proposal because it will only require a very simple amendment to the current Act. Any further activities after that should be in full consultation with members of the Service, the Public Service Board that is set up and also the Legislative Assembly. I ask you gentleman to support it.

MR BROWN Mr Deputy Speaker, Ron is asking us, as I understand it, to throw out the Howard Report, throw out the work that we have done previously and pursue the world in accordance with Ron. I don't think that is the way to go. The Chief Minister has been asked by the House to do certain things. I think the way to go is to ask him to get on with doing those things. Ron's proposal is somewhat confusing, for example, we presently don't have a Secretary to Government as a result of that the Chief Administrative Officer spends perhaps two thirds of a working week assisting the Chief Minister in a way that a Secretary to Government would assist the Chief Minister. How he then has time to do his job, just amazes me. He must have a very solid constitution to be able to do both things. What Ron's proposing is that in addition to doing both of those things, the Chief Administrative Officer actually have a complete department underneath him. I don't think that can work. I don't think that the bulk of what Ron is talking of can work and at an appropriate time I propose to seek leave to move an amendment and the amendment would be along the lines of deleting all words after the word 'that' and adding 'this House requests the Chief Minister to vigorously progress the process of public sector reform initiated by the House at it's sitting on 5 October 1998', and I'll seek leave for that at an appropriate time.

MR ROBINSON Thank you Mr Deputy Speaker. It's a pity Ron didn't discuss some of these points in his motion with the Chief Minister because I know the Chief Minister is encapsulating some of the parts of Ron's motion. I wouldn't agree with Mr Brown to a degree however if Ron would be willing to adjourn debate on this matter until the next sitting and then work it out with George exactly how he has structured his reforms, I think we would be better off all round instead of throwing out the baby with the bath-water, we'd have a convenient appropriate compromise. Thank you.

MR ROBERTSON Thank you Mr Deputy Speaker. I agree with Ron's concerns in that there doesn't appear to be anything happening but in actual fact there has. When this paper was first given to

us last Monday I queried Mr Nobbs at the time to say whether or not he'd had consultation with the Chief Minister, only in as much as over the previous two weeks, there was a member here from the Mosman Council, assisting the Chief Minister and obviously member of the Public Service, progressing the appointments and staffing arrangements which in actual fact run hand in hand with some of these proposals but it doesn't require or I don't think it needs two lots of things all happening at the same time. Ron has told us that he has spoken with the CAO on the matter but had not conferred with the Chief Minister. I don't mind if this sits on the table for a month, in fact I probably think it should but in the mean time the progression of whatever happened with the Mosman Council person and the discussions that took place and the rearrangements, we have yet to have them given to us and I just feel that if this motion was allowed to sit on the table for a month, at least it would keep the drive going that there is a progression happening within the Chief Ministers portfolio along similar lines so that whilst I support Ron's drive I would like to see it held over.

MR SMITH

Thank you Mr Deputy Speaker. I need to say firstly that I do really appreciate what Ron is trying to do with this motion. I understand his frustration with the issue. The restructure of the Public Service was discussed during the development of the Howard Report last year. We received the final report about April, the same time as the Strategic Plan arrived. The Strategic Plan had among the highest priority, changes to the Administration in a sense. Further recommendations were discussed in the largest document which we call the Howard Report. In October last year a motion was promoted by Mr Brown that called for the Minister responsible for the Public Service to bring back to the House a bill that would reflect modern management practices. That process commenced with a draft working document called the Public Sector Management Bill that was tabled in the House to provide a base for discussion by all parties that were interested in it. That document started the process and an immediate healthy debate. Following the document being tabled I arranged meetings between the draftsman and members of the PSA to discuss the relevant sections of the bill that had been of concern to those members. The draftsman was able to explain what was in the Bill, as he wrote it, and that resolved in a series of questions being asked and further to those answers to the questions were sent out to all in the Public Service. From that point we got into the issues in the Bill and a further paper the Human Resources Policy. After a two day meeting, each party went away to do their own work on what would be brought together as a more workable document. At about the same time contact was made with Mosman Council to second a person to draw up the requirements, as a result of a further motion that was done in October, for the executive management positions that had been agreed to by the Assembly. That was part of the process and that has now happened as well. We had a visit from Mrs Liz Davies from Mosman Council last week, who was able to give an overview of how things are being done in their area as an example, which to me was a tremendous help. For example with the question of enterprise bargaining which is one of the issues that came out of the Public Sector Management Bill. Liz suggested to me that enterprise bargaining might not be appropriate for what we do here and them having the experience in that area that's something for me to think about. I understand also that she had a meeting with members of the PSA and was able to assist them with some of the queries that they had. She knew what she was talking about too. At an executives meeting since the last sitting, this issue came up at the last sitting and the one before and the one before, I asked for and got agreement that I should investigate the possibility of amending the current Public Service Act as a way of achieving a result that would satisfy all parties without all the problems of reinventing the wheel and that looks like a sensible way of going, however I wanted to meet with Liz first, which I did and I am also meeting with her in Sydney later this week to discuss the issues further. That leads me to this motion. As I said earlier I appreciate what Ron is trying to do here and some of the points raised are part of the answer, but I have to say that if Ron wants this to be dealt with today I will not support it. If he will leave it around for the month that we usually do with a motion or a bill, if we can, if it will sit on the table it will probably give us the time necessary to bring all of these things together at the same time and there is good reasons for that. One is that our legal draftsman who is off the Island will be here for a week next week and I will have had the

meeting with Liz Davies by then, but it might also give us the opportunity to bring it all together and show members exactly where we are going. If we look at what is proposed in this motion by sections, I'll comment briefly on each of them. Firstly the rescinding of past motions would be necessary if this motion was agreed today or even at the next meeting, so I can't comment on that. Secondly the renaming of the CAO position, there is already something that is proposed in what we are doing. A draft organisational structure could mean anything at the moment but it was intended or it is intended with the new executive managers that they would be doing just that on appointment when that takes place, and I'll talk about that shortly. Further to that the giving of the responsibility of employing or dismissal of staff requires separation from the Government, in my view. It is one of the concerns that is around with not having the Public Service Board doing appointments or dismissing people in the Service, and the Public Service Board is one of the issues that needs agreement from people in the Service as well as the people around the table here. Ron suggests that a consultative committee and I think that that could be a good idea. It could be well worth while. The issue of the executive management positions is one that is misunderstood and has probably had the most debate around this table in an out of the House. The Howard Report said seven, seven managers, first up. Out earlier motion which John introduced last year said five, Liz Davies recommends four. Ron says three or four with the CAO included as a line of management, well who is right? That depends on what we perceive their role to be in my view. Personally I had always thought that the management structure in the Administration was too top heavy and that is often said, but I realise that as we the Norfolk Island Government are doing more with many issues being brought around is really not efficient for the executive members to be doing everything hand-on as much as before, because that's exactly what happens. The reason I agreed to a form of structure such as had been proposed, was that there would be a management committee as a group that would deal with all issues that come from the Government and also from the Assembly. I'll quote from the Howard Report and this is what it is all about. This is what the change to the Public Service Act really revolves around, talking about efficiency. He refers to it under Section 1.13 - A corporate approach to management. The essential idea of corporate management is based on the concept of unity of purpose and clarity of the direction that the organisation is going. That is government functions and responsibilities are geared explicitly to meeting changing needs and circumstances. Striving to tackle pressing issues, while the need for a clear sense of direction might seem obvious there has been a tradition for separate parts of an organisation to be providing services acting largely independent of each other. This has been the case in Norfolk Island where decisions and initiatives are taken on an ad hoc basis without a sense of overall direction and strategy. A corporate focus defines why an organisation is there, what it is expected to achieve and the way in which it wants to be seen. In public sector organisation there is often a lack of understanding and commitment within the organisation to what is important in a corporate sense, or how the diverse activities of the organisation interrelate. It is quite common for separate parts of an organisation to do their own thing without regard to broader corporate interest or directions. The Assembly has taken the initiative in this regard through the commitment to the preparation of a Strategic Plan. Now that is quoted from the Howard Report which is the basis of why we are making changes to the public sector thing. Now let me see if I can give you an example, say for example it becomes obvious, there should be a particular project or piece of legislation that is required, and this happens, it's happened to us almost on a two/three monthly basis. Now how it should work, the responsible Minister decides on the issue whether it be a project or some legislation. He discusses his proposal with the CAO who then hands the project or legislation to the management group to deal with. The three, four, five or seven managers, how many we are going to end up with I don't know, but at that point they decide what is required to implement the scheme or the legislation and which areas of the service would need to be involved and would use all those areas to achieve what is required. In most issues there is legislation, there is often a financial impact either on the Government or the community, there are often technical issues, there are often community issues that must be considered. The list goes on, it is a long list, and as I see it, it is that team of managers who delegate to the appropriate sections, who in turn pass all the information back up the line, until it gets back to the Minister in a complete

form who would then give that to the Government and then the Assembly. The Assembly would then know how to do it, how much it will cost, what more resources are or may be required and the community is also aware of what is going on by that stage. Too often under the system we do use that doesn't happen. If that process were carried out, that's where you get the efficiencies. The stream can be modified of course but that is how I understand that this whole thing should all work. So whether it be three, four, five seven or fifteen managers at that level is always going to be debated, but how it is dealt with that counts. The problem with direct streams with a Minister at the top as Ron has proposed and has been discussed around this table many times, is that with some exceptions, that many of the issues cross over ministries. They cross over different areas in the service and people are doing more than one particular job in the service anyway so a person down the line can find themselves dealing with one, two or even four ministers. That is already a problem. The last part of Ron's motion refers to recognising the present members of the Public Service as of a right, specific terms and conditions of employment, except that some employees and others have expectations that such terms and conditions are not totally appropriate and follows appropriate discussions between members of the Public Service and the Legislative Assembly. I don't have any problem with that. Finally I will say again that changing the Public Service Act must be done with consultation with our people in the Public Service. We started that process which was appropriate, but each month there is something else that comes along and when I walk out of here I run into somebody that says 'what the hell are you doing now', because what we started with was what we were working from but if we finally get all this consultation working properly, people in the Service may not agree with everything we end up with or we may not be totally happy with what we have as a finished product, but if I am going to do anything and I reiterate Gary's words, I need to be left to it because every time we end up discussing this thing in this forum, it loses direction again. Many people in the Service want things to change, that will make the workplace a better working environment, with appropriate training and the opportunity to expand and up skill and recognition of efforts and most of all support from all of us and I think if we are going to keep playing around with what we are trying to do we are never going to get anywhere with it, which tends to happen sometimes. When it goes off the track, but we have got a goal with it, we are working towards that and if we are going to keep on that track I ask that these sorts of motions don't keep coming up. The best I can ask for today Ron is that you do adjourn it. I know that you wanted to pass it today but at least leave it for a month as Gary and Ric I think, have both said. I don't mind that because some of the things in there are what we are looking at. Let's just leave it and keep going with where we are going because we are pretty close to where we intended to be. Either that or throw it out. Thank you

MR BATES

Thank you Mr Deputy Speaker. I think Members have heard me say before, when I come back to this life next time I'm going to put up the Board and be a consultant. I've seen dozens of them over the last twenty years with being associated through the Assembly and it seems a pretty easy thing to go around and talk to people and then come up with something and you don't even have to get it right to get your money. It's quite obvious that John Howard didn't get it right. He certainly didn't get it right in Ron's view because Ron knows more than John and wants to put his own structure in there. I guess in the last fifteen years I've seen this top structure in the Public Service change so many times, it would be the most changed section of the whole service. Everytime it costs money, there's always salary increases or more responsibility for somebody. This is no different. I wonder what the next Assembly and the next CAO will need to change the top structure again because that's the pattern, or that has certainly been the pattern in the last few days and as I said in Ron's view John Howard didn't get it right. I think he didn't get it right either but I kept fairly quiet about that. I've been pretty lukewarm about this whole issue. I thought that John Howard was going to look at the organisational structure but he came out with about three or four new positions and another hundred thousand dollars on the payroll and didn't even look at anything underneath it. That's still to be done. That's still probably the subject of further expenditure of another consultant, I don't know. It seems to be a vicious circle with these Consultants raising more questions than solving issues. This Consultative

group. We've had these. That's been tried with different names in different ways. I think there's a lot of good in a lot of the things that Ron's got in here but this was thrown at us last Wednesday. I think I agree with George a little bit. The stop start process and change in midstream with one step forward and two steps back but there are some good things in it and a lot of thought has gone into it but I would urge Ron to adjourn it for another month. I really haven't had time to absorb some of the things that are here and yet a lot of them make sense

MR NOBBS

Thank you Mr Deputy Speaker. I'll just answer a few of those things. Mr Brown was the first to speak and he suggested that we just throw the Howard Report out, the baby out with the bath water and all that sort of thing. Well as a matter of fact on the 5th October we dealt with the Strategic Plan and the proposal was that it be adopted by the Assembly with a few amendments so I mean the Howard Report has not changed at all in relation to strategic planning. The changes that have occurred that necessitated rescinding these two motions like nine and ten at that meeting purely for the senior management positions. Now Howard had something like nine I think if we counted them all because there were one or two hidden away, nine senior management positions. Now that was in the ideal situation. He came out, we gave him \$80,000 and obviously, gee whiz, this is terrific. I'm gung ho here and he came up with nine. That's the ideal by Canberra standards which he works from, that's the way it goes but I don't work in that sort of area. I've never worked in that area and any reviews I've done have been on the basis of what you can afford and one thing we can't afford is nine senior managers, so what happened was in October it was reduced to five. Five senior managers plus the CAO. So my suggestion is, that as we've got four positions in place now, why not go with them. The relationship between the Secretary to Government and the Service under this arrangement would change completely because what we have are Ministers directly advised from their particular Department and you can split and I have split the Administration into four strands which are workable. Now Ric said I didn't have any discussions with the Chief Minister. Well this proposal's been around for several weeks, I've had a couple of other things on my mind during that period so actually I only brought it down to you on Wednesday. It was suggested there and it wasn't last Monday as you suggested Gary it was last Wednesday. I then had discussions with the Chief Minister and the CAO the next morning. The result of that was that the Chief Minister was a bit busy and was called away a few times but I had in depth discussions with the CAO. We had some disagreements and we had a lot of agreements and I discovered then really what the lady from Mosman was on about. Now her proposal is for four Departments. The difference I have with Toon and I have the lady's proposal is where the CEO sits. Now my suggestion is to have a go at these four streams and use those positions as they are. It won't cost us any more money and I believe that it will work. The Chief Minister said there was a draft bill put out and it certainly has been, and there was also a Human Resources Policy released at the same time. They included major changes from the conditions and procedures from the previous Act. Now to do that it will take time and the constant negotiation because in the negotiation situation as you people well know it's a give and take and there are things that others want and things that the Executive require so my proposal is that we put these in place with simple amendments to the current Act and you can then proceed on down the line further in line with the proposal in four, that we assure, and I think the service needs an assurance because there has been some pretty gung ho statements which have been accredited to Members of the Assembly which I don't support and they may not have happened but rumours get around and I think that four is a critical thing, as we go through, to recognise formally that these people working in the Public Service, and they do a good job under difficult conditions I believe, have got certain rights and conditions but there is also a need for a perception in other areas or a requirement if you like, that there should be change. I question the situation that a draft structure as put by the Chief Minister and we shouldn't I suppose be debating these things but it is said that the draft structure should be done by the executives once appointed. Now I believe that if you start a draft structure you should really start at the bottom and work up because then you know who you want as the top dog in each of those particular departments so I question that and as I said the four strands have

apparently been recommended by the lady. I think George mentioned that you can debate the number of senior executives as much as you like and you came out with six in October and now I'm suggesting four, but the whole problem is the dollars and we just can't get away from the fact that we've got close on 50% of our budget goes onto salaries and therefore we are just going to have to find money from somewhere which I don't believe we have to do for these extra positions. Brian has once again said that he is going to come back as a Consultant. Well that's pretty right too because I presume that the lady from Mosman was brought in as a Consultant although I don't know what the arrangements are there so there have been some flow ons from that. As far as me knowing more than John, and I wasn't too sure whether that was Brownie or Howard but whatever the thing is, I don't. But I have worked and one of my last jobs was to do a review of a Department of 502 permanent positions and several hundred temporaries. So I do know something about it and I've worked in a situation where the money is really tight, even though some people think that the Northern Territory's got a lot of money. I think that you can change this at a later date and there will be changes. As we go through the system there will be continual changes over time. I mean, that's to be expected. The Consultative Group situation I don't think it's ever been put in legislation that such a group exists and that's the proposal here that that's what happens and I hope we will do that. Well Mr Deputy Speaker I think there's a feeling around the table 'cept for one, that we should leave it on the table until next meeting. I will be prepared to withdraw without setting up the mandatory ambush that you apparently have to do in all these withdrawals and I'll leave it to sit on the table for a month if the Members so desire

MR SMITH

Mr Deputy Speaker. I would be happy if you did that Ron for my point of view. You made one other comment. You did say that you spoke to me on Friday which you did, or Thursday. What is being referred to is last Wednesday when you dropped around your draft motion. If somebody wants to do that I would prefer Members to come and talk to us about it so that I know that it's around and I wish you had done that before Ron because then I may have been able to say well we can do a little bit more with this or advised you. That's in the past and it doesn't matter, it's not important for today but if you will adjourn this it will give us the time to do some extra things and hopefully we will either be able to pick up parts of this motion or pick up all of it. Whatever needs to be. Let's not make it worse for the people in the service who, in a lot of cases, are wondering what the hell we are doing. I start out by telling them one thing and we are working towards that then next thing it's a different direction and I'm finding it really hard to go back and say well now this is where we are going, this is what we are doing because they will obviously just disbelieve things that I say. It gives an opportunity of another month. If I can't get it together then, well.... Thank you Mr Deputy Speaker

MR NOBBS

Thank you Mr Deputy Speaker. I'll just respond to that. Really George I said earlier right at the outset that I believe these are points in this motion which were accepted generally by all concerned. I think in the talks that have been going on, what I can gather as an observer, that these are the points that have been agreed. The problem of course is where the Chief Executive Officer sits and the new one which I don't think was discussed previously was this Consultative Committee but the rest of them I think are somewhere near the mark so it's not a great change and the idea is that with the changes that you've provided, that you are working on as far as strategic planning and a new Act, they can still be worked on. What we are doing is setting a structure in place that those things will feed into. I need some guidance Mr Deputy Speaker as to what happens next

DEPUTY SPEAKER

Yes. Mr Brown you foreshadowed at one time an amendment and I'm not too sure how you want to handle it but I don't want you to miss the opportunity to do what you want

MR BROWN
adjournment motion is passed

Mr Deputy Speaker I would leave that until next time if an

DEPUTY SPEAKER
further debate in this matter Mr Nobbs

Any further debate Honourable Members? There appears to be no

MR NOBBS
made an order of day for the next day of Sitting

Thank you Mr Deputy Speaker. I move that it be adjourned and

DEPUTY SPEAKER
this matter be adjourned and made an order of day for the next day of Sitting

Thank you. The question before us Honourable Members is that

QUESTION PUT

AGREED

The ayes have it

PUBLIC SERVICE ACT 1979 - REAPPOINTMENT OF MEMBERS TO THE PUBLIC SERVICE BOARD

MR SMITH Thank you Mr Deputy Speaker, I move that

1. This House for the purposes of subsection 13A(1) of the Public Service Act 1979, recommends to the Administrator that Charisse Clarke; and Brian John Check, be re-appointed as members of the Public Service Board for the period 18 March 1999 to 17 September 1999; and 2. This House under subsection 13BA(3) of the Public Service Act 1979 resolves to re-appoint John Thornton Pearson being a person referred to in paragraph 13BA(3) of that Act, to be a member of the Public Service Board for the period 18 March 1999 to 17 September 1999. Mr Deputy Speaker Mrs Charisse Clarke has now been a Member of the Public Service Board for three and a half years. When she was first appointed the then Minister said that her contribution would be extremely valuable. This is correct. Charisse has been a valuable contributor to the PSB and has held the position of Chairperson since the retirement of Mr Steele Saunders. Mr John Pearson has been a member since June of 1996 and Mr Brian Check since March of last year. Mr Deputy Speaker these two members have also given their time voluntarily as Members of the Board do, and I thank all three who have agreed to reappointment. It's not easy to be a member of a community body. Praise is seldom offered and criticism readily given. To Charisse, John and Brian, thank you for agreeing to re appointment and to Members, I commend the motion

DEPUTY SPEAKER

Any contributions Honourable Members

MR NOBBS

I support the motion obviously and I thank those Members who have actually acted in the past in these positions and I thank them for the reappointment. I just want to make it perfectly clear that this particular motion has got nothing to do with the previous one. What has happened here I understand George, and correct me if I'm wrong please, is that the actual positions are up for reappointment and that we have to put this through otherwise there will be no Public Service Board whatsoever, so there will be a Public Service Board in place if we pass it, tomorrow and the previous motion has got nothing to do with this sort of thing. There may be a change in time if we agree to the motion but the lady and the two gentlemen are appointed until September under this and obviously at that stage hopefully something will have happened

MR SMITH

Yes, Mr Nobbs is quite correct. I may not have mentioned that in my debate there but those appointments expired today so the appointment today was necessary

DEPUTY SPEAKER
that this motion be agreed to

Further debate? The question before us Honourable Members is

QUESTION PUT
AGREED

That motion is agreed

MUSEUM TRUST ACT 1987 - APPOINTMENT OF TRUSTEES

MR ION ROBINSON Thank you Mr Deputy Speaker. I move that this House for the purposes of subsection 5(1) of the Museum Trust Act 1987, resolves that Leslie Quick Brown, Rhonda Evelyn Griffiths, Peter Guile, Margaret Rosemary Jowett, Warren Sidney Langman, Thomas Leslie Lloyd, Patricia Christian Magri be appointed as trustees under the Act for the period 10 April 1999 to 9 April 2001. Thank you. With the help and co-operation between the Museum Staff and the Trustees, the Museums are now working more efficiently and effectively than ever before in the past. Because of this I have asked the same Trustees to continue for another term and thankfully they have been willing to do so. I ask that you support the motion

DEPUTY SPEAKER
that this motion be agreed to

Further debate? The question before us Honourable Members is

QUESTION PUT
AGREED

That motion is agreed.

MOTION BY LEAVE - TOURIST ACCOMMODATION OWNERSHIP ACT 1989 - APPLICATION BY MESDAMES VERNER AND MULTON FOR REGISTRATION OF A TOURIST ACCOMMODATION HOUSE UNDER SECTION 7 OF THE TOURIST ACCOMMODATION ACT 1984

Mr Robertson, you wanted to seek leave in respect of the next prospective matter.

MR ROBERTSON Thank you Mr Deputy Speaker. I seek leave to move a motion standing in my name on today's Programme

DEPUTY SPEAKER Is leave granted? Leave is granted

MR ROBERTSON Thank you Mr Deputy Speaker. I move that this House in accordance with section 10(a) of the Tourist Accommodation Ownership Act 1989 upon being satisfied that an application by Mesdames Verner and Multon the registration of the tourist accommodation house under section 7 of the Tourist Accommodation Act 1984 relates to an application by a non resident owner for the purpose of section 10(a) of the Tourist Accommodation Ownership Act 1989 and that after considering the application and with representations of the applicants resolves that it is not satisfied that the granting of the applicants resolves that it is not satisfied that the granting of the application would be contrary to the public interest and directs the executive member to deal with the application in accordance with the Tourist Accommodation Act 1984. Mr Deputy Speaker this refers to two ladies who a number of years ago resided on the Island. Their mother of course, Betty Cutting, acquired Dolphin Inn tourist accommodation flats and Wattle Cottage. Judy herself worked at Casa Kui and worked for Dick Cavell at the Garrison many years ago. Mr Deputy Speaker, there has been a number of things happen with this application. Mesdames Judy Verner and Patricia Multon are the owners of portion nos. 38(11) and 38(12) of Martins Road and have made application under section 7 of the Tourist Accommodation Act 1984 for registration of the tourist accommodation house on portions nos.

38(11) and 38(12) of Norfolk Island. Section 10(a)(3) of the Tourist Accommodation Ownership Act 1989 provides that the executive member shall have consideration whether the application might or might not if the application be granted, relate to a non resident owner. Section 10(a) of the Tourist Accommodation Ownership Act 1989 provides amongst other things that a person who is an Australian or New Zealand citizen and a resident or person who is a holder of a general entry permit under the Immigration Act 1980 is non resident within the meaning of the Act. The executive member on the 15th February 1989 concluded that the application of Mesdames Verner and Multon might relate to a non resident owner within the meaning of the section 10(a)(1) of the Tourist Accommodation Ownership Act 1989 and on the 16th February 1999 invited Mesdames Verner and Multon to make representations to me about that. On the 16th February 1999 Mesdames Verner and Multon made representations to the executive member under section 10(a)(4) of the Tourist Accommodation Ownership Act 1989. The executive member has considered the representations of Mesdames Verner and Multon and concluded that their application does relate to the non resident owner within the meaning of the Tourist Accommodation Ownership Act 1989 and on the 16th February 1999 informed Mesdames Verner and Multon in writing those conclusions and giving them reasonable opportunity to make representation to him about whether the granting of the application would be contrary to the public interest. Examination of the application from a non resident owner for the purpose of deciding whether or not it would be contrary to the public interest to grant that application would involve the consideration of the following matters. A) the market share of all tourist accommodation already held by foreign or non resident owners. If the market share held by these categories of owners is high, then it may not be in the public interest to grant a further application. B) in the existing availability of or for the particular type of accommodation proposed to be operated by the non resident owner and C) the previous history or experience of the applicant as a tourist accommodation owner both in Norfolk Island and elsewhere and D) whether there is sufficient need for the proposed type of accommodation. A) of the 52 registered tourist accommodation houses, two are owned by non resident owners. This holding equates to less than 2% of the total number of registered units and beds on the Island. To grant approval of another unit would take the total number of units owned by non resident owners to 10 out of the 468 which is 2%. B) the proposed accommodation house is of a very high standard. It will rate between four and five star NRMA rating. In this standard of accommodation there is currently 22 registered units which accounts for only 5% of all units. C) the applicants experience with tourist accommodation on Norfolk Island includes operation of Dolphin Inn when owned by their mother Betty Cutting. The applicants have owned and rented Wattle Cottage locally since 1988. Patty Multon currently owns and operates Norfolk Woods Inn in California which is a bed and breakfast country inn. D) with only 22 units out of the 468 units available being of a four star or higher standard it would be difficult to say that we have no need for increased numbers in this category of tourist accommodation. Letters attached from Joanne Libline the General Manager for Tourism in Norfolk Island, Cecelia Jenson Flight Centre Director, Wendy Crane the World Travel Club, Judy Orl of Landmark Travel and Roslyn Partridge of Burnt Pine Travel all endorse their belief that there is a definite need for this proposed type of accommodation. An increase in the availability of four to five start quality tourist accommodation is needed to attract the more affluent tourist with greater spending power. Mr Deputy Speaker I commend the motion

MR SMITH

Mr Deputy Speaker I won't make any comment on what Gary said but when I was Minister for Tourism I was involved in the finalisation of the Foreign Ownership of Tourist Accommodation Act and I think the main concern with that Act was to prevent major blocks of accommodation being sold off to foreign owners. This particular one, we are talking about one particular unit and I fully support it and good luck. Thank you Mr Deputy Speaker

MR NOBBS

Thank you Mr Deputy Speaker. We've been provided with a veritable raft of papers in support of this application and I appreciate that the House will be a nice unit, well presented with a beautiful view and with obvious contacts in the industry to promote it. They have

depositions as to the confidence, character and what have you of the two applicants and I thank those responsible and appreciate the time and effort spent on these, however, whilst all these are great and much appreciated this Assembly has been asked one significant question and one significant question alone. Does the Assembly approve an application to register tourist accommodation on Norfolk Island by a non resident. Nothing fancy. No how's your father. We have basically to make one decision. For me it's fairly simple as I have in earlier applications of this nature, taken the stance that tourist accommodation must be retained in the hands of locals. I will not be supporting the application

MR ION ROBINSON Thank you Mr Deputy Speaker. Being a part owner in an accommodation place I will be abstaining from voting on this

MR GARDNER Thank you Mr Deputy Speaker just a couple of comments. I tend to agree with what Ron has just told us. I have a few problems with what's happened in relation to this and I guess they stem from trying to work out what these people were trying to achieve when they decided to buy the property that's in question. Was it initially to buy the property for them to reside in on their visits to the Island or was the intention specifically to buy a property of that type to apply for accommodation licence. I don't know that. And I have difficulty in that if this type of thing does go through are we opening basically the doors up for foreign owners to come in here and buy up all the nice houses. Nice houses that are currently lived in by local people thereby creating a shortage and I believe there to be a shortage of local accommodation at the moment of houses for local habitation. And especially in relation to local accommodation of this type. I guess the other question is, why is it that we pursue the tourism market simply because it basically provides the funds for our day to day living on the Island and the day to day costs associated with running the Island and I've always been very supportive of seeing that business develop at a sustainable rate but I really do have to question that if we are moving in this direction of foreign ownership, the funds that are generated from this type of tourist accommodation is it the intention that those funds will remain and circulate in this community or are we in fear of seeing those funds disappearing offshore. I have difficulty in supporting this motion. Thank you Mr Deputy Speaker

MR ROBERTSON Thank you Mr Deputy Speaker I'll speak to some of that. As personal background information Judy and Patty were first introduced to Norfolk Island approximately 30 years ago when their parents Jack and Betty Cutting acquired the property which included flats and vacant land on the Island. Betty Cutting acquired Dolphin Inn, tourist accommodation flats and at a later time Betty subsequently sold Dolphin Inn and in the early to mid 1980's she then acquired the property Wattle Cottage. Judy and Patty resided on the Island at different times to manage Dolphin Inn for Betty. Early in the 1970's whilst managing Dolphin Inn Judy also worked at Casa Kui during the day and for Dick Cavell at the Garrison Restaurant at night. After Betty died in October 1988 Judy and Patty retained Wattle Cottage which they rented to various tenants until the property was sold in January 1999. All income derived from Wattle Cottage over the ten years in which Judy and Patty owned the Cottage remained on the Island and was committed to improving the property and upgrading appliances in the house. Judy and Patty both run their own businesses Judy being the proprietor of the Heritage Pharmacy in Mortdale Sydney, and Paddy managing Norfolk Woods Inn, an Inn which has guest rooms restaurants and self contained cabins at Lake Tahoe in USA. The Verner and Multon families are regular visitors to the Island. Patty's children have attended preschool and the central school on a number of occasions for short intervals whilst the family has been visiting the Island. As a consequence of these regular visits both families have established long standing friendships with a number of local residents. Judy and Patty's commitment to Norfolk Island is complete. Both have the desire to spend more time on the Island in the future and eventually being able to make application for residency. The girls mother Betty, is buried at Cemetery Bay. Many friends of both families have visited Norfolk after being urged to visit the Island by Judy and Patty and some of these people have made returning visits.

One of the reasons of course that they have brought this property is that this House knocked back an application eighteen months ago for Wattle Cottage to be turned into tourist accommodation. Wattle Cottage was used and rented out to people on the Island, however, it meant that every time they wanted to return to the Island it would mean getting the people out who were residing in that House at that time so it became more and more difficult and with the result that less and less visits were made. In an effort to try and overcome this, and at the same time, utilise as much as they could of the Island they purchased their current house which is the one in question and have proceeded to do it up to the extent that it would be more likely four and a half to five star accommodation. All of the alterations have all been local and all payments and everything have been done. The builders were Peter Magri, the joinery and so forth have been done by Hunky Evans. The intention is to retain the money on the Island at all times. The reason for going to the tourist accommodation side of it but at the same time upgrading the house was to ensure that it was working into an area of which there is not a lot of properties available at the moment for rental for tourist accommodation and to enable them to come and go from time to time and all that would be required would be to tell the agents who are looking after the place for their tourist accommodation bookings merely to block them off for a certain period of time during that year when the family wish to come across. That's the background. That's the reason why and that's what's been happening

MR BATES Thank you Mr Deputy Speaker yes, I will refrain from voting on this issue when it comes up because I have an application in to build a couple of units but I understand that if this is approved here today, the other controls that are in place and the other guidelines that are in place for tourist accommodation will naturally have to be abided by also and by that I mean that I'm quite certain that the paper that was handed around to us, there is inadequate water storage there to accommodate seven guests. I certainly haven't seen the area of the roof but apparently the roof area and storage are important now with new tourist accommodation. Other people putting up new accommodation have to meet those standards. I just trust that those same standards will apply to somebody who may have an existing building and that they not be allowed to continue simply because it is an existing building but I understand that those standards will have to be met when the application comes forward. If not then I think there is something wrong if people can somehow circumvent those standards that new players in the game must meet but that's all I wish to say. I will abstain from voting at this time

MR ROBERTSON Yes, just let me reply to that. Naturally those standards will apply to anybody. Once they get turned into tourist accommodation those standards are immediately applied

MR NOBBS Thank you Mr Deputy Speaker. I'm interested in what Gary said. I thought we'd gone through that but I suppose he had to read it out for the members of the public which is fine but the point still remains and he hasn't said any different that they are non residents and that's the major issue I believe in this whole deal and he also hasn't told us - four to five stars is what it is - what percentage of occupancy do these current, I think he said 22 units, have

MR ROBERTSON Thank you Mr Deputy Speaker. I don't have those figures with me at the moment. There are problems of course associated with any five star accommodation. There's only a very small number of them and the difficulty is to get a continuity of booking. Bookings are one thing but to have them overlapping you could have one month where you get four different people but they all overlap so obviously somebody's got to miss out and so that then turns into periods of emptiness in the House because you just can't accommodate those who wish to travel at the time. One of the things that is coming into this of course is that the people they are going to be aiming at are the high flyers, ones with not what I said before but people of influence and they are looking for that market so there are two and three day stopovers which are the shorter length of stay and it's basically the high

MR ION ROBINSON

Thank you Mr Deputy Speaker. I present the Firearms Amendment Bill 1999 and move that the Bill be agreed to in principle

DEPUTY SPEAKER

The question is that the Bill be agreed to in principle

MR ION ROBINSON

Thank you Mr Deputy Speaker. The Firearms Amendment Bill 1999 amends the Firearms Act 1997 to exempt certain firearms users from the operation of the Act for example, Police, Military Forces and Museums to provide for a declaration of a firearms amnesty to restrict the issue of special collectors licences, to require licence applicants to identify themselves in the same manner required to open a bank account, to restrict the use of category C firearms to purposes related to primary production with limited exemptions relating to use of self loading or pump action shotguns or clay guns in clay target shooting competitions. To provide that category D firearms licences can only be issued to a person employed in controlling vertebrate pest animals, to limit the length of time during which a firearm licence from another jurisdiction will be recognised, to require that all firearms sales occur through a licenced firearm dealer, control the advertising and transportation of firearms and include specific safe storage requirements for category A, B,C,D and H firearms. This is the basically the same Firearms Amendment Bill that I presented last year in the House but was rejected. Basically the only change to it is the date on the name of the Bill. As most Members of the House are aware the Federal Minister for Justice Senator Amanda Vanstone is intending to put a Bill before the Senate on the 22 of this month. There is no guarantee that if we pass this Bill today our colonial overlords will withdraw their version of what they think is an appropriate Firearms Bill for Norfolk Island. There's one thing we can be sure of and that is if we don't pass this Bill to finality today, they will be introducing their Bill into the Senate on the 22 of this month. All Members of this House have received letters of support for this Bill from all the responsible Firearms Clubs of Norfolk Island and as I said earlier in the meeting today Mr Deputy Speaker I intend to table relevant letters pertaining to the Firearms Amendment Bill that have been sent and received by myself as Minister and also letters received by Mr George Smith as Chief Minister. First there's a letter dated November 1997 from the Minister for Justice to Mr Smith. Second is yet another one on the 18th November to myself. Another one on the 16th December from the Minister for Justice and if I can read you out a little piece of this one, it is addressed to myself. "Dear Minister, Thank you for your letter of 5th December 1997 regrading Norfolk Island's Firearms Act 1997. I appreciate the measures you anticipate taking in response to my letter of 18th November 1997 which if passed by the Island Assembly will meet the majority of the requirements of the National Agreement of Firearms Regulations. However, I believe the Act will still remain deficient in two key areas". On 5th December as I said, there is a letter from the Government of Norfolk Island to the various Ministers. On 19th January there's one addressed to the Administrator of Norfolk Island reading, "Your Honour, re Firearms Act 1997. I refer to Senator Vanstone's letter dated 16th December 1997 regarding the above Act. It is pleasing to note that Senator Vanstone sees only two remaining problems with the Act." On the 16th June 1998 we received a fax from the Office of Law Enforcement Co-ordination, which is a division of the Attorney General's Department and it is addressed to Mr Williamson our Legal Draftsman and its about amendments to the Norfolk Island Firearms Act and the Customs Act. "I refer to your fax received 30th January enclosing the above proposed amendments. At first glance the amendments appear to address the inconsistencies of earlier legislation however, it will be necessary to seek advise from this Department's legal offices and it may therefore not be possible to confirm this view until after the next sitting of the Assembly on the 11th February. I regret any inconvenience caused". On the 28th May I received a letter from the Office of the Administrator concerning the Australian National Firearms Programme Implementation Bill 1998 and that is to do with the buy back system being extended to all the external territories because of course, they are not a part of mainland Australia. There's a letter here to myself through the Chief Administrative Officer from a Legal Counsel. At this stage the appropriate Attorney General's

Department had received our Firearms Amendment Bill and had read through it and gone through it with a fine tooth comb and the Legislative Counsel was advised and I quote "the Attorney General's Department has verbally advised that it is satisfied with the Bill and regulations". On the 5th August 1998 I received a letter from the Office of the Administrator with a copy of a letter from the Attorney General's Department the Law Enforcement Co-ordination Division of course, and I quote "following discussions with James Williamson, Legislative Counsel of Norfolk Island, we have confirmed that the Norfolk Island firearms Act 1997 together with the amendments proposed together with the Firearms Amendment Act 1998 and the Firearms regulations confirms essentially with the National Firearms Agreement. There's a draft media release but I don't think it is necessary to table that. And basically that was their approvals for the 98 amendments. That was all going fine. There is one letter here saying that the proposed amendment to my amendment would not comply with the National Firearms Legislation or Agreement but that didn't get up and running anyway. Unfortunately just yesterday in a letter to George Smith from the Office of the Administrator there was enclosed a letter from the Honourable Ian Macdonald. I refer to my letter of 1st March 1999 to you from the Hon Ric Robinson MLA, Norfolk Island Minister for Immigration and Resource Management in which he requests that the Commonwealth defer its proposed legislation dealing with firearms control on Norfolk Island. I have exchanged correspondence on this issue with Senator the Hon Amanda Vanstone, Minister for Justice and Customs who has major carriage of this matter. We do not believe that Mr Robinson's letter provides adequate grounds for the Commonwealth to review its position and therefore we do not accede to his request. Senator Vanstone has advised me that the legislative package earlier proposed by the Norfolk Island Government is not now acceptable. There have been developments in the National Agreement on Firearms since officers from the Attorney General's department and the Australian Federal Police provided advise to the Norfolk Island Government on compliance. Therefore the only circumstances under which we would consider not proceeding with the Commonwealth/Norfolk Island Firearms Bill 1999 would be if the Norfolk Island Legislative Assembly were to pass unamended legislation in the form of the final draft of the Commonwealth Bill. This should be available late next week. A copy of the latest draft was sent to the Norfolk Island Government some time ago. Even if the Legislative Assembly were to pass such legislation we believe we would also need to further consider the issue of transferring firearms to Schedule 3 of the Norfolk Island Act 1979 or making it a non scheduled matter. I would like to table those letters Mr Deputy Speaker and just say that I believe we should pass this amendment Bill. They have agreed to it in the past. The fact that they are now deciding to shift the goal posts yet again is beside the point. I think we should do it and I ask you to support the Bill

MR BROWN

Mr Deputy Speaker this is a pretty disappointing turn of events. I wonder if Members will recall, I think I was the only person to vote in favour of these amendments on the last occasion, but the Commonwealth had not carried on in this pork chop fashion at that stage and I'm now left wondering just what the motivation is behind all of this. It really seems to me that we are being treated like a pack of little kids. I haven't heard anyone suggest that the crime rate in Australia has reduced since the various Australian States introduced firearms legislation. Even more interestingly, I haven't heard a single statistic as to the number of firearm offences in Australia which were committed using licensed firearms. Now surely if the various problems which have been encountered in Australia for whatever reason they have their social problems, but whatever reason those problems occurred it would be very interesting to know whether they occurred with licenced firearms or with illegal firearms. If it was with illegal firearms then how the hell is legislation such as this, going to cure the problem. I think it is very regrettable that Senator Vanstone has probably been quite busy with Mr Skase and with the various other problems, the Australian Government's been busy with ships landing on its shores that didn't even know were coming, now they would probably do alot better to concentrate their time on those things to stop annoying little Norfolk Island, to let Norfolk Island get on with the job of trying to govern itself, to get away from the constant difficulties which are caused when the Commonwealth

imposes some other problem onto the Island and requires the Island to divert its attention from the things that matter to resolve the things that really might not matter all that much save for the fact that some bully to the west of Norfolk Island is saying either do this or I will do such and such. In other places Mr Deputy Speaker threats of that nature are not regarded kindly and really it is not unreasonable for people in Norfolk Island to be upset by that. I'm surprised to see the Commonwealth suggesting that the various mainland states are moving behind the Prime Minister to standardise their firearms legislation in line with some national model. Mr Deputy Speaker I really don't think it's the case. What one constantly reads in the mainland press is calls from rural areas of Australia for the legislation to be watered down; calls from sporting shooters of various kinds for the legislation to be watered down; and statements by the leaders of various of the states to the effect that they intend to water it down or at least give it serious consideration. My understanding is that some of the States have indeed watered down the impact of the originally proposed legislation. Now I propose to vote in favour of the amendment today, notwithstanding the things that I've just said but I'm extremely disturbed at the way the Commonwealth is choosing to endeavour to treat Norfolk Island in relation to this matter and in relation to a number of others.

MR BATES

Thank you Mr Deputy Speaker. Probably more so than Members in this room I recognise that in some instances if we continue to have some connection to Australia they do have the right to do certain things especially when the national interest is at stake. Firearms has been in schedule 2 I think since 1979. I fail to see how any firearms physically present in Norfolk Island can have anything whatsoever to do with the national interest. These guns can't get into Australia from here without going through customs, it's just folly to suggest that guns on Norfolk Island are a threat to the national interest. Guns on Norfolk Island are our own business, they are internal those physically on the Island. I suppose I'm one of the few that's said that my interpretation of internal self government is we rely on Australia for certain things and that we be allowed to be left alone as much as possible in our internal affairs. The least interference in internal affairs the better as far as I'm concerned so I'm a little bit like John, I just fail to see what this is all about. I guess Australian gun laws are possibly the most failed piece of legislation that the Howard Government has ever put in driven by emotions and not facts. Not only in Australia is it not working, Britain has much stricter gun laws than the USA and yet per capital the crime rate involving firearms in Britain far exceeds that of the USA. Of course the absence of firearms in the hands of private citizens gives the criminals a free go without fear of running into unexpected trouble. Without guns Norfolk Island could also be wide open to terrorist type activities and I don't believe that firearms are much different, although they are certainly different in a lot of people's eyes, but motor vehicles are also lethal weapons and responsible for the deaths of many innocent victims but we certainly don't ban them. We throw a lot of resources at controlling them and impose penalties on those who misuse them even to the extent of removing some of the offenders' privileges but we don't penalise the innocent law abiding citizens who use motor vehicles sensibly so it seems like a double set of standards but there is also evidence of popular or unpopular themes. Non gun owners number gun owners and therefore is popular to ban guns especially where emotional issues are concerned but it certainly wouldn't be popular to ban motor vehicles. I find it difficult that an issue can run on emotions and not on facts. I find it difficult that law abiding gun owners can become victims to emotionally or politically driven motives of Australian politicians and especially in the fact of rising evidence that Australian gun reform laws have only contributed to a sharp rise in the crime rate of instances involving firearms. I feel it is a pity that the relationship between the Norfolk Island Government and the Australian Government has to be soured in such a way over such an issue when there are far more important issues to be dealt with. Very reluctantly and with apologies to some of my constituents out there I also intend to support this. I know what the Minister's feelings are on this and he's trying to get across something a little more palatable in face and I will support him in this because I know what he's tried. Not to support him means that we get it in the neck anyway. I think I've said enough but I find it extremely disappointing Mr Deputy Speaker

MR GARDNER

Thank you Mr Deputy Speaker. We've heard from Ric on this matter and we've got pages and pages of correspondence between the Commonwealth Government and the Norfolk Island Government. There have been promises and there have been words said, basically along the lines "Yes, we are satisfied with what you've got. That's fine." A couple of weeks down the road we get another request to make a few other amendments because it doesn't fulfill Australia's criteria. Mr Deputy Speaker this Bill covers old ground. This House voted down these proposed amendments only a matter of four months ago. Voted down Mr Deputy Speaker, seven to one with one abstention. A comprehensive result by anyone's terms. The question that arises now is why the need to revisit this issue? And I think Brian and John and Ric have answered that question to a degree. However, I would like to attempt to answer that question. As my colleagues are aware we have been heavily lobbied by Norfolk Island's Gun Lobbyists, that's the Clay Target Association, the Pistol Club, gun collectors and the like and I applaud their efforts. Mr Deputy Speaker intense lobbying by the Gun Lobby in Australia occurred following the reaction of the Prime Minister Mr John Howard to the events at Port Arthur that saw pressure to tighten gun laws Australia wide. That lobbying was to protect the rights of responsible shooters. Our local enthusiasts are keen to retain a certain degree of local regulation and Mr Deputy Speaker I support that cause. However, I believe this is not just a simple matter of retaining our shooter's rights. The implications of this Bill and the blatant threats from the Commonwealth are far reaching. In fact, Mr Deputy Speaker, if this Bill is voted down today, the Commonwealth will enact its own legislation to override Norfolk island legislation. To quote from Mr Robinson in just the very recent past "...we have a gun held to our heads on this matter..." and yes, the Commonwealth is legally able to bully us but what of the moral and ethical grounds for doing so? They're non existent Mr Deputy speaker. What of the much publicised preachings of Members of the Senate and the House of Representatives, some of them very recent, including statements from the Minister for Education and the Minister for Territories, both quoted as saying something along the lines of "...Norfolk Island legislation to suit the Norfolk situation". Mr Deputy Speaker this Bill suits the Commonwealth situation. It's possible Mr Deputy Speaker that my eyes are beginning to fail me, but I do believe that what I see appearing from some of my colleagues appendages are strings - strings associated with nothing more than that of a puppet legislature. Mr Deputy Speaker a Bill to amend the Norfolk Island Act 1979 is soon to be tabled in the Senate and George covered that this morning. I think we were first given a copy of that Bill at the beginning of this month and really haven't had adequate time to be able to respond to it and certainly haven't gone out into the community and made the community fully aware of the implications of that and that's part and parcel of the point that I'm trying to make today. That Bill is made up of three parts. The first part is of a somewhat trivial nature dealing with the appointment of the Deputy Administrator, however no consideration has been given to the devolution of authority to Norfolk Island on this matter nor to the more important issue of the appointment of the Administrator himself. A co-operative working relationship must exist in, this area for any substantive progress to be made in the future. This community must have its say in these appointments. The second part of the Bill to go before the Senate deals with Firearms. That's the reason this Bill has been introduced today. Accept this or else, is the message. No guarantee is given that if we pass this today that that part of the Senate Bill will be withdrawn and I would just like again to draw your attention to the latest communication received from Senator Ian Macdonald, Minister for Territories where he says that Senator Vanstone has advised him that the legislative package earlier proposed by the Norfolk Island Government is not now acceptable. That's the package of legislation that we have before us today, and it goes on to say as Ric has said before, there have been developments in the national agreement on Firearms since officers from the Attorney General's Department and the Australian Federal Police provided advise to the Norfolk Island Government on compliance. Therefore, the only circumstances under which we would consider not proceeding with the Commonwealth Norfolk Island Firearms Bill 1999 would be if the Norfolk Island Legislative Assembly were to pass unamended legislation in the form of the final draft of the Commonwealth Bill. In other words, whether we pass this today or not, it will not be accepted. As I've said Mr Deputy Speaker,

Senator Amanda Vanstone, Minister for Justice has indicated in previous correspondence that nothing short of full compliance with the National Firearms Agreement is acceptable - that's in writing Mr Deputy speaker, 16th December 1997. I accept that our Firearms legislation prior to 1997 was no longer adequate to Norfolk Island's unique position. We passed new legislation - The Firearms Act 1997 and we tailored that to suit our - that's Norfolk Island's - specific needs. In the meantime, surveys were conducted in Australia, and I think John may have touched on this point earlier, on the effectiveness of the new gun laws. Gun related crime and assaults had actually increased!! Is that surprising Mr Deputy Speaker? I would like to point out that when one considers that a mere six or seven hundred thousand firearms were collected in the buy back scheme, are you aware that that figure is less than the total number of firearms in the semi automatic category of a single calibre firearms imported over the years into Australia. The remaining hundreds and hundreds of thousands of illegal weapons are out there, now driven underground and unfortunately those weapons are the ones that will reappear over time and will become weapons of violence and terror. I would prefer to know where our weapons are, to be licensed on a needs basis, to protect those responsible users and remove from circulation all others. I believe our current legislation and regulations adequately address those areas. Our amendments to Customs legislation, as Brian pointed out, protect the community from importation of illegal weapons - there is no threat of illicit cross border trade in firearms. I could go on Mr Deputy Speaker, identifying the uniqueness of our situation in comparison to mainland Australia but as is practised these days, it would only fall on deaf ears. Moving on to the third part of the Bill to be presented to the Senate to amend the Norfolk Island Act is related also to the purpose of this Bill today. That is the matter of electoral issues. Again Mr Deputy Speaker an ill conceived idea of those few people keen to see the eventual total assimilation of Norfolk Island and its people into mainstream Australian life. It begs the question do our present electoral arrangements undermine the democratic process on Norfolk Island? I believe not. Does the Federal Government feel threatened because foreign national subversive elements may infiltrate the Norfolk Island Government and become a threat to Australian national security. Please Mr Deputy Speaker. These are the nineties. Not the era of "Reds under the bed". This approach by a handful is in fact the opposite - a few subversive elements in a few minor departments attempting to destabilise the Norfolk Island legislature and undermine the fabric of this community built up over almost 150 years. It would seem that those people are short of things to do. The changes sought by the Commonwealth are unacceptable. Mr Deputy Speaker I wish to draw your attention to another piece of Commonwealth legislation that may soon extend to Norfolk Island. The Crimes Bill - amendments dealing with the bribery of foreign public officials in business. In itself Mr Deputy Speaker, legislation that has a sound base. It deals with business activity and will make bribery of foreign officials an offence. The legislation has merit and is probably overdue. The point of all this Mr Deputy speaker and the relevance to the Bill on the table before us, I will explain. With firearms legislation we are being told, "...accept this now or else next week or in the very near future you will have no choice." Also remember back to the offer by the Commonwealth to loan us three million dollars for the Cascade Cliff project. We were told that when Cabinet discussed the proposal it suddenly appeared that the \$3m came strapped to the back of a need to amend our electoral laws. Maybe I'm just an overly suspicious type of person but to me both of these issues smack of bribery. If you do this on the one hand, we'll do that. I'm trying to point out that the Commonwealth is doing the right thing with its Crimes Bill on an international footing but are being perceived to have double standards in matters of a similar nature occurring in their own backyard. I would like to think I'm wrong. Another point Mr Deputy Speaker that I would like to raise relating to this Bill and the implications that will flow from its passing or not, is this. In recent weeks I've learnt about a legal term known as Promissory Estoppel. It's a term used most commonly in contract law and I certainly hope that John will pull me up if I'm stepping out of line here. It relates generally to the promising of an outcome between two parties. I would like to draw an analogy between that and the situation we are dealing with today. Mr Deputy Speaker in 1979 an agreement was made between two parties. Basically a contract was drawn up. The result - the Norfolk Island Act 1979. The purpose was to formally recognise the uniqueness of Norfolk Island and its people and that it was not the Commonwealth Government or the Parliament's desire or intent to do other than

allow the people of Norfolk Island to manage our own affairs. To quote from the then Minister for Home Affairs, the Hon R J Ellicott QC in his letter to the late Elva Yager "...full internal self government should be possible within five years...". Mr Deputy Speaker so much for promises and agreements. With the pressure being applied to accept this Bill with the proposed amendment to the Norfolk Island Act that I've outlined shortly to go before the Senate and the general attitude of the Commonwealth in dismissing outright the documented wishes of this community to manage our own affairs we are witnessing a reversal in the progression towards full internal self government. We have followed to the letter the democratic and legal processes in determining legislation on firearms that are acceptable to this community. I also accept the Commonwealth's right, legally that is, to override our legislation. However Mr Deputy Speaker morally and ethically this course of action is way out of line and certainly far removed from the spirit of co-operation enshrined in the 1979 Act. Mr Deputy Speaker I must also point out that the course that the Commonwealth are taking in regards to firearms and electoral matters is the ultimate heavy handed approach. The avenue of introducing legislation into this House has never been contemplated and that is a process that is open to them. It gives the community time then to consider and if thought appropriate to our needs, to accept such legislation, but oh no, Mr Deputy Speaker, the attitude is "...we are not particularly interested in what those people think, we bring out the sledge hammer to drive home the tack". In winding up Mr Deputy Speaker a quote from a respected visionary "Might is seldom right". Hitler and Pol Pot and even the might of the United States have learnt that. We are no threat. We are no-one's enemy. We are, on the whole, a peaceful and law abiding community intent on determining our future to the benefit of all on Norfolk Island. I only ask that our right in relation to dealing with schedule 2 matters which includes firearms and suchlike, be upheld. That we make the necessary amendments to those matters at the behest of this community as a whole in keeping with the management of our own affairs. Mr Deputy Speaker the reintroduction of this Bill satisfies not one of those ideals at this time and I cannot support the Bill.

MR NOBBS

Well I'm game Mr Deputy Speaker after such a lucid speech by Mr Gardner. I could continue in the same sort of vein if I so desired but I won't. I think Norfolk has many advantages over Australia and one of the major advantage is that Norfolk does not have to support Canberra. Now having been involved in areas where we've had this long distance control for a number of years I thought that self government would actually improve the situation but unfortunately it hasn't. It is really interesting what you said about the extension of the Crimes Act to Norfolk Island being bribery of foreign officials. I don't know whether it's got anything to do with the Olympics but that's the way it goes. I think we should look at simple things in this exercise. The first one is this funnel. I spoke of it in the Public Service, now we've got a situation here where Senator Vanstone who is the Minister for Justice and Customs and is responsible under the Australian arrangements. Mr Robinson is the Minister responsible under our arrangements. Now what happens. The first thing we do is Ric writes to the Administrator here, these are under current arrangements. I'm not being critical of the Administrator, Brownie or anybody else, what I am saying is that the arrangements are crook. We write to the Administrator, it's then sent to the Territories, Territories then gets on to Senator Vanstone's Department, it goes back to Territories, it comes back to the Administrator here, who sends it on to Ric with a covering letter. I think this is absolutely ridiculous. I can't understand why we can't have a direct contact between Senator Vanstone and the responsible Minister here or if its Gary and Tourism a direct line. This funnel is unbelievable because what you've got is the situation that if somebody in say, the Department of Territories or the Minister's office more particularly is where most of this stuff seems to be coming from, has a bitch about Norfolk Island they can twist and turn and do the whole lot whereas I don't know whether Senator Vanstone even knows where we are on the map let alone how many guns we've got here and these sorts of capers. Now the simple things in life are what we've got to fix up and we must do it straight away. I mean, it's just ridiculous. We put up potential amendments to the Norfolk Island Act. Nothing's happened and yet stupid things like electoral issues, the electoral issue will change the whole fabric of Norfolk Island within four years unless you go to election straight away and cut these turkeys off

at the pass and that's what I call a retreat and ambush. That is the only way. If we wait until next April. Four years from that election you will see changes to the Norfolk Island fabric and it's all being done outside. I don't know. I will support Ric as he's pretty keen on getting it through, I will support the Bill although I voted against it the last time mainly because what Gardner said a while ago about their keep changing the rules, sending in new ones and we just got sick of it but I will support him this time and I will hope that we press very strongly in getting some reasonable lines of communication in place, thank you

MR SMITH

Mr Deputy Speaker thank you. I won't speak at length to this but I have a few things to say. I'm finding what we are doing here a little disappointing because we took an action in this House some time ago and a motion was put up and that was rejected by the majority and we now find ourselves back in the House with that same motion, however, we're big boys and if we are looking to support what the Minister is doing, he's asked us if we can discuss this issue again because of a process that he's been going through. The Norfolk Island Firearms Act has had a few amendments over the last few years. I think it's always been that we have had a far better control here over firearms than Australia or any other country will ever have purely because we are an Island. To bring a gun in here you need to get approval to bring it in to start with and then register it etc, but Ric has been working on the amendments to the Firearms Act, carrying on from the last Assembly, putting his faith in what people are telling him that should be into it. He's tried to make the Act one that is acceptable to people that do hold firearms in Norfolk Island, I think he's really tried very hard to do that but when it got down to the last line of it, which is the amendment we rejected and I need to just say that, we didn't reject the Firearms Act we rejected the final amendment to the Act, which was a rejection of the things in there that we didn't agree with. We did not reject the Firearms Act we rejected the amendment. No I would have assumed that once that happened, and even though the vote was a little thin in support at that time, John was the only one that did vote for it, you'll have to vote against it this time John as a protest, but however, since that, we are a Government. Or we know we are a Government. We are dealing with the Federal Government. Now let's say a State, if we are part of Australia as we are kept being told, that's find if that's Australia's view and I won't get into that discussion, but if a Premier of a State said aah listen Amanda Vanstone, we rejected that amendment to this piece of legislation the other day, I can be damned sure that she's not going to come back with a letter like we've got here today saying that even though we had agreed with what the amendment was which we have in front of us today, it is not now acceptable. This is from the Department of Justice. Now what is justice. I thought justice was, looking at things, balancing it out, and trying to provide - Justice. That's not justice. Now here is the letter and I'll read it out. Senator Vanstone has advised that the legislative package earlier proposed by the Norfolk Island Government is now not acceptable. What's changed? Has another million people been shot in Australia? Nothing has changed. In fact, this is only two or three months ago. I'm really really amazed at that. John I have to correct you. You said we are treated like a bunch of kids. I can guarantee that nobody in the Federal Government would handle kids like they are handling us. I have to disagree with you on that point. They wouldn't dare. Another thing that Ron has said about the direct line. There are two parts to that point Ron. One as you say, is that there should be a direct line between Ric and Senator Vanstone. I agree but you might remember when the Prime Minister was sitting around the table with us, we asked if we could talk to the Prime Minister's office if we had an issue that we didn't agree with, particularly something like this and he said no. You will not have direct contact with us. He said you will deal through the Administrator's office. That was the very point at that time that I made to him. I said if Norfolk Island has an issue with a Department of the Federal Government, who do we go to. I said surely we have the access to your office. And he said no. That's exactly the problem that we have with the direct line system. I mean we can. We can make the contacts but the other side of that issue is okay, we knocked over that amendment last time. She's got a telephone. I don't know whether the Senator rang Ric and said, listen I don't like what you've done can you do something about it. I don't know that he's had any correspondence from the Minister since then. If he hasn't I wouldn't be surprised, but if he has I take back what I've just said. Okay. There

has been correspondence but in good faith our Minister had written to the Administrator after we were told that the Commonwealth was going to introduce the Norfolk Island Amendment Bill and we were copied with a version of that Bill. It's probably the only copy but I can guarantee that that Bill has a lot more in it than any other State or Territory in Australia is going to have in it, just because it's Norfolk Island. Ric has said okay, what we'll do, is I'll try and reintroduce this motion at the next Sitting. I'll talk to the Members even though there was a threat from the Commonwealth and that's fine, he's trying to do this in good faith, and he's done it, he's brought it back here and it probably will pass today but I think it's important that these things are spelt out. One of the interesting things I think of the letter that we received, even if the Assembly was to pass such legislation which is the final bit that was agreed to by the Commonwealth not so long ago, even if that were agreed to we believe we would also need to further consider the issuing of transferring firearms to Schedule 3 of the Norfolk Island or make it a non-scheduled matter. An interesting scenario has happened since the Greenwich University has been set up here. Education is a schedule 3 matter but I'll tell you what, everytime there's a question about it, aah that's the Norfolk Island Government, they passed that. So where do the lines of responsibility really lie with schedule 3 and schedule 2. If schedule 2 is ours we should be able to do what we need to do with it. With amendment. I don't mind accepting the Commonwealth's recommendations on things like the firearms thing but it's got to be a level playing field when we are dealing in these schedules. If they want it to be in schedule 3 what happens if there's an incident. Is it then, oh that's the Norfolk Island Government's fault. It's a shared responsibility. They don't always take it that way. Ric I'm going to support this motion this time around purely for the reasons that you've given but it concerns me and I think there is something that is going wrong in the self government process. I think there's got to be somebody, somebody who is diverting us from self government somewhere in the chain and that's where we are getting caught up in some of these issues and I would like to know who it is. Thank you Mr Deputy Speaker

MR NOBBS Can I just make a comment on what George said about sitting around with the Prime Minister. I think George you would have to agree that the Prime Minister is ultimately responsible in the Australian Government, he is the number one man. What he was referring to at the time sitting there with one of his Minister's right beside him and his Parliamentary Secretary to the Cabinet down the other end, what he was saying was don't come to me thinking you're going to shaft these blokes here. That's what he was on about. I mean, if there was a requirement to deal directly with Senator Vanstone deal with her, don't mess around and go through Territories. There's no need for it. You will be set up and you should know what's going on

MR SMITH What I was referring to Ron, yes I agree with what you're saying but when we said if there is an issue around that's coming out of the Department or out of the Federal Government, surely we've got somebody we can go to in the Australian Government and if necessary it could be the Prime Minister. That's what we were saying. Where else do we get the help from. We don't have the opposition. I suppose we do in a sense but that was the idea of asking that, we were saying well, if we are to be treated like this and I think particularly with the Vanstone letter here, that we should be able to talk to whoever and say, listen do you really agree with this. That was the point of that, but he did say, y you've got the Administrator's office and the Minister for Territories. That's your avenues. I just needed to clarify that

MR ION ROBINSON Just one point. George was wondering who was getting in the way in our advancement to Self Government. Well it says in the Commonwealth Government Directory, from December 1993 right up until 1997, the function of the Territories office is to enhance Australia's sovereignty in its external territories, so the more they can take out of schedule 2 the more they are enhancing their sovereignty

MR ROBERTSON

Thank you Mr Deputy Speaker I intend to support this but I'm not happy. I'm not happy inasmuch as we are being forced to do something that none of us really want. We are being forced to accept some amendments to our legislation for a Schedule 2 matter to the degree that each time that we tried to introduce a sensible approach to the gun laws of Norfolk Island they were overridden by Senator Vanstone or her department or somebody else within the parameters of the Australian Attorney General's office. We've now reached the stage where we are being blackmailed. We are being told straight out that if we pass this, we are going to go over the top of you anyway. Is this the beginning of the end, is this the start of what else is going to happen. We have already been put of notice that there are some other legislative changes that may or may not be taking place. Norfolk Island was given it's Act in 1979 and in that there was a list of what we would be expected to govern and Geoff mentioned that Ellicott had written to Elva Yager and said within five years we should be in a self governing situation and that was twenty years ago and we still haven't got there and when we try to do something we are promptly stopped. We are interfered with, we have reached a stage where we seem to have difficulty with progressing even the simplest things. Now the gun laws of Norfolk Island are certainly not going to affect Australia. There is a lot of water between us and them, we are a small community, we don't have the same problems in policing and all the figures have been given today as to what sort of arms are available in Australia that are unregistered, all of those, crime rates, the rest of it. We don't have that and what we are trying to introduce or tried originally to introduce before some of these amendments came through, was a Bill that was acceptable to the people of Norfolk Island and would be effective on Norfolk Island. What we are going to be agreeing to today is an amended bill which up until a couple of months ago but now there seems to be taking that extra step forward and it is no longer any good to them. I just wonder if we did put in or had the legislation pushed on from the Australian legislation as to how good that would be and how soon the amendments would be coming through because it's fairly evident that they also have difficulties, and I think if you look at the Planning Act that was done in Australia for us, now already this morning we were discussing about the great number of amendments that need to be done because it's not right. Now this was an Act was given to us by them. So how do we know that there wonderful amendments that we have been asked to do are going to be just as effective over here. I have nothing more to say, everybody has really crashed around the issue but I intend to support it and I'll be interested to see the outcome in the next few months as to what happens.

DEPUTY SPEAKER

No further debate. The question before us is that the Bill be agreed to in principle.

QUESTION PUT

Would the Clerk please call the House

CLERK

MR SMITH	AYE
MR BUFFETT	AYE
MR BATES	AYE
MR ROBERTSON	AYE
MR GARDNER	NO
MR ION ROBINSON	AYE
MR NOBBS	AYE
MR BROWN	AYE

DEPUTY SPEAKER

The result of voting Honourable Members, the ayes seven the noes one, no abstentions the ayes have it. The Bill is agreed to in principal. Is it the wish to dispense, this is an urgent Bill as you will recall in the earlier reporting Honourable Members, is it the wish to dispense with the detail stage.

MR ROBINSON

Thank you I move that the Bill be agreed to.

forward and I also thought it might be a way of achieving the final desired result in a much quicker manner. For arguments sake had this motion gone forward when I first proposed it and we made some changes from the 1st January we would be well down the track of that trial period and probably just knocking at the door of being able to introduce the whole package. It was the whole package which I certainly believed in. However that hasn't worked, a lot of people who probably in one way or another support the overall concept were critical of the interim step, had all reasons for being critical of it and even some of those people may have been prepared to take the full step, but not the interim step. It's got to the stage where as a backbencher, not having ministerial authority it got very difficult for me to progress the issue any further especially as it is not my desire to bring in more consultants to tell us things that we probably don't already know and also lack of information for some of the issues and when they did give us an answer we'd really be none the wiser than what we are now. As I said as a backbencher and just a Member of the Assembly I got to the stage where I was only going around in circles. Having got to that stage I asked myself, what's the point in continuing to go around in circles, but I do believe I've said to the House on many occasions that if we are serious about internal self-government and you look around at the plan, which I was a little bit critical of this morning because we haven't gone down certain tracks, but if you add up all the dollars and cents that all the issues in the plan mean is we need money. I've openly said I won't support any plan that we don't have the will to fund. I also came to the conclusion some five odd years ago that our present taxation base was inadequate to fund further responsibilities and the cost of internal self government and that was why I looked at alternatives. Now I am not saying this is the only alternative, it's certainly the best one that I have come across and also been recommended by two previous consultants whose reports have gone the way of most good consultants reports and are gathering dust on the shelf somewhere, but two of them suggested that we would need to look at a G.S.T. in the future. I think Ronny asked me why at the last meeting, maybe not an official meeting here it might have been one of our MLA's meetings but to me there is no real value in looking at bits and pieces of our present taxation system. Putting up Customs Duty a bit here, putting on a bit on petrol levy there, putting something else on a can of beer and maybe increasing the cold bed tax. There's no level playing field in any of that. People say well how do we know that it will stay at 3%. How do we know that Customs Duty will stay at 10%. We don't. There's a fair chance that it might take a hike in the not too far distant future just through circumstances. The level playing field, if a hike is needed, from three percent to three and a half percent then at least it is a level playing field, at least it is asking the whole community to equally contribute, whereas our present ones you might be asking the importers to lump it, certainly in the early stages until they make a sale, if you ask the increase of customs duty, or if you want to put it on the bed tax of course you're asking the accommodation proprietors to lump it. If you want to put it on a can of beer then you are asking the beer drinkers to lump it and leaving the whiskey drinker alone. At least any increase in taxation as necessity still stays with the level playing field and it is because I believe in it so much Mr Deputy Speaker that I didn't want to just lose it. I wanted to somehow try and keep it alive, but it has got beyond me to keep it alive. Not being a Minister and starting to go round in circles, so I have proposed in order to keep it alive an amendment to my original motion and at the appropriate time, if that is now, I would like to so move Mr Deputy Speaker

DEPUTY SPEAKER

Please do Mr Bates.

MR BATES

Thank you Mr Deputy Speaker. I move the following amendment that all words after that this House be deleted and the following substituted: 'this House supports the continued investigation by the Norfolk Island Government of the feasibility of a Goods and Services Tax for Norfolk Island and requests the Chief Minister to refer to the Finance Committee for its consideration the report prepared on discussions with the New Zealand Inland Revenue Department by the Norfolk Island GST Task Force 1-3 August 1996, and Mr Bates MLA and the Chief Administrative Officer Mr Ivens Buffett, 27 and 28 October 1998'. Thank you Mr Deputy Speaker.

DEPUTY SPEAKER
Further debate.

We have a motion and amendment before us Honourable Members.

MR NOBBS

Thank you Mr Deputy Speaker. I've had real difficulties coming to grips with the proposal to initiate a GST for Norfolk Island, but I know there has been considerable work put into it and I commend and thank all concerned particularly those who gave of their time for nothing. My concerns with the proposal would include the lack of hard data under present regimes which sees an inability to precisely calculate potential impacts be they positive or negative and then given the lack of such information my concerns as to the reasons for supporting a proposal which will encompass such a dramatic change. On the other hand the Island has invested significant sums to date and I would not wish for this to be totally wasted. Consequently in the hope that the data etc. comes available I would support continuing the life of the exercise although I am sorry that Brian appears to be walking away from it and therefore I support his amended motion.

DEPUTY SPEAKER

No further debate. The question is therefore before us, that the amendment be agreed to. Those of that opinion say Aye.

QUESTION PUT

QUESTION AGREED

The Ayes have it. The amendment is agreed. There fore we have in front of us Honourable Members, an amended motion. Final debate on the amended motion.

MR BATES

Thank you Mr Deputy Speaker. It seems that Ronny thinks I am walking away from this, not really, I still have an interest in it. I just feel that if this particular Assembly is going to make any headway with it, it's getting very tight in schedule. Who knows who will be in the next Assembly, I think that one way or another I may not have the ability to see that this issue is furthered certainly in the life of this Assembly. I can assure him that I still believe in it sufficiently that if I can be of any assistance in the future in looking at it then I'd certainly be available to do my bit. I'm not committed so much to this but I firmly believe that we need some taxation reform. I am firmly of the belief that to continue where we are without some taxation reform, we're heading for disaster. I'll be looking with a lot of interest at the next budget. I've already put the Minister on notice that I suggested that we should have a general election because if we have another budget in the next twelve months, have a general election now instead of a bi-election because if we have another budget in the next twelve months like the one we had in the last twelve months where we virtually knew that a lot of these expenses were there but we refused to include them in the supply bill and half way through the year we are being asked to approve an additional half a million dollars in expenditure, if that happens again in the next twelve months we are going to leave the next Assembly in an unenviable position and what I am concerned about is that they will make decisions on the hop, similar to decisions which without being too critical or expecting to get the wrath of Mr Gardner here, similar decisions to that that was made very quickly over the last Healthcare Levy at the last meeting. An amendment which I didn't agree to but the next Assembly will have to make those quick decisions because they will have no other options and those quick decisions on the run I don't believe are good decisions and on that basis I think that we must look at the total taxation package in a much different light. I guess everybody has heard me say that before and I guess I can only keep trying to get at least somebody to listen to me. If we want to continue on the internal self government then we've got to be prepared to fund internal self government and we've got to look at taxation reform. Thank you Mr Deputy Speaker.

MR SMITH

Thank you Mr Deputy Speaker I was just going to simply support what Brian has put here in his motion but he has raised another couple of issues. I need to say also that this motion has been around for some time and Brian got it introduced last June I think it was. I didn't have any problem with that but there was nothing in the motion that I remember that asks the Minister for

Finance to pick up the issue. The motion was really Brian's motion. I thought the idea was reasonable of a GST, and needed investigation, in fact what I did do I got some information from out of the commercial sector about what they thought about the particular proposal of Brian's. They came back with a whole pile of suggestions to make the thing work or otherwise which I handed to Brian. I don't know whether in what Brian's saying he was saying for me to pick this issue up, that doesn't matter anyway and I don't mind with the amended motion the way things are to be put here. I think it needs to be investigated to go further. I don't think Brian should be saying that he's tried and it's all fallen over, this is just a different direction, but it does put it into a context where it can be investigated now because my name is in that motion now to give it to the finance committee and chase it up but I need to say again about the budget. The budget review, it keeps coming out at each sitting at every meeting that the Minister for Finance knew that there was going to be a six hundred thousand blow out and the Finance Minister never knew that. Mr Brown would probably back me up if this gets into a debate again at some time in the future. We were looking at needing an extra two hundred thousand dollars for the Healthcare Fund and both John and I had agreed we would look at it at budget review time but what happened we ended up needing six hundred and forty thousand dollars and John didn't know that at the time, I didn't know it. I just wanted to clarify that, it keeps coming out as if to say the Finance Minister missed that point. Also the levy, that was an agreement with the Government that we would increase the Healthcare Levy because it was absolutely necessary to do that otherwise we find our selves in a situation with the next budget of something similar to what happened in this budget review and we hope that is going to fix that or go towards fixing that. Getting back to the motion, I am quite happy for this to be done the way Mr Bates has proposed.

DEPUTY SPEAKER

The question is that the motion as amended be agreed to. Those of

that opinion say Aye.

QUESTION PUT

QUESTION AGREED

The Ayes have it. That motion is so agreed. Thank you.

TOURIST ACCOMMODATION OWNERSHIP ACT 1989 - REGULATIONS FOR PRESCRIBING TRIGGER MARKET SHARE

MR ROBERTSON

Thank you Mr Deputy Speaker. It is not my intention to proceed further with this today. When I introduced this it certainly stirred up a can of worms. There's been a lot of communication flowing to and from over the last couple of months. Recently or in fact at the last meeting of this House a question was asked of me as to whether I was aware at a meeting that was held by the A.T.A. and that the Chief Minister Mr Smith had attended in my place, and that I was told that there was 93% or something of those at the meeting, had rejected the ten percent, rejected the increase in the trigger market share.

MR NOBBS

Point of Order Was it the vote?

DEPUTY SPEAKER

Order. Mr Nobbs I don't sustain that as a Point of Order. I'll certainly give you the call to put your view. Mr Robertson has the floor at this moment.

MR ROBERTSON

Thank you Mr Deputy Speaker. At the beginning of this month the A.T.A had their annual general meeting and last Wednesday I was advised of their new committee. In that advice I was told that they would give me written advice as to what and who was at the meeting, percentages of the accommodation houses, percentages of registered proprietors and the percentages of those that voted on the motion. That has come to me, it came on Tuesday, yesterday, and a copy of which was then given to all Members of the Assembly. I had a long talk with John McCoy the new President of the A.T.A and we discussed all the issues that his committee have discussed in the last few days. In their

letter they say that in last meeting of the Legislative Assembly there was some debate on the interpretation of the Associations resolution and to place the resolution in better perspective I advise the following based on a best assessment. 55% of registered accommodation houses were represented. 73% of registered proprietors were represented and 93% of those accommodation proprietors present voted in favour of the motion. Only one vote is allowed amongst the owners of common property and owners of more than one property are allowed only one vote, and the motion that they voted on was “that the trigger market share should remain at ten percent until a legal opinion as to exactly what constitutes it, is available to the Government and they advise the A.T.A. of what it actually is”. During my discussions yesterday with John McCoy we talked about the advice that I’d received from Crown Counsel which I’d received at the beginning of March and copied to all Members on the 2nd of March. In that was of course was the advice identifying problems of the current system of conditional registrations, under Subsection 7/4 of A. of the Tourist Accommodation Act and the recommended changes to the Act to overcome those problems. Part of this conditional registrations of course come into the ‘trigger market share’. There was also a paper attached to that which was a paper based on the ‘trigger market share’ as to his advice to me regarding how the calculations are done. I have copied this paper to the A.T.A., to John who took it yesterday, along with some other documentation which I have had the Tourism Officer prepare in the last few days, in line with beds, as far as looking at what changes should be done. He has taken this paper away and I have advised him that I will be contacting him on my return from Sydney on the weekend and we will discuss it with them and we will come back so that more and better understanding within the industry of what is happening and the possible re-advice that I have received from Crown Counsel as to the changes that should possibly take in the Tourist Accommodation Act and, to overcome some of the difficulties that we are now experiencing. There are a few anomalies which are occurring and I need to tidy the whole thing up. So that’s where we are Mr Deputy Speaker and in light of that I intend to adjourn.

DEPUTY SPEAKER

Any further debate before that adjournment. Mr Nobbs.

MR NOBBS

Mr Deputy Speaker I would like to say a couple of words if I may. I am pleased Gary sorted the 93% out. I thought it was 94 but my math’s have never been very good. Advice received in the document from the Crown Solicitor says that there is a problem with the trigger share market and the possibility of conditional registrations being considered as part of the total registration for the purposes of calculating the trigger share market. Now I hadn’t realised you were to do this but my intention it to put an urgency motion into the House and my urgency motion, can I ask Mr Deputy Speaker that all the necessary whatever it is of standing orders be set aside to allow moving of an urgency motion. Do I do it that way?

DEPUTY SPEAKER

Just let me go through the processes Mr Nobbs. We have a motion before the House at this moment. May we dispose of that and if you wish to raise that matter then we can do that subsequently. We can determine whether we wish to go along the course that you are proposing to us. Could we dispose of the matter that is before the House at this moment.

MR NOBBS

I’d like to speak to that if I may please. The trigger share market Mr Deputy Speaker, as I think supported by the Minister, is an interesting concept which means that we reverse quite significantly a past policy. A policy which is designed at least to curb the concentration of power in what still remains a significantly protected industry. Mr Deputy Speaker my concern is with the trigger share market situation and my reading of the issue is this that the current trigger share is based on units but the Minister just told us a couple of minutes ago that he is looking, considering beds. I think he used the words, used either today or last week, would be more equitable. I believe we have registered in total, and this my calculations because they weren’t added up, four hundred and sixty-eight units and one thousand four hundred and thirteen beds. That’s the trigger share market at ten percent of registered equates to forty-seven units and a hundred and forty-one beds. As far as I can ascertain there are three

MR NOBBS Mr Deputy Speaker I request that all that is necessary within standing orders be set aside to allow moving of an urgency motion.

DEPUTY SPEAKER I will refer that to the House Mr Nobbs, and I will ask Members as to do they wish that matter to be handled accordingly. Those of that opinion say Aye.

QUESTION PUT

QUESTION NEGATIVED

Do you wish to call the House Mr Nobbs.

MR NOBBS No but don't you think that they should listen to it? Isn't that a procedure?

DEPUTY SPEAKER Mr Nobbs you have asked for a motion to be put to the House and it has been put and the House has given its decision.

FIXING OF THE NEXT SITTING DAY

Fixing of the next sitting day Honourable Members because we have concluded Orders of the Day. Mr Nobbs.

MR NOBBS Mr Deputy Speaker I move that the House at its rising adjourn until Wednesday the 21st of April 1999, at 10 am.

DEPUTY SPEAKER That is our normal sitting day Honourable Members. I'll put that motion to you, Those of that opinion say Aye

QUESTION PUT

QUESTION AGREED

The Ayes have it. Thank you. Adjournment Honourable Members. Mr Bates.

MR BATES Thank you Mr Deputy Speaker. I move that the House do now adjourn.

DEPUTY SPEAKER Thank you. The question is that the House do now adjourn. Adjournment debate.

ADJOURNMENT

MR NOBBS Mr Deputy Speaker. We do not have a communication problem actually down here as Gary alludes. I mean at 5 o'clock in the morning if I'd rung him this morning at 5 o'clock we probably would have had a communication problem, but that's when I first discovered that there is a particular problem in relation to the approval applications and my information which I'll put in here was to direct Gary, the Minister responsible to not consider in principal approvals or conditional registrations under the Tourism Accommodation Act in calculating the trigger share market, and the Act be immediately amended to take account of this direction. Now I think that that was a fairly simple one but it would have chopped off what I believe could be a problem in the next month or so as we start talking about it and get round to it and eventually put it into the House. That was my sole motion and I'm sorry I think the Islands lost a couple of times today. Thank you

MR SMITH

Thank you Mr Deputy Speaker. Just a bit of information for people really I suppose. Just to provide Members and the community with an update to the installation of a replacement satellite antenna for the switch-over of the ABC/SBS from the analogue to the digital transmission. The antenna has been purchased and is presently awaiting shipping from Yamba. This should be at the end of this month and in the mean time installation preparation are underway. It is expected that the antenna will be in place for testing commencing from mid April 1999. This allows one month before the analogue ceases. At this stage we are accommodating the present TV transmissions of ABC/SBS. The Optus B3 satellite contains a range of other services and there will be antenna capacity to transmit some commercial channels and this is presently being explored. I will provide further updates as information is received. Another matter that may or may not be of interest to Members that the Minister for Tourism and myself will be leaving for Sydney tomorrow to have the first of the Ministerial meetings with the Federal Government in relation to the Off Shore Finance Centre. Gary will be back on Saturday and I will be away next week.

DEPUTY SPEAKER

There are no further, to participate in the debate, Honourable Members. I will put the question that the House do now adjourn. Those of that opinion say Aye.

QUESTION PUT

QUESTION AGREED

The Ayes have it therefore this House stands adjourned until Wednesday the 21st of April 1999 at 10 o'clock in the morning.

