

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

Honourable Members we are resuming from last Wednesday when you recall that we suspended and we are continuing with the Notice Paper that was prepared for that occasion and we are now at condolences

CONDOLENCES

MR BATES Thank you Mr Deputy Speaker, it is with regret that we record the death of Kim Elizabeth Jane Venables who fell from the cliff here on Norfolk Island on the 7th December 1999. Kim was born in Ingham on the 14th September 1978, daughter of Tom and Mary Vanables. She attended the Forest Beach Primary School and then Ingham High School. She had considerable skills in the hospitality and entertainment industry in catering, dance and music. Kim came to Norfolk Island only a short time ago to work in the tourist industry at Castaway and then the Colonial of Norfolk. We acknowledge the time that this young lady spent in Norfolk Island and extend to her family and friends our deepest sympathy.

MR BATES Mr Deputy Speaker, it is also with regret this House records the death of Annie Mary Smith, know to us all as Nancy. Who passed away peacefully in hospital in Brisbane on Tuesday 14th December 1999, after being flown there from Norfolk that evening. Born in 1960, Nancy was the daughter of Richard Beaumont Christian and Sarah Edwards. Wife of Les Smith, who predeceased her, Nancy had seven children, Ron, Carol, Herbet, Peter, George, Dennis and Robin. Resident Nancy came back to Norfolk in the mid 1960's with George, Dennis and Robin and lived in Ferny Lane, where Nancy started a club for Norfolk's young people. This venture was to lead to the dedication of the old church in the Kingston prison compound for the use of Norfolk's youth. In the early 70's that building was dedicated as the Prince Philip Youth Centre. Nancy loved to be busy, to be doing things for other people, especially for young people and she achieved so much during her 83 years. She took up nursing at the age of 60, but mandatory retirement at 65 meant that she needed another challenge and she found this in building caravans. Nancy would turn her hand to anything and made a success of whatever she did. She loved music and with her encouragement all the family learned 1 musical instrument or another. While President of the RSA, Nancy started a hippie band with her friends. When her husband died in 1982, Nancy again returned to live on Norfolk, where she became a driving force behind George and Robin in their venture Smithy's, using her love of cooking to compliment the business. The loss of Robin was a severe blow to Nancy and she found the need to move away from Norfolk for a while. She moved to the Gold Coast were at the age of 73 she found a new challenge in helping backpackers from all around the world, who stayed at the Trekker's Backpackers Hostel. Nancy became the backpackers Nan away from home. Nancy could not stay away from Norfolk for too long and it was while here in 1998 that she suffered a stroke and had to slow down, but her ill health did not deter Nancy from getting on with life, a life that she lived to the fullest. A bright and sparkling person, Nancy was greatly loved by all. She was the matriart of the family, outliving her 4 brothers. She is survived by 6 of her children, 14 grandchildren and 12 great-children. To Ron, Carol, Herbet, Peter, Dennis and families and to our Chief Minister George, we extend our heart-felt sympathies for the loss of a very wonderful mother, gran and great-gran.

MR BATES Mr Deputy Speaker, it is also with regret that this House records the death of Myles Stanley Hassen at his home in Brisbane on Wednesday 15th December. Myles was born on Norfolk Island on the 17th June 1975, the youngest son of Rob and Melinda Hassen. He attended the Norfolk Island Central School and was very popular with his peers. From an early age Myles was a good sportsman and continued this into his adult life. He was a gifted footballer and a great fan of the Balmain Tigers. He was a talented artist and had a great passion for music and ballroom dancing. Myles was also very proud of his Island heritage. His grandmother Lana was a beautiful dancer and she passed her skills to there grandsons. Myles grew up with a large and loving extended family, his grandparents Lerna and Goldie, his uncles Steven, Richard, Shane, Brent and Dean and his Aunts Leanne, Tany and his father's sister Dianne were all important family members to him. He was also surrounded by caring relatives and friends and this was reflected in his warm and friendly hospitality. Myles met and fell in love with Holly and after 3 years they became engaged. He returned to Norfolk recently and Holly joined him here shortly so that he could show her his Island home. Myles touched many people lives throughout his short life and he will be sadly missed. To his parents, Rob and Melinda, to his brother Caine, his very special nephew baby Lachlan and to his fiance Holly and to her family. To his aunts, uncles and their families, to his relatives and many friends this House extends it's deepest sympathy.

DEPUTY SPEAKER Thank you Mr Bates, Honourable Members as a mark of respect, I ask that all Members stand for a period of silence. Thank you Honourable Members.

GIVING OF NOTICES

Honourable Members and there any Petitions this morning . Notices are there Notices. Mr Gardner.

MR GARDNER Thank you Mr Deputy Speaker, I give notice to the House that later on this morning, at the appropriate time under Notices, that I will be seeking leave to move a Motion, which has been circulated to the Members and I would like, at this stage, to read the terms to the House. Mr Deputy Speaker, I will be moving that; (1) a Select Committee be appointed to inquire into and report upon; (a) whether the alleged political interference by an Executive Member in the selection process for the position of Cultural Affairs Advisor has any foundation in fact; (b) whether intimidatory conduct by an Executive Member towards a public servant employed by the Administration of Norfolk Island alleged to have occurred on Friday 10 December 1999 has any foundation in fact and (2) the Members of the committee consist of Geoffrey Robert Gardner, James Gary Robertson and Brian George Bates; (3) the committee report within 14 days of the appointment; (4) the committee is empowered to send for persons, Papers and records and (5) the committee is empowered under Standing Order 214 to exclude Members, not being Members of the committee from it's meetings.

DEPUTY SPEAKER Thank you Mr Gardner.

QUESTIONS WITHOUT NOTICE

Questions without Notice Honourable Members. No questions without Notice. Mr Bates

MR BATES Thank you Mr Deputy Speaker, my first question is for Mr Robertson, the Member responsible for the quarrying at Cascade. A quantity of rock has been blocking access to the Cascade jetty for some weeks, is the intention not to clear the access for

literage purposes and if so who is responsible if the jetty is required for life saving rescue purposes and is not accessible.

MR ROBERTSON Thank you Mr Deputy Speaker, at the moment the Cascade cliff has reached the stage where blasting is moving into the Sections 6 & 8, which is the lower part of the rock. The result of that is that a number of blasts, and there have been 11 up until the end of November, there has been some spillage of rock onto the road, which was foreseen. One of the situations that had occurred earlier in the piece was that the shipping companies were advised that where possible the contractor would endeavor to have an access clear, for when ships, particularly cargo ships arrived and they would, where possible, make sure that there was an access way. They are working towards that, at this stage, and whilst they clear up some areas of rock, naturally when there is a new blast more rock appears. I would presume that every effort will be made to have that road cleared, because they will be breaking over the Christmas break and they will have that road reasonably clear for a emergency situation. But the cliff itself has reached quite a dangerous level as far as unstable rock is concerned and I would very much doubt if the contractor would allow ships to be tied up at Cascade to work, the cargo ships that is. But there will be every effort made to ensure that there is an access should an emergency arise.

MR BATES Question to Mr Ion Robinson, Minister for Immigration and Resource Management. Is it true that the Minister personally provides funds for overseas trips for himself and his personnel advisors and if so, how does he distinguish between official Government business and his own personal agendas.

MR ROBINSON Thank you Mr Acting Deputy Speaker, yes I do provide funds for my, all my travel overseas on Government business. How do I sorry, could you

MR BATES Distinguish between official Government business and own personal agendas.

MR ROBINSON Well I decide for myself at the time.

MR BATES Question for Mr Robertson, Minister responsible for Electricity. Could the Minister explain the Policy for the connection of electricity, both for Private and Commercial and new connections.

MR ROBERTSON Thank you Mr Deputy Speaker, the current Policy is that if there is the need to upgrade lines, other than over and above what has been how would we put it, has been catered for in normal upgrading of reticulation of power, then the person requiring that power is subject to providing monies to allow that upgrading to take place for their specific requirement. That has been the Policy for quite a number of years and that is still continuing.

MR NOBBS Thank you, I have a question for Mr Robinson. Has the, Rick has the new Curator of the museums been selected.

MR ROBINSON Not that I have been informed, no.

MR NOBBS Just supplementary. Will the current Curator be personally handing over the museums inventory to the incoming Curator. In other words will there be a direct transfer of assets to the next Curator.

MR ROBINSON I would have to ask my public servants that to get you an accurate answer on that Ron.

MR NOBBS It's been a problem in the past this hand over, take over. How can you guarantee that all the items that have been given, and there have been quite a few given in the term of the present Curator, will be safe and how will entrust obviously, but being the responsibility of one particular person and not a group. How can you guarantee this.

MR ROBINSON We have a Heritage Act that prevents the removal of. We have a Cultural Heritage Committee, that doesn't meet very often I confess. I'll put your questions to the various departmental offices to get some assurance for you Ron.

MR NOBBS Just another one for Mr Robinson. Is it correct that the present part-time Agriculture Officer position will be become vacant in January.

MR ROBINSON As I understand it the funds will have expired.

MR NOBBS Is it proposed to fuel this essential position and when can we expect this position to be advertised.

MR ROBINSON I suppose as we get closer to Budget Review and we'll have to include that in the Budget Review, which means all Members around this table will have an input into when and in fact when it comes off. It's probably a good idea to have a permanent position there.

MR NOBBS Deputy Speaker, I am a bit concerned about that current answer. I mean I understood and is it not correct that a figure was budgeted, was placed in the 1999-2000 Budget of something like \$35 000 which was to cover a part-time Agriculture Officer for the 12 month period. As I understood, is that correct or is it not, or has the funds been siphoned of.

MR ROBINSON Ron, I wouldn't like to give you the answer of the top of my head without checking the facts.

MR McCOY I have a number of questions that I wanted to put to the Chief Minister, but as the Chief Minister is not here today, I wonder who may be able to answer these questions for me.

DEPUTY SPEAKER Mr Gardner has the Chief Minister's responsibilities in his absence.

MR McCOY They are Public Service position questions. First one is how are new positions in the Public Service created.

MR GARDNER Thank you Mr Deputy Speaker, as John would be aware new positions in the Public Service can be created partly from activities within this House and through the budgetary process and proposals that are made by the budgetary process for example, as Ron was just referring to the position of Agriculture Officer or Advisor, whether it be the Cultural Affairs Advisor, whether it be new members, new Executive Directors of the Public Service, those recommendations are made, they are put forward to the Public Service Board. Public Service

MR McCOY Thank you Mr Deputy Speaker, this advertisement for the position has been around for a long time, so my question is why hasn't that position been filled and when will the applicants be notified as to who the successful applicant to that position is.

MR GARDNER Thank you Mr Deputy Speaker, I have received correspondence from the Public Service Board in relation to the position of the Cultural Affairs Advisor, I regret that I am unable to read from that piece of correspondence, I've left my file which I will collect very shortly. As Mr Nobbs is aware I will require, as Mr McCoy's aware I will require that file later in the morning when I seek leave to move my Motion in relation to the establishment of the position of the Cultural Affairs Advisor. The Public Service Board in that correspondence have relayed to me that they felt as though there were 2 requirements in the job description that were well beyond the scope of the skills available on Norfolk Island and have made a request that the job description be revisited, redefined and if agreeable re-advertised for the selection process.

MR BATES Thank you Mr Deputy Speaker, I also had a number of questions for the Chief Minister, but I will just reduce it to 1 which Mr Gardner may be able to answer for us. Could the Minister indicate to this House what the Government has done to ascertain the effect on Norfolk Island's economy when Australia introduces its GST on the 1st July next year and if so could the House be informed of the findings.

MR GARDNER Thank you Mr Deputy Speaker, I've had some discussion with Brian on this point, I have not had the opportunity this week to have discussions with the Chief Minister on this matter. I am not aware of any work that has been undertaken in regard to that at this stage, but to say that it hasn't may be misleading, so I am certainly prepared to bring that question to the attention of the Chief Minister to be able to provide you with further information.

MR BATES Just supplementary to that, thank you Mr Deputy Speaker, in the event that the Australian GST will effect our economy, what does the Government intend to do about other than to hide its head in the sand or pass the problem on to the next Minister for Finance.

MR GARDNER Thank you Mr Deputy Speaker, I've had discussions with the Chief Administrative Officer in recent days, as I think Mr Bates is aware, to try and determine a strategy to gather as much information as we possibly can in relation to the effects that the GST may have on business's on Norfolk Island and not only business's but also private individuals on the Island. It was a matter that was briefly discussed with Members the other day and informally I've held discussions with Mr Bates to try and determine that strategy.

MR BATES Question for Mr Robertson

DEPUTY SPEAKER Supplementary Mr Nobbs, just pause for a moment Mr Bates.

MR NOBBS It's another one of the same subject, GST, has the Government received formal advice that exports from Australia to Norfolk Island will be GST free, as we were advised months and months ago. Has there been any formal advice to this effect that you know of. I know it's George's question.

MR GARDNER Thank you Mr Deputy Speaker, Ron I certainly haven't had an opportunity to go through all of the documents and files that are in the Chief Minister's keeping, however, I am aware of 2 Commonwealth press releases. Quite clearly one from Minister Somla, when he was the Minister responsible for Territories and I stand to be corrected on this, but I believe also the Treasury Department in relation to the exstention of GST or otherwise to Norfolk Island and other external territories. My reading of that and understanding of both those press releases is that Norfolk Island and the external territories are exempt from GST on goods and services supplied to those territories.

MR NOBBS Just another supplementary, therefore there will be a form available to import as similar to that and the present wholesale tax form that you can get.

MR GARDNER Thank you Mr Deputy Speaker, I would imaging that would be part of the process but I think this relates more to the question that Mr Bates asked previously where I think it's a requirement to go out and actually formalize the doings, so to speak, in relation to GST and how it will affect the Island and that would certainly would be one of the areas that would need attention paid to it.

MR BATES Thank you Mr Deputy Speaker, I have a question for Mr Ion Robinson, responsible for Road Traffic. Has any consideration been given to the possible installation of a street mirror at the top of Country Road. Vehicles coming up from Kingston are at danger as well as vehicles approaching Beef Steak Rd. The corner is an accident waiting to happen and we shut the gate after the horses bolted.

MR ROBINSON Thank you Mr Deputy Speaker, not as yet Brian, but it's a good one to get on to if I can talk to you after about it.

MR BATES Mr Robertson, Minister responsible for Crushing. Given that a steady supply of crushed metal products is necessary for the maintenance of roads, aircraft runways and the building industry, what is being done to insure that these activities are not affected by an inadequate supply.

MR ROBERTSON Thank you Mr Deputy Speaker, prior to the closure of the crusher estimates were asked of all the instrumentalaties and those other areas that you just mentioned, as to whether they would have sufficient rock to enable them to continue until such time as the theoretical resolving of the crushing problem and the undertaking at that stage, was the figures we were supplied. There would be adequate supplies. I understand now that those are being reduced at a fairly steady rate and the issues regarding the crusher have been dragging out for an extending time and I understand that the final decision, following the ART, will not be happening now until toward the end of January, 21st January. Which now means that there are some other issues coming into this equation. As you are all aware there have been 2 applications for crushing. 1 on the area of land, privately owned, next to 48c where the crusher existed for a number of years, which is Crown land and we have a further application for Young's Rd, which is down in the Cascade area, right next door to where the rock is being stored from the Cascade Cliff Safety Project. The delay in the Cascade area will be until such time as the Cascade Cliff Project is finished and there is likely hood that because of the extra amount or rock that has been currently won, that that area that had been asked for, for crushing, will be used to store rock as well as the private land next door. We have identified another area of crushing or where possible crushing of rock could take place, which is at the airport and the preliminary investigation and environmental investigation has been completed. To date there has been no advertisement asking for expressions

of interest for that area, but at the moment that is currently being assessed and there is a need to develop a little bit more on that area before we do so. So at the moment, whilst we understand there is a fair large quantity of crushed rock available in private sources, as far as own sources of resources are concerned concerning the roads, we do have some left and will probably keep us going for another 2 months, but after that we will then start to be scratching.

MR BATES Question for Mr Ion Robinson, responsible for

DEPUTY SPEAKER Supplementary in respect of that question. Mr Nobbs
MR NOBBS Gary if the Commonwealth refuses Young's Rd as a site for storage of rock, what's the fall back position then.

MR ROBERTSON The fall back position is basically the airport.

MR NOBBS The airport site. There's been a preliminary environmental assessment. Why hasn't it gone through the full process by this stage, I mean we will be messing around for ever and a day if we don't go through and surely doesn't it mean that a person going up there has to face that sort of situation and all the innuendoes and what have you that go with it. Can't we clarify the position whether the airport site is suitable or unsuitable and then people can put their crushers there and do whatever they want with the place.

MR ROBERTSON Thank you Mr Deputy Speaker, 1 of the problems that comes into that Ron, can you tell me exactly what type of crusher is going there, because you are going to need to know that prior to whether or not an environmental impact statement would have to be assessed and made. We don't know

MR NOBBS I'll try and answer that by a questions. Wouldn't you think it's appropriate to put parameters in place which provides for such and such a type of crusher and what all the conditions are required for between those, there's not a 101 different types of crushers. Wouldn't you think it's appropriate that you could put in parameters that a crusher has to operate within those guidelines.

MR ROBERTSON Thank you Mr Deputy Speaker, that's already been assessed we are just in the final stages of that now and then, there's been a couple of other little problems that have come into this since the ART hearing last week, which has caused a bit more confusion. Legal advice is to back off a little bit, but in the meantime we are proceeding with all of that.

MR NOBBS Can I ask a supplementary question. Who's legal advice.

MR ROBERTSON The Administration, a Legal Counsel from the Administration

MR McCOY Supplementary question to Mr Robertson and it's in relation to the 1st question, the answer you gave. By allowing the Snowy Mountains engineering company to store their rock on Young's Rd, doesn't that negate the opportunity for anyone to set up a crusher there and the second part to that is in hindsight or knowing that the airport upgrade is due in about March 2003, would it be responsible of this Assembly to allow the Snowy Mountains engineering company to store their rock on Young's Rd, which negates the crushing of that area.

MR ROBERTSON Maybe I should clarify a couple of things, Mr Deputy Speaker, first of all the rock is not the Snowy Mountains, it's ours, it belongs to the Administration.

The second point is that as far as the use of Young's Rd is concerned all of that area primarily has been, I guess the parameters of the area have been notified in the Gazette, that is an area that nobody goes into until such time as the Cascade Cliff Project is finished. The Cascade Cliff Project has priority over the whole of that area until such time it's finished. The application that has gone in is on Young's Rd which is a dedicated road, or designated road that was never used and it appears that the estimates of the cliff, the amount of rock that has been won is far exceeding what the original estimates indicated there would be. When the rock was first assessed it was suggested that we would have enough for approximately 10 years. To date the rock that has come out of sections 9 & 10 which is near the top part, because the drilling was not able to be or there was no drills available to do a complete drilling assessment, which they would have normally have done, but they had to rely on some drills, drilling that had been done back in the early 90's. They responsibly took an assessment on the amount of rock that was sort of known to be there, but we have been fortunate and to date we have actually picked up a further 23 000 tons of rock over and above the estimates that we originally made and there is all indications that that will be around, at least, 30 000 tons which is bonus rock. This means that until such time that we can do something with that, as far as crushing or removing it, then there is need to be stored and the storage place is obviously in that area at this stage. As far as the contractor is concerned the contract is purely to remove the rock and store it right next door. As far as the crushing side of it goes, we have the Cascade Cliff Management Board has met and will make available, as of now, rock, should a crusher start tomorrow rock will be available for that crusher. Which would then start to use rock but at the moment of course there is no crusher available to commence. So yes we do have rock, yes it will be stored in that area and there is a design being currently made as to just how much of that area we would take. You may recall that early in the piece, when Mr Cottle made his first approach down that area he was told that would not be sufficient area to put a crushing plant as his original submission. That was told of him at that time and that's where we stayed. You also probably aware that the number of people around, that live in close proximity to that area have already put us on notice that they intend to pursue with great verity, they already had the QC appointed, I understand, to ensure that there is a court action or legal action should a crusher proceed in that area.

MR BATES Thank Mr Deputy Speaker, question for Mr Ion Robinson, responsible for Firearms. Where are we at with the licensing of firearms and the buy back and the surrender of those unable to be registered.

MR ROBINSON Thank you Mr Deputy Speaker, later on in this meeting, Brian, I will be tabling the Firearms Amendment Regulations, which I'm pleased to say completely satisfies the Attorney General's. The regulations will be telling people how they vandalized there firearms if they want to hang on to them and all the various other bits and pieces that were not in our previous regulations. Unfortunately the Corporate Services Manager has gone on holiday and he took the Papers for sorting out the various forms and application forms etc, with him to work on while he is away, so that's the last contact I've had with him. I know that people from the Attorney General's department must have worked flexi time, because Saturday week ago they rang and asked me to put them on to Mr McAlpine who was still working on the various formats.

MR BATES I have a final question for Mr Robertson, responsible for the Cascade Cliff Project. Recently the Minister agreed to provide an interpretative display in the car park at Cascade. Can the Minister elaborate on what is happening with that.

MR ROBERTSON Thank you Mr Deputy Speaker, an application with the Planning Board has been lodged to erect an display case on the Crown land, which is the current

little parking area above the whaling station site and the Administrator has given his approval because he is the owner of that land theoretically to be lodged. The works depot have agreed to assist in making the display cabinet, which will be a wooden frame with a Perspex lid, being glass it would probably not last very long. It's proposed to have the before, the present and the intended (?) photographs, taken all from the same directions so that they provide some of the progress of work and where it's heading. The photographs will be accompanied by some text with a few basic monthly facts and the amount of cubic metres moved, the number of blasts, the number of truck movements, tonnage of rock stock piled that type of thing and it is intended to update this on a sort of regular 3 to 4 weekly basis or more if there is significant changes that take place. So that is currently happening and it's before the secretary of the Planning Board at the moment to allow a sign to be erected.

MR NOBBS Thank you I have a question for Mr Robertson, it relates to delayed passenger flights. Will you be making representation to Flight West in relation to there dismal handling of it's delayed flight last Saturday out of Sydney and the refusal to uplift most, if not all the passengers, for 2 days then a further refusal to uplift for another day, even though flights were possible and occurred in those times.

MR ROBERTSON Thank you Mr Deputy Speaker, that's a pretty statement to make Ron. I have been in contact with Flight West, following that, and in fact we had a daughter who was similarly booked on Saturday and didn't get here until Monday night. The result of their efforts was that all the passengers, I have been assured, were fully informed on a fairly regular update basis as to exactly what was happening with the aircraft. As far as the efforts from them, they have to take into consideration, this happens with all airlines it doesn't matter whether it's just Flight West it's some of the others that were occurring on, have to take in consideration out of hours with the pilots, they have to take into consideration a number of other issues, not just the fact that there is people waiting at an airline and how they can keep the thing running. They have been and to my knowledge, I have checked with the bureau, there has been not one complaint raised there from people leaving this Island and I have checked with a number of people that have come in as to whether or not there has been complaints raised by them and to my understanding at this stage, because of the fact that they were regularly advised as to what was going on, they accepted it reasonably well. When there's a aircraft delay of that nature it's not a cheap little thing that happens. It's an expensive exercise and the object is to try and remove the people with at least amount of problem as possible and bearing in mind there was another problem which occurred here on the Island which caused some of those that had bookings on the aircraft to be left behind so that they could pick up relatives and so forth to be here for burial. That also compounded the issue. I will be talking to Flight West and they have asked or that they have given me a, basically they have said that once do a full assessment as to what's happened, because they have only completed the clearing of all the passengers last night, once they get they will give me a report as to what happened over the period of time, which is a pretty normal thing.

MR NOBBS Just a supplementary to that, in reference to a strong statement and I think, will you check it out because it's a fairly serious problem, I believe, and I ask you will you please check it out and you may be able to answer it a bit better at the next meeting. In relation to other things, is it correct, for Mr Robertson, is it correct that no airline flying passengers to Norfolk will now be fitting the necessary equipment in their aircraft to allow utilization of the GPS landing system, as is rumored around the Island.

MR ROBERTSON Thank you Mr Deputy Speaker, that's not true. Perhaps I should say a little more on that. The SLS 2000 system, as Members will be aware, was virtually

completed and up and running in October. That equipment is currently operating and is sending a signal out. Our part of the installation is complete, the signal which is going out and depending on the satellite availability is either 99 or a 100 percent performance rating. Flight West has delays in the aircraft installation because its alright having a airport component but you also need an airframe component. It's my understanding that the airframe component consists of 2 parts and the first part of the installation is nearly completed in their first aircraft and the second part is scheduled for late January. Two of the F100's will be the first aircraft to be completed and the other 3 F28's will be completed after that. Now the effect of the SLS 2000 system, in long term as far as landings are concerned, is sort of a 3 fold thing. The Norfolk Island airport is 370 feet above sea level that's the tarmac. Under the new landing system which we currently have in place, the minimus, which had been above the tarmac had been set as follows. On runway 11, which is the runaway that's at the chapel end if you are coming at that approach, the new minimu will be 299 feet. On runaway 29, which is at this end of the runaway it's 294 feet and on runaway 04 which passes over Ric's house, the Headstone end, it's 330 feet. Now the reason that's a higher level is because that strip is actually narrower. Now these new Minami's have are approximately 300 feet less than before. Now after a number of landings have taken place using the new system, first of all there will be a Minami of 50 taking place before KASA give it the final tick. Following that and a few more and they have indicated probably another 20 or 30 they will review the Minami's with a possibility of a further reduction of another 50 feet and toward the end of next year the system was going to be upgraded to a category 1 approach wish is similar to an ILS and the indications are that the Minami's will be reduced a further 50 feet. Now the category 1 upgrade is part of the existing agreement. Okay, so it doesn't cost us any more, that's just something that will take place. So that's were we are as far, our component is complete and finished and the installation of the aircraft will continue from there. Air Nauru have also expressed interest in looking at the possibility of installation and I understand that in future all Boeing aircraft which come in for manufacture of Boeing aircraft will be fitted with the air frame component as a standard part of equipment.

MR NOBBS Just another one for Mr Robertson at this stage, will you be making a statement about your recent trip to Tahiti.

MR ROBERTSON Yes.

MR NOBBS Another one for Mr Gardner, will you making, on behalf of the Chief Minister, any report on the recent trip by himself and Mrs Robertson and Buffet to Canberra.

MR GARDNER Thank you Mr Deputy Speaker, I'm certainly not in possession of a statement of that type. I haven't been asked to deliver one, but certainly as a question that I got from Mr Bates previously I will bring that question to the Chief Minister's attention, so that if he is in a position at the next meeting to be able to present such a statement he will.

MR NOBBS Another one for Mr Gardner in relation to gaming, is it proposed to open a TAB on Norfolk Island which would be available only to residents and visitors.

MR GARDNER I'm not aware of any plans, Mr Deputy Speaker, to open a TAB on Norfolk Island.

MR NOBBS Another question for Mr Robertson, have there been any answers to questions asked by a Senator O'Brien, I think it was, in the Australian Senate some

months ago which related to what some have said is a rather pathetic, if not vindictive questions related to air worthiness of Flight West aircraft's servicing Norfolk Island.

MR ROBERTSON I understand that the first question was answered fairly quickly, well 4 or 5 weeks after the six or seven questions were put into the Senate. I have been advised that there have been several answers to that but there have been pathetic answers, that was the wording I had received. I haven't received anything officially from the Senate at this stage Ron.

MR NOBBS Just supplementary to that, given that the questions have been answered will you be seeking an apology from the Senator.

MR ROBERTSON Thank you Mr Deputy Speaker, basically it was a situation between a person and Flight West to my knowledge. I understand that Flight West themselves were doing some sort of action and that's as far as it went. I haven't heard anything further or any advice from Flight West or from KASU or from the Senators or anybody else involved as to whether we should keep pursuing that line. I know I was fairly disgusted when I first saw those questions appear, but in conversations with Flight West and with the KASA people they felt that it was something to do with their regulatory decisions, nothing to do with us and it probably would be left there, but if you wish Ron I can certainly make some inquiry.

MR McCOY Thank you Mr Deputy Speaker, I have a number of questions that I wish to direct to Mr Robinson. On the 30th November you attended the first Territories Forum in Canberra. Who arranged the forum and meeting venues.

MR ROBINSON That was basically in the hands of our Policy and Projects person who is in charge, has been charged by this House of the advancement of internal self-government for Norfolk.

MR McCOY Supplementary to that, apart from Norfolk Island Government representatives were any other Government bodies represented at the Forum.

MR ROBINSON Shire Council, Members from Christmas Island were at the Forum and various Minister's, sorry various Senator's from the Australian Parliament called in at various stages.

MR McCOY Supplementary to that, thank you Mr Deputy Speaker, we had a visit from the Christmas Island Shire representatives not to many days back prior to your travel to the Territories Forum, but whilst the Christmas Island Shire representatives were on Norfolk Island, did you discuss the Territories Forum with them.

MR ROBINSON Thank you Mr Deputy Speaker, no I don't think it was even thought of then.

MR McCOY Thank you Mr Deputy Speaker, again a question for Mr Robinson. Did you lodge a travel expense and program to travel on Norfolk Island Government business with the Administration.

MR ROBINSON No I did not, as Mr McCoy is fully aware, I try to find some private business so I can pay for all my fares and accommodation myself.

MR NOBBS One for Mr Robertson, at the last meeting, I think it was, you advised that 2 airlines utilizing the airport owe landing fees. Is this still the case and if so are they regular passenger transport such as Flight West and Norfolk Jet or small aircraft operators.

MR ROBERTSON One has an RPT license and the other one doesn't.

MR NOBBS Just a supplementary, Mr Deputy Speaker, did the audit of the admin accounts for the last financial year cover the debt by these airlines who are behind and what comments in the actual auditors report, not the audited accounts, but the actual auditors report related to such debt.

MR ROBERTSON Thank you Mr Deputy Speaker, the auditors would have naturally taken into consideration any outstanding debts as at the 30th June 99 and would appear and do appear in those figures. I actually haven't seen the auditors report, but I understand that Mr Gardner it has been passed up to the speaker because under the Act it has been tabled and I understand it is being tabled today. I have not seen that report so I am not privy to it. I can't tell you whether there is a specific item that's expressed in the actual auditor letter, but I do know that there was an amount of doubtful debt allowed in the actual enterprise.

MR NOBBS Just a question, it has been put to me Gary that and do you agree that an airline collects a charge on behalf of the Government by virtue of the fact that they specify that the fare is so much plus Government charges and that it's been put to me and I don't know comment on it at all. That the non payment of Government charges by the owners of airlines who don't pay amounts to embezzlement of Government funds. Is this a fact.

MR ROBERTSON Thank you Mr Deputy Speaker, the issue that is surround all of that is currently in the legal hands of our legal people and that is being negotiated and sort at this present point of time. There is some specifics in the actual Act as far as the non payment, but it's an area which is currently under surveillance by our legal people. It's been taken out of my hands and put into there and the result of that will be circulated amongst Members and Members will be aware of the discussions that are taking place as to the things, but I do agree that if something is advertised as a plus government tax at least it's advising the passengers that they will be paying x amount for an airfare and x amount on top of that airfare will be a government tax. That's all I can say at this stage.

MR BROWN Just in the interest of clarity could the Minister advise whether he has received legal advice to the affect that the funds are collected in trust for the Norfolk Island Government or is it the case that the landing charge is in fact levied against the operator and must be paid by the operator as one of, but only as one of there normal operating expenses.

MR ROBERTSON Thank you Mr Deputy Speaker, currently the actual person liable is the owner or operator of the aircraft or person that has the KASA authority, safety regulations authority to fly. That's where we (?) at this stage, but there's not so much a trust part component of that.

MR NOBBS Just another one for Mr Robertson it concerns electricity. Will you be making a statement on travel by electricity staff in the past couple of weeks to Australia.

MR ROBERTSON Thank you Mr Deputy Speaker, I haven't actually got a specific statement to make and nor do I have my file with me but I can certainly make a statement on that in the due time.

MR NOBBS Another one just on electricity Gary, clarification if I may. Is it your intention to change the current policies related to connection arrangements, be they new or a variation by the electricity undertakings to a consumer.

MR ROBERTSON Thank you Mr Deputy Speaker, the current, they are under review. There are a number of issues that are being looked at. Members of this Assembly have already been documentation circulated to them from different aspects from the electricity, whether there be generation or reticulation and we are looking at a review of basically the whole of the electricity in totality. At the moment all policies that are currently in place will remain until such time that we can come up with a view of how we are going to not only change anything, but if you do make the changes what sort of funding would be required to enable that change to take place. Everything is under review at all times Ron.

MR NOBBS At the last meeting a petition regarding the placing of rocks at the Cascade pier was tabled by myself on behalf of the people. What has happened to that petition.

MR ROBERTSON Thank you Mr Deputy Speaker, the petition called for a placement or to make a breakwater of all rocks over 10 tonne or greater than 10 tonne, should they come out of the Cascade cliff. I mentioned at the time from the question that Mr Nobbs asked me that the intention of the Cascade Safety Cliff Project is not to produce ten tonne lumps of rock but to produce them down, in their blasting patterns, down to a specification of rock that would fit inside the crusher jaws that are currently available or new crusher should it arrive. The amount of rock that would be of that size or more is negligible. There would not be the quantities and I'm talking with the operators, the Smick contractors, the Smick and the contractors, is that the intent is not to produce any rock of that size. They will be repairing the Cascade jetty, which is part and parcel of the contract which is repairing to the degree that where the swell comes and washes the jetty they will be using rock to pack in there to stop that from continuing. Members may be aware that the last report that I have seen which is around about the 1992-93 was a proposal to not only put in an expansion of jetty but a break water going out into Cascade and the amount of rock that was going to be required for that break water was in the vicinity of twice the amount of rock that we are currently getting out of the Cascade cliff in this exercise. Just to give you some idea of the quantity of rock that was actually designed to go out, which of course is astronomical and I think the indicative price that that was about 32 million dollars. There is basically no likelihood of any large quantity of rock and I was speaking to one of the older 2 members of this community which have been active in the old whaling days, they have already told me that rock larger than that which has gone into the water in the early days was blown around with no problems at all down on that Cascade area during cyclonic conditions and that there would have to be some real thought given before you started doing that. However, I would think that there is very likelihood of not much rock at all, if not 3 or 4 pieces would be the total amount and then where you would put them is another concern.

MR NOBBS A question for Mr Robinson please, Ric clearing out of the top tip has been on again and it has received some considerable criticism in the past week or so. I understood, is it correct, that there was some provisions put in place to preclude this problem occurring again.

MR ROBINSON Thank you Mr Deputy Speaker. Ron, since Mr. Brown was ejected from office and we had our ministerial reshuffles, Mr. Gardner is now handling.

MR NOBBS Thank you. I direct it to Mr. Gardner, if I may thank you.

MR GARDNER Thank you Mr Deputy Speaker. Certainly the concerns that have been raised with Ron, I experienced first hand the last time that the top tip was cleared out, I was somewhat aggrieved to see plastic bags with rubbish, floating of into the distance, when I turned up there a couple of weeks ago, and asked the question "how had that managed to occur" and was informed that the clearing out of the top tip was the source of the bags that were floating merrily out to sea. It has caused me some concern and I've briefly mentioned it with the Chief Administrative Officer, and unfortunately the program manager I normally address concerns of that nature to, has departed the island on holiday, but the strategy with dealing with that is that I intend to issue instructions to make sure that anything that is deposited into the ocean is properly burnt and that the proper processes are put in place to the Administration staff responsible for clearing it out to insure that none of that material ends up in the ocean. As I said it was disappointing to me to see that, that had occurred. It has also raised another couple of issues in relation to the clearing out of the top tip, it seems reasonable that some sort of grizzly, or some sort of sieve so to speak, could be used in the clearing out of the top tip, to insure that the only thing that is deposited into the ocean is the unburned metals and glass that may accumulate in the tip. So that we're not having this great sludge of grey and brown water occurring off Headstone Tip when these operations are taking place. So that the soil is actually left behind, or used and taken from there as top dressing. Short of as I said the metal and glass that somehow must be able to be screened out of that.

MR DEPUTY SPEAKER Honourable Members time for questions has expired. There are no questions

MR McCOY Can I seek leave to have an extension of time for Questions Without Notice.

MR DEPUTY SPEAKER What is the proposal

MR McCOY That we extend the time by another thirty min. minutes

MR DEPUTY SPEAKER The proposal is that an exstention of another thirty minutes. Is that agreed by Members

QUESTION PUT

Very sketchy arrangement around the table Honourable Members. I'll call the House of this basis. The question before us is that

MR BROWN Can I move an amendment Mr Deputy Speaker, can I move at this time that question time be extended by fifteen minutes.

MR DEPUTY SPEAKER We'll first look at the amendment and then we'll see what happens out of that. The proposal before us Honourable Members, is that there be an exstention of fifteen minutes. That's in the amended form. Those of that opinion say aye

QUESTION PUT

AGREED

I think that really has now become the Motion before us Honourable Members. Are we agreed upon that motion.

QUESTION PUT
AGREED

There is an extension of fifteen minutes

MR McCOY Thank you Mr Deputy Speaker. I have a couple of questions I would like to address to Mr Robertson the Minister with responsibility to Tourism. Have you granted, have you given conditional approval to the Colonial to construct their new accommodation units

MR ROBERTSON Yes

MR McCOY Is part of the conditional approval that water holding capacity for these units be constructed as well.

MR ROBERTSON Yes

MR McCOY A couple of questions I wish to, thank you Mr Deputy Speaker to put to Mr Gardner, and there's three question, but I'll put them all as one. You recently traveled to Canberra, (a) you recently traveled to Canberra, whilst in Canberra did you meet with Senator Hill, the Commonwealth Minister for the Environment (b) were discussions between Senator Hill open and frank or otherwise, and did Senator Hill make comment on the Territories Forum, that was held in Canberra, between Norfolk Island and Christmas Island.

MR GARDNER Thank you Mr Deputy Speaker. In reply to that question, part (a) did I meet with Senator Hill The Minister for the Environment, yes I did. It's the first meeting I've had with him since assuming responsibility fir waste management and that was in, the meeting was in relation to a grant made under the Natural Heritage Trust Program, to discuss some of the technicalities involved in the implementation of the recently developed Norfolk Island Waste Management Strategy, and take this opportunity probably Mr Deputy Speaker if I may to say that, that strategy is endorsed and supported by Environment Australia and Senator Hill's Office. As far as part (b) is concerned whether those discussions were open and frank, as open as frank as they possibly could be, considering the nervousness not only on my behalf meeting for the first time with Senator Hill, but also his nervousness meeting with one of the Ministers from the Norfolk Island Government. The reason that I say there possibly is some nervousness there on Senator Hill's behalf probably relates more to part (c) of that question, regarding the Territories Forum, and whether the Territories Forum may have had any impact on the openness and frankness of our discussions. No direct reference was made to the Territories Forum in the week prior to my meeting Senator Hill. However, reference was made to correspondence that had been received by Senator Hill's office and in particular in relation to questioning the Constitutional Status of Norfolk Island, received from and Executive Member of the Norfolk Island Government, which appeared to me, to have restricted the openness and frankness of the discussions that took place between myself and Senator Hill.

MR NOBBS I've a question for Mr Robinson, Mark 1 in the Norfolk Island

MR DEPUTY SPEAKER Mr. Nobbs, I thought that was a supplementary obviously its not, and if that's not the case I want to give Mr McCoy the first call as he had sort an exstention of time, but if you've concluded Mr McCoy

MR McCOY I'm finished that you

MR NOBBS Mr Robinson. Mark 1 in the Norfolk Island Plan showing development areas is clearly incorrect and I think it's been pointed out to you in the past, why is it still being used and was actually quoted in The Administrative Review Tribunal case, which is currently in progress

MR ROBINSON Thank you Mr Deputy Speaker, there is no doubt Ron the further we looked into the plan and the Planning Act, the more problems we found with it. We are not going to fix it overnight. At the moment it is before the Secretary to the Planning Board, has asked several people to comment on which is the quickest and most efficient way we can repair the mistakes in both the plan and the Act. Where the plan says one thing and The Act says another, so there are serious problems with it. When we will have it fixed, I really can't tell you, at this stage. I understand the Norfolk Island Conservation people are reviewing their conservation plan, so I think we would be foolish to not take its recommendations and look at them as well, when we review, overhaul the whole of the Norfolk Island Plan and Planning Act.

MR NOBBS Another one for Mr Robinson. What is the status of the report funded by Admin, by a visiting Vet, received some months ago. What's happened about that report. It was on stock

MR ROBINSON Stock Report.

MR NOBBS Yeah, Stock Report

MR ROBINSON I think it was tabled in the House, Ron. No I will find out for you

MR NOBBS What's been done to solve the transport problems encountered with the recent importation of a stud bull to the Island. Does the Minister accept that the continued infusion of new stock blood lines is essential

MR ROBINSON I agree, let's look at it.

MR NOBBS Just another question for Mr Robinson, its on Army Worm. Are there any development in the control of Army Worm.

MR ROBINSON It was only a matter of time, wasn't it Ron. Off the top of my head, no I won't, I can't tell you. There is a paper and we have been developing thing with various people, but I'll get an up to the minute report from the appropriate officer for you Ron.

MR DEPUTY SPEAKER I think we've concluded Honourable Members, Thank you for that.

to commend all those that have worked to ensure that the forecast success of this venture will take place

DEPUTY SPEAKER
noted.

Further debate. The question before us is that that Paper be

QUESTION PUT
AGREED

DEPUTY SPEAKER
Statements to be made this morning.

Further Papers. No further Papers. Statements, are there any

MR ROBERTSON Thank you Mr Deputy Speaker. Mr Deputy Speaker, I attended a conference in Tahiti which was the first Pacific Community Conference. It was held in Tahiti over a period 6 days. The first three days, from the 1st to 3d December, was for the Committee of Representatives of Governments and Administrations, and the main conference itself, the first conference of the Pacific Community was held on 5, 6 and 7 December. I attended as an observer with the Australian Delegation, this was the first time that Norfolk Island had been invited to attend since the early 1980's. The Pacific Community, is an organization of first importance to the Pacific Island region. It is the major vehicle for delivery on a regional basis of technical assistance, drawing on funding from donors both within and outside the region. Australia is the largest donor and the organisations identification of priorities, and efficient conduct of its activities, affects directly Australia's interests in pursuit of good development policies in the region and the proper use of the 'aid dollar'. The history of the Pacific Community is as follows. Originally the South Pacific Commission, was formed in Canberra on the 6th February, 1947. The signatories were Australia, France, Netherlands, New Zealand, United Kingdom and the USA. At the 37th South Pacific Commission Conference held in Canberra in October, 1997, after a period of 50 years, it was agreed to change the name to the Pacific Community, taking into consideration the wishes of all the Pacific Nations located North of the Equator. The Acronym SPC is retained for the Secretariat of Pacific Community. The Headquarters are located in Noumea and Suva is the base for the Community Education Centre, and the Agricultural and Fishing Programs. The head of the Pacific Community was Bob Dunn, an Australian representative, and the new chief Executive Officer appointment, endorsed by the Conference will be Lou Pengallinin, the nominated representative from Guam. She has been one of the two Deputy Directors General of the Community. The aims of the Pacific Community are non – political organization, that are in good social and economic technical development assistance to the region, through advisory and consultative activities. Their work programs cover fisheries, health, agriculture, community, education and socio and economic and statistical services. The Pacific Community staff is numbering approximately eighty professional persons and the manage a budget of 39 million Australian dollars. Four Members provide 90 per cent of core funding. Australia 33 per cent, with France, New Zealand and the USA each contributing 19 per cent. The other 22 countries share the remaining 10 per cent, and the UK who returned to the Community in 1998 provides an additional 6 per cent as its assessed contribution. The Membership consists of 27, comprising the Governments and Administrations of 22 Territories and Independent Island States of the Pacific Region, plus Australia, France, New Zealand, UK and USA. Current Members are American Samoa, Australia, Cook Island, Federated States of Micronesia, Fiji, France, French Polynesia, Guam, Quibus, Republic of Marshall Islands, Naru, New Caledonia, New Zealand, Nua, Northern Marianna Islands, Pialau, Papua New Guinea, Pitcairn, Samoa, Solomon Island, Tokalau, Tonga, Tuvalu, United Kingdom, United States, Vanuatu and Wallace and Futuna. Conference covered many issues, and one of the main ones, was the adoption of Declaration de Tahiti Nuie'. How's

that for French, which is the factual statement of the current organizational structure and operational policies of the organization. Coupled with this was the adoption of the Communities Logo and Flag, a highly symbolic design. I returned with a full compliment of documentation relating to the conference which will be of major benefit to us in future dealings with the Pacific Community. In it is my intention to pursue Norfolk Island's fully endorsed application to become a member of the Pacific Community in our own right. Thank you

MR NOBBS I move that the Statement be noted

DEPUTY SPEAKER Question is that that statement be Noted

MR NOBBS In speaking to this on Pitcairn, I understand that you said they were a full membership.

MR ROBERTSON Yes.

MR NOBBS And that, and also the United Kingdom has full membership as well. So will that assist us in any way in gaining full representation.

MR ROBERTSON Thank you Mr Deputy Speaker, it certainly adds weight to any proposal that we wish to put forward. The indications I got, when discussing this issue with a number of members of the community, was that there would be any opposition that would come would more than likely come from the Micronesia area, which was a rather interesting statement. It appears that we will have to put forward a reasonable application, both taking into consideration all of the things either for or against us but mainly with the fore's of course and to that end whilst I mentioned in my report here that I have brought back a large amount of documentation. In that documentation includes all the steps that will be taken or will be necessary for us to take to make sure that our proposal, when it goes in, is of a correct nature and that's in the Declaration of Tahiti. This is how the new pacific community is to operate and all the steps that will be necessary to ensure that whoever makes an application into that area, the steps that need to be done to ensure that they have got a good hearing. There is a little bit of work for us to do, but certainly Ron as far as our background with connection of, with our previous sort of Pitcairn and any other situation would be of an advantage.

DEPUTY SPEAKER The question is that that statement be Noted.

QUESTION PUT
AGREED

The ayes have it thank you. Are there further statements this morning. No further statements. Mr Gardner

MR GARDNER Just a brief one if I may, Mr Deputy Speaker, in relation to the broadcasting of Central 7 and I make this statement for and on the behalf on the Chief Minister and Minister responsible for broadcasting. The Chief Minister wishes to advise that the television station Central 7 is now being trialed on it's own transmitter and from what I understand this morning that is on channel 12. There are some adjustments to be made but it is intended that by this weekend all channels will be running separately. That is ABC on channel 7, SBS on channel 9 or 10 and Central 7 on channel 12. Some older television sets may not have a 12th channel and for those sets it is recommended that tuning be done through video recorders to receive that signal. This has been a long time coming and thanks to the new receiver dish our community is now able

to enjoy this new channel. A special thank you is passed on to Mr Charlie Shaw and his crew for assisting in the establishment and preparation of the transmitting gear for the transmission of Central 7 to Norfolk Island. I had also requested this morning in relation to this some information regarding the fact that Central 7, so I understand, was off air last night and up until about 9 o'clock this morning was still of air this morning. I have been asked to pass on that the main transmitter seems to be okay, there are some minor technical difficulties with the up link transmitter that takes the up link to Mount Pitt. That's being worked on this morning and hopefully, as I said, by this weekend everything should be back to normal as far as the broadcast of Channel 7 is concerned.

MR ROBERTSON Thank you Mr Deputy Speaker, I'll make a short statement regarding the electricity manager's recent trip to Western Australia. Now the purpose of that trip was to go to the Marimia powerhouse in Western Australia. He was accompanied by Basil Randall and the purpose of the trip was basically to ascertain the general condition and suitability of plant that was on offer. This particular plant related to 3 1350KBA 180 000 kW generating plants that had, we understood, we available having recently been decommissioned from a gold mine. The object of that was, of course, to go and check all the machines which they did. The alternators, the engines, the radiators, the silencers and all the other parts and equipment that was offered. The offer for this was a figure around about \$400 000 which included all 3 generators and it was an assessment to find out whether or not they would be compatible with the types of units that we currently run in the powerhouse and whether or not they were of sufficient condition to warrant us continuing with our investigations. They did a number of things whilst they were there and they made sure that the equipment itself and have made a recommendation that we should proceed with this sort of gear. They have looked into, whilst there, checked out the relocation of such plant, as to how it would get here and they looked out into the possibilities as what other bits and pieces would be required to ensure that those pieces of plant run in a many in which we have been accustomed. They have made their recommendations that through the program manager of Economic Services, that we should proceed and administratively Members of this Assembly have been given all of the documentation to date relating to those machines plus some other pieces of equipment that have been on offer and are currently looking at the costs involved in such a effort to bring and install equipment to ensure that we have continuity of power on the Island. Thank you Mr Deputy Speaker.

DEPUTY SPEAKER Further Statements Honorable Members. No further statements thank you.

MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR

DEPUTY SPEAKER Honourable Members the Speaker has received the following message from the Office of the Administrator. It is **Message No, 154**. Which reads on the 30th November 1999 pursuant to Section 21 of the Norfolk island Act 1979 I declared my assent to the following; *Gaming Supervision(No.2) Act 1999*, which is Act No. 24 of 1999. The message is dated the 1st December 1999 and signed A.J.Messner, Administrator.

We are at Notices Honourable Members.

NOTICES

INTERPRETATION ACT 1979 – DISALLOWANCE OF DETERMINATION NO. 1 OF 1999 OF THE PUBLIC SECTOR REMUNERATION TRIBUNAL DATED 2 NOVEMBER 1999.

MR BROWN

Thank you Mr Deputy Speaker, I move that under Section 41(a) of the Interpretation Act 1979 and with reference to Sections 34 and 41 of this Act. This House resolves to disallow determination No. 1 of 1999 of the Public Sector Remuneration Tribunal dated 2 November 1999. Mr Deputy Speaker, it is not a common thing for a Motion such as this to be introduced into the House. But it is not a common thing for the public's money to be handled by the Government in the way that it has been on this occasion. On the 2nd November the Public Sector Remuneration Tribunal handed down a determination granting an increase of \$72 per fortnight to each member of the public service and that \$72 per fortnight was intended to cover the period from February 1997 to date and as I understand it, it was expressed to be a cost of living adjustment. The determinations of wages and salaries long ago in other places ceased to be based on cost of living adjustments and started to accept that such adjustments merely fueled the fires of inflation and did not provide value for money. Since then issues such as productivity have been looked at in deciding on wage adjustments, but lets look at the amount first of all, \$72 per fortnight. Lets compare that with the changes in Norfolk Island pensions from the beginning of 1997 to date and in that period, Mr Deputy Speaker, the marriage pension has increased by \$12.60. The single pension has increased by \$15.10, per fortnight in each case. Now those increases were based on the Retail Price Index and were intended to compensate our social welfare beneficiaries for increases in the cost of living. Why is it that we pay the pensioners \$12.60 or \$15.10, depending whether their single or married, when we decide we need to pay the public servants \$72. I say there is something badly wrong. If the cost of living has in fact gone up by \$72 and if we are saying that we should be compensating our social welfare beneficiaries for increases in the cost of living, then we need to be looking at whether those pensions should be increased by \$72. We need to be thinking about what we are going to do for the recipients of pensions from other places. People that live in Norfolk Island on an Australian pension for example. We need to decided what we are going to do to help people that live on superannuation or, more difficult still, who live on the interest that they earn on their interest bearing deposits. If it's the Governments roll to compensate members of the service for cost of living increases what are we going to do about those in the private sector. It only seems reasonable that we follow that line that the Government compensate the private sector to and once we have thought about all of those things I think we realise the stupidity of cost of living increases for the public service. There is plenty that can be done, within the service, to earn increases through productivity, through forms of cost saving, through upgrading of skills and so forth. Now I'm not being critical of the Public Sector Remuneration Tribunal, when I say these things, because the Tribunal had before it a submission from the Public Service Association and a submission for the Chief Minister and appearing before the Tribunal were representatives of the PSA, the Chief Minister as representative of the Norfolk Island Government and I made a brief submission myself. My submission was to the effect that the Tribunal was bound to take account of the matters that are referred to in Section 9 of the Act and that Section says in performing it's functions the Tribunal must take into account the public interest, economic conditions in the Norfolk Island community, concepts of equity and fairness that apply in the Norfolk Island community and such other matters as are, in the opinion of the Tribunal, relevant to the proper performance of it's functions. If my recollection is correct the Chief Minister's written submission suggested that it was good for public servants to be well paid and that it was in the public interest that they receive a pay rise because amongst other things if a public servant is given a pay rise that increases his spending power and as he spends that money in the wider economy that brings prosperity to all. Now with the greatest of respect, Mr Deputy Speaker, that's a little bit hard to accept but nevertheless it was part of the thrust of the Chief Minister's submission. The Chief Minister suggested that the economic conditions in Norfolk Island were absolutely wonderful and in trying to substantiate that he made reference to the increasing number of visitors to the Island over the last few years, he made reference to what he suggested was an increase in activity to the number of commercial building projects commenced,

he referred to the number of applications from local people to invest in new tourist accommodation and to the number of persons employed in the Island on temporary entrant permits. Now it's true, that there has over recent years, been sound growth in tourist numbers, but that doesn't mean that those numbers are going to stay the same, nor does it mean that they are going to continue to grow and I put it to Members that it should be something of great concern to us that at a time where we have tourist numbers that are either the highest in Norfolk Island's history, or close to it, we need to bear in mind that in much earlier times there were high tourist numbers. If my recollection is correct not quite as high as they are now, but there was after that a very significant drop and the numbers dropped at one stage back down to something like 15 000. They eventually grew again, but we can't, we don't have crystal balls. We can't say we absolute certainty that the numbers are going to continue to grow, notwithstanding that we have a present policy that calls for achieving a certain number of bed nights by a certain year. We can't be sure that's going to happen. More importantly with all of the good work that the Minister for Tourism and Commerce has done, with all of the good work that the airlines and the wholesalers have done. With all of the good work that the bureau has done, we are achieving big numbers from the Government isn't achieving prosperity from it. Gary's having great difficulty in getting enough funds to finish the Burnt Pine Road Project. Ric is having great difficulty to carry out very various parts of his portfolio. I'm sure Geoff would love to have the funds to complete his waste management planning. The fact is that we are short of brass and the only way that we are going to overcome that shortage, at this stage, is going to be to increase taxes, because we simply are not reaping at a Government level significant benefits from the increase in tourist numbers. Sure a number of people have applied to invest in new tourist accommodation, but we were recently circulated with a document which was a, at least a brief or a preliminary analysis to assessing the impact of deregulation in the tourist accommodation industry and one of the most interesting things, in that document, was that page 15 were there was a table giving a summary of properties presently in existence, properties for which conditional approvals had been granted and, importantly, properties for which those conditional approvals had been cancelled and according to that document 130 new units or the conditional approvals for 130 new units had been cancelled by the Minister. It's not for me to say why the Minister cancelled them but it's clear the Minister looked at whether those projects were ever going to be able to proceed and in the absence of him being satisfied he has cancelled a significant number of them. I understand that the Minister will need to look at a significant further number in the relatively near future if he is not already doing so. So we can't base our claim of prosperity on the fact that various people exercise their, legal right, to seek a conditional approval to build some units but found that they couldn't go ahead with that for whatever reason. Perhaps their study showed they wouldn't be profitable. Perhaps their study showed that the capital requirement would be so large that they didn't want to incur that sort of debt. Whatever it may be they didn't proceed and to me that is not a ground for having great confidence that notwithstanding we don't know where the money will come from, money will come from somewhere. My understanding of the instruction that the Chief Minister had from the Legislative Assembly was that he should say to the Tribunal that yes we think some degree of increase is appropriate and once we are able to identify how we are going to pay for it we'd be happy for an order for an increase to be made. Now my understanding is that's what the Chief Minister should have said to the Tribunal. It's not what he said. The Chief Minister said to the Tribunal look everything's wonderful and we invite you to make an increase. We recognize that the increase of cost at about \$334 000 a year and I should stress, Mr Deputy Speaker, that's for every year into the future it's not a one off payment and the only difference that the Chief Minister appears to have had with the PSA was that the PSA wanted the flat rate of \$72 per fortnight, whereas the Chief Minister felt that in order to maintain the parities between the lower paid levels of the public service and the Executive levels of the public service the increase should be expressed in a percentage rather than as a flat rate, but nevertheless the Chief Minister invited the Tribunal to grant an increase which would cost \$334 000 a year. An

earlier Minister, Mr Deputy Speaker, that is an Minister in an earlier Assembly, once sort to balance his books by digging a hole near Rawson Hall and he put a hefty value on the soil that came out of that hole and having done that he was able to show his colleagues that the particular project had been a very worthwhile project. Now what we are faced with today is a situation where the Chief Minister has decided he can do it even more simply. He has invited the Tribunal to grant a pay rise to the service, in his mind that the certain knowledge that that pay rise will cause economic prosperity for all. I don't accept that, Mr Deputy Speaker, I don't likely move to disallow the determination but in my view there was insufficient evidence before the Tribunal to satisfy the requirements of Section 9. In my view the oral submissions which were made at the hearing by the Chief Minister were less than perfect. In my view the Government can not afford to pay \$334 000 in this year as a pay rise and bear in mind this is a retrospective increase, it will cost \$334 000 this year if it is not disallowed and in my view the Government, if the determination is allowed to remain in place, the Government will simply have to either increase taxes or reduce services in order to make the payment. Now in recent times the Chief Minister has managed to negotiate with Telstra for a reduction in Telstra's charges for phone calls and that reduction will save Norfolk Island about \$100 000 per year, according to the preliminary estimate. But it's my understanding that the Chief Minister does not intend to pass that saving on to the community that is one of the areas which has been identified as a possible source of funds for payment of this pay rise. So although Telstra has agreed to reduce the charges and although the community could quite reasonably expect that the benefit of those reduced charges would be passed to it, it seems that the present intention is quite the contrary that the \$100 000 of savings will be consumed in the form of a secret tax, one where the Government does not explain it to the community but simply fails to pass on a saving. Further sayings would be possible in things such as telephones, Mr Deputy Speaker, it's my understanding that Telstra has offered further reductions, provided that the Norfolk Island Government matched those reductions. So the community is receiving an additional blow in that regard because the Norfolk Island Government, understandably, treats telephone revenue as a form of taxation. Doesn't want to see that telephone revenue reduced but is passing up the opportunity to provide very significant savings to the Norfolk Island community because it is not prepared to match such further reductions as Telstra is prepared to pass on. I don't wish to add anything further at this stage thank you Mr Deputy Speaker.

MR SMITH

Thank you Mr Deputy Speaker, I signaled to you yesterday, Mr Deputy Speaker, that I would coming to the meeting for some of the Motions that I have on the table today. I was coming down a little later, I did the hear the beginning of the debate on this particular Motion. When I heard what Mr Brown was saying I quickly donned my suit and got down here quick to correct the incorrect information that has been given by Mr Brown. Mr Deputy Speaker, the Government has been negotiating with the PSA for probably some 18 months about this pay rise or increase in salaries and wages. The Government had a position that was put to the Members of the Assembly. There was only 1 Member of the Assembly that didn't agree with the increase in salaries and wages at all. That was Mr Brown, which is fine that's what Members are here to do. The information that Mr Brown, Mr Deputy Speaker, gave about the Chief Minister giving his own view at the Tribunal was incorrect, I do have the Hansard of that meeting. The view that was put to the Tribunal was the view of the Assembly and the decision that the Tribunal had to make was whether to grant it at all. The PSA, at the same hearing, put the view that they had a similar but slightly different claim and that was in the amount of \$72 per fortnight as opposed to a percentage plus a dollar amount per week. Mr Brown did appear at the Tribunal and I do thank Mr Brown being there as a Member of the Assembly, because I was the only other Member that was present at the Tribunal on that particular day. Mr Brown did express his concern about whether the Tribunal was following the rules of procedure which the Tribunal took into account and expressed that view to all of us. However, the Tribunal has the final say. The Tribunal later determined that

the determination would be made along the lines of the \$72 per fortnight. The Chief Minister has never said that Norfolk is in a rosy position, I can't remember John's words exactly, it was certainly agreed that, by Members, that Norfolk Island was experiencing good times, but Mr Brown is quite correct that the Government hasn't really reaped the benefits as much as we would have thought with the increase in tourist numbers. Information about tourist numbers etc, as Mr Brown quite correctly pointed out, was given to the Tribunal as was the financial statements. There was a question by Mr Brown at the Tribunal of whether the Tribunal should take any notice of the Chief Minister, because who is the Chief Minister sitting here on his own in the Tribunal. The Tribunal said, I can't quote his exact words, one would expect that the representative of the Government, which is the representative of the Legislative Assembly, whatever the Chief Minister says at that Tribunal on the advice of the Assembly should be acceptable. The fact that the public service had not had an increase for some 3 years was a major point that the Tribunal picked up, in fact he expressed disappointment along those lines that there hadn't been any reassessment over the previous 3 years. I think Mr Brown said somewhere in his debate that the Chief Minister had said that putting all this money back into the economy is going to be great stuff and make the community better off in a sense and to a degree that is probably, there probably is some truth in that. I don't actually remember having said that at all. I was coming from the point of view of the Government that the public service was due for an increase in whatever form that may be and that was the Government's view. That was negotiated by all 4 Ministers and they held that similar view. Mr Brown raised the point that we were to go to the Tribunal and say if we can afford it we will agree to a pay rise. That is partially correct because in our Government's submission, not the Chief Ministers submission I must point out, Mr Deputy Speaker for Hansard, it was not the Chief Ministers submission it was the Government's submission that went to the Tribunal. That has got to be made very clear. If I had of thought there was an election around the corner in the next few weeks, I would have understood what Mr Brown was saying because it would make the Chief Minister look quite a fool and sometimes the Chief Minister does appear quite foolish, but however, it was a submission from the Government that was put to the Tribunal. Leading up to that sitting of the Tribunal, me as Minister for Finance was looking at options of how we could fund the \$330 000 total which is what it is or what it is expected to be. There was various options around and I think I said in the last sitting, Mr Deputy Speaker, that if it something that we need to fund, then we need to fund it. As much as we need to fund doing Burnt Pine, doing the airport or doing whatever we need to do or even things like spending a million dollars which we have done this year on upgrading the exchange. I don't remember any Member, that's currently in this membership, saying we shouldn't spend that money on the exchange, because we all recognize that it was one of the necessary expenses of running Norfolk Island. Likewise I think most Members would agree the same with the personnel that work for us or with us in the public service. We ourselves applied for and received an increase in salaries and wages or in our remuneration I should say early in our time. I don't remember much debate going on about that at the time. I don't remember any moves to disallow the instrument of determination at that time. When in fact the increase the Ministers certainly got was certainly an awful lot more than what the PSA is asking for. Mr Brown also referred to the pensioners rates that they get, off the top of my head, I can't disagree for agree with the figures that John has given about the increases that they have had over the last few years. I believe that the pensions are never enough for our people who have retired, however, we do have a mechanism in place that adjusts the pensions with the RPI and that's an advantage, you could say, that our pensioners have had over the members of the public service. If through all this and whatever happens with this Motion in the end, Mr Deputy Speaker, if that is what Mr Brown is proposing that from now on we put the PSA on the same footing as the pensions get paid, that when there is an RPI adjustment, up or down, that the salaries and wages move in the same way and I think that is what Mr Brown is proposing and if he is I would support such a move. The other thing is the Tribunal itself. I remember in my very early days of the Assembly, which is

some 10 years ago, there wasn't a Tribunal or if there was it had only just commenced. Previous to that it was at the whim of the Assembly or the Government of whether there was any money put up for a pay rise at all. I remember there being much debate, in earlier years, I think in one instance it even led to a fish fry where the Assembly at the time didn't want to do something that the public service felt they deserved. Mr Brown may correct me on some of those things because I wasn't in the Assembly at that particular time. However, in the end it was decided to appoint a Tribunal that would decide the issues that Mr Brown has raised this morning. The idea of that was that if the Tribunal said yes there is to be an increase or not or a decrease it was up to the Tribunal. If we don't want to use the Tribunal the way it has been used in the past then we should do away with the Tribunal, but I think that would be very, very unwise. I think the members of the public service have been very good over the last few years in not agitating for an increase due to many factors. There was doubt about the airline situation at the time, they didn't agitate for an increase, because the people in the public service are people of Norfolk Island as much as we are, probably more so in some cases. Now that economic conditions, whether we perceive them to be good or not from a Government point of view makes little difference. If we are not achieving what we are supposed to be achieving through our main and almost only industry and that is tourism, then what is the point, Mr Deputy Speaker. One would expect that if you can look after your residents with what we are doing through the only industry that we really have, then we are going down the wrong path. Mr Brown is quite correct in saying that tourist numbers have been up, probably for the last 2 years through the efforts of many different people. There is certainly more money flowing out in the community than what there has been probably ever before. Mr Brown is correct and I think I said this last meeting, that it doesn't really show up in the most obvious forms of our taxation for example, FIL. I don't think it would matter if we had a 100 000 people coming through here a year, that the FIL would increase very much, because there are other options for people if they don't want to pay FIL they have ways of avoiding it, which is the way FIL was set up when it got to the high rate of 1%. Customs duty is our other main indicator, that is up and Mr Brown will be pleased to know that the last indication that I had in the last couple of weeks that customs duty is increasing past the budgeted amount already, after the first 5 months of this financial year. But on the other side of it there are increases in Government revenue this year. At that shows up in the financial statements. I heard the financial statements mentioned this morning somewhere. All Members have a copy of that. All Members should be able to or probably have by now looked through those and see where we have had record turnover in many of our things. Some of them apply to the GBE's, which don't show up in the revenue fund which is the problem fund. It always has been and probably always will be if we leave it in the way it is, but certainly Norfolk Island's turnover as far as the Government is concerned, has increased. But having said that's let's get right back to the Motion here. It's probably a little ironic, I guess, that I am aware of a Paper that is around that where Members were asked whether they support this Motion or not. There is only one Member who supports this Motion and that is Mr Brown and I wasn't too concerned because I knew that, but I felt it was very important that I come down and correct the statements that had been made by the Member. Correct what was said about the Chief Minister. I'm always open to criticism, I'll happily accept it and if I'm incorrect about something, Mr Deputy Speaker, Members will know I am always the first one to say hell I was wrong about that, but I wasn't wrong about this with the Tribunal, Members know that. We talked about this in the last meeting, we have been talking about it as an Government for some 18 months. We know where we are going with it. The only thing that was left to be sorted out was how we were going to fund it. Whether it was going to require an increase in taxation or whether it was going to require an increase in the current salary and wages budget to provide for this increase or by some other form of good luck perhaps. Mr Brown is quite correct that we recently had negotiations with Telstra who is our main telephony carrier, who have been charging exorbitant rates for quite some 5 years, which most of the Island would be well aware of. In the negotiations that we have been having with Telstra they have

reduced the charge they charge to Norfolk Telecom for the carriage of calls to and from Norfolk Island. The meeting that we had some 2 or 3 weeks ago was very successful with Telstra agreeing to reduce the termination rates they call. It was my intention, if I was here last week, to make the statement that Mr Brown has actually made for me that yes we have had a reduction in the cost to us in providing telephone calls. That I was going to make the statement that yes it would probably will give us an increase in 11 months, from 1st May this year of \$100 000 saving, maybe more and yes I was intending to use that to go towards this increase as the Tribunal has determined. I have no difficulty with that. Whatever it may be, whatever we fund, we have to fund it somehow from public monies. Let us not kid ourselves, Mr Deputy Speaker, that if we are going to pay something for something, the Island pays for it. We have done it in other ways, for example; with the healthcare levy, the cost of providing health insurance increased dramatically. Myself and the Minister for Health had long discussions about how we should fund that. The only way that we could do it was by increasing the cost of the levy. We told the community that, we told them we were going to do that and nobody likes it, but we have to do it. It's like if we want to fund Burnt Pine and I need to correct the statement that was made by Mr Brown that Mr Robertson doesn't have the funds to finish Burnt Pine, that wasn't part of the budget this year because of the lack of rock supplies. There was money in the budget that could have done another portion of Burnt Pine if that was the choice of roads to do at the time, but it wasn't. If we want to fund the rest of Burnt Pine, if it costs us ½ million dollars we can do it, we will have to increase something or by some other means. So let us not make an issue of something that is very important. That if somebody deserves something, which the public service does in the increase of salaries and wages and Mr Brown is correct about that, I do believe that the service is due for an increase, but let's not full ourselves. It's as much a cost as whether you do a road, put in a new telephone exchange or whatever. These people are all Norfolk Island people, we should not hesitate to reward them in the way they should be rewarded. Mr Deputy Speaker, I hope I'm speaking for the other 8 Members here in saying that I don't support this Motion.

MR NOBBS

Thank you Mr Deputy Speaker, the Motion refers to the determination by the Remuneration Tribunal, Public Sector Remuneration Tribunal. All the talk of pensions and the like are very important but really a separate issue. As is the equally important issue of wage levels in the private sector. Much has been made in the last few minutes of the tourist boom and the question really I ask is where's the money going. Where are the funds going to. Maybe if wages in the private sector were increased there would be a greater disposal of income and thus the increased economic activity which would then flow onto the Government. But that is, as I say, besides the point. The Motion deals specifically with the Public Sector Remuneration Tribunal decision and to me, Mr Deputy Speaker, the recent pay rise was achieved after completion of what was established process. Historically this appears to be the procedure, although there has been talk of establishing automatic increases in line with some cost of living indices. I believe, Mr Deputy Speaker, the last pay rise was 2 years ago and George just said it was 3, so it's between those 2 figures and at the time there was a recommendation, I understand, from the Tribunal that an additional increase was suggested in the following financial year. This never occurred and I don't think the public service actually pressed it. As I said, Mr Deputy Speaker, the required process has been fulfilled resulting in an independent arbitrator recommending the increase. Just on the side, Mr Deputy Speaker, my old dad had a saying and he use to say on a lot of things that there is a humbug and a fair dose of good old politicking. I would hope that this is not the basis of this Motion. Prior to the introduction of the current budget, several things happened. Discussions were held on the pay rise between the Government and the PSA. A committee, on which Mr Brown was leader, had recommended additional new senior positions. In the final agreed budget supported by most Members including Mr Brown, a number of new positions were agreed to. The Finance committee, on which I was a member, were advised that the

budget was within bounds of anticipated revenue as adequate. However, a final budget of some \$500 000 over projected revenue was supported by majority of Members. To cover this over budget a mad scramble ensued to increase some fees and charges, resulted in estimated additional revenue still short, I believe, of the required amount. In speaking on the budget, Mr Deputy Speaker, I made several points including; (a) the total cost of the new positions in the 1999-2000 budget amounted to some \$220 000; (b) there was a belief on my part that the Government had given a commitment to a pay rise; (c) the proposed pay rise, as I saw it at the time, amounted to some \$330 000 and finally there was provision for any pay rise within the budget. I didn't support the actual budget on the basis of those points, Mr Deputy Speaker, and all those points, I believe, are valid to this day and I will not be supporting this Motion. Thank you.

DEPUTY SPEAKER

Further debate Honourable Members. Mr McCoy.

MR McCOY

Thank you Mr Deputy Speaker, I haven't been a party to the negotiations between the public service and the Government for this wage claim, not until I became a Member of the Assembly in May, but it seems that these negotiations have been around for a long time and I have mentioned in other meetings with Members with the past, when Mr Brown had raised this issue, that it's a shame that Mr Brown had not been around at all of the meetings that were held when discussing the pay rise for the public servants. As I would have been more than interested to hear some of the comments back then that Mr Brown has put forward this morning. I don't support the Motion at all and we make reference to the increase that has gone to the pensioners on the Island, I am like Mr Smith and I guess Mr Brown from what he said, were I feel the pensioners have to be looked at in a brighter light and maybe because of the cost of living increase on the Island, over the last few years, that the pensioners are not receiving as sufficient an income through their pension each fortnight as they deserve. But when we look at the public servants the majority of the public servants are considered to be part of the working group of Norfolk Islanders and I believe there is some 175 in the public service. So it is quite a large portion of the working population and when you look at who the public service are, the majority of them have families and when you think on that line there are 320 pupils in our school. A lot of those pupils parents are public servants. So this \$72 per fortnight wage increase is not just going to the public servants, it is going to their families and if you add up all the increases, because of the cost of living increase on the Island, that have gone to the families, well then I have no difficulty in seeing the public servants having a \$72 wage increase per fortnight. Because as I said that increase is just not going to each individual person. Sure I appreciate, maybe not all of the public servants have children in school and I do appreciate many of the people who work in the private sector have school children as well, but I question why Governments after Governments have neglected to address the issue of the cost of education on the Island, the increase in the cost of living. We have an industry on the Island based on tourism and I think it is a sad day that we only get 10% reinvestment profit from our tourist and machinery. So that's. I believe Mr Nobbs indicated, if there is an overall increase in the wages for the private sector it could see some stimulus to the economy of the Island and I am also, to some degree, disgusted at the Assembly's attitude towards the avoidance of FIL, because we all know that the FIL is a tax that is eroding, we are losing revenue every year to the FIL and the FIL is just left open for avoidance. I believe since the introduction of FIL or even in the last 2 years the revenue from FIL has decreased by nearly \$800 000. Some are shaking their heads, that figure is correct, so maybe one of the other members will correct on how much revenue we are losing since the introduction of FIL or since the increase of FIL and I also wonder why that issue has not been introduced and I like Mr Nobbs did not support the budget on the basis that there was no allowance for an increase in wages for the public servants. Because all the indicators pointed that yes when the Tribunal makes its decision it will be in a favour of an increase for the public servants and here we are in this situation today where that

increase has been determined and we are now trying to say, well one member is trying to say, that it should not be given and that's all I have to say at this moment.

MR ROBINSON Thank you Mr Deputy Speaker, before to many other Members sort of feel that there might be an election coming up. Can I move that the question be put.

MR BROWN Mr Deputy Speaker, I felt that I should comment on something just said by Mr McCoy where he has told us that he is disgusted at the Assembly's attitude to the avoidance of FIL. From time to time you hear people using words such as that, but Mr McCoy might not be aware that there are very strict rules about FIL and Norfolk Island FIL is not chargeable unless you partake in a transaction to which it is subject. So if someone banks in Australia, that's there business. There is nothing illegal about that. Much and all as some Members would sometimes like to sound as if there is and to such extent as Mr McCoy was endeavouring to cast a slur on any member of the community who doesn't use his best endeavours to pay the maximum possible amount of FIL. Mr McCoy is wrong.

MR McCOY Objection Mr Deputy Speaker. I'm not attempting to cast a slur on any member of the community.

MR BROWN Thank you Mr Deputy Speaker, I don't propose to say anymore in relation to the Motion. I believe that it is an important Motion. I believe that it is a Motion that is deserving of support, but obviously I will be quite accepting whatever the particular resolution of the House might be in relation to it.

MR GARDNER Thank you Mr Deputy Speaker, we have heard quite today from various people in relation to this Motion and Mr Deputy Speaker, I just want to add and I'll try as brief as I possibly can that I'm satisfied that the Tribunal held the evidence before the Tribunal addressed all the necessary criteria to enable it to make an determination and I'll quote shortly, I think from the actual determination as it was released. I believe that in recent days, Mr Brown and other commentators especially Mr Brown today and on previous occasions and through the press, may have mentioned that similar provisions determined by the Tribunal did not extend into the private arena, Mr Brown has briefly touched on that this morning in relation to social services and I haven't had time as yet to do the mathematics in relation to that, but I do know that just last week I signed a new determination in respect of social service beneficiaries which required a further increase to social service beneficiaries in line with the Retail Price Index and that's done, as Mr Brown knows, on a six monthly basis. But it's already probably important to point out that in relation to the comparison to the social service increase and this determination that has been handed down. This determination also includes, as a component in the final equation of this determination, that part, which I think maybe the Chief Minister eluded to previously or one of the other members in the House, that it contained that component in the final equation that was held over from the previous sitting of the Tribunal, I think it was the Chief Minister who mentioned it, which was a back pay thing. Mr Nobbs also raised the matter that his understanding was that that was to paid in the following year of the previous determination, which it wasn't. The public service chose at that time not to pursue it but I understand that was where these last 18 months of consultations have taken place as a result of that and an awareness by all that there was that part of the determination that wasn't proceeded with in 1997. It's also interesting I think, Mr Deputy Speaker, to point out that the recently passed Employment Bill that passed through all stages at this House and has yet not be assented to and passed unanimously might I add, provides for, I believe it to be, better than a 10% increase in the minimum wage and I am quoting there from that Bill,

Section 14 of that Bill, *determination of a minimum rate*. 10% is fairly significant and that also tied into that Section is a proposal that that minimum rate of pay be adjusted each 6 months on the 30th June and the 31st December in accordance with a formula that is basically based on movements in the Retail Price Index. Mr Deputy Speaker, I believe I support the findings of the recommendations of the Tribunal. Mr Brown in his debate, I think, was bordering on challenging the presiding member of the Tribunal, retired Chief Justice Moorling, was challenging probably his credibility and integrity in some way and I accept that Mr Brown is entitled to his opinion. However, some of the issues that were raised and I quote now from the determination as it was handed down that where Mr Brown had made mention of Section 9 and some of those areas not being properly dealt with, quite clearly in the determination Mr Moorling has said that he believes that the material in front of me enables me to do that and that was taking into account all of the matters referred to in the Legislation and that as far as Mr Moorling was concerned, Mr Brown was in attendance, he had not placed before him at anytime any other material that may have negated that view and goes on to say that there is nothing in the other material which has been submitted to me which would justify a rejection of the Government's position. Mr Deputy Speaker, when we come down to costs, wages, capital costs, pensions, health's. Those will continue to rise. It's happened for the last 20 years and it will continue and as has happened over the last 20 years, on numerous occasions, it's only reasonable to expect at some time, somewhere is our desire for more responsibility increases, then the source for the capacity to pay will need to continue to be tapped at an increased or decreased level whatever the case maybe. Thank you Mr Deputy Speaker, I do not support the Motion.

MR BROWN

Mr Deputy Speaker, I'd like to respond to 3 matters that Geoff's raised. Firstly he told us that he has recently signed a document increasing pensions in light of the recent RPI increases. Indeed that's so and the figures that I quoted took account of that increase which was to apply, I think, from January and Members will recall I will quoted increases from January 97 to date including the one that Geoff has just signed of \$12.60 per fortnight for married people and \$15.10 for single people. It's interesting that if you leave out of that calculation the increase that Geoff has just signed. It comes down to \$8.60 per fortnight for married people and \$10.30 per fortnight for single people. That's the amount that we have decided to compensate the pensioners for cost of living increases and yet members around the table feel that the members of the service should be in a different position and that the public purse should compensate them to the extent of \$72 a fortnight. Secondly Geoff made mention of the minimum wage and could I just say to Members when mentioning the minimum wage there are 2 things that are important. First of all that's what it is, it's a minimum wage. I'm not sure that very many people in Norfolk Island get paid the minimum wage, it would be a small proportion. Most people would be in excess of the minimum wage, but the minimum wage is presently about \$7 an hour and a 10% increase on that is an increase of 70c per hour, but in the minimum wage. Finally Geoff suggested that I was challenging the creditability and integrity of Judge Moorling and I certainly wasn't doing that and I'm disappointed that Geoff has even made the suggestion. What I was challenging was the fact that the Judge had so little material put before him and to such extent as the material before him consisted of a submission from the Government and verbal submissions by the Chief Minister. For the reasons that I went through earlier, I felt that that written submission and those verbal submissions were faulty, they were flawed. Insufficient accurate information was put before the Judge, but quite correctly the Judge said look this is the only information I've got and if the Government says something to me, I've got to accept it. He's quite right. But my point is that the information provided by the Government and the Chief Minister was flawed. Thank you

MR GARDNER

Thank you Mr Deputy Speaker, I just want to emphasis the fact and I have the transcript of the hearings here for the Remuneration Tribunal. Indeed it was

MR BROWN If that is an imputation, it's inappropriate and should be withdrawn and in addition I draw the House's attention to Standing Order 139 which provides certain things in relation to a Member who is a party to a contract with the administration.

DEPUTY SPEAKER Mr Bates I would ask you to withdraw anything that may have offended Mr Brown in that way, so that we might progress.

MR BATES To the extent that I suggested that Mr Brown might have a greater pecuniary interest in this issue by being an employer. I withdraw those remarks.

MR BROWN And would the Deputy Speaker kindly rule on Standing Order 139.

DEPUTY SPEAKER What are you drawing to my attention in respect of 139.

MR BROWN This is a matter in respect of which two of our Members are affected by Standing Order 139 which provides relevantly that a Member who is a party to a contract with the Administration under which services are to be supplied to the Administration, should not take part in a discussion of the matter or vote on a question where the matter or question relates directly or indirectly to that contract.

DEPUTY SPEAKER The continuation of that Mr Brown is that any question concerning the application of this Standing Order should be decided by the House. That being the case it is of course not a matter for the Chair to determine but is a matter for the House to determine, but I think in fairness to the House, as I am one of the Members that may be involved in this process, I'll ask the speaker if he will resume the Chair so that he might Chair the meeting and any matters that may arise out of that Mr Brown.

SPEAKER Standing Order 139 plainly states that any question concerning the application of the Standing Order should be decided by the House. If it is the wish of the House to consider whether or not Members of this House who are also Members of the Public Service should participate in the debate then I would seek a Motion to that effect. Could Mr Buffet and Mr Bates take part in debate on or vote on the question before the House.

MR BROWN Point of order Mr Speaker. Mr Speaker, I believe that what you are suggesting is that if Mr Bates and Mr Buffet wish to participate in the debate, that Standing Orders should be suspended to such extent as maybe necessary. Now if you are suggesting that, I would agree with you. That that is the appropriate way to deal with this, but it is not appropriate to take a view that although clearly the Standing Order is being infringed we won't bother enforcing it. I think that it is a reasonable course to decide whether to suspend Standing Orders, but it is not a reasonable course to do deliberately flout Standing Orders.

SPEAKER So your seeking to suspend Standing Orders Mr Brown.

MR BROWN My suggestion is Mr Speaker, that if you are asking Members whether they wish Mr Buffet and Mr Bates to participate in the debate, the appropriate way to do that, with all due respect, is to suspend Standing Orders and then the Standing Order not longer applies.

SPEAKER Somebody needs to move a Motion along those lines.

- MR BROWN I don't propose to Mr Speaker.
- MR ROBERTSON I so move Mr Speaker.
- SPEAKER Should Mr Buffet and Mr Bates take part in debate or vote on the question.
- MR BROWN Point of order Mr Speaker. With respect, unless you are proposing to seek a Motion that Standing Orders be suspended, in my submission
- SPEAKER I take your point Mr Brown and I think Mr Robertson is moving
- MR ROBERTSON I moving the suspension of Standing Orders. Mr Speaker I think the Motion would be that I move that we suspend Standing Orders so much that would prohibit both Mr Buffet and Mr Bates participating in the debate.
- SPEAKER Then I put the question.
- QUESTION PUT
AGREED

Then the ayes have it. The Motion is agreed.

MR BATES I just again repeat that to the extent that we are debating whether the public service should have a pay rise or not, then I have no comment. I believe that that is a question that is rightly determined in the manner in which it has been by the Tribunal and for us to disallow something of the Tribunal I think is it a big blow to democracy and our internal self-government process and to the extent that I debate, I am debating that issue rather than whether there should be or whether there should not be an increase.

MR ROBINSON Thank you Mr Speaker, I don't think it would help morale in the public service if we were raise their expectations and dash it by disallowing this Tribunal decision. It's a bit like promising a territory self-government and then spending the rest of there time trying to take it away. So I unfortunately will not be supporting the Motion.

MR BROWN Mr Speaker, can I make one comment in relation to something that Brian has just said. He has suggested that to disallow determination would be a blow to democracy. Mr Deputy Speaker, that is not the case. To disallow the determination pursuant to Section 41(a) of the *Interpretation Act* would be to do something that democracy anticipates can lawfully be done. No whether one makes the decision to disallow or not to disallow is a matter for the House, but it's not a blow for democracy to considerate it because the Legislation provides that we are able to do that very thing and the Legislation provides it for a reason. Thank you.

SPEAKER There being no further debate I put the question.

QUESTION PUT
DISAGREED

Members I suggest that we suspend for lunch and come back at 2.15pm.

SUSPENDED FOR LUNCH

RESUMPTION AT 2.15PM

ACTING DEPUTY SPEAKER Honourable Members we resume from lunch and move to Notice No.2.

DESIGNATION OF THE BOUNTY SQUARE

MR BUFFET Thank you Mr Acting Deputy Speaker, I move that this House resolves that the area in Burnt Pine bounded by the Post Office and the Customs Office to the North, the Bond Store to the East, the Tourist Bureau to the West and Taylor's Rd to the South be designated Bounty Square and be so named, Mr Acting Deputy Speaker, from the 1st January of the Year 2000. Mr Acting Deputy Speaker, in the next week plus there will be significant celebrations, not only in Norfolk Island but elsewhere, but as far as we are concerned, in our place, the Millenium Committee has put together a very, very commendable program of activities to celebrate the conclusion of this year and the beginning 2000. We have all, I think, seen the various promotional material that has been circulated, both amongst Members and within the community. On January 1st at 9 o'clock there is one particular activity that I would like to draw your attention to, Saturday the 1st January in the year 2000. 9 o'clock it's the official unveiling of HMAS Bounty in the area that we all know in front of the Post Office. This is a significant event in Norfolk Island. It's a significant event because it brings this internationally symbol, HMAS Bounty, which was the commencement point for the makings of a people in Pitcairn and Norfolk Islands and it will acknowledge the role that the Bounty played in that process. It will also, at the same time, have a bronze plaque which will name all of those who arrived from Pitcairn Island in Norfolk Island in 1856, acknowledging their contribution to the heritage and history of this place and those 2 things will be done in the context of the millenium. The millenium being a bench mark in which we acknowledge those things that have happened and obviously look forward to the future in how things will be run, in many places, and in this context how it will be so in Norfolk Island and so this is a significant event and I do encourage all of the Members who are here to be present whilst that unveiling is to take place. The purpose of this Motion, Mr Acting Deputy Speaker, is to say that the Bounty will be in the place that I have described in this Motion and so that it would have additional significant distinctive dimensions that we should place a name upon it, the place, and the proposal that it be Bounty Square. It will be Bounty Square within the overall Bicentennial Centre and as we all know it is a place of some significance and prominence and that's appropriate for the bronze that I have just talked about. That's the context of the Motion and indeed if you are a mind to approve it and I recommend that you do, the request will be that on the 1st January that the Chief Minister would attend the unveiling and so name the place in terms of this Motion. I commend it to you all, Mr Acting Deputy Speaker.

MR NOBBS Thank you Mr Acting Deputy Speaker, I support the Motion. I've only got a little concern about it in relation to timing, the actual time that it was taken. I know that Gary's got a couple of naming of roads or streets coming up in the next little while but that's been around for a few months whereas this one hasn't and I just wonder how much it's been circulated in the community. I don't think there would be any opposition to it, but I'd just like to see in future that if we have something of this nature that a little bit more time is given so that the

community can make comment on it and as I said, Mr Acting Deputy Speaker, I don't think anybody would be against such a proposal as this and I support it whole heartily.

MR BROWN Mr Acting Deputy Speaker, I wonder if David can tell us if the area cease to be known as the Bicentennial Centre or whether this is Bounty Square within the Bicentennial Centre.

MR BUFFET Mr Acting Deputy Speaker, I thought I did mention that, Mr Brown. The proposal is that it be Bounty Square in terms of the description I have just given it and it will be within the Bicentennial Centre.

MR McCOY Thank you Mr Acting Deputy Speaker, I'd like to report that I have had 1 person from the community approach me in difference to this Motion and said that maybe we should give it some further consideration but I must disappoint that person because I have no difficulty with the proposal.

MR GARDNER Thank you Mr Acting Deputy Speaker, the issue that Ron raised about community consultation, I agree to a degree that maybe we could have made an effort to have this more widely circulated but my understanding is that it's been some 10 days, almost 2 weeks now, since the Notice Paper was originally produced and I think copied to the Norfolk Islander and reproduced in the Norfolk Islander. I've certainly had a couple people who have made mention of this proposal to me and they certainly have indicated no difficulty with it and I to are supportive of it.

ACTING DEPUTY SPEAKER There being no further debate I put the question.

QUESTION PUT
AGREED

The ayes have it. The Motion is agreed to.

LEAVE – HON G ROBERTSON

MR ROBERTSON Thank you Mr Acting Deputy Speaker, I think it might be a fitting time to seek leave of the House to move a Motion regarding the two incidents that Ron just referred to.

ACTING DEPUTY SPEAKER Is leave granted Honourable Members. Thank you.

RENAMING OF HARISH'S LANE TO GEORGE HUNN NOBBS ROAD

MR ROBERTSON Mr Deputy Speaker I move that the land locally known as Harnish's Lane be formally named George Hunn Nobbs Rd.

MR ROBERTSON Thank you Mr Acting Deputy Speaker, there is a couple points being raised here. This was first brought into the Members Forum in August and then discussed again the following month, both of these, I have a second one to bring forward as well. The reason for the George Hunn Nobbs Rd is that the descendants of George Hunn Nobbs are planning this reunion on Norfolk Island during the period 29th December 1999 to 4th January 2000 and it would be appropriate to formally name this road during the reunion and as part of the

Millenium celebrations. This area of land was the original grant of land to George Hunn Nobbs. There is one other issue that probably would come into this and it has been suggested that as it is already Harnisher's lane that maybe it become George Hunn Lane, but at the moment I've moved it as a road, but if there is any discussion on that I'm prepared to take an amendment.

ACTING DEPUTY SPEAKER No further debate. Do you wish to put the Motion.

MR BUFFET Maybe a brief comment, Mr Acting Deputy Speaker, I certainly support this Motion. This has been raised with me by a number of people in it's promotion and it's appropriate that people who have the historical attachments to the land be so recognized and especially in the Millenium context and especially in the context of the Nobbs family gathering. There was the point made about it's earlier name as a lane and the proposal being a road. I would have thought that when it was first subscribed probably was a lane. I think the reality is now that it has grown to be a road and I think the present proposal that says George Hunn Nobbs Road is fitting in the time frame that we are talking about today.

MR NOBBS Thank you very much Mr Acting Deputy Speaker, I'd just like to make a point that the descendants will be holding a reunion, not the Nobbs family if you know what I mean, because there are McCoy's on my left and Evans, Quintals and you go through it and there are heaps of descendants of George Hunn Nobbs. So it's not actually a Nobbs family reunion per se.

ACTING DEPUTY SPEAKER There being no further debate then I put the question.

QUESTION PUT
AGREED

I think the ayes have it. The Motion is agreed to.

RENAMING OF DEAD RAT LANE TO MITCHELL'S LANE

MR ROBERTSON Thank you Mr Acting Deputy Speaker, whilst we are on this I seek leave to move a Motion in the following terms and that is that the lane locally known as Dead Rat Lane be formally known Mitchell's Lane.

ACTING DEPUTY SPEAKER I had assumed that leave was granted for both these Motions, but if that's not the case. Debate Mr Robertson.

MR ROBERTSON Thank you Mr Acting Deputy Speaker, Dead Rat Lane is a fairly harsh word for a lane to be named in such a lovely place as Norfolk Island. However, the reason for the change is that, people will be well aware of Mitchell and Mitchell's wonderful but short life and his spirit is an inspiration to many in Norfolk Island. Her mother maintains her resident along the land and by formally naming Mitchell's Lane recognizes a special epoch in Norfolk's history.

ACTING DEPUTY SPEAKER There being no further debate then I put the question.

QUESTION PUT
AGREED

I think the ayes have it. The Motion is agreed to.

LEAVE – HON G GARDNER

MR GARDNER Thank you Mr Acting Deputy Speaker, I seek leave to move the Motion as circulated this morning and read out in Notices. If you wish I can read the terms of the Motion again, Mr Acting Deputy Speaker. This is regarding the appointment of a Select Committee. Mr Acting Deputy Speaker I move that (1) a Select Committee be appointed to inquire into and report upon (a) whether the alleged political interference by an Executive Member in the selection process for the position of Cultural Affairs Advisor has any foundation in fact; (b) whether intimidatory conduct by an Executive Member towards a public servant employed by the administration of Norfolk Island alleged to have occurred on Friday 10 December 1999 has any foundation of fact and (2) the members of the committee consist of Geoffrey Robert Gardner, James Gary Robertson and Brian George Bates; (3) the committee report within 14 days of the appointment; (4) the committee is empowered to send for persons, papers and records and (5) the committee is empowered under Standing Order 214 to exclude members, not being members of the committee from it's meetings.

ACTING DEPUTY SPEAKER Is leave granted Honourable Members for that Motion. Leave is granted. Debate.

APPOINTMENT OF SELECT COMMITTEE TO ENQUIRE INTO ALLEGATIONS OF POLITICAL INTERFERENCE AND INTIMIDATION

MR GARDNER Thank you Mr Acting Deputy Speaker. This arose as a result of some happenings that are alleged to have occurred on or about the day of Friday, 10 December 1999 and the allegations relate to political interference and intimidation in a selection process for the position of Cultural Affairs Adviser to the Norfolk Island Administration. Acting on the Chief Minister's behalf I received a copy of that correspondence on Tuesday last week when I resumed responsibility for his portfolios and at that time took it upon myself to initiate some sort of investigation into the allegations that had been made. Subsequent to Tuesday of last week there had been also a further allegation or issues raised in relation to these allegations and that this political interference was perceived to have extended right through to the level of the Public Service Board which cast indeed even a darker light on these allegations than had initially been brought to the Chief Minister's attention on Friday, 10th December 1999. I have attempted to deal with this in the most open and positive fashion that I have been able to. I have discussed with both parties involved the Executive Member and the public servant involved in this, I have sought, as I explained in Questions Without Notice this morning, advice from the Public Service Board in relation to the desire for them to see the position re-advertised. As far as I am aware this is a fairly unusual move, certainly in recent times of the Public Service Board to seek to have the position re-advertised. I have looked at as many options as I possibly can to enable this matter to be dealt with as openly and honestly and as fairly as is able to be done. I have looked at the establishment of an enquiry initiated by George's office, the Chief Minister's Office, however I believe that this is the only fair process in which to be able to call for records, to be able to interview persons so that it appears that there is no further allegations arising from the process by extending the scope of that enquiry to include the Public Service Board. I believe that this is the only vehicle that is open to enable us to interview and to call for records of all of the facts that this allegation is based on. I believe that it is the only fair way of being able to get to the truth of the matter to be able to allow all those involved in the process to have fair and equitable input into the investigation. I might just leave it at that for the moment Mr Deputy Speaker.

DEPUTY SPEAKER Thank you.

MR BROWN Mr Deputy Speaker I seek leave to move an amendment to that Motion in the event that leave is necessary and that amendment would be by adding to paragraph (1) a subsection (c) in the following terms: whether any other interference or inappropriate influence (whether political, administrative or otherwise) in the selection process for the position of Cultural Adviser has occurred; and the purpose of the proposed amendment, Mr Deputy Speaker, is to widen the scope of the enquiry so that the enquiry is not limited to the conduct of an executive member but can examine the conduct of any other person or persons who may have been involved in the process at whichever part of the process that might be.

DEPUTY SPEAKER Thank you. Could you just give me those works. First of all we will seek leave and then you might remind me about all of those words Mr Brown. Is leave granted. Aye. Leave is granted. Thank you. I have got Mr Brown adding (c) whether any other interference political, administrative or

MR BROWN Yes, whether any other interference (whether political, administrative or otherwise) in the selection process for the position of Cultural Adviser has occurred.

DEPUTY SPEAKER Thank you. We have that amendment in front of us Honourable Members.

MR BROWN Mr Deputy Speaker I have little knowledge of the nature of this allegation but it appears that some allegation has been made by a person, if an allegation is made against an executive member then one way of dealing with it is to put it into the public arena in some fashion, another way to deal with it is in the fashion suggested in the Motion and in my suggested amendment. I note Mr Gardner's comments that he has looked at other ways and that he thinks that this is the best way, I don't have any difficulty with that, it will hopefully will provide a quick way for the matter to be resolved and for people to be satisfied that there has been proper enquiry and I do not wish to add any more.

DEPUTY SPEAKER Thank you.

MR BATES Thank you Mr Deputy Speaker.

DEPUTY SPEAKER We have an amendment in front of us Honourable Members.

MR BATES I certainly agree with this process, the appointment of a Select Committee. It was only something like quarter to ten this morning that I realised that my name was associated with the Committee and I personally have some difficulty with that, (a) because I am partly a member of the public service in a part-time capacity. I think my last contract was approved by the Public Service Board and I think that if this is going to be seen to be done correctly and properly I think it is rather inappropriate that I play a part in it because of those issues.

MR DEPUTY SPEAKER Thank you.

MR BATES I certainly would like to see my name removed and some other name be substituted.

MR DEPUTY SPEAKER Thank you. Further contributions. Mr Gardner as proposer of that Motion did you wish to seek a call in respect of any of those comments.

MR GARDNER I respect Brian's position there and I guess there is openness and honesty in regard to the difficulties that he may encounter sitting on a Committee of such but I guess I am appealing to him to re-consider the position that he is taking in recognition of the fact that this is a Committee of Inquiry of this House and not of the public service, however, if he is still uncomfortable with that I would appreciate a recommendation of a replacement from him if that is at all possible. Thank you Mr Deputy Speaker.

DEPUTY SPEAKER Further debate.

MR NOBBS Thank you Mr Deputy Speaker. The allegations strike the very heart of what Government is really all about and that's the allegations of political interference. Now under our arrangements that exist at present there is no opportunity really except through the CAO as far as I read it for a Minister or a Member of the Assembly to direct or interfere in the operations of the Administration. This will be changed under the proposed Bill which is coming in, as far as I can read it, in that a Minister can direct some operations within the Administration but one of the things that he cannot interfere with, is the selection process or appointment process within the Administration. So the allegations in fact cut across both the current Act and also the proposed Act which we will be debating later. I don't. I mean, I would have to support the process at the moment but I don't really support it because I thought that. I was made aware of this at about quarter to eleven, I know it was a quarter to eleven because I was here for a meeting at eleven o'clock on Friday the 10th of December. That is, as Mr Gardner said about the previous thing, its nearly two weeks ago. Now I would have thought that such an important issue would have been dealt with that day to chop it off completely or to take further action and if it became necessary then it could be referred to a Select Committee but not a lot happened in that particular period and I took a bit of an interest in it over the weekend. I actually bumped into one of the Public Service Association guys as he was proceeding in or out of the building. I took an interest over the weekend and still nothing had happened by Sunday. I contacted the Chief Minister and suggested that some action should be taken to clarify the situation as we didn't want an allegation hanging over a Minister or a perceived position if it wasn't correct, being taken by a member of the staff. Subsequently the events overtook that but any how, be that as it may, I still felt that last week that we should have got stuck into it and sorted it out. I won't be seeking appointment on this Committee because I have had considerable discussions with the parties involved except for Ric of course which I hadn't got around to because I didn't think it was my place to question him but I will not be putting myself forward for this position if Brian's position is taken and whilst I will support the Motion, I don't believe that John's extension is warranted at this stage and I would not support his amendment because I feel as though we are now moving into a situation where this Committee will be inquiring deeply into the Administration selection processes and the like and I don't think that's the role. I think the role is now there's been an allegation made and we should stick to those facts but as I say, I support Geoff Gardner's Motion but I felt it should have been dealt with some time ago.

MR BROWN Mr Deputy Speaker it is a matter for the House as to whether the House supports the amendment that I have proposed. If the House does not support that amendment I will not be supporting the Motion and my reason for that is that for years there have been allegations that the appointment system at Kingston is one that reeks of favoritism and patronage and the amendment that I am proposing will give the opportunity to look at that in this

particular context but if all that's proposed by the appointment of a Select Committee is to try to hang one Minister out to dry, then I don't think that's appropriate. I would, in that event, be agreeing with what Ron Nobb's has just said, if these allegations were in fact made almost two weeks ago there has been time to look at whether there is any basis in them at all but any Minister who thinks that he is in a position to influence an appointment into the Public Service would be badly kidding himself because Ministers don't make those appointments. Those appointments are made within the Service. Well it may be that you could have a Member of the Assembly who was also a member of the Service and may participate in the selection process but that person does so as a public servant, he doesn't do so as a Member of the Assembly and under our Legislation he cannot, in any event, be both a Member of the service and an Executive Member. I think it is a glorious opportunity to widen the scope of the enquiry and to clear up a lot of problems, on that basis I would support it but if the enquiry is to be a totally narrow one I don't see a lot of point in it. Thank you.

DEPUTY SPEAKER

Further debate.

MR McCOY

Thank you Mr Deputy Speaker. I do have a difficulty with the way that this whole situation has been handled. I'm not fully aware of all the allegations or what has taken place but of course I have become aware through the public arena that some incidents have taken place and from what has been said around the table here, I would have to agree with Mr Nobbs and Mr Brown that two weeks has passed and this matter should have been dealt with when it first came to light and I have always been of the opinion that no Executive or even Assembly Members should be interfering in the selection process of the public service nor in the job criteria being possibly changed mid-stream which has become evident over the last few days as well so I don't believe it needs to go so deep into the public service. I assume there are only three parties involved and that would be the Executive Member in question, the Public Service Board and the person who was evidently shortlisted to become the Cultural Adviser so I will not support the amendment but I do support the appointment of a Select Committee and hopefully this Select Committee can tidy this up in a shorter period than the 14 days that is anticipated because if we allow 14 days for this Committee to report back we have actually let this problem be around for 4 weeks which is not a very efficient way to handle these types of problems or situations and I am aware, as Mr Brown has indicated, that there have been many allegations in the past of Assembly Members interfering with the public service and seeing we have the new Public Sector Management Bill in the House and that Bill, to a large degree, is all about tidying that up so I would prefer this issue to maybe be brought - the Committee report within 7 days rather than the 14.

DEPUTY SPEAKER

Thank you.

MR ROBERTSON

Thank you Mr Deputy Speaker. I have a little difficulty with the amendment in that by broadening the scope and with a Motion that reads 14 days and with the impending holiday period it doesn't give you much time with the original Motion let alone an extension and an opening up which, to my mind, would be a fairly extensive and long far reaching investigation so I have difficulty with the amendment to the Motion. The Motion itself is a way which Geoff has decided would be, after looking at it with a lot of thought, would be a way that would sufficiently clear up the situation that currently exists. Whether there has been a two week delay to when it first happened until it has now become before us, circumstances that occurred probably added to that. The fact that we now even as the Motion stands, 14 days, you can probably knock off 5 or 6 of those days with the holiday period which means that we will be meeting on Christmas Day, New Years Day and I don't intend to do that, so, there is some slight problems

occurring with both the Motion as it stands at the moment and the amendment as it stands, so I can't support the amendment at this present time.

MR BATES Thank you Mr Deputy Speaker. I certainly remain concerned about my appointment on this. I don't see any people putting their hands up to volunteer to take my place but I don't really want to shirk my responsibilities as a Member of the House either, but I would like Members views. I would like if Members do see fit to appoint me to this Committee that they respect my feelings and understand what I am saying at this point in time; that I do have reservations and I do remain uncomfortable about it.

DEPUTY SPEAKER Thank you.

MR ION-ROBINSON Thank you. In regard to Mr Bates doing the honourable thing, I just wanted to let him know that I have complete faith in his integrity to remain impartial in this. I do have a feeling that if you do not support Mr Brown's amendment I cannot support in general the appointment of the Select Committee because you are in effect narrowing things down and I notice its "alleged". Surely somebody would have had to have made some allegations somewhere and even the Public Service Association letter says "alleged" but they are not alleging it so I think it needs a broader look at the whole thing. The selection process in itself is political in that we have a Member of this House sitting on a three person selection panel when one of the other members of that Committee is his brother-in-law so let's not kid ourselves that there is no other political influence going on. I have another concern and that is, what recourse does a Member have when faced with a mendacious claim such as this one? What recourse does somebody have against a false claim for political purposes? That's all I will say for now thank you Mr Deputy Speaker.

DEPUTY SPEAKER Thank you.

MR BROWN Mr Deputy Speaker, this Motion does talk of alleged political interference and alleged intimidatory conduct. I'm not too sure that it is appropriate for us to be voting on such a thing without knowing what these allegations are because in the absence of that knowledge we might be treading down a path that's more than a little dangerous and more than a little unfair. I wonder if an appropriate course might be to stand this matter down until later in the Paper to enable Mr Gardner, who has moved it, to provide us with a copy of whatever the correspondence is that sets out the allegation. I would certainly be interested in seeing that because I'm still in the dark.

DEPUTY SPEAKER Thank you. Further debate.

MR NOBBS Thank you Mr Deputy Speaker. As I said before the allegations - Mr Brown doesn't know what they are but I have heard them heaps of times but the thing is that they strike at the basis of what the Assembly is all about and if there have been problems in the past I don't know why they haven't been dealt with straight away and we must do it, we must set in place something and to be quite honest with you Mr Deputy Speaker, I have been thinking about voting against this Public Service Bill because of problems such as this. We do not have in place a process if somebody has an allegation of political interference. What happens to it? What happens to it? I don't know. Its an allegation until its proven, isn't it? We need to set something up in place - if this is the way of doing it well that's fine. It's not the way I would do it because I'm a little bit more up front, I think, but I would suggest that if we have to have this in place if we are going to pass this Bill later on today. Thank you.

DEPUTY SPEAKER Further contributions.

MR McCOY Thank you Mr Deputy Speaker. I'm like Mr Brown, I'm pretty much in the dark about all the allegations that have taken place and I'm kept myself in the dark on purpose and I would be more than happy to put my name forward in place of Brian Bates to be on the Select Committee and as I said, I have kept my nose out of it as much as possible so that if I do get asked to be on the Select Committee, I have an independent view.

DEPUTY SPEAKER Thank you.

MR BATES Mr Deputy Speaker could I so move that my name be removed and replaced by John McCoy.

DEPUTY SPEAKER We already have an amendment in front of us Mr Bates, I'm not saying that we would not consider yours but I think we need to tidy the other one in the first instance.

MR BATES At the appropriate time, if I could so move.

DEPUTY SPEAKER Thank you. Is there any further debate before we try and tidy a couple of these amendments.

MR GARDNER Thank you Mr Deputy Speaker. The purpose of trying to keep the terms of reference to the Select Committee as narrow as they were was to deal with a specific allegation. What Mr Brown is proposing here is probably providing a far wider scope as far as the terms of reference are concerned. Certainly the purpose of my Motion was to deal with a specific allegation - one would certainly hope that the findings and/or attached recommendations that accompany the final report of the Committee may indeed provide some avenue further down the line for the establishment of, for example, an Ethics Committee or whatever it may be. I don't want to pre-empt any findings of the Committee but I would just expect that, that possibly may be part of the detail that the Committee come back. I am still intending to stand by my original Motion especially with an expectation to deal with this matter within 14 days, as Gary has quite rightly pointed out, we do have Christmas and Boxing Day, we do have Monday and Tuesday in lieu of both those days. If it was expected to report back to the House that would be next Wednesday which basically gives two working days to be able to call for all the necessary records, people and papers so certainly I would like to stick with the 14 days as proposed. I tend to take some offence to what Mr Brown said that this is possibly or in some way worded, that this was an attempt to hang one Minister out to dry - that certainly is not the intention of this Motion to hang a Minister out to dry. Certainly, if the allegations are proved correct and a Minister is found to have overstepped the mark, that is a matter for the Committee to make recommendations to the House and be dealt with by this House. If in fact the allegations that have been made are groundless and have no base, well then certainly I would expect that the Inquiry, in its findings, would make recommendations as to disciplinary action against the member of the public service involved but at the end of the day, I think that this is the only fair and open process that is available to deal with an allegation such as this. Yes, the allegation is said to be based on happenings on Friday the 10th of December 1999 as Ron, John and John are fully aware, I wasn't only Island at that date. I certainly didn't have carriage or responsibility for this matter on this date and was not aware of it until the Sunday I returned when Mr Nobbs gave me a phone call to see if I was aware of these allegations. Certainly it was not, in all fairness to the Chief Minister, he as I think everybody is aware, was for

family reasons was not in his office on the Monday and Tuesday of last week and I did not receive any indication that he wished that I act in his stead until late Tuesday afternoon of last week, at which time the matter was drawn to my attention, having carriage of the matter, and I put the wheels in motion to try and deal with this. It is quite correct I would have much preferred to have seen this dealt with on the Friday when it was just a disagreement between a member of the public service and an Executive Member of this Government, however, subsequent to that, as I said in my introductory message in relation to this Motion, there is perceived to have been a carry on or a carry over of the alleged political interference right through to the highest level, the Public Service Board. As I said, that has cast an even greater darker cloud over the whole issue which requires it, in my mind, that the appointment of a Select Committee to enquire into it is the only way, the only fair way of dealing with this matter now.

DEPUTY SPEAKER

Further contributions.

MR BROWN

Mr Deputy Speaker I again ask to be provided with details of these allegations. Really it is a little off when someone is in a position of being told that he is about to stand trial but no-one will tell him what it is about and that is really what is happening here. This is absolute Third World stuff. What is wrong with providing the Members with a copy of these allegations? Why is it that Mr Gardner wants the Committee to have the power to exclude Members from the hearing? What is the real agenda?

MR GARDNER

In answer to the reason why we were wanting to exclude Members from the meetings is that, if in fact, any witness before the enquiry feels intimidated in any way by the attendance of any Member of this House at that meeting, other than Members who are Members of the Committee, then I think it is only fair that they should be excluded from that so that the enquiry can be taken in the fairest, most open and frank way possible.

MR BROWN

Mr Deputy Speaker I wonder if Mr Gardner could clarify for me whether he is suggesting that the particularly Minister that this allegation relates to will be excluded from the meetings of the Committee.

MR GARDNER

If it is felt, Mr Deputy Speaker, by any witness that is called before the Committee that they feel as though they are intimidated by the attendance at those Committee meetings by any Member and for that matter, extending that to any member of the public which is dealt with in another way and that the Committee or the Chairperson of the Committee quite rightly can exclude any member of the public from it, however, under Standing Orders it is allowed that Members of this House are entitled to be able to sit at meetings of the Committee unless otherwise directed by this House that is why I have sought that.

DEPUTY SPEAKER

Thank you.

MR BROWN

Mr Deputy Speaker what has just been said to us is the precessor of the most gross denial of natural justice. If a Committee is sitting to enquire into allegations against a Minister and the Committee is seeking the power to exclude that Minister from its deliberations then I really urge all Members to give some very careful thought to this whole question because you are going down a track which is totally inappropriate, totally immoral and totally wrong.

DEPUTY SPEAKER

Further debate.

MR ROBINSON Mr Gardner are you prepared to copy the PSA letter to Members here.

MR GARDNER I've got no difficulty with that.

DEPUTY SPEAKER How would you like to proceed further. We have an amendment in front of us Honourable Members in respect of this Motion.

MR BROWN Mr Deputy Speaker could I suggest that the debate on this matter now be suspended until later in the meeting , perhaps until immediately prior to Order of the Day No. 5.

DEPUTY SPEAKER Honourable Members, what is your view about this matter? Are you comfortable about it being placed further down the programme for today. Just let me hear your views without being committed to them at this moment then I'll put it to the vote.

MR BROWN I would like to see details of these allegations before I vote.

MR BATES If the letter can be produced in that time and it will be of benefit to Members I have no problem with that procedure.

DEPUTY SPEAKER Looking around the table Honourable Members I think we are of a mind that this matter may be looked at later in the programme and provided we get to it, that may mean today. I will put that to you. The proposal is, Honourable Members, that we suspend our discussions in respect of this matter and re-programme it for later in the programme that is presently in front of us. Those of that opinion say Aye. Do you wish the House to be called?

Would the Clerk please call the House

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

DEPUTY SPEAKER The result of voting Honourable Members, the ayes five, the noes two with one abstention. The ayes have it. We will therefore re-program this matter for later in the sitting Honourable Members. Thank you. We are at Notices Honourable Members. Notice No. 3.

MR ROBERTSON Mr Deputy Speaker, just before we move into that can I move a very quick, seek leave to move a Motion regarding, it's the reappointment of a Member of the Employment Conciliation Board. The reason for this is that there, I gave notice to the legal department 6 weeks ago for this appointment to be made and it has come into my hands this morning and the appointment is for just a re-appointment and the person in question, his appointment expired on the 16th, 6 days ago.

LEAVE – HON G ROBERTSON

Is leave granted. Leave is granted. Mr Robertson

RE-APPOINTMENT OF A MEMBER OF THE EMPLOYMENT CONCILIATION BOARD

MR ROBERTSON Thank you Mr Deputy Speaker. Mr Deputy Speaker I move that for the purpose of Section 65 of the Employment Act 1988 this House resolves that Bruce Walker be re-appointed as a member of the Employment Conciliation Board for a period of 2 years.

MR ROBERTSON As I just mentioned, Mr Deputy Speaker, this notification of this was given 6 weeks ago, it has only just come to hand. There has been, I understand, problems somebody on leave or something and it's very late coming, but it needs to be appointed as already there is a gap of 6 days and should the conciliation be required over this Christmas period it would need to be enforced.

DEPUTY SPEAKER No further debate. The question is that that Motion be agreed to.

QUESTION PUT
AGREED

The ayes have it. Now Mr Robertson I give you the call in respect of No. 3.

TOURIST ACCOMMODATION OWNERSHIP ACT 1989 – REFERAL OF APPLCIATION FORM KEVIN JOHN GLASSOP TO THE LEGISLATIVE ASSEMBLY UNDER SUBSECTION 8(3) OF THAT ACT

MR ROBERTSON Thank you Mr Deputy Speaker. Mr Deputy Speaker, I James Gary Robertson, Minister for Tourism and Commerce in accordance with Section 8(3) of the Accommodation Ownership Act 1989 refer the application from Kevin John Glassop to the Legislative Assembly for it's direction under Subsection 8(3) of that Act and move that this House in accordance with Section 8(3) of the Tourist Accommodation Act 1989 be not satisfied that the granting of the application of Mr Glassop would be contrary to the public interest, resolve to direct the Executive Member to give a ruling that the application will be dealt with in accordance to Section 7 of the Tourist Accommodation Act 1984 and I table the following documents. It's an explanatory statement corresponds to Mrs Clark who is the agent for Mr Glassop and representations received from Mr Glassop and his representatives.

MR ROBERTSON Thank you Mr Deputy Speaker. Mr Deputy Speaker this is an application for a person that is seeking to purchase the accommodation house of Colony Lodge. This accommodation house has been in the ownership of a person, who currently lives overseas, and in actual fact it is basically a transfer from one overseas owner to another. The difference being is that the person who currently owns the property has made little attempt to refurbish the property and it has slipped down graded over the last 4 or 5 years. With Mr Glassop's approach it is his attention, as Members have received the documentation, to over the next 2 years to be able to come and reside on Norfolk Island and during that period of time refurbish the units so that they become back into a better standard of accommodation. The other part of course is that we are gaining something here in as much that we are getting a person who is prepared to bring the

standard up. The accommodation units themselves have been on the market for over the past 18 – 20 months and despite some work from the agents, as far as trying to find local purchase, nobody has been of the (?) to purchase the units. I won't say anymore at this stage, I'll leave it open for open discussion.

MR McCOY Thank you Mr Deputy Speaker, yeah I love these accommodation ownership ones especially when they are non-residents. I believe the property has been on the market for more likely 60 months and Mr Robertson or this person has in trying to purchase the Colony has outlined very clearly some of the reasons why I disagree with non-resident owners. Firstly the property is owned by a non-resident owner and has been allowed to slip into a poor state where the star rating is gradually going down. That's number one against a non-resident owner. Also I believe the G.E.P quota is full, so this person, under our immigration law, cannot purchase this property.

MR ROBINSON They can purchase it.

MR McCOY As a non-resident owner

MR ROBINSON They can't come here and stay until there's a quota that's if he satisfies the regulations.

DEPUTY SPEAKER Mr McCoy you have the floor.

MR ROBINSON Sorry.

MR McCOY Also I note that it is the intention of the person, who wishes to buy the property, to remain in Australia for 2 years so that he can complete his present form of employment. Therefore, collecting his full superannuation or whatever he is entitled to there. That doesn't mean that person, if we grant permission for this person to purchase the property now, is that liability to move to Norfolk Island in 2 years time. He may decide that his plans have change, because a lot can happen in 2 years. Also the person, indicates very clearly, that he intends to come along and physically do most of the work to upgrade the property himself and if we address the public interest in that manner, well I guess the poor trades people on Norfolk Island miss out again and as we have no form of income tax system in place on Norfolk Island, this person after owning the property for 5 years can sell it and take his old profit, the lot and move offshore. So in all of that I don't see that there is any public interest for the public or the community of Norfolk Island to allow this purchase to go ahead or sale to go ahead and that's all I have to say at the moment, thank you Mr Deputy Speaker.

MR BATES Thank you Mr Deputy Speaker, I wonder if it could be clarified, a little, if this Motion is not agreed to is that the end of the matter. Does that mean that the transfer cannot take place and if the Motion is passed what does that mean. Does that mean that it will automatically be approved under Section 7 of the Tourist Accommodation Act. I wonder if that could be clarified.

MR ROBERTSON Thank you Mr Deputy Speaker, if the Motion is approved then I will move under Section 7 to approve, it's basically as it states. If it is not approved then I would be charged with making the indication to Mr Glassop that it is not available.

pay for the addition of a managers unit on the site in the event that he obtains approval to build that. I'm disappointed that 2 of our Members have chosen to rubbish the proposal while not having taken advantage of the opportunity to meet Mr Glassop. Had they met him they well form a different view. Now Mr McCoy, as a matter of fact, has spoken with him and Mr McCoy

MR McCOY Point of order Mr Deputy Speaker.

MR BROWN Did so on

DEPUTY SPEAKER Just a moment Mr Brown. Point of order. Mr McCoy.

MR McCOY If Mr Brown would like to remove those words, Mr McCoy has spoken to him, I have not spoken to Mr Glassop thank you.

DEPUTY SPEAKER I don't receive that as a point of order but I certainly will give you the call after Mr Brown has concluded so that you may put your correction to the House.

MR McCOY Thank you.

MR BROWN On the 16th November 1999 at about 2.00pm, a lady named Trish Osbourne rang Mr McCoy on behalf of Mr Glassop. She asked if she and Mr Glassop could call and see Mr McCoy to discuss his application. Mr McCoy said, in a voice of anger, if it's about those units I wouldn't be voting for you as I am against Australians coming into the Island to buy property. As you are not living here you will not get them and I am voting against you.

MR NOBBS Point of order. Isn't this some sort of an allegation being leveled at Mr McCoy. I mean I can't understand this form of, what's going on now. I pointed on originally, Mr Speaker, that Mr Brown was asking for the people who are selling Colony Lodge. This has lead to a deluge of support for the proposal and including some fairly abusive stuff against Mr McCoy. I ask you to rule on this one.

DEPUTY SPEAKER What are you asking me to rule upon. Relevance or irrelevance.

MR NOBBS Is this relevant to this allegation that's been leveled now be Mr Brown. From obviously a typed and prepared statement of some description which obviously Mr McCoy hasn't got a copy of. Are we back in the same forum as we were a minute ago when we were talking about the allegation against the Minister.

DEPUTY SPEAKER Yes I'm interrupting that this is part of the debate, about the consideration of Mr Glassop's application in respect of his tourist accommodation. Yes it does appear to be wide ranging, I'm not able to say at this moment that it has total irrelevance and I have indicated to Mr McCoy that upon Mr Brown's conclusion I will give him the call immediately so that he may equally address the matter and provide his point of view.

MR McCOY If I may say so, I am more than happy for Mr Brown to continue to make this a public record for Hansard. If he so wishes.

MR BROWN Thank you Mr Deputy Speaker, I don't need to go any further into that conversation, but the point is that Mr McCoy had the opportunity to speak with these

the business. This one is back to front, this is I'll buy the business and later on I'll be asking to live here. I have a lot of reservations about this and I'm inclined not to support the Motion as it stands because of the public perception of it and because of some of the difficulties I perceive with it. Thank you Mr Deputy Speaker.

MR BROWN Mr Deputy Speaker, could I correct something that John McCoy said a moment ago. He said that the bed tax is payable only if someone sleeps in a bed. That use to be the case but we actually changed that. The bed tax is now what's called a cold bed tax. It applies to the bed whether someone's in it or not. Secondly Brian said we don't encourage foreign ownership of businesses. Now I'm not suggesting Brian intended to be misleading in saying that, but in fact the tourist industry is the only industry in which there is an actual restriction. To the best of my knowledge if a person on the mainland wanted to purchase any other business on the Island and remain on the mainland, he could actually do so depending how long the business had been going, he may have difficulty in employing temporary entry permit holders in the business, because the policy is, as I understand it, still to the effect that a business needs to be have been going for 5 years before it can employ a T.E.P., but subject only to that restriction I am not aware of anything that we do that prevents, an overseas owner, whether they be from Australia, New Zealand or wherever, from owning a business on the Island. The restriction that they would come across is the one that Brian quite correctly pointed out, that if someone is to purchase a business in that way, without having previously obtained an immigration approval, they could find themselves in difficulty at the end of the day when somewhere down the track they decide they'd like to move to the Island and perhaps for whatever reason run into a difficulty with immigration. Brian's point is quite right, it should be made quite clear, that approval in terms of the Tourist Accommodation Legislation is not an approval in terms of the Immigration Legislation. That would have to be for anyone a totally separate application and the approval under the Tourist Accommodation Legislation should not in any way be seen as any form of guarantee that a subsequent approval, be it for immigration or something else, would be forthcoming.

MR ROBERTSON Thank you Mr Deputy Speaker, most enlightening little half hour. The issue that was before us is a simple Motion of which I asked to be directed and it appears that some of that direction is pretty loud and long. But it's an interesting one and I hope the accommodation people in the accommodation business take note of what was discussed here today. In as much as that they have got business's which, in the future, if they wish to sell they will be running into some problems, particular the larger ones and the stance has been taken, I guess, as been declared fairly extensively. However, I don't think that we need dwell on this any longer. Anybody else wishes to say anything, otherwise I move that the Motion be put.

MR NOBBS Thank you, Gary has made quite a lively statement then. I mean the process of restriction has been in for a few years hasn't it and now that it seems to have changed all of a sudden, but it's not so many years ago and only a few in fact, since we had large establishments were being sold on the Island here. Now it's all changing, that we want to go open her up and go for it and this sort of thing. I haven't changed my view. I still believe that you can. You can control the process and that is what we are trying to do and I'd like to, there's no argument here which says that we should, as far as I am concerned, that we should change it.

MR GARDNER Thank you Mr Deputy Speaker, firstly I missed the first 20 minutes or so of this debate. I was out of the chamber at that time so I may be somewhat repetitive in some of the remarks that I'm going to make. But firstly to address the letter of invitation to speak with Mr Glassop. I apologize for not having taken up that opportunity, simply because, as Members are aware, I've been buried in it since my return from Canberra and really haven't had

the opportunity to discuss much with any body outside of the Kingston arena at this time. However, there are a couple of comments I wish to make at this time in regarding this application. There's an interesting bit of debate that I've heard regarding market shares, as Gary's just said, letting accommodation proprietors know that maybe they are going to be in a tough time of disposing of assets. Restrictive practices, I don't believe encourage anybody to invest, but when I say that, I see on page 2 or 3 of the explanatory statement that's accompanying this Motion, page 2 I think it is, issues relating to a consideration of public interest. Part A of that, the market share of all tourist accommodation already held by foreign or non-resident owners, well at the moment that basically stands at around about 2%. If this application were to be successful, that wouldn't change. We still retain the 2% of foreign ownership and it goes onto say that if the market share held by these categories of owners is higher then it may not be in the public interest to grant a further application. I made a couple of notes here last week in relation to this, but I was concerned that if were to approve this are we not then in danger of creating an exclusive market for foreign owners to be able to dispose of their assets and not give the same rights to accommodation owners that are resident on the Island. That's one area of concern. A little bit further down the page it makes mention of this holding equates to 10 units. It's a registered tourist accommodation house consisting of 4 units to accommodate 12 guests. When I go to the contract of sale that was originally attached to this when it was first brought to our attention a couple of months ago and I flicked through the pages I see part 32 of that contract of sale says that the vendor warrants that the improvements which are erected on the land have been registered under the provisions of the Tourist Accommodation Act as having 5 accommodation units to accommodate a maximum of 15 guests. That contract of sale is in conflict with the certificates of registration and also in conflict with the accompanying documentation that we have with this Motion. That needs clarifying. A couple of other considerations in relation to this is, as has been pointed out by the Minister in his accompanying correspondence to this Motion, the explanatory statement, was a need to consider the relevant experience that Mr Glassop has in this area and quite clearly and without appearing to criticise Mr Glassop in any way what so ever, the only evidence of that suggests that his experience in this area basically to building maintenance as set out in the reference attached to this explanatory memorandum and that beats the question does that necessarily qualify a person to own and run such a business. What of marketing experience, customer relations, standards, maintenance etc. I just wanted to bring that to the attention of the House. I've already briefly touched on the consideration needing to be given to the fair disposal of assets and so I won't go into that in any further detail and I think Brian may have touched on it before, I think I might have caught him at the end of his debate on this matter regarding the immigration status and without trying to pre-empt the House, if the outcome were to be favourable to the applicant in this application it certainly would need to be made quite clear that immigration status could not be assumed as a matter of right and any intended immigration status sought in the future might be handled in the appropriate manner under the appropriate Legislation. Then I also have another concern attached to the explanatory notes. A letter from Fast Book Holidays, dated the 18th November 1999, in point 5 of that letter to whom it may concerned. It was addressed to Charisse Clarke at Island Realty and signed by Ian Menzies, Managing Director of Fast Book Holidays. Point 5, further we are of the understanding that the proposed purchases of this property plan to bring it up to a high standard prior to releasing the units for sale to the market generally that beats the question, Mr Deputy Speaker, does this suggest that the intention is to at the date of purchase to remove the units from the market until renovations are complete. I think really at the end of the day, Mr Deputy Speaker, as I've said I apologize for not having the opportunity to be able to discuss this with Mr Glassop in any detail or his representative, but I feel as though that this matter, possibly at the relevant time should be adjourned so that we are able to get some answers to those and I think, in particular, it would be fair to Mr Glassop that anonimilee that seems to have arisen in the contract of sale that was copied to us on an earlier occasion. There is one other concern that is around and that I

understand somewhere in this sizable document is a reference to the fact that Mr Glassop and his fiancée intend to do up the garden cottage and live in that garden cottage. My concern attaching there that if that were to be the case, and I'm not sure of the basis of it, but I understand that Mr Glassop and his fiancée either jointly or otherwise the, another house on the Island and therefore if it is the intention to live in a cottage on the grounds of the accommodation units referred to. Is it then an intention, somewhere down the line, to convert that existing dwelling into tourist accommodation. That's all I have to say at the moment Mr Deputy Speaker.

MR ROBERTSON Thank you Mr Deputy Speaker, I guess the first part that was raised by Geoff is fairly self-explanatory if you read what it says. There are currently 3 registered tourist accommodation houses owned by non-resident owners, you go straight on, this holding, which refers to those 3 registered accommodation houses equates to 2%. Very straight forward. It doesn't equate to Colony Lodge.

MR BROWN Mr Deputy Speaker, Mr Nobbs seems to have an idea that it has been the policy of the Legislative Assembly for time to restrict the overseas ownership of tourist accommodation. I've only been here for a little under 25 years, Mr Deputy Speaker, but in that time the only restriction, that I'm aware of, has been the restriction that is now contained in the tourist accommodation ownership legislation. That is relatively new and it has not, until quite recent times, been the subject of consideration by the Legislative Assembly and this is, from recollection only, the 4th occasion on which it has been considered by the Assembly and each of those occasions have been in comparatively recent times. So Ron need not worry that he is being asked to overturn a long standing tradition of opposition, that has simply not been the case.

MR ROBERTSON I move the Motion be put.

DEPUTY SPEAKER The question is that the Motion be put.

QUESTION PUT
AGREED

The Motion is agreed to and therefore I will put the Motion that is in front of us Honourable us. The Motion that is in front of us is that covered by Notice No.3. The question is that the Motion be agreed to.

QUESTION PUT

Would the Clerk please call the House.

MR BUFFET	NO
MR BATES	NO
MR ROBERTSON	NO
MR GARDNER	NO
MR ION ROBINSON	AYE
MR McCOY	NO
MR NOBBS	NO
MR BROWN	AYE

The result of voting Honourable Members. The ayes 3, the no's 5. The no's have it. The Motion is not agreed to Honourable Members.

BROADCASTING OF RADIO TRIPLE J BY VL2NI

MR BROWN Mr Deputy Speaker, I move that this House requests the Chief Minister to ensure that Radio Triple J is not relayed or rebroadcast by Norfolk Island's radio station VL2NI. Mr Deputy Speaker, the radio in Norfolk Island is heard by young children, Norfolk Island youth, Norfolk Island adults, Norfolk Island senior citizens and visitors. Radio Triple J can only be described on many occasions as foul. I know that the Chief Minister has a feeling that nevertheless entertainment should be provided to those in our community who wish, at the communities expense, to listen to something that's foul. Well I disagree with that. It's my view that community funds are being used to operate the radio station. It couldn't operate without a vote in the budget each year and from the point of view of decency, we should not be facilitating, anything being broadcast on that radio station, that does not conform with normal community morality. The Chief Minister has asked me what my view would be if Radio Triple J was broadcast on a totally different frequency and I must say that that would be harder to argue against, but at present Radio Triple J is broadcast on a frequency, which during the daytime, is listened to by normal people and then at some stage they can turn on the radio and be confronted by songs as I'm going to fuck her on a motorcycle, in which the word fuck is used something in excess of a dozen times and if any Member feels that that is appropriate to be heard by young children, by the normal members of our community, by our senior citizens and by our visitors. I will be surprised. Some Members have said to me, but the ABC has rude words too. Well certainly the ABC does, it's the ABC that runs Triple J, but I'm not suggesting that we try to sensor the ABC. I'm not trying to suggest that we try to sensor anything. I'm just trying to suggest that we adopt a standard of decency and not use the communities money to rebroadcast Radio Triple J. Thank you.

MR ROBINSON I was, I'm in receipt of 2 letters from members of the community, like I think most Members are. I did try and find out last week what time has, what designated air time has Triple J got.

MR SMITH Thank you Mr Deputy Speaker, in answer to Mr Robinson's question. Triple J, from what I recall before I went away, was being broadcast from around 9.30 at night, overnight on 2NI's, what Mr Brown is referring to as our main frequency, and it is also broadcast on the weekend, I think Saturday and Sunday from around 4.30 in the afternoon. If that's any help to Mr Robinson. Mr Deputy Speaker, I'd like to make some comments. I think Mr Brown is right in pursuit of keeping broadcasting at the level that we use to expect. As decent people, normal people I think you might have called us just a little while ago John, however, the rot has already set in, in Australia, with broadcasting. We all know it, we've all seen the ABC movies. Other things that have all the words that offend Mr Brown listening to radio. SBS television station we have had for nearly 10 years is even worse than that, far more explicit. All the language that we know, as bad language, is used on SBS, that can be during the day. That can be the middle of the night. Channel 7 which we have been receiving off and on the last few months, I don't except for one instance of an Australian film that had all the bad language in it at a time that was, in Australia, would have been around 7 o'clock. As Members, people who know me, I don't use the words that even what Mr Brown has used here to explain the situation today. I get offended by those words as well and I understand what Mr Brown is saying. However, there are other avenues, there is the internet which has become the largest threat to decency, I think in many senses, that we how far do we go in censoring information and that is the question. Triple J, I think, is available anywhere in Australia, as an ABC broadcast station. It does have things, such as Mr Brown has explained, but so do a lot of other songs that if you don't notice it you wouldn't know some of the words that come out of the songs that are broadcast on all the other stations, probably with the exception of the

classical FM station that we rebroadcast. An indicator of what songs are like over the years has been brought out by the request program, often people will pick up a word or a phrase that they think is great to hear over the radio when it shouldn't be heard and Mr Brown's been Minister for Broadcasting at periods of time and I think he, amongst other Ministers, have banned certain songs on our local station because they have been brought forward and made quite public, with the words of songs or the types of songs that are played. The other side of it is that a station like Triple J appeals to a age group that we aren't. Certainly an age group that is used to what Mr Brown is referring to as bad language, not only on Norfolk Island, in Australia and New Zealand. The advantages of Triple J, to younger people, and I must say I do listen to Triple J myself, not all the time. Sometimes they are too strong for me, possibly with the music content or whatever, but they do have advice for young people, some of it we may not agree with at our age. However, they do that. They don't only play bad language songs, they play all sorts of things, for example; Jimmy Little was on there just recently and Australian Members around the table here all know Jimmy Little as basically a country singer from 20-25 years ago and they featured a concert with Jimmy and it was really well done. Admitably they do play some songs and Triple J, I'd say, was unfortunate they played a particular song when John turned the radio on in his car as I think you said in the last meeting I talked to you about it and it had that particular song on it. If you hadn't of heard it I don't whether you would actually tune to it or whether Members around the table tune to Triple J. But I think if we are talking about decency we should start by protesting to the ABC or the Broadcasting Commission that controls the content in broadcasting in Australia. But the other side of it, as Mr Robinson raised has been the letters already from people in the community who have been aware of this Motion of John's. Who are not in the youngest of the age groups but however are avid listeners to Triple J. The importance of any broadcasting is that the information is available through it. Whether it be television, radio, internet, newspapers or any other form, it's to be able to let people educate themselves or inform themselves. If amongst that information stream there is things that offend, I think it's something that we have to wear. These are only my thoughts, I do truly understand what John is trying to say, but however, I would wear that risk of people hearing words that we may think they possibly shouldn't hear. But each of us has to make that decision whether John's Motion is agreed to or not, today. Which I wouldn't be supporting on the Motion on the basis that you should allow information through to any age group and we shouldn't be too prejudice about it. However, if it was felt that we should go to another frequency which would take away, as Mr Brown said, some of the concerns. It would be a matter of probably, I think, 5 or 6 000 maybe a little more to actually put up another frequency to do that and I would be happy if that's what Members decide that we should do. But I need to point out also that Triple J, in the early days I think it was called 2WJ, was broadcast on Norfolk Island for a period of probably 2 years. I seem to remember there was a complaint, it may have been Mr Brown, I'm not sure, but that was quite some years ago and the only reason we stopped broadcasting at that time was because it was being pyked down the table and that came to an end at the time. It was broadcast over night and taken off in the morning. But there are other things, we have Rage which is a television program that features rock music or many types of music. They have an X-rated part of that program which sometimes can fall into the daylight hours of Norfolk Island because of the time differences. There is so fairly explicit language that does come out in there, but that's, when it comes down to it, most who have spoken to me or had the opportunity to speak to me about us removing Triple J altogether have said there is an option to turn the radio off. If one is offended by the content and we all do it whether it is bad language or something we don't like on the radio, we switch it off. John did raise a point with me about, some of our visitors, who may tune and think that we are pretty bad for broadcasting such a station, but however that opportunity is available right throughout Australia and I would assume any mature adult would not leave the radio on if they were offended and would instantly switch it off. I believe they do have that option on Norfolk Island as well, because we now have some 4 or 5 stations that people can

tune to. I don't agree with the Motion as it stands. If John wanted to amend it to request the Chief Minister to try and find another \$5 or \$6 000 dollars to have an independent channel, which would make a lot of the young people happy, so that Triple J could be rebroadcast all day. I will certainly do my best to try and find the funds to do that as soon as possible. Thank you.

MR BATES

Thank you Mr Deputy Speaker, I frankly don't know, I am not familiar with what goes on with this channel, with modern music I tune out and listen to. I'd really like to know what the community thinks about it because 2 letters have been provided to us here and I think it's worthy of quoting from 1 of them and this is an opinion of someone out there, an opinion I respect because I don't know any different. It says Triple J is broadcast nationwide by the Australian Broadcasting Commission, it is aimed at the youth supporting them with information, news and views that affect them. This is an area that is lacking on Norfolk Island with resources and support networks and Triple J provides an ideal avenue for teenagers + age group. Triple J supports environmental issues, career areas and employment, youth affairs and health concerns. It would be sad to see this wealth of information ignored etc and the other letter briefly says it's a national radio station dedicated to catering for the issues in cultural youth. So without first hand knowledge of all of this, I remain very much undecided. It could be a mistake to support this, I certainly, the manner that Mr Brown has put it in what particular song, I don't know how many other songs that are quite as revolting as that one, but no doubt there is one song, which he has mentioned, that has attracted his attention and I also respect that. I would like more community involvement in this, rather than just me to say ya or nay to, not knowing whether I am doing the right thing or not. I think I'd have difficulty in supporting the Motion at this point in time. I think the radio station has canvassed the community of what they would like to be entertained with in certain areas and not so long ago, I don't know whether they have any information on just what the support for Triple J was. I remember some cry's at one point in time, when are you going to bring in Triple J, when are you going to make it available. So no doubt there is some demand out there. On the other hand where I don't feel I can support in this instance, I think if as time goes on there is public outcry or public support for discontinuing this and I would at that point in time be more than happy to support Mr Brown in what he is trying to achieve.

MR ROBERTSON

Thank you Mr Deputy Speaker, I am a little bit like Brian, but I don't think this Assembly should be coming sensor's of anything that goes across on Norfolk Island and that should be left to some other people and if there is any real problems with that, then I would probably suggest that Mr Brown write to the Broadcasting Corporation of Australia, or something, and make known his problems through there, without us getting involved. I don't like censorship in itself and that's just been worn out in the previous Motion that I lost, censorship is something I don't agree with, others do. So I don't go along with this at all and so I just leave there at the moment.

MR NOBBS

Thank you Mr Deputy Speaker, I've been a long term critic, I think, of Triple J and I don't go along with this Motion in it's present form, but anyhow. I've had representation, not only from people that are for Triple J, but those against it and it goes beyond language in both cases, the contents and some of it is supported and others reckon their dead against it. So I'm very much like you Brian, unfortunately, I'm against it in principle myself, but I feel that I have the right to turn it off if I want to, but I do need some more information and normally with this sort of Motion it's held over until the next meeting and I would ask Mr Brown if he would consider that and representation could then be made by people who vote for and against and we may be able to judge some community response to what's been classed as censorship, I don't know whether it's censorship or not, but that's what I would do and I ask you Mr Brown if you would, be so kind, as to hold it over until the next meeting.

MR ROBINSON Thank you Mr Deputy Speaker, I see one of the letters that we have is suggesting that if we close down Triple J we will lose our youth to Australia. As Muldoon once said that will probably raise the IQ of both countries. It seems to me that a separate channel would go a long way to alleviating the problem and perhaps we should be doing just that.

MR BROWN Mr Deputy Speaker, what I'm on about is decency, not censorship, is the first thing I'd like to say. The second thing I'd like to say is although I acknowledge that it would be harder to argue against Radio Triple J if it was on a totally separate frequency. It would be also very difficult to argue in favour of the funding. The final thing that I would like to say is what do Members think would be the result if a local person sat in front, say the Commonwealth Bank, through the day and actually sung these songs live. I can tell you what the result would be. There would be a good chance that he would be charged under the criminal law. There would be a very good chance of that and that being the case, why is it that the Chief Minister thinks it is anything less an offence against the criminal law to broadcast something, but Ron and Brian have both made sound suggestions. All that we have at this stage is a couple of notes, one of them from a self-appointed spokesman for the population. Where he says, in part, many of the things Mr Brown says over the radio in Assembly meetings, we the population of Norfolk Island find also offensive and he's done so for many years. Good on you George. Good letter. I'll table those letters if I could please, Mr Deputy Speaker, and I move that the debate be adjourned and become, I'm sorry George wanted to say something.

MR SMITH Thank you Mr Deputy Speaker, there is a point I just need to make in relation to Mr Brown's debate and I know why he did it. He used the very word that is offensive to him when he hears it on the radio and I think today is the first time that it has ever been used in this chamber. I felt that I should raise a point of order, but of course Mr Brown would be able to argue well why do you object to me using it when I don't object to Triple J using it. Which I understand, however, I let than run myself today because I knew you were just using it as an example and not a test of how far we can go with bad language in the Assembly chamber and if it was raised again in that context, I don't think it will be raised again in that context and if anybody does use such language that we even know and is broadcast Australia wide in one song, I would most firmly object, Mr Deputy Speaker, to any Member using that in this chamber again.

MR GARDNER Thank you Mr Deputy Speaker, it brought a bit of a chuckle to myself just then to hear that. Yes indeed Mr Brown did use a couple of words here that are objectionable, not only in this House but certainly elsewhere, but I guess it really begs the question of is there some sort of form of double standards if somebody is quite free to use those words in the House, even for the sake of emphasis, it probably would have been better to have gone in camera rather than being fully aware that this is being broadcast to the community and I certainly take objection to that for trying to get a point across. I don't think it was necessary. I've done a little bit of, maybe Mr Deputy Speaker, I go back being one of those Members of the Assembly that are on the lower edge of the age spectrum, in the House, I guess I'm fairly close to the age group that this is targeted at, well I certainly hope I am a little closer to the age group that this is targeted at. I certainly, other than the objections raised by Mr Brown, have not at all been approached by a member of the community in relation to an objection to Triple J. I certainly welcome the proposal from Mr Bates and others that have supported an adjournment to this, because I would very much welcome comment on this matter, outside of the 2 letters that we have received. I've been onto the internet myself in recent weeks to try and drag some information off there in regards to Triple J and I might if I may just quote some of the information from that paper from the internet. It really gives a little bit of history about Triple J. Triple J strives to be an entertaining, enviative and

accessible voice for young Australians. Forging a broad musical identity and giving emphasis to new and emerging music and artists. By broadcasting at least 35% Australian music annually, including live performances, Triple J remains one of the loudest supporters of Australian music, musical and performance artists. Leading in contributing to the expansion of youth culture is the main objective as well as encouraging freedom of opinion and artistic endeavour and presenting independent and accurate news and challenging information in a global context. As I think the Chief Minister pointed out before, Triple J first began broadcasting back in 1979 in Sydney and it immediately caused some controversy by playing, as it's first track, the then banned Skyhooks track you just like me because I'm good in bed and he quite rightly pointed out that in the beginning the station was called 2WJ and it broadcast on the AM band. In 1989 Triple J began the first of it's relaunch campaigns. A plan to expand into all capital cities of Australia, including Newcastle in New South Wales and in so doing became Australia's only national youth broadcaster. Since the end of 1996, Triple J has been a truly national network, broadcasting to places such as Broken Hill, Dubbo, Grafton, Taree, the list goes on and on. The other thing about Triple J is that the bulk of their presenters, from what it appears, seem to be presenters also on ABC television including favourites and I know some of them are favourites amongst people resident on the Island, rampaging Roy Slaven and H G Nelson and Adam Spencer who not only hosts Triple J but also hosts some of the science programs and other programs on ABC television. They also go onto to claim on their internet site that we, that's Triple J, even have the nations only dedicated youth reporter in the Federal Press gallery. Most importantly we give you the opportunity to tell the nation what you think, on big issues, through daily talk back and feed back lines. We care about your opinion and we think it should be heard. Other information that I have been able to glean of the internet, Mr Deputy Speaker, relates to some of the programs that Triple J run, in particular, in relation, so I understand, to youth suicide and depression and other such associated aspects of problems surrounding youth, but I might finish there Mr Deputy Speaker and support the move to adjourn this so that we can seek further public input into it.

MR SMITH

Thank you Mr Deputy Speaker, I do support an adjournment of this Motion for today, I think, Members need to acquaint themselves with Triple J a little, maybe over our Christmas drinks we tune into Triple J for a couple of hours to see how often, in John's words, offensive songs are played, but I think over the adjournment period Members can make up their minds about things, but we have to be a little careful that we don't censor, I think is the words Gary used, that we have got to really careful about that out of crudishness, even though I agree with what John is talking about at the beginning of his Motion. I do find words, even as John used in the House today, offensive but we can't censor everything and I would support the adjournment and also maybe in that period of time we can look for where we may be able to find some more cash to relieve John of the problem of Triple J being broadcast on 2NI.

MR McCOY

Thank you Mr Deputy Speaker, I am one of the, I guess some around the table might think, one of the strange ones in the community who listen to Triple J and I find it quite refreshing at 5 o'clock in the morning when it's just virtually all music and there's no one butting in and talking and also the song that Mr Brown was referring to, I did hear that song but the Triple J announcer, very clearly said, there is a song coming up with some words that may offend so if you'd like to turn your radio off for a few minutes you will not be affected by this song. So Triple J is not as bad as it is being painted to be here today and I'm happy to wait for the adjournment to make my, to give my vote.

MR BROWN

Mr Deputy Speaker, I will in a moment move an adjournment. Just prior to doing so I invite Members to give some thought over the next few weeks to their views if we had a few pedophiles on Norfolk Island, should we provide a program

for them on the radio because of the same reasoning that an element of the community enjoys that. Should we have a show promoting homosexuality. Now I think these things are things of decency and I think that it is important that whatever we broadcast on our radio station using our community's funds, adhere to all of the rules of decency, but in terms of censorship, Schedule 2 does contain a censorship as a local power. It very much is a local power. I'm not suggesting censorship, I'm suggesting decency, but censorship does exist in this world, for example in Queensland those who purchase magazines such as Playboy, get a different magazine to what's sold in the rest of Australia, because the Queensland authorities have taken a view that decency dictates that that ruder version shouldn't be sold in Queensland, but having said that it is getting towards Christmas, Mr Deputy Speaker and I move that debate be adjourned and the resumption of debate made an Order of the day for next sitting.

DEPUTY SPEAKER

Thank you and put that question.

QUESTION PUT
AGREED

The ayes have it. Notice No. 5

CUSTOMS ACT 1913 – EXEMPTION FROM PAYMENT OF CUSTOMS DUTY – APPLICATION OF THE SEVENTH DAY ADVENTIST CHURCH AND OF THE NORFOLK ISLAND LIONS CLUB

MR SMITH

Thank you Mr Deputy Speaker, I move that under Subsection 2 (b)(4) of the Customs Act 1913 this House recommends to the Administrator that the goods specified in the first column of the schedule imported by the persons specified opposite in the second column of the schedule, be exempted from duty. The Schedule is goods as video equipment and consumables and satellite receiver valued for duty at \$2020. The importer is the Seventh Day Adventist Church. Also Lion's Christmas cakes valued for duty at \$3774 and importer is the Norfolk Island Lion's Club. Mr Deputy Speaker I commend the Motion.

MR NOBBS

Just on the first part, Mr Deputy Speaker, in relation to the video equipment and that we seem to be breaking a bit of new ground and I would like some assurance from the Chief Minister, for the community, there has been a question, I think, in relation to this what is it really a church or an officer situation and I'd just like some assurance made to the community that this sort of equipment is sort of cocha and the second part of it, being a Lion's member, I will be abstaining from voting.

MR BROWN

Mr Deputy Speaker, as I understand it from earlier discussions with the Chief Minister, these proposals both come within our existing guidelines and I wonder if the Chief Minister could just confirm that, because if it's the case I don't have any difficulty in supporting it.

MR SMITH

Mr Deputy Speaker, I'm just trying to recall what was actually said with this, whether it does fit into the current policy particularly with the first one, I think that's what people are referring to unless Geoff can you help me with that at the moment.

MR GARDNER

Thank you Mr Deputy Speaker, as far as I am aware, Mr Deputy Speaker, it does fall within the guidelines as equipment brought in specifically for the purposes of the study of religion and those types of things. As far as I am aware.

MR BROWN Mr Deputy Speaker, in any event I accept that the first item is something that is being brought in for the purposes of the church, not for the purposes of the personal entertainment of the Minister and whether it satisfies the policy totally or not I don't have a difficulty in supporting it.

DEPUTY SPEAKER The question Honourable Members is that this Motion be agreed to.

QUESTION PUT
AGREED

The ayes have it. Abstention Mr Nobbs. Thank you. Notice No.6.

IMMIGRATION AMENDMENT BILL 1999

MR ROBINSON Thank you Mr Deputy Speaker, I present the Immigration Amendment Bill 1999 and move that the Bill be agreed to in principal.

MR ROBINSON Thank you Mr Deputy Speaker, the Immigration Amendment Bill 1999 amends the Immigration Act 1980 to provide that a person can apply to become a resident, despite the fact that the person is not ordinarily a resident on Norfolk Island or has not been ordinarily a resident in Norfolk Island for 5 out of the previous 7 years. If the person has been ordinarily a resident outside Norfolk Island for the purpose of undergoing full-time vocational training or education and that a Magistrate can, if satisfied, that a person is a prohibited immigrant detain a person under Section 47 for a period that the Magistrate is reasonably required not exceeding 30 days, as opposed to 7 days and it also amends it for the search of people in immigration detention for specified items and for the power to recover costs of detention of a vessel and to dispose of a vessel that is in such poor condition that the sum of the penalty's or costs that the Administration can recover under the Act is out of proportion to the value of the vessel. Essentially this is primarily aimed at amending our Immigration Act to cover boat people arrivals. I'll leave it at that and I presume there will be some debate.

MR GARDNER Thank you Mr Deputy Speaker, I'll try and keep this as brief as I possibly can. Reading through this Amendment Bill, Mr Deputy Speaker, I look at Clause 4 which is dealing with the residency by declaration as the Minister mentioned before. I'm just wondering has it been considered, and this is a question that I am directing to the Minister, as for family health purposes whether self in the event of a catastrophic accident requiring lengthy treatment and re-cooperation offshore, for example a child, parent, spouse or other family member that may be those provisions may be extended to include them in that declaration. Or if any consideration has been considered or given to extending that cover to them.

MR ROBINSON Thank you Mr Deputy Speaker, I do not intend to push this through today, as we still have to wait for comments on it. But that is a point well worth looking at.

MR GARDNER The other part of it was relating to Clause 7 in this proposed Bill, Mr Deputy Speaker and the question again, to the Minister, is it intended to include aircraft fixed wing or rotary blade even though it's unlikely to occur, it's without doubt possible that some of these boat people, so to speak, could arrive by some other means and could the Minister explain

who is liable for the costs. Who is liable for the costs associated with the transportation of prohibited immigrants by a regular passenger transport aircraft and ships or as referred to in this Bill, vessels.

MR ROBINSON Thank you Mr Deputy Speaker, apparently it's already dealt with in the definition of vessel and I'm just trying to, here it is. Vessel includes an aircraft.

MR BATES Thank you Mr Deputy Speaker, in relation to the next 3 Bills, if I may just be brief. Members will recall that we did pass in this House at our last meeting that each Bill that is introduced to the House have some statement indicating their financial and other impact on the, Members will recall that I circulated a Paper to all people with a publication guide to regulation (?) which set out some of the seven key points that they looked at in Australia when things like this happened. I looked at these 3 Bills and I don't think there's a lot to be done in that area but if we are fair dinkum about doing that then I think that these 3 Bills should conform with that Motion that was passed at the last Assembly and if we could have a Paper before the next sitting would suffice.

MR ROBINSON Thank you Mr Deputy Speaker, in fact I received just last night, Brian, Explanatory memorandum on financial and resource implications, Immigration Amendment Bill 1999. So I'll put that on the table to you. You'll see it deals with the Clause separately and basically it's nil.

MR NOBBS Thank you Mr Deputy Speaker, I've got a concern with the Bill in relation to Clause 4 in that I believe that it's far too broad, the situation involved. I support the genuine cases of young people whose parents hold specific residential status on the Island and they are not disadvantaged in their natural progression to residency, by virtue of the fact that they are studying offshore. The problem is that I believe that there is no requirement there for a person to actually live on the Island. I think there is no requirement for a person to be of any age and a student can be of any age. I'm just going through it very quickly and there's suggestion that the person needs to come back to Norfolk Island at all, whereas I think the comparison has been taken with the enrolment and re-enrolment for the Legislative Assembly where a student, which is a specified age cut off, can back and take up a offer, but they have to be back on the Island. This is a different sort of set of circumstances and I don't think that the talk of it being the same as the, I think it's the Legislative Assembly Act, is quite appropriate and I would prefer this to be tightened up quite considerably if we could by the next meeting.

MR ROBINSON Thank you Mr Deputy Speaker, these Clause pertains to Clause 39 from the Act it's residency by declaration so this is to do with the granting of residency and there are a further 4 requirements attached to it before they can be declared residents as well, so I'll give you a copy of this so you can read through it and understand it better, hopefully by the next meeting.

MR ROBINSON Mr Deputy Speaker, I move that debate be adjourned and resumption of debate made an Order of the day for a subsequent day of sitting.

DEPUTY SPEAKER Honourable Members I put that question.

QUESTION PUT
AGREED

That is agreed.

MR BROWN Mr Deputy Speaker, Members have a reasonably long day and we are a long way from finishing our Notice Paper. I wonder if Members would like to consider suspending until tomorrow morning at this stage.

DEPUTY SPEAKER Could you just let me have your views more informally in the first instance Honourable Members.

MR BROWN Can I move a Motion that we suspend until 10am tomorrow morning.

DEPUTY SPEAKER Okay the question before us Honourable Members is that we suspend until 10 in the morning.

QUESTION PUT

Will the Clerk please call the House

MR SMITH	AYE
MR BUFFET	AYE
MR BATES	NO
MR ROBERTSON	NO
MR GARDNER	NO
MR ION ROBINSON	AYE
MR McCOY	NO
MR NOBBS	NO
MR BROWN	AYE

The result of voting aye's 4 the no's 5. The no's have it. We will continue Honourable Members. Mr Bates if you would be kind enough to take the Chair. Honourable Members we move to Notice No. 7.

LEGISLATIVE ASSEMBLY AMENDMENT BILL 1999

MR BUFFET Thank you Mr Acting Deputy Speaker, Mr Speaker I present the Legislative Assembly Bill of 1999 and move that the Bill be agreed to in principal.

MR BUFFET Thank you. Mr Acting Deputy Speaker, in earlier times within the Island and I think I'm harking back now to the Norfolk Island Council Legislative requirements. There was a requirement, that of course, that the electoral process could be challenged if there was a want or need to do so and this is what this Bill is about. In that context, the earlier context, there was a time frame in which if there was a person or person's who wanted to take that action then they needed to do it within a certain time frame. I note that not within the present Legislative Assembly Legislation and this is a proposal to remedy that and it's a proposal, which has a very brief piece of proposed Legislation in front of us and it has 3 Clauses and the 3rd Clause is the matter of substance in which it says that there should be an amendment that if there is to be a want or a need to look at the electoral process then this should be done not later than 90 days after the declaration of the poll of that election. And that's a proposal in which I put before Members. It's not a Bill that will necessarily go forward today, but that's the context of it. It's endeavouring to put a time frame on any challenges to an electoral process of 90 days, which is 3

months, whereas it doesn't exist at this moment. I commend this Bill to Members, but I will ask that it sits on the table for a period of time and be brought forward at our next sitting and I'll move accordingly after Members have had an opportunity to debate if they so wish at this stage.

MR GARDNER Mr Acting Deputy Speaker, I see merit in this Bill and I commend David for bringing to the House. It certainly would have saved some, I guess embarrassment or problems with, during the term of this Assembly if something like this had been in place at that time. I just wonder as to the requirement as for not later 90 days in this Bill, I understand that, I think in the Federal jurisdiction I think it's limited to 40 days. I'd just be interested to hear Members thoughts on that. Why 40 days, I don't know, I would think that if somebody was going to challenge that if they were unable to do that within 30 days, I think there argument may not hold not much water if they are unable to do their groundwork within 30 days to be able mount a challenge. However, I'll leave it at that Mr Acting Deputy Speaker.

MR BUFFET Yes I can understand somebody 40 days in their Legislation. 40 days and 40 nights in the wilderness may have an aptness in this context, but the reality is that I don't think there is magic, really whether it be 90 days or 30 days or 60 days or 40 days. I probably am making the point that there should be a cut off time and we can talk through the number of days that you would like to have for and I'm very happy to have an amendment to come forward in respect of that. I'm really talking about that there should be a reasonable limit to the time frame and lets talk about that and settle on one and hopefully make passage of the Bill in that context.

MR BUFFET Mr Acting Deputy Speaker, I move that this matter be adjourned and made an Order of the day for a subsequent day of sitting.

ACTING DEPUTY SPEAKER I put the question.

QUESTION PUT
AGREED

I think the ayes have it. Debate is so adjourned and resumption of debate made an Order of the day for a subsequent day of sitting. Honourable Members I wish to report that the Business Committee has met and declared the Bookmakers Amendment No.3 Bill 1999 to be an urgent Bill under Standing Order 158.

BOOKMAKERS AMENDMENT NO.3 BILL 1999

MR GARDNER Mr Acting Deputy Speaker, I present the Bookmakers Amendment No.3 Bill 1999 and move that the Bill be agreed to in principal.

MR GARDNER Thank you Mr Acting Deputy Speaker, the Bookmakers Amendment No.3 Bill 1999 amends the Bookmakers Act 1998 to provide that a license may be issued under the Act authorizing total (?) of betting. Mr Acting Deputy Speaker, our Bookmaking Legislation does allow for starting price bookmaking, however, it was, I believe, an oversight in the drafting of our Legislation in the early days to have overlooked the definition to allow to allow for totalisator bookmaking and really to clarify this relating back to a question that was asked by Mr Nobbs earlier in the day, this in itself doesn't allow for the establishment of a TAB. It allows for totalisator type bookmaking to be carried on. I guess looking at a basic definition like this the interpretation Clause 4 this Clause amends the definition of bet contained in Section 4 to include a

totalisator parimutal bet on a race or sports betting event, opening the way for the licensing of persons taking totalisator bets. In relation to the concerns that I know, you yourself Mr Acting Deputy Speaker, have in relation to financial impacts or otherwise, I believe that the financial impact, again with the gaming and Bookmaking Legislation that we have before us is beneficial to Norfolk Island, because it is allowing for a broader range of bookmaking activities and further resource impacts will be negligible as a result of the addition of this definition to our Bookmaking Legislation. Thank you Mr Acting Deputy Speaker.

MR NOBBS I have a few concerns in relation to this as to whether we propose to allow the establishment of a TAB as you have in Australia or my original understanding with the whole gaming set up was that it was to be some sort of offshore thing and that people in Australia and Norfolk Island wouldn't have access to it and now we are pushing through an Act or an amendment to the Act which allows for the possible establishment of a TAB agency and I wonder whether the impacts will be as positive as the Minister suggests and that is my concern at the present time with this.

MR GARDNER Certainly, Mr Acting Deputy Speaker, I can assure the House that if I thought there was anything untoward in this I certainly would not have any confidence in bringing it to the House and if the impacts were not as I have pointed out to the House, I would be the first person coming in here to repeal such an amendment.

ACTING DEPUTY SPEAKER The question is that the Bill be agreed to in principal. Is there further debate. There being no further debate then I put the question.

**QUESTION PUT
AGREED**

Will you record Mr Nobbs abstention. The ayes have it. The Bill is agreed to in principal. Is it the wish of the House to dispense at the detail stage. Then I seek the Motion that the Bill be agreed to.

MR GARDNER I so move, Mr Deputy Speaker.

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

**QUESTION PUT
AGREED**

I think the ayes have it. The Bill is agreed. We move to Orders of the day No.

ORDERS OF THE DAY

ACTING DEPUTY SPEAKER Honourable Members we resume on the question that the Motion be agreed to and I turn to Mr Nobbs to resume debate and I look to Mr Gardner to move the amendment foreshadowed by the Chief Minister or Chief Minister if he is in the chamber to move an amendment.

MR NOBBS Thank you Mr Deputy Speaker, the motion that was put at the last meeting states that this House directs the responsible Minister to amend the Legislative Assembly Act to provide for return to the electoral system known as first past the post. Whereby an elector shall give no more than 1 vote to any candidate. Plus at an election each elector will still retain, as at present, the number of votes equal to the number of vacancies, however the elector is

permitted to allocate no more than 1 vote, I think it is, to any candidate. I spoke at quite a length at the last meeting in relation to this. Mr Smith indicated that he would be moving an amendment to that and I find it, possibly the best way to do it to speed things up a bit, is I spoke at length last time about it, that Mr Smith wish, the Chief Minister may wish to move his amendment now and see what Members think.

MR SMITH Thanks Mr Acting Deputy Speaker, I think that Mr Nobbs is right, that if I do that now that will sort a lot of it out. So, Mr Deputy Speaker, I move that all words after House be deleted and the following inserted. Recommends to the Speaker, under the provisions of the Referendum Act 1964 the he direct a Referendum on the following question. Do you want to change the present voting system back to that known on Norfolk Island as first past the post where an elector shall give no more than 1 vote to any candidate.

MR SMITH Yes, Mr Acting Deputy Speaker, when this issue was raised, as it does probably with every Assembly, were people who have been here long term and remember the first past the post system of voting it's often raised as a thing of why can't we go back to that, Mr Acting Deputy Speaker, it's really not for us to decide what the voting system should be. It is really up to the people and we need to know what they think and doing it by Referendum is the only way to sort that out. I remember, I think it was in the last Assembly, where there had been a Select Committee to look into the electoral system and even though that Select Committee had recommended a change to the electoral system but the Government of the day wasn't particularly interested in making a change, which was fine, but what should have happened then, it should have gone to Referendum at that time and I think if we do this we may find that the people do want to change, by majority, or they may say leave it as it is. I've raised this as an amendment to Ron's Motion, because we have time to run a Referendum which I think would fall into around the first week of February and if it does we will have time to make amendments to the appropriate Acts to put this into place in the time that we have left and run to the next election with whatever the community decides on the form of voting to the Legislative Assembly.

ACTING DEPUTY SPEAKER Well there being no debate on the amendment, Mr Robinson.

MR ROBINSON Thank you Mr Acting Deputy Speaker. I don't have any difficulty with putting an Referendum to the people to make a decision, but I just feel now that it's been limited to two. We've either got what we've got or we're giving it a choice of going back to what was originally the system of voting. But there has been some indications and it was brought up by the Select Committee that looked into voting, that there is another possibility that instead of 4 votes to any one person, to be 3 and that has some support with the community as well. So suddenly what we are doing is totally eliminating other alternatives and giving them a choice of either this or that and if you are going to do a review or whatever you should probably look at other than just 2 choices and get some more information in, because I know there are people that not necessarily agree with what we've got but they don't want to necessarily go back to first past the post as well. I just tossed that in at the moment for something to think about.

MR BROWN Mr Acting Deputy Speaker, I think that the Minister for Tourism and Commerce is correct in what he says. It may well be that there are a significant number of people who don't like the present system, but don't want to go to the first past the post system either and in particular I am aware that there are a significant number who feel that there would simply be no prospect of convincing the Federal Government to agree to us going back to first past the post and in a way it would be a shame to have a Referendum which called for something which might not be achievable. I realise that in an earlier Assembly a report about the

voting system was done. I realise that not much has happened with that. I realise that perhaps that many Members of the present Assembly would not agree with it's contents in any event. I'm certainly not trying to slow this down, but I do think that it needs a little bit work before we pass it, because there is simply no point in passing something that doesn't have much chance of going anywhere. On the other hand if we can put a Motion together that does have a chance of achieving something in the event that it meets with support of a Referendum, then that will be a worthwhile way to go into the dying months of this Assembly.

MR BUFFET

Mr Acting Deputy Speaker, if there is to be a change in respect of the voting system, then without a doubt it needs to be a matter of consultation with the community by Referendum. Members will recall that it was by Referendum that we put into place the present system and if indeed we are to change it, it seems that a reasonable thing is that we need to consult again with the community in that way if we want to change it. However, if we want to go to a Referendum we need to get that right and because if we decide something today that's what's got to go the community and if in fact there are some other thoughts floating around, in addition to what is here, I think we need to get that right before we decide the matter. Whatever that matter is. Could I just point out that the present system that we have, which is the cumulative system, is capable of being adjusted. Adjusted for example in the way that Mr Robinson has mentioned, in lieu of having a capacity to load with 4 X's you may only have the capacity to load with 3 X's. That in fact is a reasonably minor adjustment on the existing system. I'm not trying to make a view known one way or the other about it, except to just point that out, but if in fact one wanted to do that then we would need to factor that into the consultative process, that's really what I'm saying and if in fact there are these thoughts around, let's put them into shape and not go off half cocked about the matter. I'm not saying that we should necessarily overly delay the matter, however, but let's get it right. That's more important.

MR NOBBS

Thank Mr Deputy Speaker, I was a bit worried that this may occur, because it just leads to clouding the issue and on it goes. There is a significant number of people in the community who desire a change and there are a significant number in the community who do not like the system which is virtually a party system of voting, multiple voting and these sort of issues must be taken into account. You can quite easily do it, you just get them to tick a box, you want to vote each candidate gets 4, 3, 2 or 1 and that's it, finished. I mean I don't mind the way it goes, but I am concerned at the present voting system that we have. I don't believe it's correct and for Norfolk and that the first past the post has been one, I mean they have tried 2 subsequent, I understand since the Assembly was brought into being and the first one was tossed out, I think, at a Referendum and the second one is the one that we have got and people aren't very happy with it at all. So, I mean, I would be prepared, I don't know if George if you want to make it a 4 point Referendum George, do you give a maximum of 4,3,2, or 1 vote to candidates. Would that work.

MR SMITH

Yes Mr Acting Deputy Speaker, I have thought about whether we make the question simple or whether we do give it a multi answer thing which if explained enough, I think, it would probably work all right if the information is out there, I mean, I don't see any reason why we can't do it that way, but it would need a full explanation of the effects in the yes or no case whichever case was put up. We'll see what other Members have to say about that. I must mention to in relation to what Mr Brown has said, I had informally run this past the Administrator after I had proposed that we were going, I was going to run a amendment. He said that he needed to check with the department or the Minister of how they would feel and he had the view that he didn't think there would be too much problem and I record that here that it was

informally, that I did ask the Administrator that. But, Mr Acting Deputy Speaker, lets see what other Members think about the multiple answer question for Referendum.

MR ROBINSON Thank you Mr Acting Deputy Speaker, the only 1 problem that I can see coming in that is that for those people that wish to have a single first past the post type of situation, not difficulty just tick it, but there may be other people in the community that want would a multiple and they would be quite happy to have 2, 3 or 4, they only get one shot at it. They can't indicate that they'll be quite happy with a multiple, whether it be 2, 3, or 4. You know, I'm only just putting up some of the stuff that has already been raised to me that's all.

MR BROWN Mr Acting Deputy Speaker, the major problem with a multiple choice Referendum question is that it doesn't work. To give an example, if there were 5 choices and 25% of the people, I'm saying something similar to what Gary was saying, 25% of the people tick one box and less than 20% ticked every other box. It may well be that that remaining figure of 75%, in general, might have had a particular view, but the 25% would carry the day because they all managed to tick the 1 box. That's why Referendums don't have multiple choice questions in them.

MR NOBBS No, I don't think people are that stupid myself, but anyhow it doesn't matter. My view is that we should go back to first past the post and that's it. I'm just trying to progress it some way ahead. Do we just have the, do we have the George's system that he wants or do we vote on it, I don't care, or do you go to 1, 2, 3, 4 votes in a Referendum situation, it doesn't matter.

MR BUFFET I wonder if I could just ask Members whether they have all read, in fact, the report dated August 1982 by Applet and Schnider in respect of the electoral system.

MR ROBINSON No.

MR NOBBS A long time ago.

MR BUFFET Yes it is a long time ago, but it is the explanation of why we have got the system we have and indeed why it was introduced and I'm surprised that here we are looking at some alternative and Members really may not have the full benefit of the thinking behind were we are now. I've got copies of that report if Members are interested in seeing it.

MR McCOY Yes thank you Mr Acting Deputy Speaker, I would like to see that report because I've tried to get some information on the voting system on Norfolk over the last month and believe me it has been difficult. But apart from that I support Mr Nobbs move to go back to first past the post and if we think about the Referendum that was held when we came with the Illinois system. We only had a choice of 1 or 2. Either we go with the preferential system that was there or we go to the Illinois system. Some may correct me if I'm wrong, but look at the recommendations that were made by this committee, back in, well this one that I have is May 1999, it was passed onto Members of this Assembly and here we are, virtually as some Members have said around here in caretaker stage and we plan to run a Referendum to see if the public want to, which electoral system they want. So to some degree I question whether this is just a way to go through to elections with the Illinois system still in place.

about what we think the voting system should be. But this is asking the community do you want a change and if you do, do you want it to be first past the post and if 20 people agree that we need a change we know that the community in general doesn't want to see a change. But if we see 80 or 90% of the people saying yes we do want to change to first past the post, then we know where we stand. I wasn't aware about the sitting that we may be having in 2 weeks times, it was a surprise that Mr Nobbs just put on me. The danger that we could run into, if we don't deal with this today, is we won't have time to run the Referendum and make changes to the Legislation before the election. Some people might be happy about with that, but we have just got to be a little bit careful that this doesn't just fall over because of lack of time to actually do anything with it. That's my view.

MR BROWN Mr Acting Deputy Speaker, the Chief Minister made reference to the changes back in the early eighties, David may have a better recollection than I have, but my recollection is that the Commonwealth pushed a proportional representation system on to the Island and the Island didn't like that and that there was very lengthy negotiations and a report done by the people who prepared the report that David has spoken of and after that the Assembly actually agreed to the introduction of the system which had been recommended in that report. It was a double bunger type problem originally, but I certainly accept David's point of view that it would be wise for all Members to read that report and to read it carefully so that they know why the present system is in place and what it tries to achieve, because unless we know that it's very difficult for us to sensibly start talking about further changes, because we don't know what the impact of those changes would be.

ACTING DEPUTY SPEAKER There being no further debate then I put the amendment. The question is that the amendment be agreed to.

QUESTION PUT

Would the Clerk call the House please.

MR SMITH	AYE
MR BUFFET	NO
MR BATES	NO
MR ROBERTSON	NO
MR GARDNER	NO
MR ION ROBINSON	NO
MR McCOY	AYE
MR NOBBS	AYE
MR BROWN	NO

Honourable Members the ayes 3, the noes 6. The amendment is lost. We revert back to the original Motion. Is there any further debate on the original Motion.

MR SMITH Thank you Mr Acting Deputy Speaker, I think what we have just done is something that should not have happened. A Member proposes that if there is going to be an change to the electoral system and what I've proposed is that we go to Referendum to find out. What we've said and whatever happens with the rest of the Motion will probably be that we won't go any further with that. What we are doing is refusing to give the community the opportunity to voice their view on an issue that is very important in democracy. I personally disappointed, but that's my view.

MR BUFFET No we are not doing that, Mr Acting Deputy Speaker, what we are saying is that if we are go to the community by Referendum, we need to have a more cohesive indicator as to what we are going to ask the community. That's the situation.

MR NOBBS I'm disappointed because I was prepared to accept George's amendment no worries at all and I think the community is, has actually spoken it. There is a feeling in the community that there is a need for change and that there is a feeling that we should revert to this sort of system. Otherwise I wouldn't have put it up and you have just denied the people that right to voice their opinion and it's fairly simple, I mean all the reports, you can read all the reports you want to and they can say precisely what the person who put them up says and that's always been my impression and they have been 3000 miles away from here, that the Commonwealth Government have pushed to get those 2 electoral systems into the Norfolk Island system. It's also a feeling that it's taken out completely the independence of Norfolk Island, that we are elected by independence and it's become an attempt to push in a party system, which has always been foreign to the Island and if you go back long before a lot of your guys time here you will find that there was a great upheaval when this occurred in the early sixties, but anyhow I've done my bit and I would ask if there is no other, I'll ask that it be put if nobody else wants to speak.

MR SMITH Thank you Mr Acting Deputy Speaker, I take it now that we are back to the original Motion of Mr Nobbs which reads that this House directs the responsible Minister to amend the Legislative Assembly Act to provide for return to the electoral system know as first past the post, whereby an elector shall give no more than one vote to any candidate, thus at an election each elector would still retain, as at present, the number of votes equal to the number of vacancies, however, the elector is permitted to allocate no more than one vote to any candidate. I don't think we have mentioned that today, but after what Mr Buffet had said, do I assume that Mr Buffet is going to promote a second amendment, judging from what he said that we haven't thrown the baby out with the bath water. That I'm asking now if Mr Buffet is going to propose another amendment before we go any further with this Motion.

MR BUFFET May I firstly say, Mr Acting Deputy Speaker, that I think I need to try and correct a couple of pieces of information that were put forward as facts and there really not facts. The first thing is to explain that yes the first Norfolk Island Legislative Assembly was elected by a system that was thrust upon us it was the proportional representation system. The Norfolk Island community certainly did not like that and that part of the story is absolutely accurate and in December 1979 we went to Referendum on the matter with this question, should the method of election of Members of the Legislative Assembly of Norfolk Island be the system of proportional representation used in the Legislative Assembly in August 79 instead of the system used in the election of Members of the 9th Norfolk Island Council. The result was no. 57.7% voted no and 42.3% voted yes. So the community did say, not by huge majority, but necessarily by majority indicated that they did not want the system that was thrust upon us. That was the proportional representation system. That's not the system that we have now. The result of that was that there was an inquiry that I have already referred to here this afternoon and there was a process within the community to look at alternative systems and the alternative system that was struck upon at the end of the day was the one that we have now called cumulative system and that was put to Referendum and the community accepted that system. So what we have now is a system, not the one that was thrust upon us at all, that's not the case. This is the one that the Norfolk Island community has accepted by Referendum. Now I'm not saying that given a period of 20 years that it might not want to adjust, but lets be firmly clear that the community did accept this system by Referendum and if we are to consult with the community about a prospective change, then I think

we need to have concise ideas to put to the community. Not a rumble of ideas, we need to be more specific and be able to spell them out and one system is obviously is return to first past the post, but it has also been mentioned around the table that there are a couple of other variations, but they are still a little in the ether. They are not well expressed to go and ask the community and if we are to go ask the community, I think we need to be cohesive about what we really do want to gain as a response and ask them properly and well. That's why I think that the Motion, be it amended or unamended, that's in front of us, is not going to provide us with the answers. So I am uncomfortable with both the amendment, but we have tidied that and the Motion. Now as to whether the responsibility lies with the me to make some Motion. I am not the promoter of this situation, other people have and if they want to do that well they are entitled to do so. Don't just try and pass the buck.

MR SMITH I think I need to comment. I wasn't passing the buck, I think that's what David was suggesting there, what I was saying is that I took heart from what we had said that what we are at now is the original Motion and if that doesn't get agreed well the whole thing goes, it disappears. But I took heart from what David had said that we are not doing away with it all together and that's what I was looking for to see if he was making an amendment. The system itself that we are looking at is something for the community to decide and I appreciate what Members are saying about that, we don't want to put a confusing front to the community, but the main thing is, I like other Members, must have had over the years, people saying we should go back to first past the post, it's been an election issue from probably 5,6 years ago. There was a Select Committee that looked into it, but nothing was ever done about it and I get reminded often, fairly often, that no Assembly has wanted to make any change to it. Through Mr Nobbs Motion, I thought, it sounds pretty reasonable to just ask the community if they don't want to first past the post system, which members seem to be a little concerned about and that's okay, but at least we are asking the question and if the community says no we don't want first past the post we then know they are happy with the current system in preference to first past the post and that will put it to rest once and for all one way or the other. Where we go from here I am not sure, if Members are going to indicate that they support the Motion, it won't be so bad, but if they don't support the Motion it all goes out the window today.

MR BROWN Mr Acting Deputy Speaker, I think that this a matter that could do with some overnight though and I'd like to move, now it being 20 past 5 that we suspend until 10am tomorrow. In that we have got at least 3 hours ahead of us, there's no prospect of this meeting being finished at a reasonable time tonight.

ACTING DEPUTY SPEAKER Mr Brown has moved that we suspend until 10am in the morning. Mr Nobbs

MR NOBBS Is it possible to move another Motion

ACTING DEPUTY SPEAKER Clerk tells me that it's only suspension. If there is no debate then I put the question.

QUESTION PUT

Would the Clerk please call the House.

MR SMITH	AYE
MR BUFFET	NO

MR BATES	NO
MR ROBERTSON	NO
MR GARDNER	NO
MR ION ROBINSON	AYE
MR McCOY	AYE
MR NOBBS	ABSTAIN
MR BROWN	AYE

The ayes 4, the noes 4, 1 abstention. The Motion is not passed. We continue on Order of the Day No. that the question be agreed to. Is there any further debate.

MR ROBINSON Would it be appropriate that we, that all words after House be deleted and the following inserted, recommends to the Speaker under provisions of the Referendum Act 1964 that he direct a Referendum on the following question, do you want to change the present voting system, basically the same as the previous one but after any candidate or stay with the present system where an elector can give no more than three votes to any one candidate. I'm just trying to look for a way forward here.

ACTING DEPUTY SPEAKER Does everybody understand what is being proposed.

MR SMITH Could you read it out again.

MR ROBINSON Basically the same as your amendment George, except after candidate and the question mark you've got or stay with the present system where an elector can give no more than 3 votes to any one candidate. So you've only got a choice of 2 then.

MR NOBBS What's the choice 3 or 4 votes.

MR ROBINSON 3 to any one candidate, the one that has been spoken of in the House as an alternative to your one man. Just a suggestion.

ACTING DEPUTY SPEAKER Your suggesting a Referendum that the people say they either want, they want to change anyway we don't have a choice about that and it is a maximum of 3 votes or as the old first past the post system. Do the Members understand what is proposed.

MR BROWN Mr Acting Deputy Speaker, as I understand it the present proposal is that our next meeting will be Wednesday 9 February. I appreciate that there is not going to be a lot of time after that until the election, whenever the election might be. Nevertheless it would be a shame to throw this whole effort out today, when by adjourning it until the next meeting, it may be that we can come up with a Referendum question that's acceptable to all of the Members, meaningful and responsible and for that reason I move that debate be adjourned and made an Order of the day for the next sitting.

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

MR SMITH I don't know the next sitting being the 9th February.

ACTING DEPUTY SPEAKER The Clerk tells me that we can't debate the question. So I'll put that question that the matter be adjourned and made an Order of the day for a subsequent day of sitting.

QUESTION PUT

Would the Clerk please call the House

MR SMITH	NO
MR BUFFET	AYE
MR BATES	AYE
MR ROBERTSON	AYE
MR GARDNER	AYE
MR ION ROBINSON	AYE
MR McCOY	AYE
MR NOBBS	NO
MR BROWN	AYE

Honourable Members the ayes 7, the noes 2. That matter is adjourned and is made an Order of the day for a subsequent day of sitting. We move to Orders of the day No.

TELECOMMUNICATIONS AMENDMENT BILL 1999

MR GARDNER Thank you Mr Acting Deputy Speaker, with the Chief Minister in the House, it is probably more appropriate that he deal with it as it is a matter that falls within his portfolio.

MR SMITH Yes thank you Mr Acting Deputy Speaker, Mr Gardner was kindly going to pick this up for me but seeing as I'm here at this point. This was introduced at the last sitting it's the Telecommunications Amendment Bill it amends the Telecommunications Act 92 to provide that the administration and it's employees are immune from liability for the loss arising from failures in respect of supply of telecommunication services or equipment. The Act follows the form of similar exclusions in the Electricity Supply Act 1985 and the Gaming Supervisions Act 1998 and that's all that I have to say to it. It's a simple amendment that's necessary particularly with the 31st January coming up very quickly.

MR BROWN Mr Acting Deputy Speaker, I understand that this is a relatively standard provision but I do draw to Members attention the provisions of the proposed subsection 3 which does preserve the situation in the event that an action is preformed or an admission made in bad faith, so if something occurs as a result of a matter of bad faith an action is still available against the administration and that's proper, but provided what is done or is not done is done or not done in good faith then an action would not be able to be taken. At this stage I don't have a difficulty in supporting that. It may be that at some later time we might feel that the Electricity Legislation and the Telecommunication Legislation should be changed to take away such a wide ranging exclusion, but at this stage I don't have a difficulty in supporting it.

ACTING DEPUTY SPEAKER The question is that the Bill be agreed to in principle. As there is no further debate then I put that question.

QUESTION PUT

I think the ayes have it. The Bill is agreed to in principle. Is it the wish of the House to dispense with the detail stage.

AYE

Then I seek a Motion that the Bill be agreed to.

MR SMITH I so move Mr Acting Deputy Speaker.

ACTING DEPUTY SPEKER The question is that the Bill be agreed to.

QUESTION PUT
AGREED

I think the ayes have it. The Bill is agreed to.

CUSTOMS AMENDMENT NO.3 BILL 1999

MR ROBERTSON Thank you Mr Acting Deputy Speaker, the Bill was introduced into the House by the Chief Minister at the last meeting. He did pass some of it across to me because there appeared to be a little confusion in it. Members will be aware that, in fact I think all Members received the letter dated the 19th November following the tabling of this Bill from Diamond's Exclusive in which he expressed concern with some of the amendments that were going through. Following that I suggested that a meeting be called with the Customs officials and himself to go through and discuss some of the problems that he felt would be encountered should the Bill as it was presented received. The result of that meant that there was an amendment to that and Members have been copied with the amendments that were finally agreed to by both the Custom's officials and the importer and Members will see that there is a Customs amendment Bill to this. With the actual point that has been reached to date with this diamond cutting facility is that the equipment has arrived on the Island and is ready to be set up. It is not set up as just yet. Because of the delay was experienced in getting this up and running the first batch of rush stones have been sent back, but a new batch is now being sort. It was mentioned, originally, to of apprenticeships. The apprenticeships, actually or the intake of apprenticeships closed about 2 ½ months ago and these apprenticeships are in Entwarp and Israel, because they need to have those apprenticeships in those areas, because that's were, basically it's there to ensure that the documentation and (?) of anybody from this Island that gets trained in the cutting of diamonds is of a very high reputable standard and it's in those 2 places that the apprenticeships are of those high standards. I understand that the costs of 1 or 2 young people from Norfolk will be born by Diamond's Inclusive. It's for them to their indenture for the diamond cutting industry and I also understand that discussions have already taken place with Trish at the school for identification of suitable candidates. There is a, an approach has been made to see if somebody that's selected from here will be available or will be able to get into that apprenticeship in the next intake and that's still under negotiation. So that's basically where the diamond cutting techniques for the younger people of the Island are at and it will be furthered too. But in the meantime of course, this Bill, the Customs Amendment No. Bill has to go through to enable the initial starting and cutting of the diamonds, as I said to date this hasn't happened. So I'm not to sure when we move the amendment here. Do I have a Paper on that. Mr Deputy Speaker I move that a Detail Stage Amendment dated the 15th December

ACTING DEPUTY SPEAKER We are still on the question that the Bill be agreed to in principal, Mr Robertson. Is there any further debate on the question that the Bill be agreed to in principal.

MR BROWN In light of the, Mr Acting Deputy Speaker, in light of the letter that, I believe we all received, I wonder if the Minister could just clarify for us whether the Bill, in it's present form but subject to the proposed amendment, is going to achieve all of the aims of the person who proposed the project to us.

MR ROBERTSON Thank you Mr Acting Deputy Speaker, those are the assurance that I have been given, yes.

MR NOBBS Thank you Mr Acting Deputy Speaker, Gary I queried you about the actual controls over this operation and you were to come back to us with some detail about how it was to be controlled. Have you managed to get that done. I don't want you to do it now but if you have

MR ROBERTSON Thank you Mr Acting Deputy Speaker, I will pass that across to you. There is a Paper being done by the Customs officials as to how all of this procedure is to be controlled and this Act or this amendment to the Act is part of the controlling process, but I can certainly get you a separate document which will list it all out.

ACTING DEPUTY SPEAKER There being no further debate then I put the question.

QUESTION PUT
AGREED

I think the ayes have it. The Bill is agreed to in principal. We now move to the detail stage and Mr Robertson I look to you to move the foreshadowed detail stage amendments.

MR ROBERTSON Thank you Mr Deputy Speaker, I move that the detail stage amendments dated the 15th December 1999 be taken as read and agreed to as a whole.

ACTING DEPUTY SPEAKER There being no debate I put the question that the detail stage amendments be agreed to.

QUESTION PUT
AGREED

I think the ayes have it. The detail stage amendments are agreed to. I then put the question that the Clauses as amended be agreed to.

QUESTION PUT
AGREED

I think the ayes have it. The Clause as amended are agreed. I put the question that the remainder of the Bill be agreed to.

QUESTION PUT
AGREED

I think the ayes have it. The remainder of the Bill is agreed to. I now seek a Motion that the Bill as amended be agreed to.

MR ROBERTSON I so move Mr Deputy Speaker.

ACTING DEPUTY SPEAKER Honourable Members then I put the question.

QUESTION PUT
AGREED

I think the ayes have it. The Bill as amended is agreed to. We move to Orders of the Day No.

COMPANIES AMENDMENT BILL 1999

MR BROWN Thank you Mr Acting Deputy Speaker, I don't wish to add anything to what I said on the previous occasion. . This is a Bill which is aimed at enabling the incorporation of a company to be transferred from Norfolk Island to Australia. It has no adverse impact in terms of the Australian authorities as any company making use of the amendment would be transferring into Australia. In terms of impact on Norfolk Island, my expectation is that the impact would be neutral. There would be some ongoing fees come to an end as a result of the company transferring out of Norfolk Island and therefore not continuing to pay annual fees here, but I believe there would be, at least, a matching number of companies incorporate here in order to avail themselves of the facility.

MR NOBBS Thank you Mr Acting Deputy Speaker, I've just really got a query and it concerns the acceptability otherwise of this amendment to the companies Act as it applies to the Australian situation, bearing in mind that we have had some problems in the past with companies and I'll ask the Minister if this has been flagged with the Australian side of things, it states that it is a transfer between Norfolk Island and Australia and whether they have any problems with it.

MR GARDNER Thank you Mr Acting Deputy Speaker, as this is a private members Bill I think that certainly, in my case, if it had been handled as a Government Bill I certainly would have made sure that I checked with the various Commonwealth agencies that this may possibly affect and certainly have that information to hand if I was to introduce the Bill into the House. As I see it there is nothing, so to speak, that is significant in this. It appears to be without any problem at all, but I think as I think I pointed out to Mr Brown yesterday and maybe Mr Nobbs as well, the companies is something that has since 1979 come across from Schedule 3 to a Schedule 2 matter. There has been correspondence with the Administrators office in relation to this proposed amendment. The Administrators office, so I understand, have given advice that basically it is a Schedule 2 matter and there's no major implication, however, I have asked the Acting Program Manager for Community Services, Mr Graham Donaldson, who looks after companies for Norfolk Island, to make contact with the appropriate Australian authorities to make sure that we aren't going to be upsetting anybody by passing this and that it doesn't have any impact on their Corporations Law. That letter, I have only just received yesterday, addressed to a Mr Alan Cameron, Australian Securities and Investment Commission to check that out. I would be hesitant to sanction the passing of the piece of Legislation today in the absence of that advice from the Australian Securities Commission and I will at the appropriate time be moving to adjourn that, unless Mr Brown wishes to.

MR NOBBS I would low to actually pass it because I think it would be a bit inflammatory to do it without taking in the view of the Australian people in relation to this and I would suggest that it should be adjourned until that information is available.

MR BROWN Mr Acting Deputy Speaker, at our last meeting I did invite the Minister for Health to take carriage of the matter. It is pleasing that he chose to write to the Australian authorities. It's a shame that he has been let down by that letter not being available to him until now, but nevertheless, he is quite within his rights to write to the Australian authorities and obtain their views. I do point out to Members though that this a Schedule 2 matter and if we are going to run off to the Commonwealth everytime we take action under a Schedule 2 matter we are perhaps establishing a precedent that is going to turn around and bite us somewhere further down the track. Nevertheless if it's the view of Members, that Members would like to adjourn the matter until a response comes back from Alan Cameron, that's fine and I'll be happy to move that debate be adjourned and the resumption of debate be made an Order of the Day for the next sitting.

MR McCOY Thank you Mr Acting Deputy Speaker, I did make mention at some Members meetings that I would like to see what sort of transfer fee or if there are any fees attached to this Bill to transfer companies from Norfolk into Australia and I would be more comfortable if I knew that answer.

MR GARDNER Thank you Mr Acting Deputy Speaker, advice received from the Registrar for Companies suggests that the loss that may be referred into these companies transferring offshore could partly be offset by setting the application for a certificate, which is basically what this Legislation is all about, faired at the \$500 mark that's only just been flagged at the moment, but certainly something that will be progressing.

MR NOBBS Can I just make comment on what Mr Brown said if I may, I don't think we're running off to the Commonwealth with a Schedule 2 matter and this will create some problem, I would have thought it was the appropriate thing to do in these sort of circumstances and we are dealing with them on this matter. We are transferring companies from here to here, they have an input to it. Why not. Thank you.

MR ROBERTSON Thank you Mr Acting Deputy Speaker, I sort of take a little bit like Ron on this one but I think it is also going one stage further, it just showing, probably the Australian Government, matters like this perhaps the courtesy how it should be done, rather then getting a notice in a press release that has already been done.

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

QUESTION PUT
AGREED

I think the ayes have it. The matter is adjourned to a future sitting. We move to Orders of the Day. No. 5.

PUBLIC SECTOR MANAGEMENT BILL 1999

MR GARDNER Thank you Mr Acting Deputy Speaker we had suspended earlier business of the House and had indicated that it would come on before Order of the Day No.5, I just wonder if we may be able to return to that matter.

ACTING DEPUTY SPEAKER I thought it was after Order of the Day No.5, but yes Mr Gardner. The question is that we revert to notice Appointment of a Select Committee. I'm not too sure who has the call but Mr Gardner you were going to provide some additional information.

APPOINTMENT OF A SELECT COMMITTEE

MR GARDNER Certainly Mr Acting Deputy Speaker I have copied a letter from the Public Service Association, which I intend to distribute to Members in a few minutes. I have also sought advice from the Crown Counsel in relation to this matter and certainly it is on her advice that I draw your attention, Mr Acting Deputy Speaker, to Standing Order 72(a). By that I'm seeking to go in camera, Mr Acting Deputy Speaker, to provide that information and to give some background into the allegations that have been made.

ACTING DEPUTY SPEAKER Thank you Mr Gardner. Honourable Members Standing Order 72(a) provides that a Member may not refer to the conditions of service or conduct of a named or identifiable officer, unless the House has on motion duly moved without notice, which to exclude strangers and suspend broadcasting of this proceeding. I therefore seek an appropriate motion, to this effect, if Members wish to debate the matter, which falls within the ambit of this standing order. Mr Brown.

MR BROWN Could I ask a question, Mr Acting Deputy Speaker, is it proposed to talk of the conditions of service or conduct of a named or identifiable officer or are we talking of a Minister or both. Not having seen the letter, I don't know the answer to that question.

ACTING DEPUTY SPEAKER I haven't seen the letter, perhaps Mr Gardner.

MR GARDNER It's intended by utilising Standing Order 72(a), Mr Acting Deputy Speaker, to cover in particular and protect the good name of those people involved, including an employee of the administration.

ACTING DEPUTY SPEAKER Thank you Mr Gardner, do you wish to move the motion then.

MR GARDNER I certainly do Mr Acting Deputy Speaker. I move that strangers be excluded and that broadcasting be suspended.

ACTING DEPUTY SPEAKER Thank you Mr Gardner. The question is that strangers be excluded and that broadcasting be excluded. I put the question.

QUESTION PUT
AGREED

I think the ayes have it. It is agreed that strangers are excluded and that broadcasting is suspended. If we could just pause for a moment.

SUSPENSION OF BROADCASTING

MR GARDNER Are we ready. Mr Acting Deputy Speaker the paper that I have circulated to you raises the subject of an allegation into political interference and intimidation in this selection process. It doesn't deal with the names of the persons involved, again on Crown Counsel advice, I have been advised that the names should not be mentioned and neither should the content of the allegations, as that is a matter for the Committee of Inquiry to deal with and seek the relevant facts on. May I just add here that the Public Service Association have been copied with a detailed allegation and it is the Public Service Association that are providing the necessary legal counsel to the officer who is involved, who has made the allegation and has advised to her, the officer, not to provide detail of that for distribution until they have received legal counsel on the matter. I have pointed out to the PSA that any evidence produced to an inquiry is covered by relevant provisions of parliamentary privilege and that I sought to establish this committee to investigate the matter and the allegations that have been made. I do not as yet have a copy of the allegations, but I have certainly discussed them in camera, with the persons involved, all parties involved.

ACTING DEPUTY SPEAKER Thank you Mr Gardner could I just clarify one point, are you tabling that letter from the Public Service Association that has just been distributed

MR GARDNER I request that that remain confidential and that it will then form part of the papers called for by the committee.

ACTING DEPUTY SPEAKER Thank you Mr Gardner. Is there any further debate.

MR GARDNER This is really to demonstrate that there is, that an allegation has been made and that it's not purely just hearsay or myself constructing some sort of allegation. But I am satisfied that there are allegations that require answers and require investigation.

ACTING DEPUTY SPEAKER Thank you Mr Gardner. Just to clarify Members we are still debating Mr Brown's amendment, as I understand it. Mr Brown

MR BROWN Mr Acting Deputy Speaker I am still troubled by this, because this talks of there may have allegedly been a very recent instance and it talks not of the Public Service Board being intimidated in some fashion, but includes an alleged intimidation and alleged co-ertion of an alleged PSA member. I'd have thought that if we were being asked to set up a select committee, we should have more detail that this, because frankly I couldn't support a select committee being set up on the basis of this letter from the PSA, which really contains no specific allegations. I appreciate that the Minister has been given certain legal advice, but in terms of the proper decision making of the Legislative Assembly, I don't know how we can make a decision based on just a letter like this.

MR GARDNER All I am attempting to do here Mr Acting Deputy Speaker, is to ensure that an allegation that has been made, the facts as they have been put to me, satisfy me that there is a need for the matters to be investigated and to be reported on back to this House, because they are very serious allegations. I think it is just a matter of wanting to know the truth and not being scared of being able to go forward and seek the truth, Mr Acting Deputy Speaker. That's all it's about.

ACTING DEPUTY SPEAKER Thank you Mr Gardner. Mr Nobbs

MR NOBBS Thank you Mr Acting Deputy Speaker. An allegation as per this letter here and allegations understand, I mean, that's why I've divorced myself from being involved in the inquiry and that there have been some fairly serious allegations made and in the interest of both parties, that's Rick and the officer. There is an need to clear the damn thing up and it's been going on for 2 weeks. It's out in the community and it's honoured, we have to clear the air one way or the other and we have to do it very quickly.

ACTING DEPUTY SPEAKER Thank you Mr Nobbs, Mr Brown

MR BROWN Mr Acting Deputy Speaker will someone please tell me what these serious allegations are, because this letter doesn't tell me. I'm certainly not going to vote no matter what the circumstances, to set up a select committee based on that sort of material. Otherwise we could find ourselves being asked to set up select committees at every meeting of the House.

ACTING DEPUTY SPEAKER Thank you Mr Brown I'm now becoming a little bit confused as much as you have moved an amendment and your not going to

MR BROWN I'm supposed to continue with the amendment but come the time to vote on the motion, be it as amendment or otherwise I've now got great doubts.

ACTING DEPUTY SPEAKER Thank you. Further debate Mr McCoy

MR McCOY Thank you Mr Acting Deputy Speaker I believe it points it out quite clearly in part A of Mr Gardner's motion that a select committee be appointed to inquire into and report upon whether the alleged political interference by an Executive Member in a selection process of position of Cultural Affairs Advisor has any foundation in fact. Now I believe, as Mr Gardner has tried to outline, that this is simply what he is trying to do. To bring together the information as whether any interference took place at all and I am very supportive of what Mr Gardner is trying to achieve here. I do understand Mr Browns difficulty with the circular, the PSA circular or letter, correspondence, because they can not or have not pointed the allegation. They have indicated that interference or intimidation has happened and coercion of a PSA member. Obviously the PSA has had a complaint from one of their members, which is all the PSA can do, is to provide a letter like this. Which says to me, that a complaint has come from one of the members and then believe the next step is what Mr Gardner is trying to achieve. We gather the information to see if the complaint that has gone to the PSA is worthy of the Assembly's attention.

ACTING DEPUTY SPEAKER Thank you Mr McCoy. Is there any further debate. Mr Ion Robertson

MR ION ROBERTSON Thank you. Geoff I realise that you have looked into this as independently as you possibly can. On Friday you advised that there was allegations of harassment and now today we have changed the wording harassment.

MR GARDNER On Friday, Mr Acting Deputy Speaker, just in reply to that. On Friday when I discussed it at Executive's and raised the issue at meeting of Members, I quoted directly from this letter that has been circulated regarding the alleged political interference, allegations of political interference. I don't think I used the word harassment or harassed.

ACTING DEPUTY SPEAKER Thank you Mr Gardner. Is there any further debate on the proposed amendment. There being no further debate Members are quite clear on it, I'll just read it again. It's moved by Mr Brown that 1(c) be added and that reads whether any other influence, whether political, administrative or otherwise in the selection process for the position of Cultural Advisor has occurred. I put the question that the amendment be agreed to

QUESTION PUT

Would the Clerk please call the House

MR SMITH	ABSTAIN
MR BUFFET	ABSTAIN
MR BATES	NO
MR ROBERTSON	NO
MR GARDENR	NO
MR ION ROBERTSON	AYE
MR McCOY	NO
MR NOBBS	NO
MR BROWN	AYE

Ayes 2 noes five abstentions two. The amendment is lost. Now we go back to the original motion. I wonder if somebody could take the Chair because I wish to move a motion at this stage. Minister Gardner, Mr Smith.

MR SMITH Mr Acting Deputy Speaker I just need to say that I abstain from voting on that amendment because I am not really sure what it is all about, obviously you did discuss it this morning, I wasn't going to vote yes or no on something that I wasn't totally clear on and I'll take the chair.

ACTING DEPUTY SPEAKER Is there any further debate Mr Bates

MR BATES Thank you Mr Speaker this morning I indicated my reluctance to stand on the committee for reasons of being part-time public servant, plus the fact that the Public Service Board had renewed my last contract and I also am a member of the Public Service Association and Mr McCoy indicated that he would serve on that committee in my place and I would like to so move that my name be deleted and provided that Mr McCoy is still willing to take that place, that his name be substituted there and I would so move on Mr McCoy's concurrence.

ACTING DEPUTY SPEAKER Mr Bates has moved an amendment to that motion so that will replace Mr Bates with Mr McCoy as member of the committee.

QUESTION PUT

AGREED

Mr McCoy you abstain.

MR McCOY Yes

ACTING DEPUTY SPEAKER Do we want the House called

MR McCOY No thank you

ACTING DEPUTY SPEAKER No so that motion is agreed. Mr McCoy is now the proposed member of the committee, along with Mr Gardner and Mr Robertson. Resume on the question that the motion be agreed to as amended.

QUESTION PUT

Could the Clerk please call the House

MR SMITH	AYE
MR BUFFET	ABSTAIN
MR BATES	AYE
MR ROBERTSON	AYE
MR GARDNER	AYE
MR ION ROBERTSON	NO
MR McCOY	AYE
MR NOBBS	AYE
MR BROWN	NO

The results of the voting Honourable Members is ayes yes, noes 2 and one abstention so the motion is agreed. To clarify that the motion amended is agreed with Mr Bates being removed from the committee and Mr McCoy being included.

MR ROBERTSON Mr Speaker could you just clarify that last count again please.

ACTING DEPUTY SPEAKER The count that we have here is the ayes, in favour, is 6, against was 2 and 1 abstention.

MR ROBERTSON Thank you.

MR GARDNER It resumes automatically does it.

RESUMPTION OF BROADCASTING

SPEAKER Members that has been concluded. Broadcasting has been resumed and strangers have been readmitted into the chamber. Mr Robertson you , Mr Gardner you wanted to make a statement on what just occurred.

MR GARDNER Thank you Mr Speaker, just to those that have returned to discussion in the House. The House has decided that the Motion that I moved this morning in regards to the appointment of a Select Committee. There has been a minor amendment replacing Brian George Bates with Alan John McCoy and for the benefit of all those concerned I will read the final Motion as agreed by the House. That (1) a Select Committee be appointed to inquire into and report upon (a) whether the alleged political interference by an Executive Member in the selection process for the position of Cultural Affairs Adviser has any foundation in fact; (b) whether intimidatory conduct by an Executive Member towards a public servant employed by the Administration of Norfolk Island alleged to have occurred on Friday 10 December 1999 has any foundation of fact and (2) the members of the committee consist of Geoffrey Robert Gardner, James Gary Robertson and Alan John McCoy; (3) the committee report within 14 days of the appointment; (4) the committee is empowered to send for persons, Papers and records and (5) the

committee is empowered under Standing Order 214 to exclude Members, not being members of the committee, from its meetings. Thank you Mr Speaker.

SPEAKER Thank you Mr Gardner. Mr Robertson you were foreshadowing a Motion.

MR ROBERTSON Thank you Mr Speaker, I move that the House now suspend until 10am tomorrow morning.

SPEAKER The question is that the House suspends until tomorrow morning at 10 o'clock.

QUESTION PUT

I think we need to call the House once more. Clerk will you call the House please.

MR SMITH	AYE
MR BUFFET	AYE
MR BATES	NO
MR ROBERTSON	AYE
MR GARDNER	NO
MR ION ROBINSON	NO
MR McCOY	AYE
MR NOBBS	AYE
MR BROWN	AYE

The vote was in the affirmative Honourable Members. This House stands suspended until 10 o'clock tomorrow morning Thursday.

SUSPENDED UNTIL 10 O'CLOCK THURSDAY