

## PRAYER

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

## CONDOLENCES

Honourable Members we move to condolences.

MR BUFFETT Mr Speaker, it is with regret that we record the death of Lynnette Vanessa King, who passed away on Sunday the 9<sup>th</sup> of January of this year. Lyn King was born on Norfolk Island on the 7<sup>th</sup> of June in 1950. She was educated at the Norfolk Island School and she was employed firstly at the Norfolk Island Hospital. She married Michael King after they met here in 1969. They moved to Australia when Mike's term with the bank here was completed and they married there, they brought a house and they started their family there. In 1979 Lyn and Mike with their two eldest children, Brendon and Amanda, moved back to Norfolk Island to be near Lyn's family. In 1985 Lachlan was born and Zoey in 1988. Lyn was well known for her cooking and for her catering. She was a Norfolk Islander, Mr Speaker, with a great caring nature. Her death was unexpected and it was before her time. To Mike and to Brendon, Amanda, Lachlan, Zoey, to her brothers and her sisters and family and friends. This House extends its deepest sympathy.

MR BUFFETT Mr Speaker, it is also with regret that this House records the death of Garry Parsons, who passed away on the 19<sup>th</sup> of January. Garry was born in Sydney in 1943. He was the son of the late George and Fay Parsons. As a young child he moved from Sydney to the country to live with his grandparents and then as a young adult he returned to Sydney and he joined the Army Reserve and he worked at the wheatmills. Garry met Ellen in Sydney and they married on ANZAC day in 1964 and in the year following in 1965, after the birth of Donna, they returned to the Island where a son George was born later. Garry worked as a bricklayer and as a painter. He was a keen footballer, both as a player and as a spectator encouraging his young son. He liked fishing and a game of golf. Garry suffered for many years from ill health and over this time had the great care given to him by his wife Ellen. Garry is survived by his wife Ellen, children Donna and George and daughter in-law Corrine and grandchildren, Ebony, Mitch, Kane and Koran. Mr Speaker to the Parsons family and to their friends, this House extends it's deepest sympathy.

MR BUFFETT It is also with regret, Mr Speaker, that this House records the death of Clarence Bert William Swift. He was known to us here in Norfolk Island as John Swift. He passed away peacefully on Friday the 21<sup>st</sup> of January whilst visiting his son, Keith, in Tasmania. John Swift was born at Clevedon in England on the 30<sup>th</sup> September in 1916 and he lived and worked in England until he moved here to Norfolk Island with his late wife Ann in 1969. They lived firstly in Yolla Lane and later with help, John built their home at Duncan Bay, where his fondest activity was working energetically in the garden. He was a devoted husband, Mr Speaker, we have know him as a quite, patient and a private person and a gentleman of high principals. To John's family and friends this House extends it's deepest sympathy.

MR BUFFETT Mr Speaker, it is with regret that we also record the passing of Cecil Squire Eastwood, who passed away peacefully on Monday the 24<sup>th</sup> of January.

Cecil was born on the 16<sup>th</sup> of January in 1905 at Strathfield in New South Wales. He has reached the grand age, therefore, of 95 years. Cecil had a variety of jobs in Australia, he commenced as an errand and a paper boy. He was a rabbit hunter. He was a gold fossicker. At the age of 14 years he worked for Arnott's Biscuits and then Persils Engineering factory in Alburn in New South Wales. He also worked in Canberra on the Old Parliament building. In 1929 he came to Norfolk Island and he has lived here ever since. In 1931 he married Mildred Moyd McCoy and they had one daughter, Ina. He first home was up in a stick. During the war Cecil was part of the local militia and after the war Cecil was employed as a painter with the then department of Works and Housing and later the Norfolk Island Administration. Cecil met Paulette in 1950 and they married in 1951 and set up home in Belview in Longridge, where they grew prize winning flowers and prize winning vegetables. Cecil was a keen falconer and he was on the Stamp Committee for some 17 years. Cecil's eye sight started to fail about 10 years ago and his health deteriorated. He was a gentle man with a great sense of humor. He will be sadly missed by all who have known him and this House extends to Paulette, to Ina and their family and friends deepest sympathy, Mr Speaker.

**SPEAKER** Thank you Mr Buffett. Honourable Members as a mark respect to the memory of the deceased I ask that all Members stand in silence please. Thank you Honourable Members. Honourable Members is maybe a little warm in the Chamber here today and please remove your jackets if you feel like doing so. Members I would like to welcome into the Chamber to, Mrs Dorothy Kitching. It's a pleasure to have her back here and Mrs Kitching has a long association with Norfolk Island as Legislative Council in the Norfolk Island Administration. An association which goes back to 1984. Mrs Kitching has returned to the Administration for a short period of time to assist drafting matters to the Assembly. Until the new Legislative Council is engaged. On behalf of all of you I extend to you Dorothy a very warm welcome. Petitions are there any Petitions please. No Petitions this morning, we move to Giving of Notices. Are there any Notices.

### **QUESTIONS WITHOUT NOTICE**

Are there any Questions without Notice?

**MR BATES** Thank you Mr Smith, my first question is to Mr Robertson, Minister responsible for Electricity. Recently a majority of Members agreed to the purchase of three additional second hand generating sets. Has the deal been finalized and if so when will the first generator arrive.

**MR ROBERTSON** Thank you Mr Speaker, the three generators purchased from Modra Company just about completion is being done on some slight modifications to the exhaust systems. Members will be aware that we suggested that the exhaust systems be made from stainless steel which would enhance the life of those particular parts of the units. These are just about finalized. Negotiations are just on the completion stage of getting a back loading with a freighter that go from Sydney to Perth on a regular basis and we are getting a back loading costing for the Perth Sydney sector and the negotiations with the company have been completed and the price is just about to be sent across to us. Which is a little less than what would normally be applied to freighting of such content. Soon as that is finished and the finalization of the exhaust sections, the first of the units will be on it's way and I would suggest that that would be in the next one to two weeks.

MR BATES Thank you Mr Speaker, another question for Mr Robertson, Minister, I think he is responsible for Literage, if not I might have to direct it. But recently a majority of Members agreed to the purchase of a new crane for literage. Has the deal been finalized and if so when and how will delivery be affective.

MR ROBERTSON Thank Mr Speaker, the deal has been finalized. The payment for that has been put back until April, that's because of the Yen variation and a better rate that we have managed to achieve by this. The company that's bringing it through from New Zealand have confirmed all of the necessary pricing and the modifications that were being done to it, which in some cases has reduced the pricing. An approach has been made to KIPRA for bringing it through on the barge, when the barge returns to pick up the gear that is currently being used in the Cascade Cliff Project and the likelihood's of that is between toward the end of April, beginning of May or somewhere around that period of time. At the moment we are just negotiating a completion of the pricing for the bringing it on the barge from New Zealand. By doing this it means that the unit does not have to be stripped down. It can be driven on and driven off.

MR BUFFETT Yes, thank you Mr Speaker, I direct a question to Mr Robertson. There was a letter in the newspaper last week, which talked about some difficulties with the just passed Veteran Games and the track at the school. There was some quite damning words used in that particular letter and my question to Mr Robertson is are those things true and if they are true are we trying to remedy some of the difficulties. If in fact they are not true, could they be so identified.

MR ROBERTSON Thank you Mr Speaker, some of the allegations that were made had some element of truth in them, in the fact that there was concern and delays over the preparation of the track. These were addressed and whilst the completion of the track to get it up to the schedule and to the standard that the athletics had requested was delayed. The letter to the editor tended to, I guess, become a mouth piece for one or two people on the Island that had a bit of a gripe and quite frankly I made mention at the opening ceremony of things that had taken place and I made mention of the efforts that had gone into help to support those efforts by the works team and by other members of the community that had stepped in very quickly and had done what they felt was their best to get it up and running. There are many factors involved in this and some of them go back 12 to 18 months prior to it and there's reasons. These have all been taken into consideration and they are currently being assessed. The total costs of all this are still yet unknown as to what we have actually ended up having to pay for, but until such time as that is known we are proceeding and remembering of course that back in 97 the committee that was originally charged with looking after that oval, passed what monies they had across to the Administration and having passed that monies across, the Administration or the Government or whoever it was, accepted responsibility for that ground. So that's where we are at the moment. So there was a small element of truth in it. Sure there was some disruption, but otherwise the rest of the games went off very well and in fact there was actually a record, a world record broken on that track, during that event.

MR NOBBS Just supplementary to that if I may. From that Mr Robertson are you saying that the actual ownership and the responsibility for the maintenance of the oval remains with the Government.

MR ROBERTSON My understanding of that is what happened back in the beginning of 97, when there was monies that belonged to the School Oval Committee, I think it



MR ION ROBINSON

Most certainly with our Minister with Works we will get

on to it.

MR BROWN

Question for the Minister for Health. Is it a fact that a number of dangerous gas cylinders have disappeared from the Norfolk Island Hospital and if so what is the Minister doing to improve security in relation to such dangerous goods at the hospital.

MR GARDNER

Thank you Mr Speaker, this is a matter that both the Minister for Police and myself have been dealing with over the last few days. It was unfortunate that it hadn't been brought to either of our attention. Up until the last fortnight or so I understand that the disappearance of cylinders and in this case, I understand, were from the Gas Centre and not the hospital. However that has yet to be clarified, but the disappearances begun back in November some time. It is a matter that the Police are hoping to finalize investigations on in the next few days and we will be then in an position to be able to report more fully on it to Members and no doubt there will be a full report available to the community at that time. As far as security measures, I have spoken with the owner, proprietor of the Gas Centre, Mr Chris Gatehouse in regard to security. They had put in place measures such as chaining the cylinders together and padlocking them. Unfortunately the people that chose to remove the cylinders cut through the chain with a bolt cutter. As I think was mentioned in the House at our previous sitting, there was an unfortunate of a break in at the Gas Centre and the removal of a safe and a till. Mr Gatehouse had indicated that the cylinders containing nitroisoxide, which is used for anastasisa at the hospital, would in the future be housed in the building itself. However in the light of those events he needs to review those security measures. As far as the hospital is concerned, Mr John Christian is fully aware of the potential targeting of those gas cylinders whilst they are in hospital grounds and is undertaking to improve the security relating to all of hospital property.

MR BUFFETT

A question to Mr Robertson and it relates to the Cascade Cliff Safety Project. Give he give us a progress report, I asked a question on a much earlier occasion, about some interpretive arrangements being sited there and he may give an up to date report as to what is there at present for people to be able to see, at the old whaling station site and I understand that there may be blasting in the next couple of days and maybe some progress report on that would be interesting. If a general progress report with that sort of detail could be brought forward I would be grateful.

MR ROBERTSON

Thank you Mr Speaker. The interpretive signs, for some unknown reason, got bogged in some red tape somewhere and it was only recent that the permission has come to hand. I understand that the Planning Board dealt with it straight away and that there appeared to be some delay in getting that confirmation of there findings through to the Cascade Board. However that has now arrived. The Works Depot have completed the actual boarding arrangements for the signs to be distributed on and I understand that the certain blow ups of photographs have been done and it's ready for installation and should be done in the next two or three days. As far as the blasting goes, Members will be well aware now that we are moving on Seam No. 4, which is the major seam of the project and blasting will be happening, as in example, there was one of Monday and there will be another one on Saturday, so occurring every four to five days. The contractors are moving as quickly as they can to get that seam removed, because it is that seam that's sorting of basically holding up the clearing of the Cascade Jetty and that area around there. The storage of the rock is continuing to be going into 5a. It will also be going onto Young's Rd in that area and there maybe further storage of





MR NOBBS Just another one on Immigration, it's a question I've been asked. Should you overrule or not accept the recommendation of the Immigration Committee. What are the procedures you are required to follow.

MR ION ROBINSON If I outright overrule the committee, I am expected to send the reasons to the committee, which I would try to do through the officer.

MR NOBBS Can you tell me how many times you have overruled or not accepted a recommendation of the Immigration Committee.

MR ION ROBINSON Not off the top of my head, Ron, but I do remember one, perhaps two. I have sent several back for them to have another look at.

MR NOBBS Just a further one. I asked you a couple of meetings ago in relation to the appeal process and the Federal Minister. I ask again how many appeals have been lodged with the Federal Minister and how many of those lodged were successful.

MR ION ROBINSON I don't have the numbers off the top of my head, Ron, but at the moment there are before the Minister around 13 or 14 appeals.

MR McCOY Thank you Mr Deputy Speaker, another question on Immigration for Mr Robinson. The quota was set at, the GEP quota was set at 30 last year. How many of those GEP's that were granted were business related.

MR ION ROBINSON Thank you Mr Deputy Speaker, there were 19 business GEP quota's last year. Employment there were 11 and the business ones related to eight different business's.

MR McCOY Thank you Mr Deputy Speaker, supplementary to that. So there were no spouses for residents.

MR ION ROBINSON There were, with the business GEP's there were 19 issued, which only covered eight business's, so you can assume that some of those 19 were spouses related to that purchase of that business.

MR McCOY Just a correction. I was really referring to residents who have possibly lived off Island for employment or other reasons, met someone overseas, got married and then brought their married partner back.

MR ION ROBINSON Thank you Mr Deputy Speaker, no that is not included in those figures. As they would be incorporated in Section 18 if they are a spouse of a resident.

MR NOBBS Just another question for Mr Robinson, it refers to the Administrative Review Tribunal, which was held a few weeks ago and in relation to the Ball Bay crusher. What impacts and lessons were learnt from the hearing.

MR ION ROBINSON Thank you Mr Deputy Speaker, essentially Ron we are lacking in qualified people to, scientific people, to do the monitoring and what have you. In keeping with the recommendations of the Administrative Review Tribunal an environmental scientist was engaged by Island Industries, they have given me his report. I have passed it to



procedures used by the Select Committee of enquiry. I am preparing a response to that at the moment, which will include the reference to the procedures outlined in Norfolk Island Standing Orders and also our use of the Standing Orders of the House of Representatives and also indicating to them that the process, practice and procedures that were followed were guided with assistance from the Clerk to the New South Wales Parliament and also House of Representatives. However, that will be fully detailed in my response to them.

MR NOBBS Will you or the Chief Minister be making a statement in relation to the questions that are still outstanding from that report.

MR GARDNER Thank you Mr Deputy Speaker, my understanding is that we dealt with the recommendations from that report at our last sitting. That they had been adopted by this Assembly for implementation.

MR BATES Question for Mr Robertson, Minister responsible for the crusher. What is the present situation with the availability of crushed metal products and when will supplies get back to normal.

MR ROBERTSON Thank you Mr Deputy Speaker, I will be making a statement at the appropriate time and if we would like to leave it to that, you will find that most of that will be covered.

MR BATES Another question for Mr Robertson, Minister for Tourism. Could the Minister outline current arrangements for the collection of landing fees for charter aircraft operated by both Air Naru and Qantas

MR ROBERTSON Thank you Mr Deputy Speaker, current arrangements affective from the 1<sup>st</sup> of January are that all landing fees for passengers carried by Air Naru are payable by Air Naru. All landing fees for Qantas, at the moment if there is a Qantas (?) have that covered, but I understand that 12 months have passed since the first negotiations and agreement was done between Norfolk Jet Express and Air Naru and that they have just completed further negotiations for charter for the ensuing 12 months. That completion will sort of ensure that the likelihood of Qantas coming in on the run will be few and far between. It occurred over a period of time, which was necessary at that time, because of delays in weather and so forth, but that is being looked at as far as the Qantas are concerned. Air Naru paid the landing fees.

MR BATES Question for Mr Smith, Chief Minister. Several months ago the Minister agreed to look into the size and safety of large buses using our road and to make recommendations to this House. What has happened.

MR SMITH Thank you Mr Deputy Speaker, after that question was asked me, don't know whether it was in the House it might have been in an MLA's meeting, but I sent off some queries into the service to get some advice on that and to date I haven't received that.

MR NOBBS Thank you, question for the Chief Minister. First one is one Australian GST. Have you formally investigated and received formal advice that exports from Australia to Norfolk Island will be GST free, I think you gave an undertaking to do this.

MR SMITH Thank you Mr Deputy Speaker. The only advice that we have received, that I can recall unless something was received in the last six weeks, was by press release by one of the Federal Ministers would not be applicable in the Territories, particularly Norfolk Island. To date I have no other information.

MR NOBBS Have you, I think you undertook and I won't hold you to this, but I had the feeling that you undertook to contact the Australian Authorities and clarify the position once and forever. Will that occur now or not.

MR SMITH Mr Deputy Speaker, I will endeavor to do that.

MR NOBBS Just returning to a point brought up, the recent enquiry into political interference. I asked the Chief Minister, what is the outcome, there were issues that were placed in the report, what is the outcome of discussions proposed between yourself and the CAO as to and I quote from the committees report, on what the Government wants in respect of the position of Cultural Officer.

MR SMITH Mr Deputy Speaker, all that I have been involved in so far since that last meeting when this was discussed, because shortly after that we departed for Tamworth, but there was an Executive Meeting where the issue was raised. No recommendations came out of that particular meeting. The other thing that I was waiting for was a letter from the Public Service Board, which has now arrived and I will be replying to that after the next Executive's Meeting.

MR NOBBS Just following on from that and it's another recommendation from the committee. What strategies have been put in place to preclude a Minister interfering in the recruitment process in the Public Service and should it occur what penalties are now in place.

MR SMITH Mr Deputy Speaker, what any Minister does is controlled, basically by the Members of the Legislative Assembly. If there is an alleged interference in any form it is up to the Members to take action in the first place. The penalty, I guess, in that case would be, I think you asked about penalties, would be that a Minister could be removed from his portfolios.

MR NOBBS Has there been any enquiry or similar into, within the Public Service, as to why the recommendation, the recommended applicants name was given to the Minister before the Public Service agreed to accept the recommendation of the selection panel, which seems to be completely out of line with all policy within the public service.

MR SMITH Mr Deputy Speaker, I haven't made any such enquiry, but maybe Mr Gardner might be able to tell me if anything happened while I was away in that form.

MR GARDNER Thank you Mr Deputy Speaker, may be just additional to that. No as far as the Chief Minister's query as to whether anything occurred in that area in his absence. I'm certainly not aware of anything at this stage, but I know that there is sufficient concern, not only by Members of the Assembly, but members in the service and the community in general, that these matters need to be pursued, actively pursued, and the recommendations from the report properly implemented and the processes as far as dealings with, by Members of

the Assembly and Executive Members with members of the public service and the community, need to be implemented and established and I certainly hope that that will be an area that Members of this Assembly who are successful at elections later this month will carry on into the next Assembly and make sure are a matter of priority for the new Assembly to establish.

**MR McCOY** Thank you Mr Deputy Speaker, I have a question that I wish to direct to the Minister who is responsible for Immigration and Resource Management, Mr Ric Robinson. It's to do with the Bio-diversity Conservation Act. Senator's Hill Environmental Protection Bio-diversity Conversation Act has passed through the Australian Parliament. As a new Environmental Act gives the Commonwealth unprecedented powers over environmental issues, what effect does this have on Norfolk Islands National Park, Botanic Gardens, Heritage, Leasehold lands Acts etc.

**MR ION ROBINSON** Thank you Mr Deputy Speaker, as most Members will be aware the Commonwealth Environment Protection and Bio-diversity Conversation Act 1999 was struck with a deal with the Democrat's in order to race it through Parliament over there. It appears that the Commonwealth is of the view that the Environmental Protection and Bio-diversity Conservation Act 1999 will not result in any significant changes to involvement of the Commonwealth and it's officers in the environment protection and bio-diversity conservation in Norfolk Island. Essentially what it means is they already control the land on Norfolk Island, so all they are basically doing is handing over more power to themselves. However, with the plan of management for the National Park and the Botanic Garden I received a e-mail advising me that they have agreed to continue to operate the park under our regulations. This only came through yesterday or perhaps the day before. So I haven't gone through it thoroughly. The plan of management for the park and botanic garden, it appears that the department have agreed to our changes to it and I expect, yet another draft, any time soon, which I will copy to all Members of course. It won't come before this Assembly to decide on, so at least it may well have the advantage of having fresh eyes on it before it is passed. I don't know if you understand, but it has to be passed, the plan of management has to be passed by this House before it goes to the Federal Government to be passed over there.

**MR BROWN** I direct this question to the Chief Minister. Chief Minister are all appointments to the public service made in accordance with proper public sector practices. Or is it a fact that a recent appointee was sent to Australia for training and also provided with local training, before interviews for the particular position were held and if so was the interview process genuine or was the Public Service Board simply presented with a fatacomplie(?).

**MR SMITH** Mr Deputy Speaker, I am not aware of the case that Mr Brown is talking about, but I would assume that the Public Service Board that makes the appointments, if that is what he referring to, would be done in accordance with how they are supposed to be.

**MR NOBBS** Just a question for Mr Smith on Administration owned houses. Have you developed as yet a policy related to the management of houses owned by the Administration.

**MR SMITH** Mr Deputy Speaker, there has been policies developed for the Administration houses and the adjustments of rents, including bonds, which is now being bonded. That is now being collected.

- MR NOBBS Do they now have to sign a rental agreement.
- MR SMITH I would hope so.
- MR NOBBS Just a second one. How is the actual rental charge calculated for each house.
- MR SMITH Mr Deputy Speaker, I am not sure how to answer that. There has been a rate that has been charged for many years, which, I'm not even sure how that was set, but I assume that would be done based on market rates.
- MR NOBBS Wouldn't you think that that question would be answered in the policy.
- MR SMITH Mr Deputy Speaker, if I had the policy here with me I could probably tell you that.
- MR BROWN I direct this question to the Chief Minister. Is the Chief Minister aware of a letter from Mrs. Sheila Grimshaw, which was printed in the Norfolk Island last week and which has been circulated to all Members, in relation to telephone charges and if so can the Chief Minister advise why it costs 22 cents per minute to call America from Australia and yet almost ten times that amount to call Australia from Norfolk Island.
- MR SMITH Mr Deputy Speaker, that would be difficult for me to be able to answer that correctly in the context that Mr Brown has asked. Because I wouldn't know why it only costs 22 cents to ring the US from Australia, but one would assume that it is because the amount of traffic and amount of population in both those countries would be large enough for carriers to be able, telephony carriers to be able to offer very special rates, which does happen, does happen all round the world. It does happen to Norfolk Island from New Zealand, as Mrs. Grimshaw points out in her letter. You can have a five dollar weekend, where it only costs you five dollars to call Norfolk Island for, I don't think there is even a time restriction on that. So I am not able to answer, but I assume that's how they are able to do that. However I will go on to say that I have Mrs. Grimshaw's letter here and I appreciate her asking the questions that she's asked in there, Mr Deputy Speaker, because we all think that the rates from Norfolk Island in telephone charges etc, are very high. But I think we all appreciate that Norfolk Island's people do not pay income tax and we have various ways of raising revenue. Part of the telephone call charges that we charge through Telecom has been a conscious decision by the Assembly's from way back when, I don't know when that actually started and the revenue, in fact, that we get from Telecom is around about a million dollars per year. The rates that we charge are based on the rate that we are charged. We are not a carrier. We are an operator of the telephone exchange. The carrier to and from Norfolk Island is Telstra. Telstra was probably the only carrier in Australia up until some years ago when it was, a deregulation took place, as we are all well aware. Norfolk Island and Telstra had a contract that was drawn up some five years ago, an operating agreement and the charges were set at that particular time. Part of the operating agreement was that the call charges would increase year by year. I don't know whether that went further than the first year or two, because once the competition came along with Optus, I think was the main competition to Telstra, that rate was set at a particular level. There are different rates that are charged to Norfolk Telecom for Australian calls to Norfolk Island, New Zealand calls to Norfolk Island and world calls we'll call them and likewise calls from Norfolk Island are charged at different rates to Australia, to New Zealand and also the rest

of the world. There is things that are raised in Mrs. Grimshaws letter which have been a concern to me and other Members, in fact, about the call back that operates from Norfolk Island. I think it is quite insulting to the Norfolk Island community when somebody does run a system that actually uses our system but cheats it if you like and that has been happening for quite some time. Certainly a benefit to people who do use it, members of the community, because there can be some considerable savings by doing that, but the cheating part of it that I'm saying is that it's cheating Norfolk Island out of some of the income that it does receive to fund the things that we do fund. For example, I think the education budget, which is one and a half million dollars, we've subsidized the hospital or health by about 1.6 million dollars. We pay for policing. We pay for the Assembly. All those sort of things are funded from our tax raising issues like telecommunications. Like FIL. Like Customs duty. They are all things that go towards funding Norfolk Island's cost. However, having said all that we have been negotiating with Telstra over the last couple of months as Members will be aware and I think I made a public statement about it as well. That they've done two things, firstly they gave us some special rates over the January period where we were able to offer rates to Australia, New Zealand and to the rest of the world at a reduction of about 33% and that was the first part, which we ran, we ran that special throughout January, I think it was a \$1 to Australia with no off peak or peak times and to New Zealand it was around about \$1.35, \$1.40 or something and the rest of the world was something like \$1.80 and the second part is that Telstra's operating agreement, actually, is running out and at the, just before it would be this year, this century, we actually have gone to tender to see if any other carries are interested in carrying traffic and we also, of course, included Telstra in that, but in the meantime Telstra and the Norfolk Island Government had negotiated a better rates, wholesale rates I guess you'd call them, to the Norfolk Island Government and Telecom, which means an reduction in termination rates to and from Norfolk Island. So there is a very good possibility that the cost of calls will be going down when the next Minister comes along he would have the ability to make the decision to reduce the cost of calls to any of the destinations. But the other thing is with the special that we run, we have only just got the raw data of how that actually performed throughout the month of January, because what happens when Telecom does a special it is run in conjunction with the carrier, which is Telstra, and if we decide what a rate would be Telstra often will drop accordingly by the same percentage, which is what happened in the January special. So what we hope that happens during a special period is that we actually offer cheaper calls to the subscribers on Norfolk Island, but in the end Telecom will still retain their same revenue base. Now the January one was an extra special one, because it was quite a large drop, 33%, and we don't quite know what the results are, but it's looking like that would have been revenue neutral, which is very promising, because if we were able to do that 12 months of the year then it would certainly be of benefit to everybody on Norfolk Island and that's what's around at the moment. I think I've answered John's question there Mr Buffett.

**MR BROWN** Can I ask a supplementary question, Mr Deputy Speaker, in the hope that the Chief Minister may be able to answer it a little more quickly. Is it a fact that Telstra has offered to significantly reduce their charges conditional upon Norfolk Telecom reducing it's charges. Is it further a fact that Norfolk Telecom has refused to do so and if that is the case does the Chief Minister acknowledge that telephone charges are really being used as a means of taxation, rather than a means of providing a service to the community.

**MR SMITH** Thank you Mr Deputy Speaker, John may be a little bit confused with actually happened and I did explain this, I think, in the last sitting. That in the negotiations with Telstra they offered a permanent lesser rate and there was no refusal on Telecoms part or the Governments part to a request from Telstra, which I do not know about, to

actually, I'll go back a step. There was no deal that if Telstra drops their rates Norfolk Island should drop theirs and there was a refusal to do so, certainly not, but what Members will be aware of and members in the community to, because we have made that quite public. That with the slight reduction that we did get from Telstra in our meeting in December, I think it was, that with reduction we would not reduce the cost of calls straight away, because that would be used for taxation purposes, as Mr Brown quite rightly pointed out, because that is what we talked about. Particularly over this particular period until budget review time come along and see how we are going. But certainly there was no refusal on Telecoms part or the Governments part to reduce the rates with Telstra.

**MR NOBBS** Question for Mr Robertson. Gary how do you monitor tourist ownership to ensure that both the trigger marker share and the foreign ownership requirements are maintained for each tourism entity.

**MR ROBERTSON** Thank you Mr Deputy Speaker, any person that applies for tourist accommodation has a number of questions to answer. Part of the more recent changes, which was introduced after the Legislation and amendments to the regulations, is that the financial arrangements are requested as to how they expect to perform to have their units up and running. Under the Act it is fairly specific and that anything that is more than 50% foreign owned becomes a non-resident owner. Anything that application that comes before the Tourism Officer, who looks at those in the first instance and then comes before me is referred to the Legal Branch to look into and query as to what the situation is regarding ownership and that's cleared first up and it goes through our Legal Branch first. If that's all cleared then there's no problems. If it's not cleared then there is the persons that wish to go into that are first of all expected and checked out and advised accordingly.

**MR NOBBS** My question was actually at how do you monitor tourism ownership for any given entity. Not how you start it. How you monitor it as it progresses as the years go by who actually owns what. Is there an requirement anywhere that if there is any type of change of ownership, any form of change of ownership is that to be registered.

**MR ROBERSON** Any form of change of ownership is of course registered, because there is a requirement that they must do so and they have to nominate as to who that change is. Now that goes before the Tourism Officer who then puts that into the certain areas and keeps a note of it. If it gets overboard, now some of the things that have happened, I guess in the past, is that as far as financing arrangements go there are accommodation units here on this Island that have a fairly heavy commitment from the banks, which operate on the mainland. So in theory the bank owns that property should anything happen. Now that information is passed onto the Tourism Officer, but it doesn't come under the actual ownership. In the Act, I think it's in Section 2 or 3 of the Tourist Act, it states that the person who has the larger shareholding is deemed to be the owner.

**MR McCOY** Thank you Mr Deputy Speaker, I have a question I wish to direct to the Chief Minister, Minister with responsibility to Finance, Mr Smith. Why was no half-yearly budget review done for this financial year.

**MR SMITH** Mr Deputy Speaker, we are still in that process Mr McCoy. The way it works is that we normally wait till the end of the first six months of the financial year and you do assessments of how you have gone in that first six months. Traditionally it's done that way and we have carried on doing it that same way in this particular

year. So you get an idea of how everything went. How your revenues were going and from there normally in February is when you come back with a budget review and put it into the House if you need extra supply. We are still in the process of doing the budget review and Members made comment the other day that maybe we shouldn't be finalizing the budget review stuff and it's probably a very good point, because the next Minister for Finance when he comes in will be able to adjust it if you like, well he can do that anyway, but it's a thought we may be able to do that way. I would say by the end of this week we would have all the papers for Members to have a look at. It's not running late or anything it's just that we're going a little bit early so we can't actually do anymore unless we did it today.

MR McCOY Thank Mr Deputy Speaker, supplementary to that. How much of the \$50 000 put aside in the budget for the advancement of self-government has been spent to date.

MR SMITH Mr Deputy Speaker, I think I've got the figures here. I think more than that. Take that back, \$46 000 up to the end of December, Mr McCoy.

MR McCOY Supplementary to that, thank you Mr Deputy Speaker. I guess I wouldn't have to ask all the questions if we had seen those papers a bit earlier and what has been achieved by that expenditure. How much of self-government has advanced.

MR SMITH Mr Deputy Speaker, there is a lot of money that we have spent on self-government issues over the last three years. \$50 000 is one of the lesser amounts, but since the beginning of this financial year a lot of that related to the issue that the Federal Government is still pursuing, is that the Norfolk Island electoral matters. We've had legal people working with us. We've had a lobbyist working with us to work with the, not only with the Federal Government, but also some of the other parties. I haven't got all of the information with me, well I haven't got any of it with me that I can give you at the moment Mr McCoy. But I think we have all been brought up to date with what that was for. I'm just trying to think whether you were actually here at the time. There was a paper given to all Members just before budget time in June, which outlayed the process of how we were going to spend that money and maybe that is something that I can get for you if it's any help. So you can see whether that it was intended to spend that money and that's where most of it has gone.

MR McCOY Thank you Mr Deputy Speaker, I'll put these two into one question. \$30 000 dollars was allocated for tax investigation, how much has been expended and Strategic Planning is also part of the other question. It's part of your portfolio, what is left of the \$20 000 allocated for that purpose.

MR SMITH Mr Deputy Speaker, I think off the top of my head we have used about 9 or 10 000 dollars for the tax investigation to date, I'm trying to find this as I'm talking and the Strategic Planning, I think some of that has been used. I take that back, \$2500 of what has shown up in the papers to date for the expenditure tax investigation and that was in line with the request that had been made by Members over the last couple of months and we have been pursuing that through the New Zealand tax authorities. So not an awful lot of that has been spent and with the Strategic Planning part of those funds have been used in the planning with the public service stuff and I just don't know how much of that has been spent. I don't think the figure in here will be quite up to date, but I can go through that with Mr McCoy during the meeting if we likes Mr Deputy Speaker.



MR ION ROBINSON Thank you Mr Deputy Speaker. Somewhere in this file Ron I have the answer to your questions. Needless to say because it's the one your looking for. Would you like to try me on another one Ron and I'll keep looking for this in the meantime.

MR NOBBS The quarantine screen house proposal, apparently there was no fundings. What has been to overcome the current enpass in relation to the importation of new material for improved agricultural production.

MR ION ROBINSON Thank you Mr Deputy Speaker, yes we are still waiting on the Aqus report, if you will remember Ron the several officers from Aqus came over and had a good look at the place. Chatted to a lot people and I know they went round to quite a few places to check out the various bits and pieces in order to give us a report on various quarantine things and what we should be doing and what we shouldn't be doing. As yet that report is not to hand. I understand that when they went back from here they got snowed under with several other things, because they were intending to have it back to us early February, but as I say as yet it is not here. Mr Deputy Speaker, I have a paper here in front of me that I find on the part-time Agriculture Officer position and with your indulgence I will read it out. The question Ron asked at the previous meeting, is it correct that part-time Agriculture Officer position will become vacant in January. The answer I can confirm that the part-time Agriculture Officer position did become vacant on 27<sup>th</sup> January 2000 with the resignation of Mr Ernie Friend. Ron asked then a subsequent question is it proposed to fill this essential position and when can we expect the position to be advertised. Answer is that yes it is the intention to fill this position, but available funds will limit this to a part-time position. This matter will be held over to after the elections so that the new Assembly can have input into the issue of part-time versus full-time or alternatively the use of the remaining funds for specialized consultancies. Ron then went on to ask a third question. In the 1999 – 2000 budget provided something like \$35 000 to cover part-time Agriculture Officer for a 12 month period. Have these funds been siphoned off. The answer is the budget provided \$30 000 for a part-time Agriculture Officer and at the end of January 2000 \$13 690 dollars remained unspent. No funds have been siphoned off or used for other purposes.

MR BATES Just a supplementary question following on from questions asked by Mr McCoy to the Chief Minister. I think the Chief Minister said something like \$45 000 approximately had been spent on self-government advancement. Could the Minister just inform the House of the total amount of expenditure that has been spent, possibly not only this financial year, but in the previous financial year on our constitutional position and other constitutional issues, including cost of Professor Crawford, cost of the lobbyists, cost of Bronwyn Paddock and Don Wright's involvement and the cost of travel from Norfolk Island to the mainland and any other costs. It seem that the total cost far exceeds \$45 000. I seem to have a figure of well over \$200 000 in my book. Could the Chief Minister elaborate on that a little bit for us.

MR SMITH Yes I'd be happy to Mr Deputy Speaker. I understood Mr McCoy's question related to this current financial year with the \$50 000 that was put in the budget for this financial year, but I certainly agree with Mr Bates. It's a lot more than that. I would put the figure probably closer to a quarter of a million dollars over our period of time. That's not an accurate figure, but I would assume it would be something like that.

MR BROWN I direct this question to the Chief Minister. Can the Chief Minister advise whether insurance is held, that is negligence insurance is held to cover the



discouraged when the building can be seen from the sea or any public reserves. Was any consideration given in the Norfolk Plan to the cultural value of the Bumboras Reserve to the people of Norfolk Island.

MR ROBINSON Thank you Mr Deputy Speaker, I understand John's problem there. I went down there and had a look at those myself, later, once they were up. I have complete faith in my Planning Board in that regard. I'm sure they would have looked at. They would have scrutinized it with an intense scrut before they recommended that I approve it. At the time there was some discussions in relation to the KAVHA view shed area, which probably if it were in place would have held it up, but there is no view shed area in place at this moment.

MR NOBBS Mr Robertson do the two airlines, which you said owed landing fees two meetings ago, the regular passenger transport and the local charter operator still owe landing fees.

MR ROBERTSON Thank you Mr Deputy Speaker, I'm not sure of the other, the first one you mentioned. That's something, which is in the hands of the debt recovery agents within the Administration. As far as the second one is concerned, we have an agreement, which is now in place, which has basically says that you are back to a question that you asked me earlier on when we were talking about Air Naru. Air Naru is picking up the landing fees from that and as from the 1<sup>st</sup> of March there will be back payments or these payments for the back debts will start to fall into place as well on a regular weekly basis and that will also be paid by Air Naru off the outstanding debt.

MR NOBBS Supplementary to that, so there has been no reduction, we are talking about, I think I mentioned the regular passenger transport first, we are talking about that. There's been no reduction in the debt.

MR ROBERTSON Any reduction payments kick in on the 1<sup>st</sup> March.

MR NOBBS Has there been any negotiations as to the possible acquisition of a building close to At Random.

MR ROBERTSON Thank you Mr Deputy Speaker, yes that's an ongoing discussion that is currently in the hands of real estate agents for selling of other properties, which would then free the mortgage that is currently held on those buildings. I understand that that was in the hand of one agent. It's now been put into a second agent on the Island to give it a wider scope of sale and that will still be pursued, but discussions were held just yesterday on that.

DEPUTY SPEAKER Honourable Members the extended time has expired for Questions without Notice. We move onto Presentation of Papers.

## **PRESENTATION OF PAPERS**

Are there any Papers for presentation this morning.

MR ION ROBINSON Thank you Mr Deputy Speaker. Mr Speaker in accordance with Section 41 of the Interpretation Act 1979 I table the Firearms Special Visiting Shooter Permits Amendment Regulations 2000.

MR GARDNER Thank you Mr Deputy Speaker. I am required under Section 48 of the Bookmakers Act 1998 and the Gaming Act 1998, Section 46 of the Gaming Act 1998 to table a copy of the Gaming Authorities Report that relates to the Authorities activities for the period 1 July 1999 to 31 December 1999.

MR SMITH Thank you Mr Deputy Speaker. Mr Deputy Speaker Section 2(b)(2) of the Customs Act 1913 makes provisions for the Executive Member to exempt goods from duty where the duty payable is less than \$200. Section 2(b)(5) provides that where the Executive Member has exercised this power he shall lay a copy of the exemption on the table of the Legislative Assembly and I so table those exemptions.

MR BROWN Mr Deputy Speaker could I seek leave to table a Paper. It is a document, so what in the form of a petition, but which does not comply for the rules for a petition and I would like to simply table it in the House if I could.

DEPUTY SPEAKER Could I tidy the matter of Statements first Mr Brown and then if we could address that. Papers I'm sorry, we are at the stage of Papers.

MR ROBERTSON Thank you Mr Deputy Speaker. I table the Inbound Passenger Statistics for January 2000 and move that the Paper be noted.

DEPUTY SPEAKER The question is that that Paper be noted.

MR ROBERTSON Mr Deputy Speaker the month of January saw a total of 290 odd people in excess of what was there before, but not as good as 98, but the year to date is showing an increase of 171 passengers as opposed to 99. What will be happening is that there is now becoming a leveling off within the tourism industries of numbers and that the Bureau has been working with the new documentation to steady the numbers and to just maintain the numbers which we are currently receiving and 38 000 for the year and this will probably be for the next two years. It's not very difficult in the light of the increased number of flights and the numbers of, the ability of the aircraft, to carry the numbers that they have been doing, to increase substantially on our numbers, but the hardest thing is then to maintain that and we are into that level and the Bureau is currently on working on advertising and working within the parameters to ensure that we now level off and stay level over the next year or two before we have to take another look. So that's where we are. It's going well. Everything is according to the plans and without too much difficulty, other than just maintaining the status quo of the numbers that we have been receiving of recent times.

DEPUTY SPEAKER Participation in the debate that this paper be noted.

MR BROWN Certainly the Minister deserves to be commended in maintaining the numbers compared to last year, because last year was an excellent year. I think that there are some matters though as to which we should have concern. Firstly there are a significant number of additional tourist accommodation units being built and planned to be built. If there is not a continuation of growth then the viability not only of those new units, but also of many of the existing ones may be somewhat threatened, but the major point I'd like to

make is that we are in terms of visitor numbers in boom times. Within the administrations piggy bank we are not seeing the boom times that those increased tourist numbers should be showing us and in all that we do, in this place, we need to be very careful that we do not put ourselves in a position where if we had a five or ten percent decline in our visitor numbers. That's happened before and it can happen again. We must not put ourselves in a position where if we suffer a decline of that nature we simply wouldn't be able to pay our bills. But in terms of figures the Minister has given to us today I certainly commend him for his efforts throughout the whole of this Assembly. He has put a lot of hard work in to it and he deserves the results that he's achieved.

**MR ROBERTSON** Thank you Mr Deputy Speaker, just a qualification on what Mr Brown has just said regarding accommodation numbers. Over the past or since deregulation there has only been a average of seven accommodation units per year have come on line, which is not much. I understand that the proposal for, which is now Mr Boo Prentice Governor's Lodge will be commencing within the next two to three weeks, which is around the fifty units. Under the changes we made to the Legislation for Tourism any person that is applying for conditional application for accommodation each and every one of those expire at the end of each year and for them to, if they haven't built or there has some problems as to why they haven't got up and running then they have to reapply from the end of June each year or July I think it is. Which means if they have put an application in it's cost them \$500 for two units or whatever it may be and they haven't got to the stage where they should have got. Haven't been built or haven't done certain things, which is in the conditions originally, then they will have to reapply and do it again. Now already there has been some of those that are expected to have units completed by June of 2000 have written recently and asked if they can be put back. There is no problem with that. They can put be back they have just got to reapply and pay again. This is an attempt to start to reduce the numbers that are currently being held and come into the trigger market share and this is the effect that we knew would eventually happen. Those that were putting in 50 and 60 units, 40 units and saying okay well that will be it until the year 2005 now have to pay a \$1000 a year just to have that, be able to say yes I've got some sort of conditional application. If they want to do that, that's fine, it comes in an as an income but the units don't get built and that's what's basically happening at the moment, which we expected would happen.

**MR NOBBS** Thank you, so what your saying Gary is that at the end of June or July or whenever it was last year all the ones that hadn't been completed were wiped out and they have all reapplied again. Is that what your saying.

**MR ROBERTSON** Basically what is happening now, what the intention of when the deregulation came in was to spread the building load over the Island over a period of years. So those applied in 98 and there were say 30 applicants at that time, the object of the spreading of that load was that they would say okay we could have ten units this year and ten next year and twenty the year after and so forth and in an attempt to spread the load over, the building industry and all the rest of it so that you didn't get the sudden upsurge in one year and then a dead flat the next. So that you had a basic continuation of employment throughout that period of time. Those people had it given to them in good faith and some of them which had applied in 98 & 99 we told okay the year 2005 before you can even think about putting your units up. So what had to come into consideration is all the new ones that are coming on line, those people we have had to leave on there under legalities of it. The people that are applying for units from that period of time on since we changed the Legislation are all under a 12 month situation. There the ones that have to change, have to reapply. So there's going to be the

residual which will then catch up and all the new applications then have to go through on a yearly basis if they haven't completed or done whatever there supposed to have done by the end of that year and they want it continued then they put their money back up front and go again.

MR NOBBS I still concerned about this whole deal and really in relation to the trigger market share, I mean, we will still have in place a ability of somebody to run a huge con in relation to that if they may and that's to apply for a large block, get it conditionally approved, then it becomes a part of your total, which lifts the trigger share market considerably and then his or her mate can then go and put extra units on. Now there has been nothing really in place and I complained about this last year, to stop this. So what's the, are we going to allow this to continue or what's happening.

MR ROBERTSON I've got a complete, sorry Mr Deputy Speaker. There is a complete review looking into the whole aspect of the accommodation, the building and of these sorts of things that you are talking about. That's two thirds finished. Whether it carries on after my time or whatever is another story, but and your time, but that situation is being looked at. We are taking an overview of the whole thing, you may remember that there was just recently a look at the deregulation and what effect it has got on the community and John asked the question and it was looked into. We had Clina(?) give us a report after two to three months and the effect of that. Now to ensure that we get this up in total in actual fact that type of review needs to be an ongoing thing. It needs to be looked at not just the three months every five years, but it needs to be looked at continually and there's a number of things how that can be done. One of the examples I guess is with the increase of this new computer systems that there introducing as to why the data bases can't be used to bring out all sorts of data from within different areas of the administration to put that sort of stuff together, but it needs to be done on an continuing basis. But all is being looked at, we are doing a review. We are looking at the effects of the accommodation units themselves and of the industry in it's total and to where these things are going and which is good and which isn't and that should be completed within the next two to three months. Everything's been taken into consideration Ron, not just a one off or a fire at somebody. It's been taken over as an industry in total.

MR DEPUTY SPEAKER The question is that that Paper be noted.

QUESTION PUT  
AGREED

The ayes have it. That Paper is so noted. Any further Papers. No further Papers around the table. Mr Brown.

MR BROWN Can I seek Leave to table a Paper.

MR DEPUTPY SPEAKER Can you identify the Paper so that Members know what we are about and then we will put the Leave matter.

MR BROWN Mr Speaker this is a Paper which technically does not comply with the requirements for a petition, but it's a Paper requesting the change of name of Dead Rat Lane back to it's original name.

MR DEPUTY SPEAKER Is Leave granted for that Paper to be presented. Leave is granted.

## **CHANGE OF DEAD RAT LANE BACK TO IT'S ORIGINAL NAME**

MR BROWN Mr Deputy Speaker I present that Paper and could I move that it be noted.

MR DEPUTY SPEAKER The question is that that Paper be noted. Mr Brown.

MR BROWN Mr Deputy Speaker in the vicinity of 200 of local residents have signed this Paper and it has been pointed out to me that we, in all good faith, recently agreed to change the name of Dead Rat Lane and in fact another lane, without having adequately consulted with the residents that lived in those areas. I think that at this late stage of the present Assembly, it's not appropriate for us to make a decision to change that name back or to leave it as it is. I think it's something that's perhaps better left for the next Assembly, but perhaps it is a reminder to us of the need to properly consult before we make decisions, I think most of us made a decision assuming that adequate consultation had taken place and assuming that the neighbours in particular all favored the change, but that clearly hasn't been the case and I will simple leave it for the next Assembly to decide whether perhaps we have been a little to hasty. Whether perhaps the name should be changed back and some other memorial provided to the gentleman who was the subject of that change of name. There's nothing further that I wish to add thank you.

MR DEPUTY SPEAKER The question before us, Honourable Members is that that Paper be noted.

### **QUESTION PUT AGREED**

The ayes have it. That Paper is so noted. Thank you. Chief Minister.

MR SMITH Mr Deputy Speaker, my colleagues reminded me that I haven't tabled the Financial Indicators. I would like to do so. I'd like to move that they be noted. Thank you Mr Deputy Speaker, this is the Financial Indicators for the six months ended 31 December of 1999. The indicators are showing quite a good result for the first six months of the financial year. In particular in the income area the Customs duty collected to 31 December is \$158 000 ahead of budget. Also this result is \$187 000 more compared to the same period last year. Secondly income from other taxes is \$58 000 ahead of budget and this category departure fees are \$8 000 ahead. The fuel levy is \$42 000 ahead and the accommodation is \$13 000 ahead. Interest received is \$33 000 short of the budget. The 99-2000 interest received budget item of \$320 000 will probably be reduced down to \$250 000 and there's a good reason for that Mr Deputy Speaker. It's assumed that when we spend the large amount of monies that we intend to on the new KATO crane and also the generators that some of the interest money will disappear and we won't get that income from there. Thirdly the income from the GBE's is ahead of budget mainly due to the excellent and record profits been generated by the Liquor Bond Store, which looks like it may end up well over a million dollars which is a great result and income from other charges is about \$60 000 ahead of budget. This is a result of \$47 000 being reimbursed from former years, from the Healthcare fund plus other recruials of minor debtors things. In expenditure, welfare expenditure exceeded budget by 14 percent and we thought that if that trend continued there maybe another \$100 000 that would need to be put into that fund, but in discussing that with the Minister for Health in the last couple of days and also Programme Manager and the Finance Manager it doesn't look like we are going to have to do

anything like that at all, which is really good news. Education actually exceeded it's budget by about 9%, which is the salaries and wages component and there will be extra funds needed in the budget in this financial year for the full time teachers salaries. Community services budget excess is mainly due to the release of Norfolk Tourism's Grant, however this excess will come back in line with the budget over the next few months. Health and quarantine is under spent mainly due to the release of only 42% of the Hospital Grant at the 31<sup>st</sup> December. So there is not a lot of bad news in the expenditure but certainly some good news in the revenue side of things, although it's only the first six months of the financial year, but it's certainly looking like that we are starting to get some reward from, particularly in the area of Customs duty, from the extra activities that are being generated by new tourist accommodation and tourist numbers. Thank you Mr Deputy Speaker.

**MR BROWN** Mr Deputy Speaker I don't think that we should be to hasty in patting ourselves on the back about this set of numbers. Customs duty indeed is up on last year and to no small extent that's cause we put the duty rate up. Fuel levy indeed is up, but I wonder whether that might be due to the Cascade Cliff Safety Project having burnt a lot of diesel fuel. The Bond Store is making good profits, I wonder whether that's because we are turning people to drink. Education is up by 9% mainly due to salary and wages, the schools wage bill has been a problem for years, because it's something over which we have no control and yet again the New South Wales Teachers Federation is agitating for a pay rise. If that pay rise comes to pass that will be passed on in Norfolk Island without Norfolk Island being consulted in any way, without us having a say in any way. But the bigger worry, Mr Deputy Speaker, is that we presently are doing very well in terms of visitor numbers. This should be a time at which we should be managing to add significantly to our reserves to cover us for the days when the numbers are not as good as they are at present that addition to our reserves is not apparent and I simply wish to say that we should not just pat ourselves on the back we should be vigilant and we should at all times ensure that the money we spend is spent wisely and we should be very cautious of just what would occur if our revenue declined for any reason at all in a future year.

**MR McCOY** Thank you Mr Deputy Speaker, I was wondering if the Chief Minister could elaborate a little bit on how we are \$8000 ahead on budget on the, was it on departure fees. So how many actual visitors compared to last year does that really equate for when the inbound passenger stats for financial year to date, for December 99, which I assume the budget is to the end of December, are only 142. (?) to date tourism figures for this year we have had 19789, yes correct. So 15, thank you.

**MR SMITH** Thank you Mr Deputy Speaker, I think before we go to much further with this I just better reply to Mr Brown's wise comments. I certainly wasn't patting anybody on the back. Norfolk Island has been in a situation for probably quite some years where there is never enough money to go around. What I was attempting to do was saying that however the revenue we have received in that first six months of the financial year shows up in the financial indicators and I've got to reiterate, Mr Deputy Speaker, these are financial indicators and they are made up of the spending trends within the Governments realm. Mr Brown is totally correct that the fuel levy is up due to the Cascade Cliff Project. There is certainly a amount of money that is been paid to us by the contractors of the cliff who pay us that fuel levy, but the exact amount of that figure I do not know, it may be 42 000 it might be less, it could be more. But the point is that money has been received by the Administration. Customs duty sure we put up duty on cigarettes and as Members will be aware in the first few months it didn't make any difference, in fact I was a little bit worried that we would actually be

selling less tobacco products and not receive the duty but we probably are now and that's why I am pleased about that if we are receiving more duty through the things that we've done in this financial year that is then good news. Good news for us not so good news for the smokers or people who import cars. The Liquor Bond Store profits are up and they have been heading up that way for quite some time. I don't know if I would agree with Mr Brown that we are driving people to drink. I think that it is on the effort on the people that are in the Bond Store. The fact that we have had a lot more visitors come through the Island in the last year or so. But the Education one, I always love it when Mr Brown picks up on education particularly with the salaries and wages. I've heard the education salaries and wages being talked about probably as early as about 1986 or 1987, there is really little that any Member has done to change that. I don't know quite what the answer is, maybe Mr Brown has got a reasonable answer to how you get around it if one wants to, but I think we've got to be a little bit careful that if somebody is being paid x amount for doing what they are supposed to be doing and education is a particularly difficult job, even though we often may agree with Mr Brown that we are paying too much, but I think the education salaries are a good indicator of what salaries and wages are being paid on the mainland. Sure the teachers have been agitating for a pay increase and I understand that they might have actually got 20% yesterday, Mr Brown, spread over four or five years, but sometimes we should stop and look at the effect that we have on our own salaries and wages within Norfolk Island to all people who work in Norfolk Island. That maybe we should be keeping up a little bit better than what we have in the past. Keeping up, not to the level of the education salaries, but make sure that we don't let them lag too far behind because I really believe in the, when we took over education, I don't think there was too much fuss about the salaries at the time, I don't remember, maybe John can help me with that, but because they have increased the way they have until now, maybe it's the fact that the Norfolk Island salaries and wages aren't keeping up throughout the community, I'm not just referring to any particular sector and maybe it's becoming more obvious as the education or as teachers get their increases in their salaries. However it is a cost that is born by Norfolk Island and I would be interested to hear how Mr Brown would like to solve that problem, the problem that he perceives. But I say again that I'm not sitting here patting anybody on the back. I'm pleased to advise that our revenues are up in the first six months of the year and in doing the budget review papers I am quite confident that those revenues are going to remain through the following six months of the financial year and the budget review process we may cover all the extra expenditures that we have incurred over the last couple of months and I would hope to and indicators are, that we would be able to do away with the \$110 000 deficit that we started this financial year off with. The way it's looking at the moment, based on the figures that we have from the financial indicators, we will be able to do that which would be very good news. Thank you Mr Deputy Speaker.

MR BROWN

Mr Deputy Speaker, I'd like to thank the Chief Minister. There's something that's always or for many years puzzled me about just why it is that salaries for the teachers in Norfolk Island are the same as the mainland. I thought all the time that we were paying mainland salaries, but what we have actually been doing, according to the Chief Minister, is looking for a good indicator of what those mainland salaries are. The fact is that the Chief Minister doesn't already know that the teachers of the school are paid in accordance with the New South Wales award. Exactly the same amount of money that would be paid to them if they were teaching at any school in New South Wales, say for the fact that here they don't pay any income tax, but if it is a fact that teachers' salaries have just, without our involvement, gone up by another 20% the Chief Minister ought to be worried rather than to be sitting as confidentially as he is today.

**MR BATES** Thank you Mr Deputy Speaker. Yes I think these revenue figures are looking good and I think that's the thing that I was a little surprised only last week end to run into a well known accountant in the private sector who told me that things were not real good in the business centre and I mentioned that the tourist numbers had been good and the thing was that they were not spending money. I've never been able to work out whether customs duty comes after a good time or before it. Years ago I know that Customs duty in the second half on the financial year or the first half of the calendar year always preformed better than it did in the other six months and if that's historically true then we can expect to do better out of Customs duty in the coming six months. I use to think that shop keepers carried a certain level of stock and after good sales they replenished their stock and that's when our Customs revenue followed on. I use to think that the Christmas period was probably the reason why the second half year had more Customs duty than the first, but I don't know that that was just my assumption. But what concerns me a lot is what is going to happen to our Customs duty when Australia goes GST on the first of July. Is it going to affect anything that's imported to Norfolk Island and sold to the tourist that attracts Customs duty. Let's assume it affects the electronic goods for arguments sakes, I don't know what it will affect. If we just lose a portion of our Customs duty from, say electronic goods, then our major revenue stream is in some jeopardy and that in itself could cost a couple of jobs up in the commercial sector and that in turn has the multiplier effect again of reducing our income. I've been pushing for some time to get, for this Government to find out how the Australian GST is going to affect the commercial sector of Norfolk Island on the 1<sup>st</sup> July. Are some of our major operators who collect most of this duty on our behalf going to find that their sales are going to go down because of it. Are we going to find that our Customs duty revenue is going to shrink because of it. It seems that I am the only one that's concerned about this aspect of our revenue, because nobody else seems to have raised it. I thought even maybe somebody in the Chamber of Commerce or somebody in the commercial sector might have some answers. I'm not trying to cry doom or anything else because I certainly hope that I am wrong. I certainly hope that the Australian GST is not going to effect any that happens with our local Customs duty or our local providers of the so called duty free shopping to our visitors, but I would sure like some answers. Thank you Mr Deputy Speaker.

**MR SMITH** Thank you Mr Deputy Speaker, I would just like to thank Mr Brown for his wisdom in pointing out to me that the teachers salaries are paid at the award rates of New South Wales. I'm very pleased he's told me that.

**DEPUTY SPEAKER** No further debate, the question before us, Honourable Members, is that the Paper be noted.

**QUESTION PUT  
AGREED**

Any abstentions. The ayes have it. Thank you.

## **STATEMENTS**

Are there any statements to be made this morning. Mr Robertson.

**MR ROBERTSON** Thank you Mr Deputy Speaker. I have a couple of statements to make. The first one is on the establishment of a crusher at the airport. Recently the Administration called for expressions of interest from suitably qualified persons or

companies to establish and conduct a rock crushing business at the Norfolk Island Airport subject to planning approval and the reason for this was to ensure that if the applications to crush rock in other areas on Norfolk Island were not successful then the Government was acting responsibly by having an alternate site available. You are all aware that the Island Industries license to crush rock on the Crown Lease portion 48(c) was recently terminated and they have applied for a license to crush rock on portion 49(b)(2) the freehold portion adjacent to portion 48(c). This application has been subject to a demonstrative Review Tribunal hearing, which has found that there needs to be more environmental issues researched and documented. Once these issues are suitably addressed the application needs to be reassessed by the Planning Board. This procedure is currently underway and the results of the Review will be known at a later date. Richard Cottle has made an application to crush on Young's Road, which is the dedicated road in front of Portion 5(a), which was the site of the quarry and now being used as a storage area for the rock that had been won from the Cascade Cliff. It now appears because of the big increase in the amount of rock that is being extracted from the Cliff Project, the area of Young's Road will now be used for rock storage. As a result Richard has amended his application to establish a mobile temporary rock crusher on the Cascade Reserve for a period of eight months. The Government has been looking at alternative sites ever since the issue of the License to crush rock on Portion 48(c) came into dispute and many areas have been identified and checked out. Obviously the areas in close proximity to the rock supply were the first to be considered, but were eliminated for various reasons. Crown Land, same problem as has already been experienced. Heritage Areas, foreshore areas, threat of neighborhood action and so on. The airport site has been selected for a number of reasons, it is owned by Norfolk Island, it is a Special Use Area, as defined in the Norfolk Island Plan, it has a number of industries already operating in its confines, such as the airport building itself and aircraft, fuel storage, electricity generation, crushed rock stockpile for The Administration, sewerage treatment plant, rubbish burning area, Emergency and Fire Services training area. The other issue that comes into the equation is that future rock supply has been identified on the western side of the Island within close proximity to the airport site. I'd like to point out that rock taken to the airport would only need to be done on a user supply basis. The yearly average for crushed rock for the Island is between eight to nine thousand tones. The crusher plant from either Island Industries or Richard Cottle can easily handle two hundred tones per day, which equates to forty days crushing per year or eight weeks. By calling Expressions of Interest now will enable The Administration to go to selective tender when necessary and thereby shorten the tender process considerably. Tender specifications can simply be forwarded to those who have previously expressed interest once a decision to proceed with the airport site is determined. Thank you Mr Deputy Speaker.

MR DEPUTY SPEAKER                      Thank you. Mr Robinson.

MR ION ROBINSON                        I presume we're still on statements Mr Deputy Speaker?

MR DEPUTY SPEAKER                      We are.

MR ION ROBINSON                        The Council of Pacific Arts meeting is being held in SPC headquarters from 16<sup>th</sup> to the 18<sup>th</sup> of this month. The Council of Pacific Arts is to provide the Pacific Conference with clarification about the Festival of Arts and more generally to advise the Pacific Conference on cultural affairs, like the islands of Hawaii and Rapanui, Easter Island to most people. Norfolk Island is a member of the Council of Pacific Arts, but not a member of the Pacific community. From 1975 until 1984 Norfolk Island was included with the Australian delegations at the Festival of Arts. In 1998 Norfolk Island participated under its own flag and

was recognised as being culturally distinct. In 1996 the Pacific community, following the wishes of the Council, established a Cultural Affairs program within the secretariat primarily to strengthen the work of the Council and assist in the cultural development of the region. This program is currently funded by the Government of France. In 1996, with the establishment of the Pacific Community Cultural Affairs Program it has become possible for the Council of Arts to identify clear priorities for effective cultural development in the region. It was under this program that the cultural evaluation visit was conducted by Eve Scobel, who indicated that unless steps from the top level down are taken to prevent it, Norfolk Island will continue to lose many parts of our Heritage that make Norfolk Island and her people unique and distinct. Norfolk Island will continue to participate in the Festival of Arts and will continue to be a member of the Council of Pacific Arts as distinct from Australia. As Minister for Cultural Affairs I believe that Norfolk Island has much to gain from the Council and much to contribute to the cultural development in the region. Thank you.

MR DEPUTY SPEAKER

Thank you. Mr Robertson you indicated some others. Mr

Robertson.

MR ROBERTSON

Thank you Mr Deputy Speaker. Recently there was some rather scungy weather which caused some concern, particularly to athletes who were trying to get here for the Veterans Games and questions were asked as to we've got this you beaut system, what's happening? This document is basically trying to bring people up to speed as to exactly where we are and it's the navigation system SLS2000. The SLS2000 Ground Station installation was completed at Norfolk Island airport in October, 1999. The system was subject to extensive testing by the engineers from Honeywell and Peloris, and the flight testing for signal strength and direction was done by Pearl Aviation. Pearl Aviation are the representatives of Air Services Australia and are authorized to carry out such tests. The whole operation was overseen by CASA representatives, who after analyzing the results of the tests, certified that the system conformed to all the standards and specifications as laid down by regulations. The airport system is now fully operational and is sending out full strength signals daily. The avionics or the aircraft part of the installation is the next step. The GNSSU and the VD2, which are technical data boxes, has arrived at CASA and is being catalogued for review by the Avionics section. Once this is completed these units will be fitted to the two F100's of Flight West. Installation in the aircraft will be completed by the end of April, 2000. The system as a whole will then undergo further tests after CASA's only certified test pilot becomes available, currently this will not be until the end of May, 2000. Actual test flying in Norfolk Island is expected to take a week, depending on weather. At the end of all these tests, the data collected will be analyzed by CASA. It is expected that all necessary checks will be completed by the end of June and final certification is scheduled for the 11<sup>th</sup> July. The installation of this equipment seems to be taking a long time, but this is necessary as it is the first installation in the Southern Hemisphere and CASA is ensuring that it passes all of their tests. The equipment is performing to 100% of expectations. Norfolk Island has been very fortunate to be the forerunner in installing the SLS2000 and has benefited significantly from this decision. An estimated amount in excess of \$600,000.00, which would have been chargeable against the project has been waived by Air Services Australia, CASA, Honeywell and Peloris, as it is to the advantage of all that this type of navigation system be installed. It is also forecast that because of the huge strides forward that are happening in the information technology field, that the more expensive ILS Landing Systems that operate on most airfields will be superseded in ten years by this Dubass system. Norfolk Island also has in place an agreement to upgrade the SLS2000 system in the year 2001, at no extra cost. The result of this is that Norfolk will then have a landing system that falls into the category of being able to be certified as a Category 1 Airport,

similar to the certification that applies to Kingsford Smith Airport in Sydney. As I said earlier, the instillation and certification may seem to be taking a long time, but the importance of safety and reliability is the utmost factor when it comes to the travelling public. Along with the instillation of the SLS Navigation System, was the replacement of the outdated Tevasi Precision Approach Slope Indication Systems, which consisted of light boxes arranged to give the pilot progressive information about the approach slope. The Tevasis had been in for a number of years and the maintenance costs were averaging between \$20,000.00 to \$25,000.00 per year. The units were due for replacement and Airways Corporation were discontinuing the Tevasis in favour of the PAPI, which is the Precision Approach Path Indicator, because of costs and ease of maintenance. We decided to go with the PAPIs and real lighting system and since this replacement instillation our maintenance costs has reduced from \$20,000.00 to \$25,000.00 per year to \$1,800.00, a huge reduction. Overall the Norfolk Island Airport is now in the forefront of navigational and visual landing aid technology and perfectly placed to continue to lead all other airports in the region in this important step towards ensuring safety to the travelling public. Thank you.

MR DEPUTY SPEAKER                      Thank you. Mr Brown.

MR BROWN                                      Mr Deputy Speaker can I move that the statement be noted.

MR DEPUTY SPEAKER                      Question is that that statement be noted. Mr Brown.

MR BROWN                                      Mr Deputy Speaker that's been an interesting statement and I'm sure many people have been wondering about a number of the issues which have been raised and clarified. I wonder if the Minister could help me in two regards. Firstly, will it be necessary to continue to maintain the existing landing system, at least for the next ten years, and if that's the case, will we be running with two expenses through that period, that is the expense of maintaining the existing system plus the new system? And secondly, in the case of the new PAPI and reels, which are now the Minister has told us costing us \$1,800.00 a year to maintain, is it possible that that reduction in the maintenance cost has come about because we've got brand new equipment, which you would expect would be cheap to maintain at the moment, or is it expected that that quite significant saving from \$20,000.00 to \$25,000.00 a year down to \$1,800.00 a year will actually continue throughout the life of the new equipment?

MR DEPUTY SPEAKER                      Thank you, Mr Robertson.

MR ROBERTSON                                      Thank you Mr Deputy Speaker. The costs of the \$20,000.00 to \$25,000.00 was mainly in replacement bulbs, globes, lights that were popping at a regular basis, whether the unit itself had nothing to do with it, it's just that they were known or are known to be failing on a fairly regular basis and that's \$600.00 and \$700.00 a pop, that was when it went pop, that was where most of the costs were coming in, it wasn't actually the units themselves it was the things that went in the units that were causing the problem. The Devasis work on a different system, there's lighting arrangements sure, there's strobes that fit on the reels which flash out and give indications to pilots as they come through. The lighting that's used there is reduced considerably for the number of lights that are required and it's also reduced similarly because it's a newer type of system, that the light failure is a lot less and the estimates are between \$1,800.00 and \$2,500.00 per year total, overall. So that saving is done through the actual, not the old age of a unit but the actual components that were in that unit, that's where the failures were. As far as the navigation system is concerned, I presume you are

talking to the SLS2000 system that we just recently installed as opposed to the current type of. What will be happening is that the current type will no longer apply, once the total approval is given through CASA for all out usage and that that in the long term there will only be one system, not two.

MR DEPUTY SPEAKER                      Thank you Mr Brown.

MR BROWN                                      Mr Deputy Speaker, I wonder if the Minister could tell us whether he means that every aircraft flying to Norfolk Island will have to spend the \$20,000.00 or \$50,000.00 what ever the cost is to put in the instrument into the aircraft? And if that's the case, for example in relation to private flights, ferry flights across the Pacific and so forth, does that mean that many aircraft will simply be unable to use the Norfolk Island airport unless the weather is absolutely perfect?

MR ROBERTSON                                My understanding is that the current landing system maintenance on that has been set for probably the next ten years and can be extended if need be but there's no new units being installed in most places. As far as a \$25,000.00 to \$30,000.00 installation cost for aircraft, that would apply basically to the larger type aircraft, to a 737 or to a F100 or to the F28 and aircraft of that nature. Smaller aircraft, there is a reduction, my understanding is between \$5,000.00 and \$6,000.00 would fit into some of the smaller aircraft if they needed that navigation system. So there is reduced cost, it depends on the type of aircraft flying as to what the components. The other thing that is coming into that is that as this system takes over, and it is estimated that it wouldn't be too many years before it's starting to be used right throughout Australia and then New Zealand, that those costs will be reducing as well for aircraft instillation, it's like the computers.

MR BROWN                                      Can I ask one final question Mr Deputy Speaker. As I understand it we're talking of something that's quite new technology and we are leading the world in many respects in introducing that. Is there a risk that, just as was the case with videos where the Beta units went out and the JVCs or whatever they're called remained, is there a risk that the unit that we've put in will become old technology and that some other unit will be accepted for world wide use?

MR ROBERTSON                                Thank you Mr Deputy Speaker. That's not the case, I did mention in my statement that there's an upgrade coming in the year 2001, that upgrade is not a new system, it's been around for something like 24 years, the actual concept of how this is to go. It has been worked on from Air Services Australia, they've had a dedicated area within their workings to have been looking at this for the past 15 years, so that the concept and the system is not new. As far as the actual application of this is concerned, I guess with the more recent advancements in technology there has been updating and this is the system which has been selected to go, now already its performing in three domestic airports in the States and I understand that they are currently putting the S System in at Cape Canarveral? for the systems which are used for the launching of the space units, it's being installed in there. The actual component part of the aircraft has been an agreement made that all future aircraft manufactured by one of the largest manufacturers in the world of aircraft, it will be installed as standard equipment in all the new aircraft that are coming out, that's in the Boeings. So there is a number of huge advancements being made which is locking this system up into place.

MR DEPUTY SPEAKER                      Thank you Mr Nobbs.

MR NOBBS Thank you, thanks for that Garry, it's very interesting but I've got a query, did you say that Flight West haven't put these into their aircraft and it won't be in until April, is that right?

MR ROBERTSON That's quite correct, there is a part of the instillation that is in but not the completion, which is the BD2's and the GNS unit which is the second half of the system which goes in an aircraft. One of the aircraft has got the first part in it, not the balance and CASA have decided to do some other tests on these airframe components before they get installed. Installation has now been delayed because CASA has only just finished doing that, and to pull an aircraft off its schedule flying and just say we're going to take it in and stick it in a hanger for two weeks is a commercial situation which is obviously not on if you're currently running that aircraft to capacity. So now the timing is for them to be free for it to go into the hanger to get that final part. The second one will be done almost straight away after the first.

MR NOBBS My understanding was that the wheel problem plane was being fitted with one of these and that you said in the house several months ago that there was a need for 50 landings, which would be completed over time with these particular aircraft and we worked it out roughly that it should all be set and ready to roll in February, is there confusion there or has CASA changed its mind, or has the Mobil oil crisis thrown them into confusion or what's happening?

MR ROBERTSON No, it's quite right. What I said in the November meeting was what was known to that time, or December meeting I think it was, what was known at that time. Since then there's been some link ups which I have had, telecommunication link ups or telephone link ups, with all of the players, CASA, Air Services, Honeywell, Peloris and Flight West, to find out exactly the situation for installation. The first part of the unit was put in when it was in the hanger, but the second part which is the main link up had not been clarified by CASA. And that completion has only just been done, CASA have been short staffed and haven't had the man power or resources to complete that test. Similar sorts of things happening with the pilot, there's only one pilot that's been approved by CASA to actually do the flight tests. They've actually cut the 50 flights probably down to 30 now, they've reduced that because of what they've found within their documentation searching and their data that they've collected so far. The object now is that that particular pilot is not available now, until the first week in May I think, or after the first week in May. So even if the instillation was in, he is not available to come and test fly that aircraft and it's his test flying of that aircraft that does it, then there's this number of aircraft flights that have to take place and they've already reduced that down and they are saying now that they are going to probably hold the aircraft here for a week, in which case that would be completed in that time. Now these are all the steps that have happened since our last telephone conversations to find out exactly where we are. Further to that, tomorrow Dennis Buchanan is arriving for discussions for me to complete with him the exact situation regarding Flight West and their instillation, but that's the latest data that I have at hand.

MR DEPUTY SPEAKER Further participation, Honorable Members. The question is that that statement be noted, those of that opinion say aye. Contrary no, any abstentions the aye's have it. Thank you. Are there any further statements this morning, this afternoon now? No further statement. Thank you. We are at notices Honorable Members. Notice number 1: Request to Executive Member to amend the Social Services Act 1980. Mr Brown.

MR BROWN

Mr Deputy Speaker I move that the Executive Member take all necessary actions so as to allow Social Services beneficiaries to earn an additional \$1,000.00 per six months without such earnings affecting their Social Services benefits. Mr Deputy Speaker this motion follows upon the \$72.00 per fortnight increase which has recently been paid to members of the Public Service by way of a cost of living adjustment. Cost of living Mr Deputy Speaker varies little with your income, sure a person on a large income may have certain items of discretionary spending but basically when one talks about a cost of living one talks about something that's reasonably similar for most people. I think that none of us would take a view that a pensioner should be forced to eat sausages or mince while everybody else has steak, if the cost of living has gone up it should have gone up for everybody by the same amount. Now in working out the \$72.00 per fortnight figure for the Public Service it's possible that we didn't carefully think about that. It's possible that we should have taken a view that we would base the increase on a certain level on income which was less than that on which the Public Service one was based, but never the less that's what happened, the Public Sector Remuneration Tribunal made a finding and Members will recall that although I sought the agreement of the House to disallow that, the House by majority evoked one was of a view that the \$72.00 per fortnight should stand. Now I'm not sure that today is the right day for us to be dealing with my motion, and I will be quite happy to move its adjournment at the end of the meeting in the full knowledge that adjourning from today's meeting would mean that it would have to be recommenced by the next Assembly. But I do recognize that if we were to pass a motion, be it along these lines or along the lines of an amendment which I'll suggest in a moment. That would have an impact on the expenses for the next Assembly and perhaps at our last meeting we shouldn't be doing that. Perhaps it is more appropriate for the next Assembly to do it. But I have circulated to Members this morning details of increases in Norfolk Island pensions over the last four years and it's interesting that from January, 1997 to date, that's a period of just over three years, the single pension has increased by \$15.10 per fortnight and the married pension has increased by \$13.40 per fortnight, but we've happily taken a view that the cost of living went up by \$72.00 per fortnight during a period slightly shorter than that. The motion that we have before us at the moment is to try to compensate for that by allowing our Social Services beneficiaries to simply earn more money themselves without their pension being affected. That at first glance sounds very fair. It's not saying give us more money, it's saying well how about you at least let us go out and earn a little more so that we can try to keep up with that \$72.40 cost of living increase which you've told the community has occurred over the period. But the authorized officer, in a note which I've circulated to Members this morning a note to the Minister for Health, which the Minister has kindly provided to me, has pointed out that simply increasing the allowable earnings might not be the fairest way to compensate because it's not everybody that's able to go and earn more money. For some, their total ability to earn might be the small amount that they earn on their investments, their interest bearing deposits or their couple of shares. For others it might be what they earn from their palm seed or from growing a few vegetables. For others it might be what they can earn from a little bit of part time work. And the authorized officer has provided us with a comparison of benefits in Norfolk Island and benefits in Australia, and just running through some of those the single rate benefit at the moment in Norfolk Island is \$307.40 compared to \$366.50 in Australia. The married rate is \$255.90 compared to \$305.90. The allowable income is \$89.60 for a single person compared to \$102.00, and \$74.60 for a married person compared to \$90.00. And then in Australia there are pension cut off points which are also listed and compared with ours, where in Norfolk Island the pension for a single person cuts off at \$540.20 compared to \$845.80 in Australia and \$456.10 for a married person compared to \$707.20. Also in Australia Mr Deputy Speaker there is something called a rent allowance where in certain circumstances rent assistance is provided and Australia has a number of other concessions just as Norfolk Island

does. Norfolk Island endeavors in things such as power bills and phone bills and motor vehicle registration to be of assistance. Australia has a medical scheme, just as for our senior citizens we have our HMA Scheme. But I wonder whether rather than the increase of \$1,000.00 per six months, which I have suggested in my motion, I wonder whether it might be better to look at simply bringing our benefits and the allowable income in line with those in Australia, so that our aged benefit for a single person would increase by about \$59.00 and for a married person it would increase by just on \$50.00 per fortnight. And the allowable income for a single person would increase by \$12.40 a fortnight, and for a married person would increase by about \$15.40. I'll be interested to hear what Members feel about it Mr Deputy Speaker, as I said I would be happy to move for it to be adjourned so it can be dealt with by the next Assembly, but I'm sure many in the community would be interested to know our feeling, particularly in the light of us having taken a view that due to cost of living increases the Public Service salaries should increase by the \$72.00 per fortnight by which they have been increased. Thank you.

MR BATES

Thank you Mr Deputy Speaker. I certainly support what Mr Brown is on about here. I do have, and Mr Brown also mentioned this, I do have some concerns that the initial proposal of just \$1,000.00 at earning capacity is the way to go because it's fairly obvious that that's only going to benefit those that have the ability to go out and earn that extra \$1,000.00. Those at the bottom of the scale, right at the very bottom or just not having any additional income is what I mean, just having their pension only to live on without the prospects of earning that \$1,000.00 are not going to benefit by the proposal and I think they're the ones that possibly Mr Brown was trying to help most. Some years ago I think I initiated some sort of a survey on the cost of living on Norfolk verses the cost of living in Australia and I think it became a pretty major exercise and I don't think we had any conclusive results from it. But it would be interesting to know how the cost of living on Norfolk compares with the cost of living in Australia, I think each and every one of us who have ever spent \$100.00 in a grocery store on the mainland have been a little bit surprised that we've managed to get outside with a little bit more than two little bags of groceries, which we're used to getting on Norfolk Island for the \$100.00. I think it's obvious that food on Norfolk Island, imported food, is much higher than what a pensioner can buy it for on the mainland and I would also suggest that food is the major expenditure that a Norfolk Island pensioner has when he gets his pension. I guess that comes first, I think that maybe some of our other costs of living on Norfolk Island are not quite so high, we're not always putting money in parking meters and we're not always spending a lot of money on buying things that we get through the local barter system of fresh fruit and things like that, when it's available. So it is difficult to know precisely what we're doing, I think it does need some more work but I definitely support what Mr Brown was trying to achieve here and if it can be moved around so that those who are on the bottom of the scale can benefit and not just some of those who have the ability to increase their earnings, then all the better. Thank you Mr Deputy Speaker.

MR GARDNER

Thank you Mr Deputy Speaker. Certainly I support the concept of this. Maybe to clarify for Members information exactly what the Executive Member is able to do, for example if this motion were to get up that the Executive Member can create a regulation to alter the rate of income per fortnight specified in Item 2 of the Schedule to the Social Services Act 1980. Item 1 in that Schedule deals with the benefits that are payable, the Item 2 I referred to deals with the threshold level that applies on income allowable before affecting the level of the benefit paid. I certainly have been trying to work out for myself where exactly the \$1,000.00 figure came from, maybe John might be able to provide some further information in that area. The advice that I copied to Members of the Assembly back on the 25<sup>th</sup> of last month, which John has kindly reminded Members of this morning by copying the same

information to them, has advice from the acting program manager and authorized officer for Social Services Mr Graham Donaldson, that suggests that the motion as proposed as Brian has also pointed out would benefit those that already have a means of additional income and provide no benefit whatsoever to those without the access to that additional income. He goes on to suggest that the impact of approximately \$15,000.00 or thereabouts per annum on the budget would be more appropriately directed towards benefiting all Social Service beneficiaries, in other words right across the board. That to me seems fairer, however as Members would be clearly aware, work has begun and the direction endorsed by this Assembly to review this system, the Social Service system, and in line with that I believe that Mr Brown's proposal warrants attention as part of that review. I think earlier today John made a reference to making sure that there was adequate community consultation before the Assembly makes decisions on matters and as part of that review I think it's important that the due public consultation and consideration are absolutely necessary and passage of a motion of this type today I think would hamstring that exercise. As I said before, I'm supportive of the concept to review the current threshold but believe it must be considered as an integral part of the current review of the Social Services legislation and policy. Whilst we're on that subject, I have been approached in recent days by members of the community to try and establish a program of activities for some of our welfare beneficiaries, I think Members would appreciate that with an aging population and a healthier aging population than has been in the past, that when people do retire they are remaining far more active than they were in the past. And some of those members of the community are in deed keen to remain active, and remain active in meaningful pursuits and whether that's assisting on a building site or assisting with gardening or assisting with something else. Not necessarily for income, but at the moment it's difficult because most of those types of occupations that are available are paid occupations and they feel that if they take that up they would be at a disadvantage as far as the level of income that they are able to receive under the Social Services Scheme. It has been suggested that maybe we could identify a series of programs that would provide them an outlet for their level of activity at that age and certainly endorse that and would recommend also that that be included in the ongoing review, which hopefully will be taken up by the next Assembly. Thank you Mr Deputy Speaker.

MR DEPUTY SPEAKER

Further debate, Mr McCoy.

MR McCOY

Thank you Mr Deputy Speaker. I'm of the same opinion as Mr Gardner that I agree with the concept but after reading the circular from Mr Graham Donaldson, authorized officer for Social Services, it gave me some reservations about this motion and what is the intent and how many Social Service beneficiaries will gain any real benefit and the actual impact on the Government purse. The intent of the motion is to allow Social Services beneficiaries to earn an extra \$1,000.00 per annum based on the fact that Public Servants received a cost of living increase of \$1,872.00 per year. The question being if cost of living increase for Public Servants, as Mr Brown pointed out, did it not increase for Social Service beneficiaries, well unfortunately because of the system used to measure both the increase in cost of living and how they measure the cost of living for Social Service beneficiaries are slightly different. The Social Service beneficiaries is measured against a retail index which, sorry the Public Servants is measured against a retail index whereas the pensions are adjusted each six months by the benefit adjustment factor, a smaller price index which takes into account movements in prices of goods typically bought or consumed by pensioners and as Mr Bates pointed out, that would have to be up to a large degree the food. But there is one issue that has not been addressed and that is simply the fuel levy, they all pay the same fuel levy as everyone else on the Island. But not all Social beneficiaries are in a position, whether financial or physical to have an alternative source of income. Admittedly, some who are in a

fortunate position to have invested money in the Bank or in shares may be affected by the recent increase in interest rate movements and could see a reduction in the benefit received, but not all Social Service beneficiaries who earn the allowable amount are in this scenario. 50% of the beneficiaries receive a reduced benefit because they earn more than the allowable amount, the other 50% receive the full benefit because they have no other source of income. Therefore increasing the threshold on allowable amount Social Service beneficiaries can earn may help those who have alternate sources of income but no effect on full benefit beneficiaries. On the other hand some who have an alternative source of income may not get any real benefit either, because they would drop below the allowable amount they can earn, if we do increase it by the \$1,000.00. Therefore, they would become full benefit recipients so all in all I really think this motion does nothing to help the majority of Social Service beneficiaries. I feel that we can do better than that by taking into account the fact that not all Social Service beneficiaries will gain anything from the recent interest rate adjustments and from time to time there are cost increases that do not necessarily affect the BAF. And some may think what is wrong with the motion if there is no cost to the Government, in actual fact there will be a cost to the Government, as I mentioned earlier, some beneficiaries who are presently getting a reduced benefit because they earn more than the allowable amount, will move into a less than allowable amount earned situation, therefore impacting slightly on the Government purse. So a lot said about the Social Service beneficiaries who may gain something, if we endorse Mr Brown's motion, but nothing said about the 50% of Social Service beneficiaries who gain absolutely nothing by such an increase in the allowable amount earned. As I have attempted to indicate that some Social Service beneficiaries will be better off and some won't be better off, also the public purse will be affected. I recommend an adjustment to the base rate for pensions so all beneficiaries enjoy some increase in their pension. Keeping in mind though, that an adjustment factor of 1.016 was published in the Gazette of 6 January, 2000 which to some degree means pensions have increased by slightly under 4% between December, '96 and December '99. Therefore, somewhere around another 3.5 increase to bring it in line with the public sector increase on a fortnightly pension would be justifiable, or a fact of 1.04, the latter giving a greater increase to actual pension payments. As I said earlier on, I do support the concept but I had a bit of a problem that only 50% would gain any real benefit. Thank you.

MR BROWN

Mr Deputy Speaker I'm sorry that I must not have made myself clear earlier in the meeting when I said many of the things that John has just said and I did indicate earlier in the meeting that I would be happy to propose the adjournment of this debate once we've all spoken for some of the very reasons that John's mentioned so that everybody gets a fair result rather than just some. John has mentioned the BAF, the Benefit Adjustment Factor, and that's the basis on which our Social Service benefits are adjusted, and he has pointed out that that's risen by about 3.5% compared to an increase of about 8.1% in the retail price index over the relevant period. Now I'm not suggesting that we should change the BAF, that was thought out in some detail before it was introduced, there are reasons for it being different, but what I am suggesting is that it is not fair to calculate a Public Service cost of living increase, if there is such a thing indeed, but lets accept that that's what's happened on this occasion, it's not fair to calculate that on the basis of \$27,000.00 or so a year, but to calculate the increase in our Social Services benefits on the basis of an income of \$5,000.00 or so a year for a married person and up to about \$7,000.00 for a single person because the result of using the different base in each case is quite spectacular. In fact, you get the very result we've spoken of where the Public Service wages and salaries jumped by \$72.00 a fortnight and those for our Social Service beneficiaries jumped by \$12.00 to \$15.00. So I'm suggesting we need a one time adjustment and then stick with the BAF for the adjustments from there on. In terms of the allowable income, the Minister for Health asked if I could indicate where the \$1,000.00 per six

month figure came from. It in fact started off with a figure of \$1,000.00 per year which was suggested to me by a Social Service beneficiary as being a cost neutral way for the Government to allow people on Social Service benefits to try to recover some of that same cost of living increase that had been encountered by all of us. But when I looked at the numbers it seemed to me that unless that figure was \$1,000.00 per six months, that is \$2,000.00 per year, the Social Service beneficiary couldn't get anywhere near into the same position that the member of the Public Service has got to, and that's why I made that change. But I do accept the comments that have been made by the authorized officer and I have already suggested that it may be more appropriate to look at bringing both the rate and the allowable income and perhaps the cut off point in line with the present Australian system, but then for future changes sticking with our existing Norfolk Island system. Thank you.

MR NOBBS

Thank you Mr acting Deputy Speaker. May I just say at the outset that both the provisions allowing the increase in Public Service salaries and the increase in pensions has been around for quite a number of years and I'm a bit concerned that within two weeks of an election we are starting to radically change it. Now I'll tell you why. Because I've been in this term a member of the Social Services committee and I can assure Members that there are heaps of problems involved in the Social Services system and there has been heaps of problems for a number of years. Now the committee has made recommendations in relation to that and nothing has actually happened, so I am very concerned that we are now going, several weeks ago Mr Brown brought this up and it was a \$1,000.00 every year and now it's \$1,000.00 every six months, now we wish to give them the Australian pension, that's it. Then go up with a scheme that's obviously has been flawed in the past. I'm very doubtful of the value of proceeding down this road, to tell you the truth, because I think that there will be some people hurt. The first issue really is the \$1,000.00 or \$2,000.00 a year, whichever one you want to take, it's been pointed out that there was a mistake made when the proposal was put up, that there is a potential for impact on Government expenditure when we were told in another place that it was not. Now if there is a potential for a problem there there's a potential for a problem all over the place. Mr Brown accepts that we are committing the next Assembly to something that they have to find, and they have been painted into a corner under the present arrangements because they will be taking over a deficit budget, there's been an increase as we've heard of the funds required to fund the Public Service pay rise and such things, so they have got some problems coming on. For certain the income that we saw this morning has been increased somewhat but there's still a lot of outgoings that are over the issue. Now I believe that I really can't support the motion itself because it's unfair, and that's the motion that we have before us, not the one that's been thought of later on. And I feel that it's unfair, I feel the proposal would commit the next Assembly and I believe, and I'm sure I'm right, that there is a complete review of Social Security Scheme needed to be completed as a matter of urgency, not over the next three years, but it should be, I believe, whoever gets into this Assembly at the next time be one of the first, that and Immigration are two of the biggest problems we've got here on the Island at the present time. So Mr Deputy Speaker that's my view, I find that it's first that the original motion is very unfair and that a complete review is long overdue and required urgently. Thank you.

MR ROBERTSON

Mr Deputy Speaker. In front of me I've got a document which is the policy review and this paper was prepared by the Norfolk Island Social Services Board and is dated June, '98. That is obviously referring to what Ron has just been talking about. And in it they go and make a number of suggestions not just in this one area but in the area of Social Services as a total, and having done that there is another document I'm looking at which is the 5<sup>th</sup> May, 1999 of which the Crown Council reviews this document from June, '98

and makes a number of findings on the issues that have been raised in this document and makes sorts of bits and pieces. Then there is another bit in June of '99, Graham Donaldson and the Board meet and Graham actually puts a note to the fact that the Board, that's the Norfolk Island Social Services Board, has reviewed what's been received from Crown Council and their still basically sticking to their original proposal that there is a need for an overall look in totality. So I agree with what the Minister has said in as much as that there needs to be review in total and I agree with what Ron said, whilst there is probably a need for a specific area of people on this Island to be maybe upgraded within, it's more than that, it's total and it needs to be looked at in light of the documentation that's been out sitting before us for two years. And reviewed in total so that not just one little sector get it, but the whole of those that are currently looked at by the Social Services Board and taken as a whole. And so therefore I agree that whilst in general that there needs to be a review done, I don't particularly agree with the motion as it stands, but that this Assembly should pass on to the next Assembly people the necessity to take it up and run with it and look at what has been done, documentation is all there, so why not go with what has already been suggested instead of trying to start up a new one instead of biting bits and pieces off it all. That's all I say.

MR GARDNER Thank you Mr Deputy Speaker. I'm somewhat surprised by Mr Nobbs comments earlier about absolutely nothings been happening in this area. As I mentioned when I first addressed this that the direction had been endorsed as far as the review was concerned and Mr Graham Donaldson, the acting program manager, was responsibility for this area and Mr Nobbs, who is a Member of the Social Services Board, were both in attendance at a meeting to discuss, the whole Assembly, to discuss the policy review and necessary legislative changes. My understanding of the outcome of that was that Mr Donaldson was preparing further papers on some areas that were causing some concern and as a matter of necessity would take back the ideas that were generated in discussion of this to the Board, and that the Board would be forthcoming with further comment on it. As yet nothing has been received, so maybe there has been a breakdown in communication between that meeting of this Assembly and the Social Services Board. There was also a recommendation that, I haven't got the benefit of my papers with me at the moment and certainly the notes that were taken there, but some of these issues as part of the review were quite clearly supported during those meetings with Mr Donaldson and the instructions were being developed by him to be passed on to the legislative draftsman at the time, Mr James Williamson, to do the necessary drafting for those changes to take place, and I see Gary nodding his head, he was clearly of the understanding that that was taking place. Ric eluded too earlier this morning that there had been a list of legislative priorities drawn up for the Executive to consider prior to the ending of the term of this Assembly and certainly it had been recommended that those changes as necessary would be bought on and added to that list. Unfortunately, we decided to go a couple of months earlier, and with some of the other major legislation that was before the House, it was thought that it was not possible for those legislative amendments to be made before the expiry of the term of this Assembly. So I just thought that needed clarification, it's quite true from what Mr Nobbs says there hasn't actually been any changes, but it is incorrect to suggest that absolutely nothing has been done either. Thank you.

MR DEPUTY SPEAKER Thank you. Mr Brown and then Mr Bates.

MR BROWN Mr Deputy Speaker I would just like to comment briefly on some things that were said by Mr Nobbs. Firstly, I think Mr Nobbs said that I had suggested that the proposed change would have no impact in financial terms on the Government. I don't think I did suggest that, I think what I said was it had been said to me that there would be no

cost to the Government if our beneficiaries were allowed to earn a little more. Well of course that is the case in relation to the particular person that was talking to me, but it isn't necessarily the case generally because an increase in that threshold would potentially allow additional people to become beneficiaries and in fact the authorized officer calculated the potential cost at \$15,000.00. Now that's the authorized officers calculation, I don't seek to argue with his calculation I simply accept that. Mr Nobbs has said words to the effect, but this hasn't happened in the past, why change now. Well the reason to change now is that we have just provided a \$72.00 per fortnight cost of living increase to the Public Service and we do need to be consistent Mr Deputy Speaker. The Public Sector Remuneration Tribunal has now been in operation for some years and, if my recollection is correct, Mr Bob Fitzgibbon was either the first or one of the first to run the Tribunal and I recall a very lengthy and well written determination that he made quite some years ago in which he endeavored to make it clear that people shouldn't just expect to come along to the Tribunal and say well the cost of living has gone up so I want a pay rise. He said look what's expected of you in the future is that you'll come along and demonstrate productivity increases and he was acting consistently with trends throughout the Western world, because it has been recognised almost universally that the time to simply pass on a cost of living increase without requiring some form of productivity increase is long gone. And so the thing that has changed is whereas Mr Fitzgibbon was quite correctly, many years ago, saying the focus has to be on productivity, our Government, the Legislative Assembly and the Tribunal have all now said oh no it's appropriate to pass on a cost of living increase, and that needs to be passed on, not only to the Public Service but to our Social Service beneficiaries. And could I just say one final thing, the costing of an increase in the benefit as well as an increase in the allowable earning would certainly be higher than \$15,000.00 Mr Deputy Speaker. And I don't have a calculation from the authorized officer of what that might be, but what I do say to you is, we have happily passed on an increase in excess of \$300,000.00 a year to the Public Service and be it \$15,000.00 or \$45,000.00, and I greatly doubt that it would exceed \$45,000.00, are we really so stingy that we are happy to give the Public Service in excess of \$300,000.00 but we're not happy to give anything to our Social Service beneficiaries. Thank you.

MR BATES

Thank you Mr Deputy Speaker. Two issues which do concern me, I think it's obvious from listening to the debate that everybody here is happy with doing something, the word urgency has been used. It worries me a little bit, Mr Gardner says we've done certain things that we reportedly got over 18 months ago, May or June '98, we have done things but I really can't see that with all this review and that that anything even with all the urgency in the world that this thing is going to be resolved very quickly. And I think all the time you'll have a lot of pensioners sitting out there listening to what we're saying and saying give that away for another six months, nothings going to happen there for six months while they do all this review and I think that needs to be considered in the concept of this, I think what we do we need to do quickly because as time goes by people are affected. But what is beginning to concern me a little bit with the debate has been the relationship between Public Service salaries and pensions. I'm not sure that any salary and a pension have a direct relationship, I think most people when they're working get the best salary they can and if they have a pension then it's different, these pensions are clearly geared to a one person family, or if they're married they get twice as much virtually, not quite twice as much, but the rate of pension we're talking about or the increase in the pension is for a one person family or maybe a two person family. I'm not sure that the \$72.00 per annum, the Public Servant got was just to support one person or a one person family, in some cases it was probably intended to support a wife and a couple of kids, and we all know what it costs to put kids through school, we all know what it costs to take a loan out to get a house to live in, we all know what it costs to take that family away for



doing it, the last sitting of the House when we can't actually do anything about it of any effect at all, as the Minister said that he would have to make a regulation to change the rates that are paid. It's almost impossible for us to do that in the time we've got left in our term, but what worries me, and I just say to Mr. Brown, be careful how you make your comparisons because, its starting, it could start to sound a little hollow of what we are trying to do here when you keep mentioning the public sector Remuneration Tribunal things. I know what you mean, but I think you've just, we've got to be a little careful that we don't make it start to sound like, well that's happened, so this should happen. I would like to think that what we are looking at today, what we're going to do with it, I'm not to sure at the end that we are genuinely interested in what people in the Social Services area are receiving and what perhaps they should receive. I think we need to make that point that if we are going to start dragging other issues into it starts to sound a little hollow and I don't think that's appropriate with things such as Social Services, but I am pleased to hear that Mr. Brown is going to adjourn anyway, so therefore we wont get to deal with the issue ourselves, in a formal sense in the House and what ever the next Assembly wants to do I would agree with Mr. Brown that they should move quickly on it if they agree with view that seems to be generally held. Thank you Mr. Deputy Speaker

MR DEPUTY SPEAKER: Mr. Gardner you were seeking the call earlier before you went out of the House, and I gave others when you were not there, did you want to speak before I turn to Mr.

MR GARDNER: Yes, just very briefly Mr. Deputy Speaker. I'll certainly in the two weeks that we have remaining endeavor to make sure that the necessary analysis of comparisons, I think as Brian was talking about earlier the differences between Australia the situation in Australia and the situation on Norfolk Island as far as expenses and bits and pieces can be properly documented and that this matter can be more formerly advanced prior to the establishment of the next Assembly so the next Assembly are armed with the necessary documentation at that time to be able to take this to some conclusion.

MR BROWN: Can I move the adjournment.

DEPUTY SPEAKER Honourable Members I put the matter to you, that this matter be adjourned,

QUESTION PUT  
AGREED

Any Abstentions. The ayes have it. Thank you

DEPUTY SPEAKER: Honourable Members I will suspend the sitting now while we have lunch, as I've informally for-shadowed a photograph in the luncheon break. I think we suspend say at 2.15pm we'll have time for a photograph and then lunch and then resume. So on that basis we suspend Honourable Members until 2.15pm.

### **ASSEMBLY MEETING RESUMES**

DEPUTY SPEAKER: Honourable Members we commence after the suspension for lunch. We are at Notice No.2.

**REQUEST TO EXECUTIVE MEMBER TO TERMINATE LEASE OF PREMISES KNOWN AS AT RANDOM.**

Mr. Brown you have the call to initiate that Motion

MR BROWN: Thank you Mr. Deputy Speaker. I move that this house requests the Minister for Tourism and Commerce to take immediate action to terminate the lease whether by the Administration of Norfolk Island or Norfolk Telecom, of the premises in New Cascade Road known as At Random.

MR DEPUTY SPEAKER; Thank you. Mr Brown.

MR BROWN: Mr. Deputy Speaker. This motion is not in anyway aimed at the owners of At Random. It's a motion that comes about, because a rental commitment of a significant quantum to the extent of \$50,000 per year has been made to rent the building known as At Random, without the bank bench members of the Legislative Assembly being shown that there is a need to do so. It seems to the casual observer that one of the sheds is being used at present to build a trailer, some have suggested to me that it is a private construction project for a boat trailer, but I'm not in a position to say whether that's the case or not, I simply don't know. Until recently there has been a couple of table tennis tables. I understand that the millenium tent might be stored there. The sports Association has used it for meetings, and all of those things have been convenient, but they are not things that justify a \$50,000 building rental. We've been told that the building is needed by Telecom, for varying reasons. One reason was that there was insufficient space in the Telecom building, another was that it was inconvenient that when the doors opened and closed with people coming into the Telecom building because it interfered in some fashion with the air conditioning, but the inescapable fact is that the Assembly has not been shown that there is a need to rent the building, in fact the Minister himself as I understand it is still waiting for paperwork from the Public Service to show that there is a need for the building. The Minister has been left in the embarrassing position of having accepted the advice of the Public Service but not having that advice backed up in any way in order to support what he has done, and it's my belief Mr Deputy Speaker that the expense is simply unwarranted. Now certainly some may say that we expect to one day issue some internet gaming licenses and perhaps some of those people would like to hire some space there, well perhaps they would and perhaps they would not to. As I understand it no-one has suggested that they intend to hire space there and most of those operations today Mr. Deputy Speaker in terms of internet gaming are run through a very small computer box, without a requirement for significant office space or anything else, and if what we are talking of is a sports betting license then a sports betting license can run in various ways but, I don't expect that anyone would be intending to put a betting shop in the At Random premises. I am far from convinced that Telecom needs the space. It seems to me that the Telecom staff that do use the At Random space are forced to spend large parts of their day walking backwards and forwards to the other premises in any event, and if it really is the case that we need more space perhaps we should be looking at some form of extension on the Telecom building. I don't wish to add anything to that Mr. Deputy Speaker, save to say that in my view that we shouldn't let the end of this Assembly pass with the untied knot of the At Random building, still at large, its time to give the notice which is provided in the lease and at the appropriate time vacate the premises. Thank you.

MR. DEPUTY SPEAKER Thank you. DEBATE. Mr. Bates

MR BATES: Thank you Mr. Deputy Speaker. Members will recall some eight months ago now when this was first, there was a lot of concern both in the community and it was discussed fairly widely in this house. I for one was unhappy about it then. I remain unhappy about it now. The only justification I could find for the premises, I thought it may not be a bad lot of premises for the Administration to one-day own, because there's talk about moving certain things up the road. If there's a need to expand Telecom it's right there where a lot of the wiring is and I thought there could be some justification to ultimately acquire that property for use by the Government in the future. On that basis I was comfortable with it, but certainly made suggestions that I would not be comfortable with it if that purchase option did not come into play. As I see it now we have virtually thrown \$32,000(thirty two thousand dollars)away. I don't think we've got anything to show for thirty two thousand dollars, eight months rent. I understand to get out of this lease requires another six months rent. I don't know whether Mr. Brown's suggesting we pay up that six months which is another twenty four thousand dollars and vacate immediately, or whether he's suggesting we give notice that we will vacate in six months time. I certainly am still of the opinion that if there was a purchase option and that property eventually became ours then maybe, maybe there's some justification, but there's certainly no justification in my mind for four thousand dollars a month, thirty two thousand dollars to date gone down the tube, no purchase option. I think if we do close it down we need to find somewhere for Telecom to have a little more space, but certainly in my mind four thousand dollars a month going out on the never, never plan being thrown away for the premises is just not on. I think there's expectation by the public that it's not on also. I don't know whether to support the motion or not but I remain very unhappy about it. If I could be assured that the thirty two thousand dollars that we've already spent was going to go to the purchase price, ultimate purchase price, and we're ultimately going to acquire the building then perhaps I wouldn't support the motion, but I really remain extremely unhappy about this whole, whole deal. Thank you Mr. Deputy Speaker.

MR DEPUTY SPEAKER Thank you. Mr. Brown.

MR BROWN Mr. Deputy Speaker. Just to clarify a matter for Brian. What the motion is intended to be aimed at, is to immediately giving notice in order to vacate the premises in six months time.

MR DEPUTY SPEAKER Thank you. DEBATE Honourable Members. Mr Nobbs

MR. NOBBS Thank you Mr Deputy Speaker. I was , I was very concerned about this whole issue right from the outset and like most back benches were unclear as to the negotiation process undertaken and the precise reasons for requiring the building. Having been on the Building Board, I was aware that Telecom wished to construct a shed in the car park opposite the Telecom building and this was turned down because it was the area thought by the Planning Board to be a car park not another construction site. However this immediately followed it, this requirement and then it became a question of who would go in there and we still haven't got any idea as to who will actually occupy the place and I think there's been outline here by previous speakers what its been actually used for. In relation... then it was thought I believe that we should buy it and I don't know where the funds would actually come from and I don't believe or I haven't been told anyhow what a firm price for the building will actually be. But I wish for a minute just deal with the Government purchasing such facilities and all things being equal, purchase might be fine but disposal to me is the problem. It still worries me that there are no provisions which restrict Ministers and Governments should they wish dispose of such assets as At Random if it were purchased. And

these sort of restrictions must be put in place to ensure that the whole community has a say in the disposal of such assets. Now there's been disposal of land in the particular area I think all Members know the history there and that's my greatest fear on the Government purchasing particular areas like the land at Ball Bay where-ever you like to put it, but the next mob comes along and short of bread, so they immediately cash it, and that's where I believe there should be restrictions put in place where it must go back to the community. After all it was bought with community funds and it should be. As far as the Motions concerned, we were told at the outset that we had five months in which to make up our minds, I think it was five months. Brian seems to think it was six months, which to make up our minds from about May last year as to what would happen to this building. When the times arrived the five or six months what-ever it was, in response to a question it became clear then that it became five months from the time that you give notice. It is now I believe nine months since the commencement of the lease and a decision must be taken. I believe that the lease was a mistake and I believe that we should clear the deck for the new incoming Assembly. Whilst there will be some cost to the new group in the matter of months because as it was said it was five or six months notice that we have to give. Mr. Deputy Speaker I'm very much in favour of it, and I'd just like to make another point. It really needs to curb the powers of Ministers and particularly those responsible for GBE's. I have been concerned and I'm even more concerned having been a member of this organization that Ministers responsible for GBE's have some sort of unlimited powers. It's really quite incredible and I think that the whole business of Government business enterprises, of their relationship to the Assembly and the controls, their relationship to the Administration, how they fit into the community because I don't believe that GBE's should be privatized I believe that the ones we've got are firmly entrenched as raisers of Government funds. However I believe that we must look closely at controls that are put in place to make sure that these organisations are run correctly and that the Ministers have a direct responsibility apart from getting the sack, through this, through this organization. As I said I believe we should clear the slate for the new Assembly, and I support the Motion.

MR DEPUTY SPEAKER  
McCoy

Thank you. Further Debate Honourable Members. Mr.

MR MCOY

Thank you Mr Deputy Speaker. Yes, from the outset I support the Motion because I did have difficulty with the leasing of At Random. As time went on I was more or less convinced that it was a good idea, because Telecom needed some storage space but this really goes right back to the problem of having not upgraded storage areas for Administration vehicles at all. I would have considered to upgrade the sheds and create some larger coverage down at the works depot would have been a better investment, especially when its to store a new piece of equipment for Telecom, because I believe in the outset the move to the works depot was because there was a large area there where future development for Administration needs could take place. I was told that it was too far away from the present Telecom building to run the lines down to the New Cascade Road works depot area, that's the cable lines or whatever they needed to do, but I still think if we are spending the amount of money that is going to go to At Random on refurbishment, refitting, fixing up the roof, fixing up the interior of the building, that money could be better spent in other areas, and also the clouding of what will happen, whether there will be an option to purchase in the contract now. That option had been thrown around. At one point it appeared that it would be an option to purchase, but now it seems that situation has changed. So yes, and in light of what Mr Nobbs and Mr Brown and Mr Bates have said, I agree, and I believe we should terminate the lease. I do support the motion.

MR DEPUTY SPEAKER                      Thank you. Further debate. Mr Bates.

MR BATES:                                      Thank you Mr Deputy Speaker. Just a tiny bit of perhaps assistance for Mr Nobbs, I think he was talking about expenditure of the GBE's and lack of controls. There's a very simple mechanism available to control expenditure in the GBE'. I've spoken about it on many occasions, its probably a little bit late for this Assembly, but if you've got time during the week and want to talk to me, I'll tell you what it is and point out how it goes and if either you or I are around at the next Assembly maybe we can do something about it.

MR DEPUTY SPEAKER:                      Thank you. Chief Minister.

MR SMITH:                                      Mr. Deputy Speaker. Let me just pick up the points that have just been made by Mr Bates, and a couple of other members mentioning. Talking about GBE's here. GBE's have got nothing to do with what we are talking about here, in the sense of this lease arrangement of the premises in New Cascade Road. If this is a go, an opportunity for members to have at go at Ministers about how they run the GBE's and there's two of us, three of us that do, well go for it , but say so, so that it's a different issue, but the issue you're talking about here today is in relation to a motion, proposed by John, that to terminate the lease of the premises in New Cascade Road. Now sitting around the table here it makes it sound like you guys don't know anything about this. Think back, think back to May, June last year when we talked for some three quarters of an hour about the same issue and all the reasons why, the building was considered at all by Gary in the first place. The Minister proposed the idea in the first place for two reasons. One its not only Telecom the other reason was the moving, or the opportunity to move the Community Services area of the Administration up into Burnt Pine. Now that had been proposed quite some time before that, and another building was going to be was proposed to be leased, but when this particular property came up , it was considered by Gary as appropriate at the time, and with the Telecom side of it as well, think back to the reasons that we took it on. It wasn't so you could go and put a truck or a boat trailer under a shed. Were talking about Telecommunications, our main Telecommunications to the Island its probably within the next twelve months that we will be on satellite communications. That is really, really important. If we have to put in an earth station for Telecommunications the original idea was to put it as Mr Nobbs said, in the car park that the Government owns or the Administration owns right next door to this particular property, but it was thought at the time by the Planning Board that, that wasn't appropriate that a shed go in that particular area and I think they were kind of advised to look somewhere else. When this property came up, it had sheds, it had a building that was large enough to take in much of the Telecom equipment into it, and also a place where a satellite earth station could, could be placed. I think Mr. McCoy mentioned you couldn't place the dish somewhere else. Oh no, you weren't talking about the dish you were talking about cables going down to the Works Depot. If, if that is not the place that Telecom is going to put its earth station it can be put at other places but its just more complicated and a bit more expensive, so in line with Telecom, who had run out of space, and I don't know if Mr Browns been up to Telecom and had a look through there, he hasn't nodded so I don't think he has, to in the last twelve months before they moved, before all the equipment that they had, they've got a trencher that we paid sixty thousand dollars for last year that has to be stored. We have the emergency generator system that has to be stored. We have all the cables and things that are needed, the trucks for Telecom, I mean it's not just a little tin pot place like it use to be in 1972, Telecom is a major GBE. It has a lot of equipment, it has a lot of staff, it has it is a very active GBE as the others are as well, but one of the main purposes if you will remember was about somewhere when we go to satellite communications that we would have somewhere to not only store all the equipment that Telecom owns, but it was a

place for the Satellite communications, it was also as Mr Brown rightly pointed out, if and when our first gaming people get signed up, it would be an opportunity to have them close to the communications centre, which is most important with gaming. You don't want to have a gaming thing stuck up on the top of Mt. Pitt and try and run a precise instrument from up there into Telecom, it has to be near there and that was part of the idea of taking on that particular property. But, I'll tell you what did happen, it was us, its us that have made it a problem. Sure there was Community comment, rightly so in the first place. What the hell are you doing, going and renting this property, but that's not the point, its up to us, we all knew about it, we all knew it was going to happen, that we were going to rent it, but we made such a fuss about it that it put the Minister, Gary in the position where we haven't been able to confirm that we can use the damn thing. That's where the problem has been. We've been renting the thing alright, and someone suggested that it was wasted money up until now well that rests on all our shoulders the twenty four thousand or whatever it is has already been spent, because if we hadn't made such a fuss after that we would have been fully utilizing all of that building right now. But, because Gary was put into such a position that he had to say well look guys we don't know whether we're going to keep this or not and he's been in the position of negotiating about that particular property at the time, but I must say also, that we were offered a shed right next door about the same time that we took this on, for a rent that was almost similar and it was a matter of weighing up whether that was worth while, but the property that Gary took in the end was the larger property where could actually put an earth station plus all the Telecom stuff, plus the Community Services, which is the area which supposedly going to be transferred up to there and when you think about that side of it, the Community Services thing where you do have elderly people who have to go down to Kingston, go up all the stairs to talk to Community Services people its not that far different from why we shifted the cashier side of accounts into Telecom, because it makes it easier for a lot of people and a lot of people use that part up there. The same thing would be with the Community Services, that was the idea was to be of a benefit to the Community. With those two issues was what it was all about. Some would consider the rent to high. The rent was on the market value of rents at that time they're probably a little bit higher now than what we are paying. However, the deal in the first place also was Telecom would pay a percentage, a smaller percentage and the revenue fund would pay the rest. Telecom has been using there section of it right through so the money has not been wasted in that sense, but Community Service side of it because we, we've kind of not allowed it to progress any further we've wasted the money its us that's done that because you couldn't actually move anybody into there, when, when it was in doubt what was going to happen. But lets get back to Telecom again. The current telephone exchange is probably worth two and a half million dollars. What we had before the move and it looks like it may have to go back to where it was, was you had a very large asset that is very sensitive to dust, heat and other things where the whole of the Telecom operation was operating in the same rooms as the exchange. There is a temperature that the exchange has to be kept at to keep it at an operating temperature and I can't remember exactly what the exact temperature is but with the air conditioning we have there it's very hard to keep the exchange down to the temperature it needs to be kept at particularly when everybody use to be moving through there. We had all the servicing done for very sensitive equipment being done in the same building it just goes on and on. On top of that we've taken on the internet systems. Has anybody been up to Telecom to see the internet systems? It's not just a computer stuck in a corner it takes up a potion of the exchange building, that and if there was any gaming equipment to go in there as well, there wont be any room for anybody to be in there anyway. That is, I would just like members to just think back to what that was all about. Lets not make an issue of how much money we're wasting we're looking towards the future of what we're trying to do with our Telecommunications, that was, that part of the idea because the building was too large for Telecom that the Community

Services side was going to be included in there as well for the community. I can see Mr Deputy Speaker that Mr Bates wants me to wind down my debate so I think I'll leave that there and see what Gary has to say. Thank you.

MR DEPUTY SPEAKER                      Further participation. Mr Bates.

MR BATES                                      Mr Deputy Speaker my motions were not to wind down the debate it was how the Chief Minister seem to be able to twist things around to make his own arguments. It was a twisting motion I was across there. I've never said that Telecom doesn't need room and we shouldn't provide them with room, I've supported that right along the line. I believe that they do need space and we should support them to get this space but I divorce myself from any suggestion that the waste of the money that's gone on over this deal. I clearly remember that most of the back benchers if not all were very unhappy at the agreement at the beginning. I even remember when I started questioning in the very first debate that even at least one Minister was surprised that there was no purchase option at the end of the agreement that had been negotiated. A Minister of the Government didn't even know that this was going ahead without the purchase option its that aspect of it that has made me most unhappy that we are paying out all this money and we're not going to end up with anything. Frankly if it was just a matter of premises for Telecom I'd have sooner borrowed the two hundred grand and paid the four thousand dollars a month of the loan and at least we would have owned the premises that Telecom needs to continue the function without the money just going down the drain. Then of course when the back benchers picked up about this then it was said that oh yes we will renegotiate the lease. First of all we, the owner of the premises was not on the island and I think the Minister was going away, so that took a little bit of time that people weren't here to renegotiate the lease. Then there were valuations being done both by us and by him to re-evaluate it all to get a purchase price. That was all going on. Whole host of things were going on, so myself for one has been a little bit patient about all this saying, at least, you know if we eventually own the building maybe that will be okay, but this is nine months ago. We were led to believe that all this would happen last May or June. Its not a matter of not wanting to support Telecom in its needs it's a matter of a most unsatisfactory situation that's developed up there. There is a call for certain Administration offices to move up town. If that's the case if that's that important lets build dedicated offices for them and put the four thousand dollars a month into paying for them but just to rent for four thousand and no purchase that's what I'm unhappy about and we're getting nowhere with it and the only way that the back benchers can get anything done with it is a motion like Mr Brown has put forward that will at least get the attention and get something done and that and that's what this is all about.

MR DEPUTY SPEAKER                      Thank you. Mr Brown

MR BROWN                                      Mr Deputy Speaker the Chief Minister has told us that the GBE's have nothing to do with what we're talking about. That's an amazing statement. The Chief Minister went on to speak at some length about Telecom and the perceived need for Telecom to have this space and as I understand it the lease had to be taken in the name of Telecom because that's the only way the commitment could be undertaken without going through a formal budget process in the House. And it's the lack of consultation with Members that has caused the Motion today. The Chief Minister said it sound like you guys don't know anything about this well that's dead right the problem is we know very little about it. We've been told that we're going to receive a detailed explanation of the need to rent the building. Now the Minister who accepted the Public Services advice and signed the lease is still waiting for that information himself. There has been no demonstration for need. I think a report was

done as to the condition of the building I don't recall if that was circulated to us or not but I do recall being told that a lot of money would need to be spent on it. We've been told that there had been a recommendation some time ago to move the Community Services area from Kingston to Burnt Pine. Indeed I understand there had, I understand the policy and projects unit had recommended that, but the recommendations had never been accepted by the Assembly it was no more than a piece of paper that had never been debated to my knowledge and certainly never been accepted. It seems to be suggested now that this was an important building to get hold of because you had to put a trailer into a shed, now there were better ways of putting a trailer into a shed Mr Deputy Speaker. Sure, Telecom has a trencher and has a generator and has cables and has trucks but are we next going to be told that we have to build garages at the homes of all the staff as well as a garage somewhere near Telecom so that when the staff take the vehicles home at night they have somewhere to park them and when they drive them to work they have somewhere to park them if we're going to do that are we going to build carports outside the Leagues Club and the Bowling Club, because we'd need to do that too. The Chief Minister has tried to blame the back benchers for causing this building to not be used now I for one would prefer to take a view that the events or rather the non events of the last eight or nine months have shown that the advice that was given to the Minister and on which he acted in signing the lease was at its kindest somewhat flawed or inadequate. The Chief Minister has told us that the rent is probably below Market value, well I'm not quarreling about the quantum of the rent my argument is that we shouldn't be renting it at all, but if the Chief Minister does wish to debate the quantum of the rent I'd be happy to do so with him. I accept that we have an expensive telephone exchange but like Mr Bates I would rather us in a planned way be properly providing the facilities that are required by Telecom a planned and efficient way. Now if six months notice is given of intention to vacate that gives us six months to do that planning and implement the work. This has been a sorry saga. We have our informal meeting each week Mr Deputy Speaker and at numerous of these meetings back benchers have asked when are we going to be provided with the information to justify the At Random rental, and we now know that the reason that we haven't got it is that the Public Service hasn't provided the information to the Minister and so the poor Minister is left in an invidious position of trying to protect the Public Service not wanting to say to us quite understandably that the Public Service hasn't gotten around to it and certainly not wanting to say to us that maybe he's having second thoughts as to whether there's a valid reason at all but we shouldn't allow it to go any longer Mr Deputy Speaker and I hope that at least the majority of our members will support the Motion.

MR DEPUTY SPEAKER

Thank you. Mr Robertson.

MR ROBERTSON:

I think it's about my turn to speak thank you Mr Deputy Speaker seeing as my names on this paper. The interesting part is that I didn't sign the lease. I never saw the lease and Brian made reference to the fact that a Minister was most surprised that there were no terms of purchase on that lease, that was me, and it was because of that, that you may recall you mentioned that there was some re-negotiation and Brian made reference to it he'd be more than happy to continue should we have that right of purchase so those re-negotiations were commenced by me. And the interesting part was that there was no valuation, well the valuation that was given to me by the owner of the property was far in excess as to what general market value was on Norfolk Island, so immediately had a assessment of valuation done by one of the registered valuers on this island. Once that came to hand then negotiations were then held with the owner to say well look your figures that our figures this and never the two shall meet unless we come to some sort of agreement. One of the difficulties that came into all of those negotiations that I couldn't give him a time or frame or time frame to say lets put it in and we will purchase it by X day because we didn't have any money. It's pretty hard to

commit something at that stage. Now in the meantime all the other bits and pieces were happening who goes in there, what happens, whether the Administration should go in with part of the Social Services, would the Immigration go all those sorts of things were being discussed but not put down on paper. The CAO, I instructed him sometime in August I think it was to come up with a document which he gave us the document around about November, December which was circulated to Members in which he made a number of things and part of that was a price of about fifty grand or seventy five grand for repairs but there was also queries on the roof structures and the toilets. And I had talks with the, seems as every time there was something happening I had to come and have a talk with the owner and do some of the negotiations but then were not able to follow it through because I didn't have the backing from various areas as to what should go in there. Now it wasn't until I think in December or November when the CAO instructed some of the other Member of the Administration to prepare some sort of documentation as to what should go on. Now admittedly back in 1997 there had been a move and a paper put forward by Policy and Projects to say that we should move certain things up town and it was even discussed that we should drag that paper out and look at what that paper suggested at that time and maybe some of those areas could be included in the transfer when things went up top. The reasons why the I guess the negotiations were commenced in the first place were fairly straight forward. We knew that there would be a need for areas of land for communications. I said in the first place that I was most surprised that in the lease it didn't have right of purchase in there but the owner of the property was also a little bit annoyed that the lease was actually done by another person in town and that he hadn't seen some of it either before it actually came down here but with all of that the intention was that we use that property to our advantage. We know that one of the things that have been said with off shore finance and that's is what I was working on at the time, never mind about gaming or Telecom or so forth that on off shore finance there are three major things that you are going to need if you want to even think about an off shore finance centre on Norfolk Island and the first one is communications and the second one is communications and the third one is communications and when you've got all those three together then you're going to start to do something or have the ability to do something. So with those things in mind the suggestion was made well look why don't we go in there. Telecom needed something it's a Telecom issue and that's where that part of it came in. So that's where it stands. I've actually had a word with, we're still actually waiting for the owner to come back with a revised valuation and it appears that the agent he's approached hasn't yet done that. We've done our part we did our part by August, September last year, very quickly, very easily and had it ready and the results of all of this there has been a delay in coming, in getting some other documentation for as to what exactly would go in and what the final cost are. I've spoken with the owner since this, since the last discussions we had on the forum of our normal monthly meetings, weekly meetings and on his return from New Zealand he and I have both had a chat and looked at the possibility of doing other things with the building. Strata Title. He's going to fix the roof. Other areas of concern that were being raised by members here in the first place and sorting out the problems that Brian had raised as to regard to a actual purchase of area or purchase of some or purchase of all and that's totally all currently in negotiation but we still need to know what the heck we're doing up there, I agree with that. At the moment we've got the back part used by Telecom, we've got the side part used by Telecom and Telecom are going to need a lot of space there's no two ways about that, but the rest of it we're still waiting for some sort of documentation. There was money put in the budget you are all aware of that so nobody can say they didn't know you're all are that there was forty five thousand or fifty thousand dollars was put in there for furnishing and in fact it was queried at the budget what the heck was this all about, so you knew that's for sure but it was just a case of how it was to be applied which we don't have that documentation at this time and that's where the problems are occurring. Now I don't mind

whichever way you go I can't knock the lease off because I didn't sign it but I would suggest that if there are any reasons on that then you can knock it off and within the six months we can re-negotiate and sort out some bits and pieces that will be of benefit to all and maybe that might be the answer I don't know I'm happy either way. I just think you need to get the thing a little bit straight that's all.

MR DEPUTY SPEAKER Thank you. Mr Brown.

MR BROWN Mr Deputy Speaker I'm sure the back-benchers have the thing fairly straight. It's unfortunate that the Chief Minister has hidden behind the Minister for Tourism and Commerce for so long and hasn't acknowledged that he indeed is the one who signed the lease. He's left the Minister for Tourism and Commerce doing his negotiations, doing all the dirty work copping all the blame and the Chief Minister sits back there going crook at Mr Bates. The Minister for Tourism and Commerce has told us that we know there was forty five thousand dollars or so in the budget for furnishings indeed we know that and indeed we argued about it at the time and Members may recall that was at a time when we were assured that no money was going to be spent until we had been shown in no uncertain terms the need and the justification for the building and the need and the justification for the uses to which it was proposed to be put. So, although I accept Gary's comment I think it is needed to look at that comment in the context of what was actually happening at the time. Thank you.

MR DEPUTY SPEAKER Thank you.. Chief Minister.

MR SMITH Thank you Mr Deputy Speaker. I think I can now see what this motion is about and its nothing to do with the issue. Mr. Deputy Speaker

MR BROWN Point of Order Mr Deputy Speaker. That is an aspersion cast at myself then that is improper and should be withdrawn.

MR DEPUTY SPEAKER Yes I didn't interpret it in that light Mr Brown. Chief Minister.

MR SMITH Mr. Deputy Speaker I just need to correct Mr Brown on a couple of things they are only minor things but before I say anything further Mr Brown may have had misheard what I said, when I said, its our fault that the building is still in limbo. I did not, I did not say that the back benchers are to blame for this at all, I'm talking about all of us and you know me I don't run away from any responsibility and in this case I include myself in that because Mr Brown has often raised this issue with me in saying what's Gary doing about that thing, and that's okay but you and I are both aware as much as everyone else where the building was going. I'm a little bit surprised that Mr Brown just said that the Chief Minister has been hiding behind the Minister for Tourism by signing the lease and not telling anyone about it. That was said right from the very beginning. That was right at the very beginning, that was why the debate was in the House in the first place because I remember Mr Bates querying how come I signed the lease and he didn't support it at all until Gary actually spoke up and said but I've been the one that's been dealing with this and Mr Bates relented and said he would be supportive of it if there was going to be re-adjustment of the terms of the lease and that was in the line purchasing it. I am very much of the same mind as Gary, mainly because I can see your motion is going to succeed by the look of the numbers around the table sir it would be silly for us saying otherwise. The only thing is that it's a little strange I suppose we by the time we terminate this lease or whoever is going to do it whether its me or Gary it doesn't make

any difference as long as it's somebody from the Government but in two weeks time the next Government and you guys might want to pick it up again. It's a little bit late in our time to be doing that. However, much as there are people who are making issues about this and have done right from the very beginning I believe its and I'll say it as I did then, that what we were looking at as a worthwhile thing for our future communications as Gary rightly points out, if we get an off-shore finance centre it's a sort of place that everything will be in the same place. If we were to purchase the land which is what Gary's been working on we would own the land, the parking area next door and the At Random area as well as the telecom building. One of the issues one of the points that were brought up in recent months by one of the Ministers was that if we do get rid of the lease and the owner sells it to somebody else we've loss that opportunity, we don't we can't may not be able to lease it we probably wont be able to buy the land once it's been sold if that was what was going to happen and I think that was what part of Gary's argument was that it's a perfect opportunity to have that land one way or the other whether it be under lease or under purchase but it's all in that same area and that makes a lot sense, particularly if we end up with the other piece of land that adjourns that as well which is around we would own that whole piece of land which is quite useful. However, like Gary if you guys don't want to or should I say if you motion is supported Mr Brown well it doesn't make an awful lot of difference to us it just means it makes things a little awkward that's all. Thank you Mr Acting Deputy Speaker.

DEPUTY SPEAKER

Thank you Mr. Smith. Further debate. Mr Buffett.

MR BUFFETT

Thank you Mr Acting Deputy Speaker. A number of things have been said about this motion and I don't want to be repetitive about them but maybe to identify I'm interested in a way forward in this particular matter because it has its difficulties both ways to be quite frank but there seems to me to be three areas that have been addressed, quite justifiably addressed. One is the uses the prospective uses in respect of the area we are talking about. Secondly the financial arrangements and thirdly probably what one might term a communication gap in keeping people up to scratch in how it is running and I don't want to enter into those debates except I want to make a proposal for a way forward which might hopefully, whether it does or not I don't know but I'm willing to test it to see whether it does provide a way forward that keeps options open and allows some things to be examined and still have in some sense the tenor of the frustration which I feel is being expressed in this motion coming forward. I would like to make an amendment to the motion that is in front of us so that it might read this. I'll just read it through in it's totality so you will see the thrust of it. And I've got to say that it's in scribbled form so I might be just a bit hesitant when I read it through, but if you would bear with me. To pick up Mr Browns opening parts of the Motion. That this House requests the Minister for Tourism and Commerce to take immediate action to (A) document the prospective uses of the At Random sight. (B) Establish a realistic purchase price of the At Random sight. (C) Include in the current lease or lease document an option to purchase encompassing a progressive purchase including the lease payments. I think that's understood if not I'm happy to elaborate on that, stop. Commence new sentence. Failing this action being taken within a period of two months the termination of the lease be implemented. That's the proposal in its revised form. Let me just talk about it for a moment. It has been talked about with some significant thrust as I perceive it, that in the Telecom area particularly there is a real need for space. It may not be totally demonstrated at this moment one looks at a building that is not totally full and all those sorts of things but the projection is that there will certainly be a need and I'm trying to take account of that. The Minister has identified a hiccup if I might call it that in trying to move forward some of the elements including purchase arrangements, purchase price arrangement establishments and this

would give thrust to that because if it's not achieved the lease is going to collapse. It also indicates that some real arrangements must be implemented in respect of the money that Mr Brown has interpreted as being thrown down the drain. In other words if we are to pay out that money it needs to be put towards eventually being in the community's hands and not being wasted. And so that's the thrust of endeavoring to have that clause as a progressive purchase within the lease arrangement. And the final thing is to put some time frame on it because if it does go on and on and on in the way that people have expressed dissatisfaction with then it's best to be cut off. Now that's the proposal that Mr Brown is putting in front of at this moment, that it is cut off now. I'm endeavoring to say that maybe we should give added impetus to some of those other things within a period of time frame to try and bring it to conclusion so everyone benefits. Now whether that's a way forward you might like to consider, if not, well so be it I've done my best about it I think.

DEPUTY SPEAKER

Mr Buffett have you actually moved that, you need leave from the Chair.

MR BUFFETT

Yes, I really haven't in the sense I have tried to spell out to Members a proposal. I'm very happy to move it if Members think it worth troubling with.

DEPUTY SPEAKER

Further debate. Mr. Gardner

MR GARDNER

Mr Acting Deputy Speaker I intend to support the thrust of David's proposed amendment to this Motion it differs very little from what I had assumed the process that would have been in train following our discussions on this issue previously and I like Gary was a little bit surprised in the signing of the lease document that there was not an option to purchase that was included in that. So I guess I was the other Minister that had shown so surprise in relation to it. When I say that the proposal is not too different to what I thought was the agreed process the difference being that this does have a time frame attached to it and I think it was probably remiss of us not to have attached a time frame back in those days to exactly this process. Within two months I think is a fair enough period of time to establish those points, A, B and C and I certainly would look to supporting that Motion if Mr Buffett feels of a mind to bring that on, the amendment. Thank you Mr Deputy Speaker.

DEPUTY SPEAKER

Thank you Mr Gardner. Further debate. Mr Nobbs.

MR NOBBS

Thank you Mr Acting Deputy Speaker. I don't support the proposed move I think we've been fooling around for nine months on this issue if the new Assembly wants to pick it up in a months time whenever they can they can do it themselves but they get themselves into it. As far as I'm concerned with this whole business we budgeted I think from memory looking at all the budgets was something like a hundred and thirty thousand dollars, was to be expanded on this exercise and that's from all different budgets not just the general revenue budget and I think we spent quite enough. I mean we quibbled over sixteen grand this morning for the pensioners and now we're prepared to go down this line we've already got rid of thirty two thousand up there and I would suggest that we should clear the decks and I'm of the opinion that that's it and I won't be voting in favour of the amendment. Thank you.

DEPUTY SPEAKER

Thank you Mr Nobbs. I'll just give Mr McCoy a chance to reply and see if Mr Buffett wants to.

MR McCOY Thank you Mr Acting Deputy Speaker just a couple of issues that were raised around the table before, without going back over everything. We've heard that the back benchers knew all about this, yes we knew some of it but I've only been on the Assembly for a very short time and ever since I've been down here I've harping on about a earth station to improve our communications abilities. I've been told time, and time again that there's no such thing or a need for an earth station on Norfolk. Now we get to hear that do, no need for everybody to pull their heads back because I've asked many times about earth stations, not in our Members meetings just asked the Executives. Now we hear yes there is a need for a earth station but I can't help but wonder, where at At Random you intend to construct an earth station, or is it the intention to take part of the car park area next door because correct me if I'm wrong but I believe an earth station would be another satellite dish. So where about At Random would that fit into this equation? Also, as for the amendments well, whenever we terminate the lease there's a six months period in there as already has been mentioned but the Directors most probably have a six months period to terminate as well and the more we talk about the off shore finance centre and the more we say that we need the communications and the more we go on about needing to create this area, well that's all very well but we can argue about a lease until the roosters crow because the Directors and the Owners of this building once every-things in place can decide well we want to terminate the lease. And you can go over it and over it and over it again, so I do agree with Ronnie lets get on and do something about it.

DEPUTY SPEAKER Mr. Brown.

MR BROWN Mr. Acting Deputy Speaker I think the time has come to do something about it. It's a very noble suggestion that Mr Buffett has made but that suggestion can be adopted by the next Assembly if the next Assembly wants to go ahead and do that work and then believes that it's a worthwhile project well it's a very simple matter a short time into the life of that Assembly and a short time into the six months notice period for them to go back to the owners of the building and make some sensible arrangement with them, but one of the classic stories about this particular project is a suggestion that's running around within the community. I don't know whether it's true but its quite conceivable that it could be true, that the valuation of the building increased massively once the Administration agreed to pay fifty thousand dollars a year to rent it. Now, if that is the case that is an interesting scenario and it shows the dangers of negotiating the lease today and trying to negotiate the option to purchase the following day. Thank you.

DEPUTY SPEAKER: Thank you Mr Brown. Mr Buffett do you wish to seek leave to

MR BUFFETT: Yes, I seek leave to actually put this on the table Mr Acting Deputy Speaker, so it can be considered one way or the other.

DEPUTY SPEAKER: Well leave is granted Mr. Buffett if you wish to.

MR. BUFFETT: Well in that case Mr Acting Deputy Speaker I move the Amendment that I earlier for-shadowed.

DEPUTY SPEAKER: Does the House wish to be reminded what that Amendment is?

MR BUFFETT: In Layman's terms I can just mention the four points that might be useful. Firstly to document the prospective uses. Secondly to establish a realistic purchase price. Thirdly include in the lease document an option to purchase, encompassing progressive purchase arrangement. That's the matter of the lease monies going towards the purchase price. And then failing that happening within a period of two months then there would be a termination of the lease. They're the essential components.

DEPUTY SPEAKER: Yes thank you Mr Buffett. Members quite clear on that. The Amendment as I understand it, reads that all the words after, after action be deleted and those four points A, B, C and D be inserted as Mr Buffett has just alluded to.

MR ROBERTSON: Could we ask that the question be put, Mr Acting Deputy Speaker.

MR BUFFETT: I second that.

DEPUTY SPEAKER: Mr Robertson did have his hand up before that are you happy enough to let him. Mr Robertson.

MR. ROBERTSON Just prior to the Question being put. In reference to the valuations that John alluded to as being increased ten fold or two fold or five fold, once it was known that there was fifty thousand dollars being paid. The valuations that we were discussing with the owner of the property was from day one and he never varied and that was long before there was any lease agreement. Second point is that I heard that story to but it referred to the property next door, John.

DEPUTY SPEAKER. Thank you Mr Robertson. Mr Brown.

MR BROWN Move on the question.

DEPUTY SPEAKER The question is that the question be put.

QUESTION PUT  
AGREED

Any abstentions. The Ayes have it. Thank you

The question is that Mr Buffett's Amendment be agreed to.

QUESTION PUT

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

The Aye's six, the No's three, amendment is agreed to. The Amendment now becomes the Motion. I need to put the question that the Motion as Amended be agreed to

QUESTION PUT  
AGREED

Any abstentions. The Ayes have it. We move to Notice No 3.

**NOTICE NO. 3 - CUSTOMS ACT 1913 – EXEMPTION FROM PAYING CUSTOMS DUTY.**

Mr. Smith you have the call.

MR SMITH Yes. Mr Acting Deputy Speaker I move that under sub-section 2B4 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 person specified opposite in the second column of the schedule be exempted from duty. In the schedule the goods are a Marquee the amount of duty applicable is eight thousand three hundred and sixty one dollars and twenty eight cents, the Importer is The Millenium 2000 Activities Committee. Also there's the Bounty Model the amount of duty applicable is three thousand nine hundred dollars, and the importer is The Millenium 2000 Activities Committee.

DEPUTY SPEAKER Thank you Mr. Smith. Debate. No debate. Mr Nobbs

MR NOBBS Thank you. We discussed this on Monday and there was some discussion as to actually who owns the Marquee and the Bounty Model, whether it was actually the Administration and there was no duty to be paid and I was just wondering if you could, particularly the Marquee situation whether you could clarify for us, Minister who actually owns the Marquee at the present time.

MR SMITH Mr Acting Deputy Speaker the Marquee was imported by The Millenium 2000 Committee and they gave the Marquee to the community which of course is through the Administration. The reason that there is a customs exemption application is that it wasn't the Government or the Administration who imported it in the first it was the Committee.

DEPUTY SPEAKER. Thank you Mr. Smith. Further debate. Mr. Nobbs

MR NOBBS So to clarify it for the community the committee has actually given the Marquee to the community no strings attached or anything like that.

DEPUTY SPEAKER You wish to respond to that

MR SMITH Yes I wish. Yes there are certainly strings attached and those are things like that for us to include it in our insurance, store it, have the team to erect and diserect the Marquee and look after it generally because the Administration is the only body that can really do that.

DEPUTY SPEAKER Thank you Mr Smith. Mr McCoy.

Mr McCoy Thank you Mr Acting Deputy Speaker. It's all very well for the Millenium 2000 Committee to give the Marquee to the community but if you give something to someone you generally ask if they want it first. So are we sure the community is happy with accepting the Marquee and then accepting responsibility for it and I guess paying for it.

DEPUTY SPEAKER Thank you Mr McCoy. Mr. Smith

MR SMITH Mr Acting Deputy Speaker. I'll just respond to Mr McCoy's question was there as much as I can. If a group in the community puts a lot of work in and gives something to the community I don't think, I would be the first one to say, yes I would accept it as the Government Minister. I wasn't going to say no.

DEPUTY SPEAKER. Thank you Mr Smith. Mr Nobbs did you have your hand up? No. Mr. Brown

MR BROWN Mr Acting Deputy Speaker, there's no doubt that the Millenium Committee put in a lot of hard work and they deserve thanks for all they did and all they achieved, but I think that the Chief Minister has missed the point a little when he said he's not going to ask whether he should accept a donation of something on behalf of the community. For example, in this case there is apparently some form of requirement that the Administration erect the Marquee and dismantle it in addition to storing it, looking after it and insuring it. Now its conceivable that the cost of doing all of those things could exceed the value of having the Marquee. In that event I would have hoped that the Chief Minister would have thought about those things first. I am assuming that in this case he did indeed think about those things and he came to the conclusion that this was not only a very generous situation but a very worthwhile one. But I would be interested to know whether it is the case that it is a condition of the donation that the Administration will erect and dismantle the Marquee and if so will that be done free and without charge on each occasion or will whoever hires the Marquee be paying for it?

DEPUTY SPEAKER Thank you Mr Brown. Further debate. Is there any further debate. Mr. Smith

MR SMITH There doesn't seem to anybody else that wants to debate it. I would just like to remind Mr Brown that this being the way that the current Marquee or the past Marquees over the last four or five years have been dealt with, they've been erected by the Administration as the appropriate body to do that, got to look a little bit above just what our personal things are it's the effect that these large events can have on Norfolk Island. For example the RSL's things, the Country Music Festival and also the Millenium New Years Eve concert. That's what really matters. There was certainly some debate on Monday amongst the Members around the table here which caught me right out as I really wasn't expecting that we would be criticising what was going on with the Marquee but however it happened and some of the questions that were asked about that were in relation to

MR NOBBS Order there. I don't think there was any criticism. I mean there was questioning but I don't think there was any criticism of the setup. We questioned because we didn't know what was going on, but I'll speak on that in a minute if you don't mind.

DEPUTY SPEAKER Mr. Smith



community Marquee that was brought in by members of the community, it was given to the Norfolk Island community through the Administration, by those people, it's a very generous thing that's happened it proved a very worthwhile resource on New Years Eve and all we are being asked here today is give the exemption for the duty on that Marquee when it was imported.

MR DEPUTY SPEAKER                      Thank you. Mr Bates.

MR BATES                                      Thank you Mr Deputy Speaker. I understand that we are being asked to waive duty to the tune of about, about twelve thousand dollars in support of the Committee that did certain things over the Millenium 2000. Not having any idea of what monies the Millenium Committee received by way of donations and public support. Not knowing that when it was all wound up if they had a surplus of funds, not knowing if they don't have a surplus of funds or whether they still owe somebody some money, not knowing these things its very difficult to say well here's twelve thousand dollars a further donation from the Government towards the work. I rather guessed they estimates, I rather guess they had some money, I rather guess it was properly accounted for and I rather guess that audited statements will come out for community scrutiny in due course, but it's very difficult to say here's twelve thousand dollars and we don't precisely know how they finished up. I'm inclined to say yes lets give them that sort of support, but its pretty difficult to as I say without sufficient information, its pretty difficult to really make a proper decision on it.

MR DEPUTY SPEAKER                      Thank you. Mr Robertson.

MR ROBERTSON                              Thank you Mr Deputy Speaker. There's three things that sort of basically come to mind on this. When the Government was approached or the Members of this Assembly in this forum were approached one Monday afternoon by the Millenium Committee, the proposal for a the need for a Millenium tent was documented, discussed, there were a few pretty interesting documents laid down in front of us when I read them now. They were sort of talking about fourteen thousand dollars for hirage and all sorts of other weird figures but however they put a document together, and one of the things that they did do was that they said, if we go ahead and buy this thing, that we being the Millenium Committee or organize the purchase of the beast we will need four things, and they asked that the Government provide the following support and that was:- Safe storage of the Marquee, we've got that at At Random. A dedicated team to assemble and disassemble the Marquee for each event, and there were ten or twelve guys actually nominated to do that and the leader of that was Diddles Evans whose been quite experienced at putting up tents and taking them down he's been through Country and Western programs each year. Insurance cover which is something they said and a ten thousand dollar contribution. That was it. There were four things and if the Government did that they would go ahead with their purchase, with the intent that on finalization of all payments of the Marquee or whatever it was it would be handed over as a Community item, and in fact they stated here, we hope that the Government will feel that as the Community, as the Community will be the beneficiary of the Marquee it is appropriate for the Government to buy it, to provide them the support. Now Members of this Assembly meeting at that meeting agreed to those four things, but there was other things that they asked for, they asked for lots of other definitions and there was some concern raised as to whether the rentals would really stand up and there was concern raised on other issues but they were assured that it would cost the Government nothing. Other than those four items. I think that the Chief Minister replied a few days later, putting those four items down in the letter which was circulated to Members saying these are the four things and to my understanding at the meeting that occurred last night at the

wind up of the Millenium Committee those four things stay and that there is no further costs to this Government. Its not going to be out of pocket, but they will become the beneficiary and the owner of the tent in the long term. Now the questions that was raised here last Monday was under the policy of waiving duty if an item is brought in but is past across to either the community as such or to the Government as such, even though the Government may not have ordered it and been part of it, is that even, does duty apply to that in the first place, because if it doesn't and there's some suggestion was passed on Monday that it doesn't then there is no need to even look at waiving duty for something that we wouldn't have paid for in the first place. That question was asked at that meeting on Monday I think you may recall that the CAO read out from a document that he that it would become part and parcel of the ownership of Administration it would not be subject to duty. That's was my understanding was to be cleared but I don't know if that's happened.

MR DEPUTY SPEAKER                      Chief Minister.

MR SMITH                                      Yes I just better put Gary's mind at rest. He might have missed what I said before, it was not imported by the Administration, customs duty was applicable, once the tent gets handed over to us, well it already has been, so we're just claiming for exemption of the duty.

MR DEPUTY SPEAKER                      Thank you. Mr Nobbs

MR NOBBS.                                      Thank you Mr Deputy Speaker, I've been waiting for the call. I ah

MR DEPUTY SPEAKER                      Not unduly Mr Nobbs

MR NOBBS                                      Some may say so but not I Sir. The thing, what I was, what really has got me going is the Chief Minister stating that we were critical of the situation on Monday, and I say that we questioned the Marquee situation on Monday,. Because going back we'd asked for a some sort of indication of the costs involved in doing such things as erecting the tent, the storage of it and those right from the outset and one of them was the in relation to insurance as to whether that would be what cost was involved and would it be covered under the normal Admin insurance and the like. Well I haven't seen anything on that but it may have come to one of these meetings because a few of these have been mentioned today I can't recall them, but there you go I must be getting old. Now the, we have got, there is no objection I don't think anybody has got any objection to the works, the actual passing over of the tent to the Admin, but I think it's fair that the public should be made aware of these issues, and whilst I support the particular proposal I think these sort of issues should be brought out and from now on we should do some sort of costing and find out exactly how much it's going to cost to actually erect it, what the hirage rates are, what the insurance rates are, where the storage is going to be and put it out as a release to the public so that they're informed of what is happening and then we can do some budgeting on it. Thank You.

MR DEPUTY SPEAKER                      Thank you. Mr. Robinson

MR ION ROBINSON                              Thank you Mr Deputy Speaker. I see John wants to have a chat I was going to move that the question be put, because it appears we are just talking round in circles. The money will, if we turn this down the money will come from the public somewhere, somehow and if we pass this Motion as it is it is no great loss.

MR DEPUTY SPEAKER Thank you. Do you want to give Mr..

MR ION ROBINSON Mr. McCoy the call before.

MR DEPUTY SPEAKER Mr. McCoy

MR MC COY Thank you Mr Deputy Speaker just a clarification for the people who might be listening, we've been told that it is a donation from the Millenium Committee so the Marquee has been fully paid for. Is that correct? Well earlier on this morning you indicated that you had a budget paper or a, a budget from the Millenium Committee and I believe for the people who didn't get any wonderful joy out of the New Year Eve because there's many in the community who didn't go down to the celebrations, they deserve to know exactly where the public money is being spent. So, um, and we say this is about a twelve thousand dollar, well reduction or swipe from the public purse and there's the other ten and the other twenty so that's forty two already so simply I'm asking has the Marquee been completely paid for or will there have to be more money raised to pay for the Marquee and if so how will that money be raised.

MR DEPUTY SPEAKER Chief Minister

MR SMITH Mr Deputy Speaker. It looks like I've got to try and explain, or go over what's already been gone over since July last year. The Marquee was paid for not by the Government, not by the Assembly, not by the Public purse it was paid for by a private person. It had to be paid for before it would come. There is a Committee called the Marquee Committee that's, what is not a Government Committee that was part of the Millenium Committee it was a sub committee of that as I understand, the Government had little to do with the whole damn thing. We were approached, the Government was approached by a large Committee who asked us if we supported them bringing in a Marquee, whether it would be worth while, wont cost the Government funds except for the things that Gary read out, the four points, and particularly for New Years Eve. Bearing in mind the tent was paid for by somebody else, somebody didn't make a fuss about anything about paying for it they just paid for this thing for community purposes but expecting to get the money back. We were asked to contribute towards it and we put in ten thousand dollars as all members are aware or should be if they were here on the 16<sup>th</sup> August, because that's when you were told that we were to contribute that. I was asked where we were going to find that from, I said we will do it budget review time and that has been included in the budget review, the ten thousand dollars. The insurance and the other issues that were raised that Gary mentioned were sent of to the Administration. The insurance, our insurance covers the Marquee, the cost of the dedicated team to assemble and disassemble the Marquee I don't know what the actual cost is I think Gary said the other day four and a half thousand dollars to put it up and take it down on New Years in the New Years week. I don't know if those are accurate figures or not It was the first time the Marquee was put up probably took a little longer than what it would do now that they've already assembled it and disassembled it I think it came down fairly quickly so it certainly seemed to go up fairly good.. The only other role that the Government or the Administration we're talking about there. This is a community asset its not something that I've bought this is an asset that's been given to the community by people in the community for us to look after and take control of. The only other money we put into the Millenium thing was twenty thousand dollars I think which was proposed by members of the Assembly in budget time which was paid. And then it comes to this Motion today, the duty on the Marquee and the

duty on the Bounty Model. Maybe some Members don't want to agree to the duty coming off the Marquee but take it off the Bounty Model or something like that but I don't think that's what you guys are saying. I'm a little surprised that some Members are saying that they don't know about things because our role in this is still very much the same. The only role I'm playing in it is doing the Customs exemption from it and through the Public Service which is one of my portfolios is how we deal with the thing. I mean if Members want to make an issue about some of the things around it I don't think this is the appropriate time because it's making it sound like we don't support giving the exemption for duty on this very worthwhile community thing, for that was purchased by good minded people in the community. Think I'll shut up Mr Deputy Speaker.

MR DEPUTY SPEAKER                      Thank you. Mr. Brown

MR BROWN                                      Mr Deputy Speaker I support the duty exemption but I have difficulties with a number of other aspects and they all relate to the Chief Minister unfortunately. The first is that I have difficulty if it is the case that the Chief Minister has committed this Government and future Governments to erecting and dismantling the Marquee without charge. And I have that difficulty for two reasons

MR SMITH                                        Point of order. Mr Deputy Speaker I have never said that.

MR DEPUTY SPEAKER                      Yes. There is no point of order Mr Smith. I will give you an opportunity of course to state your views and I will give you the next call to do so. In respect of the line of debate that you are pursuing Mr Brown may I remind you and other Members that what we have before us is a Motion that relates to exemption of duty. Now I do understand of course that the debate has been much more wide ranging but that wide ranging and less focus vote on what the Motion is, is becoming more prolonged and I would ask Members to maybe consider addressing the realities of the Motion that is in front of us for the remainder of this debate. Mr Brown

MR BROWN                                        Thank you Mr Deputy Speaker. Unfortunately the realities of the Motion to include needing to refer to some words used by the Chief Minister earlier in this debate when he told us there were no ties attached to the gift except for a number of things and one of them was that the Administration would erect and dismantle the Marquee. Chief Minister has told us in this Assembly he doesn't propose that a charge should be made but he has said that a future Assembly might and that's all very well but I am trying to ascertain whether the Chief Minister has purportedly given a guarantee that no future Assembly would charge and let me explain the importance of this. Let me explain the importance of this, if the Committee is intending to raise the remainder of its funds and I understand this is the case from rental of the Marquee, and if it's the case that there's going to be eight thousand dollars per rental if there's a borrowing of roughly fifty thousand dollars, if there's a commercial interest rate of just under ten per cent and if four and a half thousand dollars is payable to the Administration in respect of the erection and dismantling of the tent the loan will never be paid off, Mr Deputy Speaker. It will be impossible for the loan to ever be paid off in the way that is planned, that is from the rental. Now this is another example of the Chief Minister only giving us half of the story and not doing the homework that needs to be done, but I do accept what you have said Mr Deputy Speaker, we probably should simply address the question of are we going to provide the exemption or not, I don't see that we have any choice in that regard, both because we should be showing support to the Committee and because the Committee has imported this, this Marquee in undoubted good faith. Brian has mentioned financial statements and so forth I

have absolutely no doubt in the integrity of those who have been on the Committee and I'm sure that if they haven't already completed them they will at their earliest possible date complete all of the normal records of the work that they've done, but I really do hope that in future the Chief Minister won't put us in the situation such as this without doing all of the homework and providing details of it to all of the Members. He has said to us look you were all present on the 16<sup>th</sup> August well I don't recall that it's possible, perhaps like Mr Nobbs I'm having difficulty in remembering, but I don't remember that. I do remember budgeting for twenty thousand dollars to be provided for the Millennium festivities I don't recall the extra ten but in any event as I understand it the extra ten hasn't yet been paid and Chief Minister has told us that that's going to be sorted out in the budget review well that will be in the life of the next Assembly, and what's going to happen if the next Assembly decides that it really wasn't involved in all of this and it doesn't want to have much to do with it so there is a lot of loose ends to all this, it's very messy but in so far as the duty question is concerned I'm very pleased to support the Motion.

MR DEPUTY SPEAKER

Chief Minister

MR SMITH

Thank you Mr Deputy Speaker not wanting to prolong this I can see now that John wants to make an issue of some things that aren't really issues. On the 16<sup>th</sup> of August from the meeting of Members the Hansard of our, not exactly the Hansard this is the minutes of the MLA's which we have every week there were two issues discussed in relation to the Millennium thing. First was the Bronze Cast of the Bounty. The Committee is seeking endorsement of the proposal to sight the display in the Bi-centennial Centre as shown on the interpretive plan of the area viewed by Members at today's meeting. I don't know whether that will bring your memory back into action there John, and secondly it says the proposed sight was endorsed. Then the second issue was the purchase of a Marquee the Committee is seeking support from the Norfolk Island Government as follows, to the purchase estimated cost of a Marquee capable of holding two thousand approximated eighty five thousand dollars landed but not including lighterage charges or customs duty. Main funding to be arranged from within the community and also the provision of on going safe storage by the Administration to the provision of a dedicated team to assemble and blah blah blah and the contribution of ten thousand dollars. Now John your not at every MLA's meeting neither am I and Ron missed two or three there not your fault but maybe you weren't you both weren't at that particular meeting which is fine I understand you asking the question but if you were there and I can't tell you as I haven't got the rest of the minutes to see whether you were or not, you would have known the story. But I'm quite disappointed that Mr Brown is trying to make this issue reflect on the Chief Minister at

MR. BROWN

should be withdrawn.

Point of order Mr Deputy Speaker I think that implication

MR DEPUTY SPEAKER

Yes I think you can adjust your words Mr Smith

MR SMITH

Yes Mr Deputy Speaker I won't use those words again in fact I won't use any more words I think John's last things that he said were that we are here to actually give the exemption for duty but I will take him to account what he has said in my final two weeks as Minister of Finance if anybody wants to hire the Marquee that maybe we will have to look at what the charge will be but maybe we should be looking at charging the people that were using the tent the Marquee on New Years Eve and I don't know whether you might have been one of those users actually John but I might be wrong about that



MR DEPUTY SPEAKER

Thank you. Mr Robinson.

MR ROBINSON

Thank you Mr Deputy Speaker. This in February 1996 the then Legislative Assembly adopted a quota intake based on a desired two per cent population growth. In light of this decision a progressive quota totaling 30 was set throughout 1999 however the applications received during 1999 has far out numbered the 1999/2000 adopted quota intake of thirty. The conservative estimate of new funds moving into Norfolk Island during 1999 due to immigration initiatives have set it at 5.5 million dollars consequently a number of General Entry Permits applications are already subsisting awaiting the outcome of the 2000/2001 quota. During 1997/1998 the Legislative Assembly agreed to review to a review of the Immigration laws and the supporting policy. This review was undertaken by Bronwyn Paddock of Sweeney Waterford Lawyers in the first half of 1998. This review still remains outstanding and the failure to complete and adopt recommendations has brought forth a number of concerns raised by the Immigration Committee and the Immigration Section. The agreed rate of desired population growth has base commencing with the average population for 1995 of one thousand five hundred and twenty four that's residents and GEP's, adding two per cent each year would give us by 2000, one thousand six hundred and eighty three. However, the current 1999 average population is one thousand five hundred and twenty two. In other words since 1995 with a goal of two per cent we have lost two people. I agree that using the two per cent population growth has been sort of plucked out of thin air and as times change on Norfolk fairly rapidly I think we should find another way of agreeing on the quota but however the Immigration Committee and myself have come to figure of a quota of twenty, be adopted initially.

MR DEPUTY SPEAKER

Debate Honourable Members. Mr Brown

MR BROWN

Thank you Mr Deputy Speaker. The Minister has just told us that the two per cent figure was plucked out of thin air. With respect the two per cent figure resulted from debate in this House as population policy on which the House agreed after considerable debate. Mr Deputy Speaker. I would be interested to know if the Minister has the figures available just how many people came and went last year, because this figure if properly calculated is calculated on the basis of what was the population the ordinarily population, how many were born, how many passed away, how many GEP's came to the island how many GEP's left the island how many residents came back to the island how many residents left. And after having done that exercise we might well find that the net result of that was minus ten and therefore to achieve a growth of two per cent we might need to set a quota of forty, not of twenty, and think it is time we started to stick to our policy for several years now we've been too timid to adopt the policy and we set numbers of ten and ten a bit later in the year, but really if we're not going to stick to the policy we should throw it our and acknowledge that we don't have a population policy that our decisions are purely at hock, if we're going to have a policy I think we should work out where we would stand by implementing it and then I think we should implement it. Thank you.

MR DEPUTY SPEAKER

Thank you. Debate. Mr Bates.

MR BATES

Thank you Mr Deputy Speaker. I'm a little puzzled why we would take into consideration those on Temporary Entry Permit holders who are really they might be temporary residents but they're still actually residing on the island as apart from, as apart from tourists, and I think you must consider TEP's as being part of the population it's a

bit hard to say just what the population is, I believe that there's a couple of hundred TEP's and if it was the same in 1995 then I guess the figures put before us are fairly right we've only increase or decreased by two, but if there were only one hundred TEP's in 1995 and there's three hundred now then it gives us a completely different story that we might be fairly close to a two percent increase. I just wonder if there's any real reason why the TEP's are not taken into consideration for these figures.

MR DEPUTY SPEAKER                      Thank you. Mr. Robinson

MR ROBINSON                              Thank you Mr Deputy Speaker. Mr Bates I have absolutely no idea why they are not, its just the way that it has been done. A further recommendation from the Immigration Officer is apart from the twenty General Entry Permits that a review of the desired two per cent growth figure be undertaken during the coming six months. That the review of both Law and Policy undertaken in 1998/99 be resurrected and completed. And that additional funding be set aside to complete the above task and produce a new policy booklet, which I think Mr bates will agree is somewhat out of date and we really are desperately in need of doing it. However, the Motion before the House is that the that this House determine by instrument in writing that twenty General Entry Permits be granted during the period 17<sup>th</sup> February 2000 to 16<sup>th</sup> February 2001. I have not put in for the full two per cent because there are reviews and we will be looking well hopefully the next Assembly will be looking at the Immigration Act as one of its first very important pieces of Legislation.

MR DEPUTY SPEAKER                      Thank you. Mr McCoy

MR MC COY                                  Thank you Mr Deputy Speaker. I do have difficulties with this on a number reasons. One I think it's a bit pre-emptive of this Assembly seeing as it's the last sitting. Some Members might be back in the seat again after the 23<sup>rd</sup> February and also for the fact that the Immigration Review is incomplete and still outstanding if I recall Mr Robinson mentioned that it was started back in 1997/98, and the question I asked during questions without notice this morning was how many GEP's had been given out that were business related, and I find that the majority of General Entry Permits issued last year of the quota of thirty were business related, and we have eighteen I believe applications to the Minister for Immigration in Commonwealth so if those eighteen applications are successful and we pass this quota of twenty we've already gone over the quota of two per cent. Well it will give thirty eight wont it, and if there's a population of sixteen hundred people on the island I believe that's more than two per cent of sixteen hundred. And that's the fact that we don't into account the TEP's either. So I do have grave difficulty with this and the fact that I've been approached by a number of people who had been working on the island, applied for a General Entry Permit and had their permit knocked back. I wonder where the fairness is in all of this system. So I don't support it basically on the fact that the Immigration Review is still outstanding and hasn't been completed. Thank you.

MR DEPUTY SPEAKER                      Thank you. Mr Nobbs

MR NOBBS                                    Thank you Mr Deputy Speaker. I've opposed these, every General Entry Permit quota requirements since we came in because I believe that the until we have a change of Legislation and Policy we are in deep trouble and I find Mr Deputy Speaker and it was born out by Mitchell's screed here that we've got a little industry going here and its called the Immigration Industry and with all the appeals and what have you going on it's a very nice little industry an I find it quite difficult that we do not include all the population when

we're talking about the population of Norfolk Island. I mean I don't believe this but anyhow that's the way it goes, and if you would, although we are losing the population if you were happen to stand on Channer's Corner between that's down at the bottom end of Queen Elizabeth Avenue, for those who don't know, between eight and nine in the morning you would wonder what is really happening to Norfolk Island and whether all these population figures and these GEP's and what have you are really working, because we have got I believe a far greater growth rate than is put out by these figures of GEP's and residents. And I would suggest that and as I said earlier this morning that Immigration is one of the prime things that must be attacked in the, not attacked sorry, handled by the incoming Assembly as a matter of some urgency. There are considerable amount of problems involved in the present arrangements and I urge any of you and anybody outside who get elected that this is one of their prime targets. So I won't be once again supporting the GEP proposal and I'm really disappointed that we will, this was put to us last week I think and yet it comes in now as an urgency Motion. I mean I find this also very difficult that it couldn't have been put up in time and put on the Business Paper so everybody could know. There are other things that I am really concerned about is that we never get the opportunity to see who has applied for a GEP or whose actually been granted one and I think in a community of this size whether the law currently says so or not we should that sort of information should be made available to the community at large. Thank you Mr Deputy Speaker.

MR DEPUTY SPEAKER

Thank you. Mr Brown.

MR BROWN

Thank you Mr Deputy Speaker. Mr McCoy has asked why we are dealing with this Motion today. Well it might be helpful to point out that the Immigration Act requires that a quota be set every February so there is no option about that so it must be dealt with today because the next Assembly won't be able to meet in the normal course of things until some time in March at the earliest. Secondly some Members have asked why don't we, I'll go back a step I'm not sure whether the Clerk was indicating that we might meet on the 30<sup>th</sup> February, but I don't think there is a 30<sup>th</sup> February. Why don't we count TEP's in terms of population well it depends on what we're talking about. If we're talking about the ordinary resident population you may in fact include TEP's that is if you were saying who from day to day is living here at any particular time, but is you're talking of the permanent type population you are talking of your GEP's and your residents and the population policy deals with GEP's and residents. It's acknowledged that the TEP's numbers can fluctuate. They've at times been as high from recollection as five hundred and fifty and I think as low as two hundred and fifty and they could be higher or lower now, but if my recollection is correct at the time that the Population Policy was agreed upon it was recognised that if the TEP numbers were not separated you could have a tremendous fluctuation in your quota purely because you were talking of a good commercial year on the island or a bad commercial year. Ron has suggested that every one should know that someone applies for a GEP. Well, if we wanted to do that and if we wanted Members of the Assembly to then be able to have some input into the process we could be fairly confident that we could lose every appeal that is filed, because that would not be an appropriate way in today's days of administrative review and whatever for an application to be dealt with. There's been talk of whether two per cent is a sensible number or as I said earlier that is what the policy is. It's always within the power of the House to change that policy if the House wishes to, but I would hope that in doing so the House would find a way for future Assembly Members and even current ones to easily understand what the policy is because I really doubt that many of us round the table understand what the policy means. There continues to be a lack of understanding of the impact of the Special Relationship clause because although a Special Relationship person comes in outside the quota or leaves for that

matter, they are counted in determining the number of long term residents on the island for the purpose of the Population Policy, but as I said earlier if the Minister has information in terms of the numbers who have come and gone in all of the various relevant categories, I'd be very interested to hear it. If he doesn't have it so be it and it can be dealt with at another time. I would certainly in that event not stand in the way of a quota being set today, I think that must be done, but I would really like to think that if not today it will be very soon that we will start to set these quotas properly by proper reference to what's happened, by proper reference to the policy and if we're not going to stick to the policy by clearly explaining just why it is that we are departing from it on a particular occasion. Thank you

MR DEPUTY SPEAKER                      Thank you. Mr Bates

MR BATES                                      Thank you Mr Deputy Speaker. I think Mr Brown might be able to help me here or even Mr Robinson, but I think Mr Brown almost got to the point and then I probably maybe didn't go through to the final thing. I gather from the debate from both Mr Nobbs and Mr McCoy that they're not going to support the motion because they don't want GEP's to be issued in the coming period. My understanding is if that's what you want if I'm not putting words in your mouth then you should amend this motion so that the quota reads nil, because if there is no quota at all then it just opens it all up its just willy nilly an everybody in I believe there's got to be a quota to contain it so if what's you're trying to do is stop it then you should be amending the motion so the quota will be nil rather than not support the motion. Now I'm not trying to put words in your mouth or anything else but Mr Brown might be able to call or Mr Robinson might be able clarify what I am saying is correct that's my understanding of it anyway.

MR DEPUTY SPEAKER                      Further debate. Mr. Brown.

MR BROWN                                      Mr Deputy Speaker if its helpful there was an occasion where someone won an appeal at a time when I think the quota of Nil had been set. Subsequent to that if my recollection is correct the legislation was amended so as to enable a quota of Nil. If a quota of Nil was what members wished to set it would be quite within their power to do so as I understand it.

MR DEPUTY SPEAKER                      Thank you. Further debate. Mr McCoy.

MR MC COY                                      Thank you Mr Deputy Speaker. I have no desire to try and reset the quota at Nil. My, as I mentioned, my main problem was the fact that this Immigration Review is incomplete and still outstanding and also exactly where the General Entry Permits tend to go. As we heard this morning they are more than likely go to business related applications than applications from Temporary Entry Permit workers who have been on the Island, contributed to the economy for the three years and we also have eighteen waiting, so I guess if we pass this quota for twenty that means that the eighteen will come straight in and there will be room for two more.

MR DEPUTY SPEAKER                      Further debate. Mr Brown

MR BROWN                                      Mr Deputy Speaker I might be able to give a little bit of help to Mr McCoy. He seems to be having difficulties that some people are coming to the island and purchasing businesses and getting GEP's well that's really what was intended to be the normal sort of way to get a GEP early in the piece. But, there has been nothing to prevent a

person that's come here on a TEP which normally has a limit of twelve months plus a maximum of two extensions. There's been nothing to stop such a person lodging an application for a GEP and during different and during some years there are far more people obtain GEP's coming from the ranks of TEP's than coming from outside the island. So such a person has no difficulty in lodging an application and they have no difficulty in the application being considered. If the application is refused they have the same appeal rights that any other GEP applicant has and if they are successful on appeal then they're in business. If they are unsuccessful on appeal then it's a reasonable assumption that the Immigration Committee has recommended against the application, that the Minister has decided against the application, and that the Federal Minister who is the present Appeal Body has also decided against the application and that would tend to suggest that there were difficulties with the application. So I don't think that we should take a view that everyone that lodges an application should be successful. I don't think that view should apply to business applicant, TEP applicants or to any other applicant there is a process which everyone must go through and at the end of the day the person is successful or not successful but certainly I don't think that we should refuse to set a quota on the basis that we think more people should move from TEP's to GEP's than may have occurred during a particular period. Thank you.

MR DEPUTY SPEAKER                      Thank you. Mr Nobbs.

MR NOBBS                                      Thank you. Every-time this comes up Mr Deputy Speaker we seem to go through it all and I usually vote against it and then there's talk and there's backwards and forwards and toeing and froeing and what have you if we 'd only spent all that time on reviewing the Immigration Bill we would have had it finished long ago and I will move that the question be put.

MR DEPUTY SPEAKER                      Yes. Do I need to put that or do I just go straight into the Motion Honourable Members. I think we have exhausted debate on that matter. So I will go straight into putting the question.

#### MOTION IS PUT

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

The result of the Voting Honourable Members the Ayes seven the No's two. The Ayes have it. Thank you. The next refers to

#### **THE EMPLOYMENT AMENDMENT NO.2 BILL**

MR ROBERTSON                              Thank you Mr Deputy Speaker. Mr Deputy Speaker I seek leave to present the Employment Amendment No 2 Bill 2000.

MR DEPUTY SPEAKER Thank you. Is leave granted?

AGREED

Leave is granted. Mr Robertson

MR ROBERTSON Mr Deputy Speaker I present the Employment Amendment No 2 Bill 2000 and move that the Bill be agreed to in principal. I table a copy of the Bill and the explanatory memorandum which accompanies the Bill. Sir, Deputy Speaker some months ago this House passed the Employment Amendment Bill No 1, 1999. The Employment is a Schedule three matter and prior to the assenting to that the Bill was sent to Canberra to be checked out. Having gone through Senator McDonald's office it was then passed over to Mr Rieth's office which he is the Minister for Employment Work Place Relations and Small Business and the Leader of the House of Representatives. His department went through it and after many months we finally got notice to say that they didn't disagree with the Bill as presented except for one clause and that was clause thirteen which dealt with the youth wage. This resulted once that letter was received this resulted in a number of telephone calls to and from which finally ended up with a teleconference with the Ministers Office, myself and the Administrators Office going through the reasons why we had made that amendment and the reasons why we would be progressing by perhaps by going back to status quo. One of the proposals put to us by the Minister's Office was that we should probably adopt the proposal as put forward by the by the Australian Government and that is after six years they have had negotiations with close relationships and so forth and they suggested that we look at their Bill for Youth Wages which actually took a person through to the age of twenty one. In our conversation we thought that that was a little old and that if the status quo going back to what we had in our previous 1998 Act would that be agreeable. Recently I received a letter from Peter Reith's Office in which he said that he's confirming that should we pass this amendment which virtually takes us back to status quo that we had in the previous 1998 Act then he would have no difficulty and the rest of it would then be assented to forthwith. That is in writing and it is all confirmed. What we are asking in this Amendment Bill is simple thing Members have been copied with this, we've spoken about it and that is the minimum rate of pay which appears on section 13. The explanatory note is fairly straight forward. Clause 4 repeal and substitutions, clause repeal section 13 the principal Act and substitutes Proposed clause 13. Proposed clause 13 proposes and obligations on employers to pay employees aged eighteen years or older not less than minimum rate. Employees who are under the age of 18 must be paid a rate of note less than prescribed by the table contained in that clause. It further provides that if during the pay period an employee becomes entitled to an increase on the minimum rate the employer must pay the employee at the increased rate for the pay periods subsequent to that pay period during which the employee became entitled to the increased rate. Failure by an employer to comply with obligations imposed by clause 13 may result in a penalty of up to twenty penalty units.

MR DEPUTY SPEAKER. Thank you. Question Honourable Members is that the Bill be agreed to in principle. Further debate. No further debate, then I'll put the question

MR ROBERTSON Mr Deputy Speaker I move that so much of Standing Orders be suspended as would prevent the Bill being dealt with through all stages at this sitting.

MR DEPUTY SPEAKER Thank you. Any debate on that matter? Yes, Mr Brown

MR BROWN Mr Deputy Speaker I understand that the passage of this Amendment will enable the whole employment package to be assented to, on that I'm happy to support it.

MR DEPUTY SPEAKER Thank you. I put the question Honourable Members that so much of Standing Orders be suspended that will prevent the Bill from being dealt with at all stages of this sitting

QUESTION PUT  
AGREED

Any abstentions. The Ayes have it. Thank you. Therefor I will now put that question that the Bill be agreed to in principal.

QUESTION PUT  
AGREED

Any abstentions. The Ayes have it. The Bill is Agreed to in principal. Is it the wish of the House to dispense with the details stage. Agreed. On that basis I seek a Motion from you Mr Robinson.

MR ROBERTSON I so move Mr Deputy Speaker

MR DEPUTY SPEAKER Thank you. Final Motion is that the Bill be Agreed to. Final debate. I put that question .

QUESTION PUT  
AGREED

Any abstentions. The Ayes have it. That Bill is agreed to. We are now at Orders of the Day

## **ORDERS OF THE DAY**

### **NO.1. BROADCASTING OF RADIO TRIPLE J BY VL2NI**

MR DEPUTY SPEAKER Resumption of debate on the question that that Motion be agreed to in principal and Mr Brown you have the call to resume

MR BROWN Thank you Mr Deputy Speaker this was adjourned on the last occasion so that Members could seek such community comment as they felt worthwhile. I sort comment from most of the churches on the island and I think that I received a response from all of them and that response is best set out by reading some of the words from the Rev. Ian Hatfield who said that "I have personally thought the issue through and felt that the churches Parish Council should also consider it which we did last week. Our response is that we share your concern with language and programming content but we have similar difficulties with other radio stations as well as everyday usage in the island's community. We're not convinced by simply saying "no" to Triple J will in anyway help a positive alternative needs also to be put forward for any lasting value to occur". The response from the other churches from whom I received a response was perhaps simpler than that they simply said they shared my concern and that they would be happy if the Motion was passed. I accept the words of the

Rev Hatfield. Indeed watching SBS television or watching the ABC itself can cause similar concern but I do not believe that we should allow that to cloud our minds the simple fact is that I don't think there is one of us around this table that believes that the sort of language that is regularly heard on SBS is appropriate to be broadcast on a Government owned radio band to our senior citizens to our young people or to our visitors. To give you another illustration for some reason....

MR DEPUTY SPEAKER Point of Order. Mr Brown I know on earlier occasion I know you used some words I didn't of course make mention of those because you may have interpreted that I was having a view one way or another but I just wanted to get in first on this occasion and maybe offer some caution that inappropriate words should not be used in this debate.

MR BROWN Mr Deputy Speaker I was about to convey to Members something which I heard on Triple J recently when again the local radio station to which I had been listening because I am a keen listener of the local radio station all of a sudden stopped operating and Radio Triple J was there, and you needn't worry Mr Deputy Speaker. It came on and it said "Warning. Radio Triple J has ruined the youth of Australia call the Police". Now that was the effect of the words if I have got any of them wrong they are not far wrong. There you had Radio Triple J proudly boasting the damage that it's doing to the youth of Australia in its endeavors, and I hope that Members will support me in this in earlier times the radio station was a place from which information could be obtained the radio station still fulfills that role I don't see a need for the communities money to be spent to broadcast trash if people wish to listen to trash they can go and make their own arrangements to do so and I accept that its quite possible for them to do so in all kinds of ways but the Government should not be funding that nor should the Government be transmitting such trash across its airwaves. Thank you.

MR DEPUTY SPEAKER Mr Robinson

MR ION ROBINSON Thank you Mr Deputy Speaker I wonder if the compromise of broadcasting it on a different frequency was entertained or did you look further into that with the Chief Minister..

MR BROWN Mr Deputy Speaker I did give thought to the Chief Ministers suggestion in that regard but at the end of the day my conclusion was that it was inappropriate for the community to be asked to provide funds for yet another radio frequency on the island in circumstances where the provision of those funds was aimed at enabling trash to be transmitted.

MR DEPUTY SPEAKER Thank you. Mr McCoy.

MR MC COY Thank you Mr Deputy Speaker I do tend to agree with Mr Brown even though I am one of the strange ones who enjoy listening to Triple J, but yes there is no real necessity to continue the re-broadcast of Triple J over VL2NI an alternative frequency for the broadcasting of Triple J could be used because we have Red FM and 2CR Regional and Fine Music all being broadcast over airwaves or re broadcasted on alternative frequencies so to satisfy some people who wish to listen to Triple J lets just, lets not just turn it off maybe provide an alternative frequency. See Triple J does not only play music of bad taste but provides a very broad spectrum of cultural music, music from places such as South Africa, South America, Asia even the Pacific Islands and not only that different type of music but environmental issues are addressed rock concerts for the people who like to get away and

participate in rock concerts are promoted, new bands are plugged and many other interesting subjects which are not commercially driven are addressed and as a side to all this I guess well we should as Mr Brown mentioned stop televising rage, on Sunday mornings or Recovery because in actual fact Rage or Triple J on Sunday morning is Rage being broadcasted over the airwaves and the same announces on Triple J also host Recovery, which goes for Saturday afternoon. This issue goes a bit further though its not just the re-broadcasting of Triple J through a Government who has actually advocated and actually pushed for the position of Cultural Affairs Advisor in the Public Service, we've done a good job of eroding or radio station VL2NP's ability to operate as a community radio station. Simply if one wants to destroy a peoples culture radio and TV media are a very powerful implement to achieve such an end. There use to be something uniquely Norfolk about 2NI I believe, which is a bonus when promoting an unique place or tourist destination, so lets give this issue a lot more consideration than just the Triple J component which seems to be what is being addressed at the moment, and I'd say that since the introduction of more radio stations to the airwaves of Norfolk many people don't hear local notices and why put on requests on any more when the recipient of the request no longer listens to 2NI. So lets look at some options maybe one, provide an alternative frequency for Triple J, and if possible VL2NI be broadcast exclusively on all frequencies utilised until say 11 a.m. or thirdly broadcast VL2NI only with non stop popular music and some local advertising between 11 a.m. and drive time and 4.30, of course without interfering with the hospital or request programs through the week they would remain as they are. And that's all I have to say, but I will be supporting Mr Brown's motion as a way I hope a solution to satisfy all listeners will be achieved

MR DEPUTY SPEAKER

Thank you Mr. Nobbs, then Mr Robertson.

MR NOBBS

Thank you Mr Deputy Speaker I'm no fan of Triple J in fact I've received complaints and was critical of a push initially to have it made available on the Island. This was at a time I believe when we had local and regional only and there was a real concern that regional would be replaced by Triple J, leaving us with limited local and full on Triple J. At this time Mr Deputy Speaker we also had two channels ABC and SBS, there were complaints as to some shows which still, complaints still exist and I agree because some of the shows on SBS are pretty rough. I think they call it Soccer B Sex program, but anyhow. Response to mentioning such complaints was simply you have a choice just switch channels go to the ABC, but returning to Mr Brown's motion Triple J. I don't listen to what I classify as garbage, sorry Johnny by choice at least I don't listen to it by choice at least so I don't listen to Triple J but I understand it's now only on air for limited periods. Its interesting that one complaint I received recently related to reception whilst on Phillip Island it appears that at one stage Triple J was the only station received. Don't make me laugh it's not funny it's very serious this but I understand that at the time it was related the times relating to the bedding in of TV and radio when there was some problems and we didn't know whether we were getting Western Australia, Indonesia TV or where we were that I understand has been fixed and I hope that the person can now listen to other channels on Phillip Island including Red FM which has now been added to our choice of radio and this appears popular at least amongst the youngsters. I believe we are now provided with a reasonable choice and if there are some who hang out for Triple J, that's fine I don't have to listen to it. Consequently while agreeing that Triple J is not my cup of tea I would not go so far as to say that it should be banned because we do have a choice, thus I cannot support the motion. Thank you Mr Deputy Speaker.

MR DEPUTY SPEAKER

Thank you. Mr Robertson

MR ROBERTSON Thank you Mr Deputy Speaker I'm a little bit like Ron actually there's plenty on the radio station to hook into if you want to but interestingly enough if we start to say we can't have Triple J then surely we're starting to get into censorship and John himself in his debate in the first place broke into SBS I think he was probably trying to remember he was referring to SBS which was another one. John has already indicated that Triple J is ABC on the Rage Program should that go to. So suddenly you're looking at a whole series of let's get these out of the place and we're turning into censorship. Now if we haven't got censorship laws on this island and if you really want to get involved in that you've got a real problem coming up. I don't have any difficulty with all of the discussions that have been here today I won't be supporting the motion I believe that anybody that has any difficulty can switch and I know that already there's been some indications that we've gone wider. Already we've gone from Triple J to SBC to ABC and to any other program if you feel that in your mind you should censor that and that's where we're getting into a difficulty if you're going to do anything about it then do what anybody else does and perhaps put Triple J, said do then get onto the Australian censorship radio censorship areas and say there is a problem there is a number of complaints and complain like any other people because those are the people who are equipped and ready to take any complaints in their censorship arrangements. So I don't have any difficulty as far as the other stations concerned Red FM I listen to that regularly on my car radio because that's the only one I can get on it.

MR DEPUTY SPEAKER. Mr McCoy

MR McCOY Thank you Mr Deputy Speaker I would respond to that please Mr Deputy Speaker. No I'm not saying that we should censor it I'm saying well if we're going to cut one out we do get into the area that you are talking about, censorship. The reason I listen to Triple J Mr Nobbs, so much, is that I don't move my dial from VL2NI.

MR DEPUTY SPEAKER Thank you. Mr. Brown.

MR BROWN Mr Deputy Speaker the Minister for Tourism and Commerce has made reference to censorship and I think it's important for us to recognize that censorship is a schedule 2 power. Now if we want to give that one back to the Commonwealth by saying that we're never going to do anything with it we're going to allow any kind of material to be broadcast on our radio station and bear in mind with the radio a visitor walking into a shop doesn't have the ability to turn the shop's radio on or off. Nor does he have the ability to turn on or off the radio in the car that might be parked just near him or driving past, so I don't think we should just run away from this by saying deary me censorship is a terrible thing. Censorship is a schedule 2 power, I'm talking about what I call decency rather than censorship but censorship is a schedule 2 power and if we are going to refuse to use our schedule 2 powers we should not complain as they are taken away from us. Thank you.

MR DEPUTY SPEAKER Further debate. Mr Bates.

MR BATES Thank you Mr Deputy Speaker I think one of the main problems as I hear it here is the fact that people have their radios tuned to the local radio station where they get the hospital request show and the local news, breakfast sessions and all those things and then suddenly, shock horror something else comes over the air waves and they know about it and to me that seems to be the biggest problem I think it's difficult for one person to tell another person what they can watch and what they can't do the TV programs all have their codes as to whether they're suitable for certain age groups and I think even some of the Pay

TV's you can actually code it in there so that some of them just don't come through. If they're rated a certain rating they just won't come on, but I don't feel inclined to support this motion I think that people should have a choice but I do think it would be a lot better if this did have a dedicated frequency so that those who just turned their radio on that's always linked to the radio station and not subject to something untasteful in their minds I think would be a lot better I think that's something that could be looked at I don't know what it would cost to provide the extra channel but I'm a bit reluctant to tell people what they can do and what they can't do when, when there's so much of this sort of thing available anyway as its available on the SBS TV, it's available on Rage, its available direct from the mainland if you've got a powerful enough set and I just don't know that we're going to solve a big problem by supporting the motion if it could be changed so that it had its own dedicated channel I think it would be a lot better. Thank you

MR DEPUTY SPEAKER

Chief Minister

MR SMITH

Thank you Mr Deputy Speaker. I reiterate what I said in the last meeting when John introduced this Motion, Mr Brown introduced the motion that I saw where he was coming from I understand his concern I also have concerns not just with Triple J but as Mr Brown rightly points out SBS, ABC and even Channel 7 over the Xmas period had an Australian movie on that used language that was far worse than what Mr Brown used in the House in the December sitting or whenever it was. The issue I really believe is one that should be taken up with if the Assembly was of that mind with the broadcasting authorities to register a disinterest, not disinterest, to register a dissatisfaction if we felt compelled to do something about it but I think what Members are saying around the table is quite correct that sure you could, can get caught out with Triple J if your not inclined to that sort of music or that type of station, three times a week I think it is, no what I was going to refer to was, Mr Brown said that visitors could walk into a shop and its playing it's not very likely as Triple J I don't think it's on at any time during shopping hours its usually on late afternoon or late at night weekend from 4.30 in the afternoon. However, the point is and as everybody recognizes and that's the things that have been said to me since that last meeting is that if you don't like it just switch it off. No different to if you turned to the classical station or if its on your car radio you don't like it you switch it off you don't sit there hoping that there's nothing going to offend you coming across the air. It is a real good point but I've also allowed in the budget an amount of \$10,000 in the Budget Review \$10,000 in case that was the way Members wanted to go to have separate frequency or a separate transmission set that Triple J could be broadcast but that might in effect have a worse effect where Mr Brown is concerned that it's on limited hours now it would be on available 24 hours a day. However, we've got to consider that it is available all throughout Australia anybody can pick it up over they, I don't know that we should be really getting into the area as Gary said of the censorship of something that's broadcast publicly and whether we agree or disagree with the type of music that is played but it does get down to it's not only Triple J, it's the three Television broadcasts that we get here as well and maybe, maybe on some of the regional radio ABC radio stations to I'm not to sure, that there will be things that will be offensive if it's the words of a song or whether it's bringing the attention of a particular song which is what happens in Mr Brown's case he said that the name of the song was whatever it was and it was introduced as such or there was a warning did you say Mr Brown that there was something bad coming up, I mean that's the greatest way to get anybody to listen to it. But I agree with the rest of the Members, well the majority of Members I don't support the Motion I think there are other alternatives and although I understand where Mr Brown is coming from I think we should just leave it alone.

MR DEPUTY SPEAKER  
Motion be agreed to.

The question before us Honourable Members is that the

QUESTION PUT

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

The result of voting Honourable Members the Ayes 2 the noes 7, the Noes have it

AGREED

**ORDER OF THE DAY NO.2. - IMMIGRATION AMENDMENT BILL 1999**

MR DEPUTY SPEAKER We're resuming debate on the question that the Bill be agreed to in principal. Mr Robinson you have the call to resume.

MR ION ROBINSON Thank you Mr Deputy Speaker if Members will remember this Bill amends the Immigration Act 1980 to provide, firstly that a person can apply to become a resident despite the fact that the person is not ordinarily resident on Norfolk Island or has not been ordinarily resident on Norfolk Island for five out of the previous seven years. If the person has been ordinarily 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 the person under section 47 for a period that the Magistrate is reasonably required not exceeding 30 days as opposed to the 7 days at present. 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 penalties or cost that the Administration can recover under the Act is out of proportion to the value of the vessel. The last 3 items are of course part of our agreement for the for what is called these days "the Boat People" and the first part of course speaks for itself. I will be seeking leave Mr Deputy Speaker to move an Amendment to this in that its been hanging around since 1999 so we will be, I will be seeking leave to move the Bill be updated and read as 2000 rather 1999 at the appropriate time.

MR DEPUTY SPEAKER Thank you very much Mr Robinson. We are at the stage Honourable Members of considering that the Bill be agreed to in principal. Mr Brown

MR BROWN Thank you Mr Deputy Speaker. The Minister has read from the general outline which was tabled at our last meeting and I would like to point out that the general outline in its first dot point is not in fact consistent with section 4 of the Amendment Bill, and I would like to point out in case someone at a future date is looking at this debate in order to assist them in interpreting the section. I would like to point out that the actual words of the section must prevail over the words of the general outline in this case and the differences Mr

Deputy Speaker are that the section talks of a person whose been ordinarily resident in a place other than Norfolk Island rather than saying that a person can apply to become a resident despite the fact that they are not ordinarily resident in Norfolk Island. But more importantly the general outline doesn't contain reference to the fact that the residents elsewhere must be for the sole or principal purpose of full time vocational training or full time education. It can't be just a part time thing that you're away and you're going to do a Tec course while you're there or go to night school you must be away for the sole or principal purpose of undergoing full time vocational training or full time education. And having said that I certainly support the Amendments, I'm sorry I support the Amending Bill.

MR GARDNER Thank you Mr Deputy Speaker it was clarified I think at our last meeting or when Rick first introduced the Bill into the House. I had some difficulty with the intention to include aircraft, fixed wing or rotary blade and it was made quite clear to me at that time that those were covered in definitions attaching. I still do have concern with these same clause that Mr Brown pointed out just then. Clause 4 of the Bill it only seems to include at this stage other than for the sole or principal purpose of undergoing full time vocational training or full time education. At the last sitting of the House I did raise with Members my concern that for extended health purposes or reasons or something like that that should be included. The reason I say that there are a number of people principally at this time I understand long term residents of the island that have for different reasons and different purposes had to move to Australia or New Zealand or elsewhere to obtain adequate health care, necessary health care and specific health care that from time to time has meant that they have been absent from the island for a number of years. As we're relating here we probably talking more about people that are going through the process of trying to obtain residency then I would understand that they would be GEP's. It would be unfortunate if for example an island resident that had a spouse that was GEP under a special relationship had to take that spouse away to the mainland for an extended period of time and jeopardize there chances of obtaining residency or set it back dramatically an I certainly would wonder if the Minister may wish to comment on that or other Members may wish to comment on that and if thought appropriate move an Amendment at the detail stage.

MR DEPUTY SPEAKER Mr Robinson

MR ROBINSON Thank you Mr Deputy Speaker I see, I see Geoff's concern here however I wouldn't like to go racing in and try and put an Amendment in now without first consulting Legal advise and people, I don't think it will be a simple matter of putting in because you're sick, because somebody's definition of being sick is probably not everybody else's. I would, I would like to if Geoff is willing for me to include that on the list that I will be running by the Immigration Committee of things to be looked at as far as amending our current Act. As I say if that's alright with Mr Gardner. The principal reason for this Act of course is for "the Boat People" agreements that we have made with DEMA the Department of Immigration etc in Australia and there are there have been several suggestions put to me of things that are fairly urgent that should be included in, but I want to get "the Boat People" part of it out of the way at this sitting if I can. Certainly I will add it to the list of things to include, that list will include things like spouse permit, quite a range of other amendments to our current Bill, if our new legislation is going to be too much longer.

MR DEPUTY SPEAKER Thank you. Further debate. No further debate. The question is that the Bill be Agreed to in principal and I put that to you

QUESTION PUT  
 AGREED

Any abstentions. The Ayes have it. Thank you. The detail stage. You want to seek leave I think for one small amendment that you foreshadowed Mr Robinson.

MR ROBINSON Thank you Mr Deputy Speaker. Clause 1, short title, omit figures 1999 and submit figures 2000.

MR DEPUTY SPEAKER

IS LEAVE GRANTED  
 AGREED

Leave is granted. Mr Robinson

**LEAVE – OMIT 1999 AND SUBMIT FIGURES 2000**

MR ROBINSON I so move then Thank you

MR DEPUTY SPEAKER Thank you. Any discussion in respect of that. No further discussion. Is the Amendment Agreed. Sorry, Mr Brown you wanted to say something.

MR BROWN Perhaps once that Amendment has been dealt with.

MR DEPUTY SPEAKER Fine. Is that Amendment Agreed

QUESTION PUT  
 AGREED

That Amendment is Agreed. Thank you.

Is that clause as Amended Agreed to which is basically the Title with the new numbers.

QUESTION PUT  
 AGREED

That is Agreed amongst us, Thank you. The next question is that the remainder of the Bill be agreed to and then we'll come to a final motion.

The question is that the remainder of the Bill be Agreed to.

MR BROWN Mr Deputy Speaker I'd like to just say something if I could. It has been pointed out to me that it is at least possible that there is something missing in section 4 and I don't know whether the Minister wishes to speak with the Legislative Counsel about that at this stage. The Legislative Counsel I understand has prepare the necessary Amendment to correct this.

MR DEPUTY SPEAKER Thank you. If this is going to take a few moments I'm going to suggest that we suspend this matter, move to the next and we'll come back to this, not that it be ignored but they be given some time for it to be properly looked at and we will come back to it. So if you are agreed I will suspend that matter.

AGREED





QUESTION PUT  
AGREED

Any abstentions the Ayes have it. THE BILL AS AMENDED IS AGREED TO.

**ORDER OF THE DAY NO.4 - PROPOSED CHANGE TO THE ELECTORAL SYSTEM**

DEPUTY SPEAKER Mr Brown you have the call

MR BROWN Thank you Mr Actin Deputy Speaker this is a motion that was moved By Mr Nobbs and it just happened that I moved the adjournment of it on the last occasion. I understand that Mr Nobbs feels that it would be appropriate to discharge it from the notice paper today and to ask the next Legislative Assembly to look at it but in any event it might be appropriate for me to close my debate at this stage so Mr Nobbs is able to say what he wishes to say.

DEPUTY SPEAKER Thank you Mr Brown. Mr Nobbs

MR NOBBS Thank you Mr Acting Deputy Speaker as Mr Brown said I moved this at the last meeting but events have subsequently overtaken the motion with the calling of a General Election of course in two weeks time. Mr Acting Deputy Speaker I was until the calling of the election prepared and keen to progress the concept of change of the electoral system. Unfortunately if the motion receives support and there's no guarantee it would even if it received support there would be insufficient time to put it in place before the election on the twenty third next. Thus I propose to seek leave in due course to withdraw the motion and hope the incoming Assembly makes the change. It will be part of my policy at the upcoming election and will if re-election moves so very early in the life of the new Assembly. I wish Mr Acting Deputy Speaker make it very clear that the electoral voting system remains unchanged consequently a person voting has a total of nine votes and may give no more than 4 to any candidate in other words you can still give me four votes and if all the electors give me four votes it will show very clearly what a silly system we have in place. Mr Acting Deputy Speaker I seek leave to withdraw the Motion.

DEPUTY SPEAKER Honourable Members is leave Granted.

QUESTION PUT  
AGREED

That Motion is withdraw from the Notice Paper.

**ORDER OF THE DAY NO.5. - COMPANIES AMENDMENT BILL.**

Question is will the Bill be agreed to in principal. Mr Brown you have the call

MR BROWN Thank you Mr Acting Deputy Speaker. Members will recall that this Bill aims to provide an ability for a Company to move its place of Incorporation from Norfolk Island to any of the Australian States or Territories. After our last meeting the Minister for Health sort advice from the Australian Securities and Investment Commission as to the Bill and the Minister has kindly provided me with a copy of a response from that Commission which says in part "From the ASIC's prospective I advise that the Draft Bill



the prescribing of a fee for this particular service under the Regulations of the Companies Act. I think because this on its passage would become a service without Fee, normally \$10.00 is attached to that on the Program Managers advice it is proposed that for the purpose of submitting an application to transfer a Company that we should be looking somewhere in the vicinity of \$500.00 which isn't a big ask when you consider that the Annual Company fees are \$350.00 just of the top of my head but that's, that's a matter to be set in regulations and the severity or otherwise of the fee that is attached to a transfer of this type will be a matter for discussion by Members of this Assembly if that's proposed or certainly by the next Assembly..

DEPUTY SPEAKER Thank you Mr Gardner. Is there any further debate. There being no further debate I put the question that the Bill be Agreed to in principal

QUESTION PUT  
AGREED

Any abstentions the Ayes have it. We move to the detail stage and I believe you have an Amendment Mr Brown.

MR BROWN Thank you Mr Actin Deputy Speaker. I move an Amendment to clause 1, short title, by omitting the figures 1999 and substituting 2000 and Mr Acting Deputy Speaker this Amendment is to make the Short Title reflect the correct date.

DEPUTY SPEAKER In the event that we need leave of the House, is leave granted for that Amendment

QUESTION PUT  
AGREED

Further debate. Any debate on the Amendment then I put the question that the Amendment be agreed to.

QUESTION PUT  
AGREED

Any abstentions the Ayes have it. I put the question that the clause as Amended be agreed to

QUESTION PUT  
AGREED

Any abstentions the Ayes have it. I put the question that the remainder of the Bill be agreed to.

QUESTION PUT  
AGREED

Any abstentions the Ayes have it. I now seek a Motion that the Bill as Amended be agreed to. Mr Brown

MR BROWN Mr Acting Deputy Speaker I so move.

DEPUTY SPEAKER Is there any debate. I put the question that the Bill as Amended be agreed to.

QUESTION PUT  
AGREED

Any Abstentions the Ayes have it. The Bill is agreed to. Honourable Members we return to

**ORDER OF THE DAY NO. 2 - THE IMMIGRATION AMEDMENT BILL 2000.**

Mr Robinson I believe you have

MR ION ROBINSON Thank you. Because of a misunderstanding in the wording of it I now move that the Bill as Amended be agreed to. For the purpose of subsection 1, was a confusion that it was not put at the start but it appears that it is alright to do it that way so subject to the Amendment and that is to change 1999 to 2000 I move that the Bill as Amended be agreed to.

DEPUTY SPEAKER I'm not certain, I think I need to put the question that the remainder of the Bill be agreed to first Mr Robinson.

MR ION ROBINSON Fine. Yes.

DEPUTY SPEAKER We have agreed that the Amendment be agreed to and the clause as Amended be agreed to, I put the question that the remainder of the Bill be Agreed to.

QUESTION PUT  
AGREED

Any abstentions the Ayes have it. Now your Motion that the Bill as Amended be agreed to

MR ION ROBINSON I so move Mr Acting Deputy Speaker.

DEPUTY SPEAKER I put the question then that the Bill as Amended be agreed to.

QUESTION PUT  
AGREED

Any abstentions the Ayes have it. The Bill as amended is agreed to.

Honourable Members we now move to the adjournment and Mr Buffett.

**ADJOURNMENT**

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

MR BROWN Mr Acting Deputy Speaker can I move that the question be put.

DEPUTY SPEAKER Guess if you're serious I have to Mr Brown. The question is that the question be put.

QUESTION PUT  
AGREED

Any abstentions the Ayes have it, and I put the question that the House do now adjourn

QUESTION PUT  
AGREED

Any abstentions the Ayes have it. The House stands adjourned

**HOUSE IS ADJOURNED**