

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

We move to condolences, are there any condolences this morning? There are no condolences thank you

COMMONWEALTH DAY MESSAGE

Honourable Members. Commonwealth Day message. The Monday just passed was Commonwealth Day and that is an annual celebration of the Commonwealth Association and its members. It focuses on different themes each year and it takes place on the second Monday in March of each year. The Commonwealth is an association of some fifty four independent sovereign countries around the world and we will know that both in our part of the world Australia and New Zealand are part of the Commonwealth as Norfolk Island joins in the celebrations. All nations of the Commonwealth accept Her Majesty Queen Elizabeth II as the symbol of their free association and thus, Head of the Commonwealth. I have received the following message for Commonwealth Day from her Majesty the Queen and I read – It is highly appropriate that the theme of Commonwealth Day at the start of the new millennium should be The Communications challenge. For much of the millennium just ended, the challenge was to relay information as speedily and accurately as possible. What once took weeks is now instantaneous. But the advance in technology brings a new challenge, of how to use rapid communication responsibly and for the common good. We have to strive to ensure that the advantages of modern communication systems are available to all, and are used to bring us all closer together, not to create fresh divisions. And we need to remember that exciting though the new ways of communicating undoubtedly are, what matters most is what we say to each other.

The Commonwealth is an organisation so diverse and widespread that it has always depended on good communication which are helped, of course, by having a common language. Recent advances in communication technology are particularly helpful in fostering the non-governmental networks which help to make the Commonwealth so unique. The exchange of information and sharing of experiences between representatives of civil society in the different countries form an important part of the Commonwealth's activities at the start of the 21st century. Both in these networks, and in our co-operation at government level, our shared values and traditions provide a foundation for using the new technology to our common advantage.

The challenge for the century just started will be to find ways to use ever faster communications to bring greater harmony and understanding both within each of our societies and between them and thereby to strengthen the Commonwealth. Signed Elizabeth R and dated 13 March 2000 and that concludes the Commonwealth Day message Honourable Members

WARRANT FOR ACTING DEPUTY SPEAKER

Honourable members I table a Warrant which is nomination of Geoffrey Robert Gardner to act as Deputy Speaker from time to time

PRESENTATION OF PETITIONS

Are there any Petitions this morning please

GIVING OF NOTICES

Are there any Notices this morning

MR SMITH Thank you Mr Speaker. I would just like to give notice that I intend to introduce at the next Sitting of the House a draft bill that will provide for the setting up of a Norfolk Island Youth Advisory Council. I'm giving notice as I would like input even at this early stage to ensure that I have the right information when I do so

MR SPEAKER Thank you Mr Smith. Further notices?

QUESTIONS WITHOUT NOTICE

We move to Questions Without Notice

MR BATES Thank you Mr Speaker. My first question is to the Chief Minister, Mr Nobbs. How successful has the power correction factor installed at the Powerhouse by Energyfirst been and what additional benefits are we still expecting to receive

MR NOBBS Thank you Mr Speaker, power correction factor has been a problem from the outset and I understand that repairs were made to it in the last few weeks. I can't say exactly how it's working at the present time, but the original indications were when the unit was proposed that there would be a considerable saving and it's hoped that when this thing eventually becomes operational that these will occur

MR BATES Thank you Mr Speaker, another question for the Chief Minister, Mr Nobbs, given that the cash balance of the revenue fund is about \$850,000 could you advise the House if in your opinion this is too much, too little or adequate

MR NOBBS Thank you Mr Speaker. This is probably a timely question because since taking office I've established the Finance Committee and this is not one similar to the one the last Assembly had, this includes Members of the Assembly, public servants and also members from the private sector. This Committee will be looking at producing a plan or a strategy, a financial strategy for the whole Island. It won't be dealing directly with the Admin budget proposals, it will be looking more on the broader sense. Now one of the issues that we put on the first list of items that we should look at was concerning the reserve. Now there's been discussion on that at this stage, but there's been no recommendations coming from that Committee and as Brian is aware, there is considerable divergence of opinion as to what reserve we should have, whether we should go for no reserve at all and utilise all the funds and hang on and hope or to the other end of the spectrum and look at a reserve which is equal to the current revenue budget which is just over \$10,000,000. Now somewhere in between those two figures I think is the reserve that may be recommended by the committee but there will be recommendations and of course the whole strategy and plan will come to the Assembly for ratification acceptance or otherwise and I will keep Brian definitely informed. I actually asked Brian to be a member of the committee but his commitments in the next compound precluded him, in his opinion, from being on the Finance Committee which was a bit of a disappointment as I thought his experience would be great but anyhow, I will be using him on the side

MR BATES Thank you Mr Speaker question for Mr Gardner, Minister for Health and Environment. A question in Internet gaming, given that there are a number of applicants who have written to operate out of Norfolk island what is the ability of our communication net work to accommodate them and does this likely to have any adverse effect on the listening users

MR GARDNER Thank you Mr Speaker it's certainly been an issue that has been considered long and hard by the authority and certainly by the previous government and it's a major point of concern or issue for this current government as to just how we provide the necessary telecommunications infrastructure to host not only Internet gaming on the Island but also as we look further long term to the provision of services of the provision of an Offshore Finance Centre on the Island. Certainly the band widening capacity that is available at the moment are unable to provide the necessary requirements of people looking at both of those industries. A number of options that have been pursued partly as a cooperative venture between the applicants and providing the necessary infrastructure for the Island also as you would be aware Mr Bates, the applications to networking the nation and the RTIF fund have been submitted for the design phase of telecommunications infrastructure upgrade to the island. There is so I understand, expected to be a decision in that area some time later this month, the month of March. If those tendered documents that have been submitted to the RTIF are accepted that will then move to the design stage and hence the implementation stage and there are a number of areas that have been looked at in regards to that planning for the telecommunication infrastructure including increasing the band width which is available on the cable. At the moment we work on a single 64k link, the Administration are looking at clicking on another 64k link subject to the availability and the price from Telstra. In fact I'm led to believe that there are 30 odd 2meg links available across that and some of the applicants have been negotiating with Telstra to be able to secure those 2meg links which would be adequate for them to be able to run their gaming systems. from the island. There is capacity, there is band width, it's just a matter of the cost for it and as I said the negotiations are taking place with Telstra at the moment by some of those applicants. There have been discussions between the Norfolk Island Government so I'm aware with Telstra regarding those issues and how we are able to accommodate it to be able to benefit both the Island, Telstra and the gaming industry

MR BATES Thank you Mr Speaker another question for Mr Gardner the Minister for Health and the Environment. Is the Minister satisfied with the handling of category 3 applications under the Planning Act or does the policy need to be tightened

MR GARDNER Thank you Mr Speaker, I guess we all have a bit of difficulty with the whole planning process and I do understand that my predecessor Mr Robinson had in fact started a review of the Norfolk Island Plan that describes all of those areas of concerns and issues that need to be taken into account when it comes to determining cat 1, cat 2 or cat 3 planning applications. That Review is under way and I would expect as part of that review that the requirements established by the plan and their applicability in this day and age would be addressed not only by myself but by all under a consultative process, all of the community for the acceptability of those provisions under the Planning Act

MR McCOY Thank you Mr Speaker I have a question that I wish to direct to Mr Nobbs the Minister with responsibility for the Public Service. Rumours are circulating that a senior member of the Administration expat workforce has been found accommodation costing the taxpayer around \$400 per week in rent. Could the Minister please confirm or deny the substance of this rumour

MR NOBBS Thank you for that Johnny, I cannot confirm or deny that because that's the first I've heard of that question I'm sorry but I will get back to you. That's all I can say because I don't know who you are referring to or what the current arrangements are

MR McCOY Thank you Mr Speaker a question for Mr Nobbs again, would it be possible for you to provide the Assembly Members with a report on the accommodation situation for the public service expats

MR NOBBS Thank you Mr Speaker I most certainly will do that

MR SPEAKER Order. Chief Minister in the raising of questions the Member's have to date offered you the courtesy of addressing you as Chief Minister and if you would be kind enough to return the courtesy when referring to members

MR NOBBS Thank you Mr Speaker I don't expect them to show me that courtesy but anyhow, they have and I will respond accordingly. I apologise to Mr Bates and the questions I have answered already and Mr McCoy and I will try and answer the question put to me. Mr McCoy thanks for the question. The housing situation is an area where I've had some concern for some time. I believe it is an area which we need to review and look at closely. Whilst it's not in my area I do understand that KAVHA is looking at a business plan for the area and there has been talk in the previous Assembly about tourist accommodation at No 9. I think it's timely for a review of the whole situation in relation to accommodation of public servants who come onto the Island for a limited time and we are required to provide them with accommodation and I will definitely undertake to complete this review or have it completed as soon as possible. There are obviously good reasons for the current arrangements but I just feel that we need to look at it fairly closely. Once again, and if you will bear with me Mr McCoy I will respond as soon as possible

MR McCOY Thank you Mr Speaker I have another question for Mr Nobbs in relation to his responsibility to the public service and that is, is it a fact that out of the Administration legal section two out of three employees have not had to pass merit selection process for the positions they currently hold

MR NOBBS Thank you Mr Speaker, well I don't wish to duck the question. I think their appointments were made in a time prior to mine and therefore I ...

MR BROWN A particular position with the Administration is being referred to and it would be a simple matter for any person to limit to just a few people the identity of the person about whom the question is being asked. It may be inappropriate for a response to be provided without closing the meeting

MR NOBBS Thank you for that Mr Brown, I didn't intend to make a response but all I was saying is I believe that the positions were done previous as far as I'm aware and I understand that all the processes that were required under the current Act, not the new Act which hasn't come into force, were put in place. that's my understanding of the situation Mr McCoy

MR SPEAKER Thank you Mr Nobbs. In answer to Mr Brown's point of order, in that context I'm happy that it flow but if you would be m mindful of 72A which is the Standing Order that Mr Brown has drawn to our attention, thank you Chief Minister

MR McCOY Thank you Mr Speaker I have a question that I wish to direct to the Chief Minister Mr Nobbs again, what will you be doing to address the recommendations of the Standing Committee in regard to the Cultural Officer's position in the Public Service

MR NOBBS Thank you Mr McCoy the position at the moment is that the Public Service Board received a letter I understand from the last government because they requested some information from them. They received the letter and it's up to the Public Service Board under the current arrangements in my opinion to proceed down that road and I don't intend to interfere in the actual merit process. In relation to

the other issues I understand that they are being progressed and a report will be made available in due course

MR WALKER Thank you Mr Speaker a question to Minister for Commerce, Mr Smith. could the Minister advise if any progress has been made in a review of the Liquor Act in relation to those temporary licences issued some six years ago for the purposes of manufacturing and or blending processes of alcoholic beverages on the island

MR SMITH Thank you Mr Speaker I can answer that in part although liquor licensing doesn't fall under my portfolios but I am aware from what the previous Minister was doing there was a liquor review that was done. There was some follow up action on that but in relation to the permits that Mr Walker is talking about it might be helpful to him that about a year ago we introduced legislation to set up a licensing regime for the particular type of activities that Mr Walker is referring to. The House wasn't happy with the wording in that piece of legislation and from that point the Bill sat on the table until the review was completed and it fell off in the end Mr Speaker

MR WALKER Thank you Mr Speaker supplementary, could the Minister indicate if this matter will be given some priority for consideration in the near future

MR SMITH Thank you Mr Speaker it's absolutely necessary that it happens

MR BROWN Thank you Mr Speaker I direct this question to the Chief Minister. Is the Chief Minister aware of a local rumour to the affect that a contract public servant is about to be sent to Paris and London for a trip. If so, can the Chief Minister advise how other members of the Public Service can avail themselves of such travel opportunities and further, if any member of the general public is keen to do likewise, to whom should they apply

MR NOBBS Thank you Mr Brown for that question and I can't mention names or positions as you said, so I'll answer it as best I can. I understand that approval was given for such a trip previously. I understand that there are procedures in place within the Public Service for approval mechanisms. Whether they are affective or not is yet to be tested and I would suggest that an application arrangement is available for travel and that anybody who wishes to avail themselves of travel should carry out those procedures, but I wish to say this, that what we are looking at is not a review but the procedures involved I believe for travel, it is possible that there are areas that need to be reviewed and I'm actually bringing this before the executives tomorrow in part so that at this stage, the present procedures remain in place and I understand that they have been in place for some considerable time

MR BROWN Thank you Mr Speaker again to the Chief Minister. Would the Chief Minister be prepared to resume the previous practice of regularly tabling all details of travel expenditure both within the public service and the Legislative Assembly

MR NOBBS Thank you Mr Brown for that question. I definitely will and I think you would slay me if I didn't. The last ones that were tabled were up to the 30th June last year. I'm tabling a full statement for July to September and an abridged statement because that's all that could be made available to me from the 1st October to the 31st December but it's the intention to table these statements each quarter

MR BROWN Thank you Mr Speaker I direct this question to the Minister for Tourism and Commerce, is the Minister able to advise the expected completion date of work on the Cascade Cliff and further, is the Minister able to advise

formal committees of this House, what other committees does the Assembly or Government have and what is their official status, how are the memberships determined and appointments made

MR NOBBS Thank you Mr Bates for that question, that is very timely as well. What I've requested the advise on is to what actual boards exist and what members are required to do on each board. I believe that it's most important that a duty statement be made available to potential members of a board or a committee before they are appointed so that everybody's then clear as to what is the actual role of the committee member or board member. I also believe that there is a need to advertise these positions but that's my personal view and I'll take advice from the Assembly in relation to that issue and that is underway at the present time. The review of what members are actually required to do on each committee and I'll bring it back to the Assembly once that's completed

MR BATES Thank you Mr Speaker , a question to Mr Gardner, Minister for Health and Environment, is there any law or policy restricting the removal of dirt for driveways or building sites and if so, how is it controlled

MR GARDNER As I understand it Mr Bates, I've got the Norfolk Island legislation with me but rather than diving into the pages to found out exactly which sections it relates to my understanding is that there are guidelines so to speak within the Norfolk Island Plan that make it necessary to apply for, and I stand to be corrected on this, the exact measurements but I understand removal in excess of 50 cubic metres of soil in disturbing other than for agricultural or horticultural purposes of an area of land larger than 50 square metres requires planning application. As far as the enforcement of that we don't actually have roving inspectors who are driving around the place so I guess many of these breeches that may occur are usually brought to the attention of myself late at night or other officers within the Administration during the day and the normal response to that is that we would request one of the officers responsible for inspecting that type of thing, to go out an inspect the alleged breach that takes place. As far as enforcement well that's subject I would imagine, without again digging into the Act, that breeches of that type of thing would be subject to the penalty clauses under the Act

MR BATES Thank you Mr Speaker a further question to Mr Gardner, the Minister for Health and Environment, could the Minister explain the role of the Australian Government's Ministerial Council on Gambling, our role on it and how it might affect our raising revenue from Internet gambling

MR GARDNER Thank you Mr Speaker I'll try and work my way through that. It's a three part question and maybe if I could just ask Brian to lead me in on each part of those and I'll try and answer them individually if I could. The first one Brian

MR BATES The first one was the role of the Australian Government's Ministerial Council on Gambling

MR GARDNER The Ministerial Council on Gaming was set up in response to the Productivity Commission's Report on the Gambling Industry in Australia. The Productivity Commission came down with a draft report about the middle of last year that was followed up with a more comprehensive final report I think in bout October/November of last year, again, I don't recall the exact dates of that. There were a number of recommendations contained in the Productivity Commission's Report, the main thrust of the Report was directed at the problems associated with problem gambling, associated with pokey machines seemed to be the major thrust of it and touched in other areas on problems associated with raffles and scratchies and horse racing events and casino gambling and other bits and pieces but I think I need to

emphasise the fact that the major problems or concerns that were raised were in relation to the explosion of the use of pokey machines and the inability I think of alot of the industry in Australia to properly regulate those type of activities. Certainly Internet gambling was an area that was addressed by the Productivity Commission and because Norfolk Island's position in the Commonwealth and it's initiative to establish Internet gaming we were asked to participate in the Productivity Commission Inquiry and provided information, basically all of the legislation and package of gaming requirements that we have in place, to the Productivity commission as an effort to be able to provide as much information to them as we possibly could to assist and alleviate we hope a number of concerns that have been raised in general to gaming and to demonstrate I think our responsible attitude and desire to see the establishment of gaming on Norfolk Island as being world best practice in a properly regulated environment and to be credible and retain all the integrity that is going to be required in the development of that industry. Maybe the second part of the question

MR BATES

What is our role in the Council

MR GARDNER

We were approached towards the end of last year I think, early December, with an invitation that was extended through the Minister for Territories, Senator Macdonald, from the Prime Minister for Norfolk Island to participate in the deliberations of the Ministerial Council on Gaming. The wording of the original invitation caused a little bit of concern as it appeared as though Norfolk Island was only being invited to discuss or deliberate on the matters of Internet gaming rather than being a full member of the Council. On or about middle of December last year I wrote back on the Chief Minister's behalf, the letter had been addressed to him, addressing those concerns and wondering if that was actually the case, whether the other states and territories that aren't pursuing Internet gaming would be involved in the deliberations on Internet gaming or was it suggested that Norfolk Island because of the concerns that we share about problem gambling and our desire to see it properly regulated that we believe we have valuable input to make into the deliberations of the whole council on all areas of problem gaming that we would like to be involved in the total package of deliberations undertaken by the Ministerial Council on Gaming. We received a letter back just recently from Senator Macdonald again confirming that we had been invited to participate as a full member of the Ministerial Council on gaming. Was there another part to that

MR BATES

The last part was really how you see that affecting our efforts to raise revenue from gaming

MR GARDNER

I think it puts us in a position Mr Bates, as all members are aware we have been particularly careful since trying to initiate Norfolk Island entering into the international field, whether it be in gaming or offshore finance, of making sure that it is done absolutely best practice from day one. I think we've achieved that and we have some sort of notoriety now in a good way around the world as providing exactly that type of environment for gaming. We believe it's particular important that we can show, that it can be properly regulated and monitored and run to the highest standards possible. We would prefer to be part of the deliberations on that. In our absence I believe that the Ministerial Council on Gaming would be absented from having access to world best practice

MR BATES

Thank you Mr Speaker a question for Mr Smith, the Minister for Tourism and Commerce. How many kilometres of unsealed roads will be sealed over the next twelve months and how many residents will benefit from having a new sealed road past their entrance

MR SMITH

Thank you Mr Speaker I think I will be able to give Mr Bates a correct and full answer at the next sitting of the House. I met with the Corporate Services Manager yesterday and also the Works Supervisor and in our discussions we

were talking about the upcoming budget and the process that goes with that and we've talked about having a proper plan laid out for not only roads but other areas as well, so Mr Bates might be quite keen to take interest in that process and maybe he would even like to ask that question at the next sitting and I should be able to give him a total and correct answer

MR BROWN Thank you Mr Speaker a question to the Chief Minister on the proposed Offshore Finance Centre. Have you yet completed Norfolk Island's transition to an Offshore Finance Centre and if so could you please provide details of that achievement, if not, can you tell us what's the go

MR NOBBS Thank you Mr Brown again, another very timely question. I thank you because I intended to make a very short statement but I'll answer your question in lieu of that. The Offshore Finance Centre firstly has not commenced on Norfolk Island, it's still under investigation and a consultant was commissioned late last year by the former government and he will be providing his report at 2.30 tomorrow afternoon to members and we'll be able to have a look at what he's actually come up with. I have not had the opportunity to preview what he's talking about so we'll all be put in the picture tomorrow afternoon

MR BROWN I direct this question to the Minister for Immigration and Community Services, is the Minister aware of a comparatively recent report by the Human Rights and Equal Opportunity Commission in relation to immigration in Norfolk Island and if so, is the Minister aware of the recommendations which are contained in that report and finally is the Minister aware that the previous government commissioned a Sydney lawyer to carry out various work in relation to immigration including the drafting of a possible new Immigration Act and finally, can the Minister advise the status of that work thank you

MR COOK Yes Mr Speaker, Mr Brown in answer to that question, I am aware of the matter that you have touched on in your question and they are certainly proceeding at the present time to be the subject of urgent consideration. The Review that you have spoken of has arrived, it has only recently come and there was some requirement for correction of the printed material, that has taken place. Copies of the report which is some three volumes will be circulated among the members of the Assembly as soon as it can be achieved and I believe that will probably be later today or tomorrow and I intend to provide a brief summary of that review, setting out the material matters contained in each volume for the use of members of the Assembly in solving the material. I believe that review is a very important and significant review that we must take into consideration and urgently have regard to its provisions. If I might indicate the ultimate conclusion of the person speaking to the government is that there should be a complete new Immigration Act, our own Act is some twenty years old now, and also an extensive set of regulations under that Act. This will obviously require most careful consideration because the sheer volume of both the new proposed draft Act and regulations is really quite large and will require very careful consideration in due course and I can assure Mr Brown and the House that the matter must proceed with a great deal of urgency, particularly in view of the first remarks of the recommendations of the Human Rights Commission that requires the matter to be dealt with, with a great degree of urgency

MR BROWN I direct this question to the Chief Minister. It relates to liquor. Is the Chief Minister aware of concerns about the bulk sale of take away liquor late at night from certain premises and could the Chief Minister advise what action is proposed in order to investigate the wisdom of allowing that practise to continue

MR NOBBS Thank you Mr Brown, I'm aware that that happens but I was under the impression that it was condoned as a practice and is legal as far as I was aware, but I haven't had the opportunity to go fully into the liquor situation at this

stage but being under my control, or the Liquor Bond is but I don't think the Liquor licensing is under my control. Anyhow I'll check it out. Can I check it out Mr Brown and let you know the answer because I'm a bit flummoxed on this one at this stage. I've had discussions with the Liquor Bond and looking at activities there but in relation to the Report that was done by the previous Minister Gary Robertson, I haven't had the opportunity to deal with that specifically at this stage but I will take the question and give you an answer asap, would that be fine

MR WALKER Thank you Mr Speaker I'm a little unsure as to the Ministerial responsibility in the area of this question, I would ask your indulgence to direct it. A motion was passed in December 1999 to give effect to a name change of the road known as Dead Rat Lane to Mitchell's Lane. This change was carried out without sufficient due process and met with protest from the residents in the vicinity. At the last sitting of the Eighth Assembly, Mr Brown tabled a petition requesting that the name Dead Rat Lane be retained. What action is proposed by the Minister with responsibility for the naming of roads to ensure that the name of the road formally known as Dead Rat Lane be retained as requested by some 200 people named on that petition placed before the House on the 9th February 2000

MR SPEAKER Looking at the Administrative Arrangements that have been circulated it may appear that that is a matter of civil works but really that is for the ministry and the Chief Minister may need to designate in respect of his ministers

MR SMITH Thank you Mr Speaker I just may be able to help. The first part of the question is who is the minister responsible and I assume because it was the Minister for Tourism and Works last time that it would probably fall into my area and I can certainly take up the issue with the executives without any problem

MR SPEAKER Thank you. Is there any substantive answer that you want to give at this time? Further Questions Without Notice

MR McCOY Thank you Mr Speaker I have a question that I wish to direct to Mr Smith, the Minister for Tourism and Commerce. When assessing applications for tourism accommodation before giving conditional approval, are all the shareholders of that application known

MR SMITH I assume so

MR McCOY Supplementary to that, if the configuration of shareholders change, does that invalidate the conditional approval

MR SMITH Thank you Mr Speaker I'm trying to find the answer to that question, not at this very moment, but I have been looking for the answer to that very question. I haven't got it yet

MR McCOY Thank you Mr Speaker I would like to redirect my earlier question to Mr Geoff Gardner in relation to the Norfolk Island Planning Act because I didn't get a real answer. The real question, is it a fact that the government has issued drafting instructions for immediate legislation that will exempt portion 49b2 from the workings of the Planning Act

MR GARDNER Thank you Mr Speaker. I guess to clarify that, 49b2 is where a crusher is set up. As far as issuing instructions I will go into at some length, I understand on a question that was indicated was going to be asked of me a little bit later on in this session, some depth of the options that have been looked at for rock crushing on the Island, as part of all of the necessary options that need to be looked at by this Assembly in relation to the future of rock crushing on this Island, I have issued drafting instructions for emergency legislation but as you will notice they don't appear on the

heard the pros and cons verbally. We also during our briefing session just after we were elected taken and shown the proposed site that the previous government had identified at the airport as being a possible site for rock crushing operations on the Island. There had been expressions of interest. It had been received I understand three or four and I'm could be corrected on exactly that now, it just goes out of my mind exactly the number that was received in relation to that site. There has been a subsequent proposal of siting on another site at the airport which was felt by the proponent to have less of an environmental impact and less neighbourhood impact as far as the owners of the properties were concerned who surround the airport. As part of the information gathering process and to assist members through this I've been very active in the last week or ten days gathering together as much information as is possible to bring members fully up to speed with all of the proposals, the expressions of interest to the airport site, notices of intent that have been lodged for the siting of the crusher on the reserve and for siting of the crusher on Youngs Road. They are contained in a kit which is almost ready to be circulated to members and I hope this afternoon as soon as we have finalised the amount of material that the builders on the island require to bring them up to speed and to give us a clear indication of what will be required as far as crushed rock requirements over the next twelve to eighteen months, as soon as we have those figures to include them in this document and have those circulated to members to you may ask so you may ask twelve to eighteen months supply. I think as we realise the planning applications that have been made which under the legislation that we have in place at the moment must be abided by other than in reserves, other than in a national park. No one is proposing to put a crusher in the national park but in those areas of reserves that would require co operation from the commonwealth to enable us to establish a crushing operation there. The Conservator has indicated to us that he would follow the planning processes in considering an application for the establishment of a rock crusher on a reserve. We have already seen and witnessed the planning processes surrounding the proposed establishment of a crusher on 49b2 which is the Island Industries site. We have seen how that proposal comes forward. We have seen how that proposal was handled by the Planning Board. We have seen the time frames involved. Planning application came in, was considered by the Board, the Board made an approval to the Minister, followed the due legal process of going through the ART. Once the application to the ART had been lodged a four week or thereabouts period before the matter was actually heard, that four week period was the subject of stay of work so I understand, the ART met, a period of another four weeks or thereabouts before the President of the ART was able to come back with his 167 page documentation which attached recommendations. That process is continuing. The proponent has provided a degree of information which has been assessed by an independent government assessor as to its suitability for the Planning Board to be able to make a revised recommendation to myself as Minister. There were some concerns raised subject to the report being returned from the independent government assessor, and yes, some of the issues they believed had been adequately addressed but there were still some further information required, particularly in relation to monitoring and those needed further address. The proponent has provided supplementary appendices to that original information, I understand that the Planning Board last week requested a letter be drafted seeking further information from Island Industries so that the next package of information that goes to the independent assessor is complete and I understand that a seven day time frame was put on that request. As to the best of my knowledge. So really to explain the time frame, it's a lengthy process and whether it be 49b2, whether it be at Cascade reserve, whether it be a private block of land anywhere on the Island, whether it be at Headstone or where ever it may be Mr Deputy Speaker, welcome to the chair, there is going to be a very lengthy process involved and we can't sidestep the processes under the legislation that we have in place. Those processes must be followed, they must be followed fairly. The question that you yourself Mr Deputy Speaker asked previously in relation to the issuing of instructions for emergency legislation needs to be considered and I think I've explained the reasons why in answer to your question. They are all the options that need to be considered. There is no simple short term option under the current arrangements that we have to have a crusher

start up and start crushing material. The long term one as I've explained has serious time frames attached to it and they need to be followed. It needs to be finalised and we don't want to see ourselves getting into the same trap as we have on two or three other occasions where I've seen it bumble along with what's referred to as a bandaid solution and having a bit of rock for five or six months and once the rock's available all the concerns seem to dissipate. If we do move in a direction of making rock available in the immediate future we can't allow that apathy to sort of creep back in to members of the Assembly or into myself as Minister. It needs to be actively pursued to the nth degree so that we don't have to come back in six or twelve months time and seek an extension to a licence, seek some emergency legislation provision, we need to revise, we need to review and be particularly careful about how we handle all of the processes in the future of rock crushing on the Island. We need to do it responsibly and we don't want to fall into the trap of a knee jerk reaction. I apologise to members that are sighing a little bit for the length of the answer to this question but it is of critical importance to the whole community. I hope that that has assisted Mr Walker in providing some background to the core of his question. Certainly if there are supplementaries I would welcome them

MR BUFFETT Thank you Mr Deputy Speaker I have a couple of supplementaries if you are able to allow that. That was a very comprehensive response and thank you Mr Gardner. Could I ask Mr Gardner if he could try and give an indicator with the best good will in this matter of getting it moving forward, what is the best time frame that we could have rock flowing in Norfolk Island

MR GARDNER Thank you Mr Deputy Speaker if we explore the options, if we use probably the most controversial option we could probably have rock flowing within a day or two subject to emergency legislation provisions being enacted. That would be the most immediate solution to the problem. As far as identifying sites elsewhere and having to go through that process I initially assumed somewhere like three months. Certainly it would be argued by other members around this table that we would be fooling ourselves to think it would be three months. I think there would be argument to say it's going to take at least twelve as an absolute minimum that's why I was talking about the twelve to eighteen month supply of rock that's going to be required. It's going to require the necessary attention to make sure that at the end of the day we end up with a long term one. It has been argued that these sorts of issues could sit in the courts for a number of years and not be adequately resolved

DEPUTY SPEAKER Honourable members time for Questions has expired

MR BUFFETT Thank you Mr Deputy Speaker I move that we extend the time frame for Questions Without Notice for a further fifteen minutes

DEPUTY SPEAKER Is that agreed Honourable Members, it is agreed

MR BUFFETT A further question if I may in a supplementary way to the crushing arrangement. If in fact we are talking about realistic time frames of something like three months progressing on to twelve months, Minister can you tell the House on whether you have any ideas for interim measures that may ensure that the employment that you have already identified in addressing this matter will not escalate further

MR GARDNER Thank you Mr Deputy Speaker employment or unemployment

MR BUFFETT Unemployment. Lack of employment

MR GARDNER It will escalate further. I have no strategy in place, we haven't discussed it as an Assembly a strategy to be able to deal with

unemployment. it is going to be real I can assure you of that. It would be preferable for the whole community to have crushed rock within a few days

MR BATES Thank you Mr Deputy Speaker a question for Mr Smith, Minister for Tourism and Commerce, what is the government's policy in regard to the primary industry and how much is spent annually on its development

MR SMITH Thank you Mr Deputy Speaker I'm not sure why the question is directed at me at this point in time. The primary industry doesn't actually fall in my portfolios but I think we are very concerned and are always doing our best for the production of primary industry and there were some moves made in the last executive to do certain things along those lines. I would assume that not only this government but the Assembly would be keen to follow up what was being done in the previous Assembly

MR BROWN Thank you Mr Deputy Speaker I direct this question to the Minister for Health and the Environment. During the life of the last Assembly funds were budgeted for the purchase and construction of a quarantine greenhouse for plant material. Is the Minister able to advise when that quarantine house is likely to be constructed

MR GARDNER Thank you Mr Deputy Speaker. I'm unable to do that Mr Brown at the moment. I think as all Members of the previous Assembly were aware and I think it was contained in the briefing material for this new Assembly, the funds that had been set aside for that I understand were utilised elsewhere at a previous time. There was also pointed out that the reason that the project had been delayed was awaiting the outcome of the pest and disease survey that was undertaken by officers of AQUIS around about the middle of last year, or in the second third of last year, I believe. We are awaiting that report. Just looking to the CAO he hasn't indicated that the report is here yet but I understood that it was due at the end of February. That will give us an indication of our current status as far as pest and disease on the Island is concerned and a necessary part of the process to determine whether the impact associated with the importation of new and improved plant material in the Island would have a significant environmental impact on the Island and we really are unable to progress in that area until those studies have been properly completed

MR BUFFETT Thank you Mr Deputy Speaker could I just come back to the crushing matter for one moment, with one further question which maybe considered a supplementary and it relates to the unemployment prospective and difficulties, could I ask the Minister if he could give some indicator as to when the options that he is very soundly exploring and on which I compliment him will be brought forward to all of the members so that the matter can be moved forward with great and expeditious speed

MR GARDNER That package of documentation is bring prepared for all members. I have a copy of it, there are a couple of other supplementary items, as I explained, that need to be added to it, I hope to have those circulated to Members, with a bit of luck, this afternoon, if all that information is together. My proposal is that I will be seeking the concurrence of you Mr Speaker in calling Members together for an MLA's meeting specifically to deal with this, to start to consider it, depending on the outcome and the options that are pursued which may involved calling together the Members of this Assembly in a formal sense, maybe in the next few days or early next week if that's the direction that the Assembly choose to follow, so that we are able to advance it. that will give adequate time for Members to be able to completely comprehend the proposals that are being laid before us, myself and the previous Minister

MR BUFFETT Thank you Mr Deputy Speaker, this is a question that I direct to Mr Smith it's in respect of the quarrying arrangements. I asked in this House a number of months ago about the erection of some indicative signs and diagrams on

the Cascade site so that Members of the public might have a better idea as to how things are progressing and indeed, will have a much better idea as to what the finished product will look like on that site so that they will probably be more comfortable in how the program there is progressing. could I ask the Minister if he could check on how that is progressing and if in fact at the end of the last Assembly and the commencement of this it is not progressed for some reason, whether he would in fact pick it up and give it some emphasis

MR SMITH Thank you Mr Deputy Speaker I'm not sure that the member did ask me that question however in the short time that's left in relation to the Cascade cliff, I understand that's why Mr Buffett is asking me that question, in the time frame that is left to complete that project, if there is some worthwhile use in getting some signs printed and placed in that area I'm quite happy to investigate that and if we can find the funds to do that, I imagine it wouldn't be too much, but I am certainly happy to do that to help the community understand just where the project is up to and I understand that's where Mr Buffett is referring that question to me

MR BUFFETT Thank you Mr Deputy Speaker a further question to Mr Smith as I understand that water storage particularly in accommodation houses may be in his bailiwick, but if it does relate to another Minister I'm having that it be deflected. I do understand Mr Deputy Speaker that there are planning requirements for water storage in respect of new accommodation houses and in respect of individual houses also but accommodation houses obviously have greater requirements for water storage. Could the Minister indicate whether he thinks that water storage arrangements under the Planning Act are adequate at this moment especially given the very dry difficulties that we have experienced over say the past twelve months and whether there are active steps in place to ensure that those places that do not at present have adequate water storage arrangements are progressively updating their facilities so that they too in time will have the required storage for water

MR SMITH Thank you Mr Deputy Speaker I'll answer it as far as I can under the Tourist Accommodation area of my portfolio Mr Buffett, I think there's two parts to your question there, one relates to new accommodation which in its application approval for new accommodation has to have a designated amount of water storage and from what I understand from my briefings is if that water storage appears to be sufficient, in fact generous in some cases. the concern that has shown up is the other properties that have been around for a long time of course, and there are quite a few as I think the previous Minister for tourism pointed out, who rely solely on bore water and have little storage at all. that was a concern of the last Assembly and certainly will be a concern of this one, and I would be interested in hearing what the member's ideas are in dealing with that situation, whether there should be some way that there has to be a reasonable amount of storage of any accommodation house. it doesn't only apply to accommodation houses either there are certainly other areas of commerce that there has been concerns expressed. It's particularly at this time when there has been a dry period for quite some months, we are coming up three months without a really good rain and it always concerns us in those situations. We've been through this before and it is certainly something that we are going to be talking about in the very near future

MR BATES Thank you Mr Deputy Speaker a question for the Chief Minister Mr Nobbs, has the Minister been able to assess the impact that Australia's GST will have on our commercial sector and their continued ability to compete with mainland prices through mail order activities and direct sales to visitors

MR NOBBS Thank you Mr Deputy Speaker and welcome to the Chair. thank you Mr Bates the situation with the GST as you know I've asked a few questions in relation to that and since I've taken office have written formally to the Australian Treasurer seeking advice in relation to those things that you mentioned, however the Department of Territories have been fairly active from a briefing I received

yesterday, in relation to that and I understand that they are bringing over in the not too distant future a couple of experts who may be able to assist the Norfolk Island people who have businesses who operate here or actually businesses in Australia and live on the Island. I haven't got the full details of when they'll be here but I understand that it will be in the next month or so, so I really can't add much more to that. We've heard stories that it doesn't apply to Norfolk Island as far as the export of goods from Australia to Norfolk Island and that seems to be the case just from the briefings that I had yesterday although I haven't had anything formal in relation to that. There seems to be an indication that the airfares will be excluded to Norfolk Island and tour packages will be excluded from the GST. There seems to be an indication that imports from Norfolk Island into Australia may be subject to GST but as I say I'm not fully au fait with all the requirements and I will be looking forward to availing myself of a briefing from the particular people when they actually come over to brief us on the impact of GST. I hope that answers your question at this stage Mr Bates, thank you

MR WALKER Thank you Mr Deputy Speaker a question to the Minister for Health and Environment, Mr Gardner, while the appropriate machinery is on Island could the minister indicate if the long overdue dredging at Kingston pier could take place prior to the departure of that machinery

MR GARDNER Thank you Mr Deputy Speaker, Bruce was kind enough to come and discuss this question with me a few days ago and I had to explain and demonstrate to him just some of the difficulties. I hate saying that there are impediments to stop us going ahead and trying to do some of these things which are absolutely necessary but it's a part of real life. As I explained the actual water off the side of the pier that we are talking about doing the dredging in, isn't in our jurisdiction, it's a Commonwealth matter once you drop off the side of the pier, the Commonwealth I have spoken to, both members of the KAVHA Board that are here at the moment and also through the offices of His Honour the Administrator to see what processes need to be followed to allow that process to happen to commence the dredging of the pier. A couple of considerations here and one of those is the subsidence of the pier itself and the condition of the pier itself. I think people in the lighterage service would be able to tell you that there are some major concerns of I'm not sure of the name of it but the steel matting or whatever it is, that retains that side of the pier is paper thin in places and has actually given way under water in places. There's been undermining of the Cascade pier in some places and what that will require is an engineering survey. At the KAVHA Board meeting Mr Puss Anderson did point out neatly as the Manager of Works down in this area that a number of engineering reports have been done over a number of years in relation to the pier. Whether that information is relevant in this day and age considering the amount of corrosion and undermining that has taken place would need to be re ascertained so that we are able to address that so it's really a dual process. If you go and start to dredge alongside the pier there is a risk that you may undermine the pier itself and basically be faced with parts of the pier disintegrating. Those things need assessing before that could go ahead. there are also the other environmental matters that need assessing on behalf of the Commonwealth and that is the impact that any dredging operations may have on the marine biology not only in that part of the bay but also the disturbance of sediment may have on other parts of the coral reef. Basically, I'm glad the question's come up because whilst the machinery is on the Island is a good question. There was also a difficulty in that that machinery had been locked in fairly tightly to the availability of its use for any project outside of the Cascade Safety Project. I think duty dispensations were given on that machinery subject to that stuff being used only on the Cascade Safety Project, there is also a question of whether there is any island machinery that is suitable, there are arguments for an against that, however, with the necessary processes that need to be followed to determine the degree of damage that may occur to the marine environment or to the pier and the necessary works required on the pier it's not going to happen before the current machinery leave island so to speak, however, having spoken to Mr Dan Reeve of SMEC this morning in relation to the proposals for the Mt Pitt Road and Duncombe Bay Road and in the absence of

suitable local machinery being available to do that job there is the thought that excavators of a similar size to those that are currently here on the Island for the Cascade Safety Project may be required on the mountain and if that's so, their services may be utilised, so it's not like we have a very limited time to be able to work this one through. I have asked the Commonwealth to provide me with some advise on the dredging proposals to the pier and the engineering side of things, in conjunction with the necessary surveys that need to be done for the provision of long term sand resources for the KAVHA area and that proposal relates to the pumping of sand from offshore sites on the island onto the island and that is being actively explored, so to cut this very long story a little bit shorter, I'm trying to kill two birds with one stone

DEPUTY SPEAKER Before we conclude Questions Without Notice, Mr Buffet you indicated earlier that you may have a further question

MR BUFFETT Thank you Mr Deputy Speaker I think it's been taken up

DEPUTY SPEAKER There being no further Questions, Questions Without Notice has expired

PAPERS FOR PRESENTATION

We move now to Papers. Are there any Papers for presentation?

MR GARDNER Thank you Mr Deputy Speaker I'll try and keep this one brief though very important. As I explained in Questions Without Notice, a number of concerns have been raised about crushing on the island and certainly the concern most eloquently put by Mr Graeme Woolley in the election process, that everybody's a bit hesitant to have a crusher or that type of activity in their own backyard, I was presented with a petition. it's an informal petition and the reason why it wasn't presented and Presentation of Petitions is because it doesn't comply with the requirements for tabling a petition, but as a Paper I wish to table a paper which relates to an informal petition to prohibit the crushing of rock in the Cascade area and the stockpiling of rock in the Cascade reserve and it is signed by forty-seven members of the Cascade community and in relation to that Mr Deputy Speaker and for the information of the community I draw to your and their attention the fact that the Chief Minister Mr Ron Nobbs, myself and Mr David Buffett Speaker of the House were in attendance at a meeting with most of the persons who were signatories to this petition last Saturday afternoon and it was a very worthwhile consultation process and as a result of this I have received more written submissions in relation to this and siting in other areas so we are open to this type of thing as part of the consultation process and it's important that I had on receipt of this back on the 3rd March, circulated it to all Members so I table this

MR COOK Mr Deputy Speaker paragraph 34(2) of the Immigration Act 1980 requires that the executive member report to the Legislative Assembly not later than 31st March the number of declarations of residency granted under section 33 during the year ended on the previous 31st December. I now accordingly report that there were 4 declarations of residency granted during the year ended 31st December 1999 and I table a statement that I had made dated 9th March in that report as to declaration of residency and I move that that paper be noted

DEPUTY SPEAKER The question is that the Paper be noted

MR COOK If I might just say something in relation to it, I have chosen to have it noted so that I could just very briefly speak to it. I'm aware that one of the members of the Assembly has sought clarification of the effect of the Immigration Act and the Policy Guidelines that are used in conjunction with the Act particularly as to

the special relationship situation under section 18(1) and that matter has been referred to Crown Counsel for urgent advise. But I felt that it would be assistance to the community and particular to the Assembly to be aware of the breakdown of the declarations of residency for this current period that I've just reported upon for the previous three years before that I've taken out figures which demonstrate clearly the situation. In this last year the 44 declarations there were 21 special relationship declarations, there were 15 adults and six children and 23 under the quota. In the previous year there were 24 declarations of residency, of those there were 17 special relationships being 14 adults and three children and there were seven under the old compensating departure scheme. In the year 1997 there were 25 declarations, 14 special relationships, nine adults and five were children. There were two in the quota and nine under the old compensating scheme the CDD scheme and finally in the year 1996 when there was quite a large number of declarations, 62, there were 26 special relationship declarations, 16 adults and ten children, under the quota there were 18 and under the CDD there were 18. It's quite interesting if one takes the total figure in those four years there's something like 78 in total under the special relationships and 77 under the quota or the CDD scheme and I thought it would be of value to the community to have the figures of the declarations of residency in that context and also to provide information to the member who had sought clarification of this I believe, quite important aspect of the matter, that is the appropriate use of section 18(1) and I can assure that member that that material when it comes to hand will be provided to him

DEPUTY SPEAKER Thank you Mr Cook is there further debate. The question is that the Paper be noted

QUESTION PUT
AGREED

That Paper is noted

MR NOBBS Thank you Mr Deputy Speaker I wish to table the financial indicators for the month of February and I move that they be noted

DEPUTY SPEAKER The question is that the Paper be noted

MR NOBBS Thank you Mr Deputy Speaker I will just as normal practice, they've been distributed to all Members and I don't think they've been in the Gazette as yet but I intend to publish these unless there's violent objections from the Members. As Members are aware, just as notes on this for the public in general, effective from 1st July 1999 the revenue fund adopted accrual accounting principals. Except for customs duty receipts all revenue and expenditure reported in the financial indicators as far as is possible is accrued. Accrual of customs duty has not been included due to the time constraints in the collection of information. As an example shipping imports received in February may not be assessed for customs duty until late March. Members please note that the indicators report reflects the fifth and final draft of the budget review as at the 31st December 1999. There's few notes, on income the first one is customs duty collected to the 29th February 2000 \$70,000 short of budget however the total collected is \$223,000 more compared with the same period last year. FIL received a boost in February and at the 29th February it was \$30,000 ahead of the revised budget. Income from other taxes is \$13,000 ahead of budget. Earnings for the GBE's is slightly short of budget, the liquor bond profits for February was down slightly against the revised budget estimates. Income from other charges category is \$10,000 ahead of budget and overall total income to the 29th February is 99.7% of the revised budget. On the expenditure side, of concern, welfare expenditure or medical costs exceeds the revised budget by \$56,000. All other expenditure categories are within the revised budget thank you Mr Deputy Speaker

DEPUTY SPEAKER Thank you Mr Nobbs. Honourable Members is there any further debate. The question is that the Paper be noted

QUESTION PUT

AGREED

That Paper is noted

MR NOBBS Thank you Mr Deputy Speaker I would like to table two documents. The first one is a full statement, although I will add something later, in relation to Norfolk Island Government travel between the 1st July 1999 and the 30th September 1999 and the second one is an abridged statement from 1st October to 31st December 1999 and I move that the Paper be noted

DEPUTY SPEAKER The question is that the Paper be noted

MR NOBBS Thank you Mr Deputy Speaker it's only a very quick one. With the figures, and I have to make it clear that when some members of the Legislative Assembly travel on parliamentary business at times it's picked up by the Commonwealth Parliamentary Association and I wish to record that in this was included and it hasn't been rectified in the last but I will be chasing it up as I only received these the other day that Mr Buffett's expenditure to go to the Caribbean was \$9,496 was actually paid for by the CPA but at the time of compilation of these documents Admin hadn't been reimbursed, so I just want to make that clear in these documents. There is not an oversight, they are quite correct to what they are but there should be a change in the next one

DEPUTY SPEAKER Thank you Mr Nobbs, Honourable Members is there any further debate. The question is that the Paper be noted

QUESTION PUT
AGREED

That Paper is noted

MR SMITH Thank you Mr Deputy Speaker I would like to table the inbound passengers statistics for February 2000 move that the Paper be noted

DEPUTY SPEAKER The question is that the Paper be noted

MR SMITH Thank you Mr Deputy Speaker I do apologise to Members, I thought that this had been copied to all members but the Members closest to me don't have a copy of it so I will ensure that before the next sitting you will get copied with the Inbound Passenger Statistics. I would like to make two or three comments about the statistics in February. The numbers are fairly stable in the total numbers of visitors. The monthly total for February 2000 is 2,500 for February 1999 it was 2,400 and in 1998 it was 2,500. The count from the beginning of this financial year in total numbers is 24,894 which is an increase on the previous two years, thank you Mr Deputy Speaker

MR BATES Thank you Mr Deputy Speaker I'm just wondering if that paper has been circulated to Members as it usually is, I don't recall having received mine and wonder if other Members have

MR SMITH Thank you Mr Deputy Speaker just in reply to what Mr Bates said, that is exactly what I said when I commenced, that I do apologise if Members haven't been copied with this, and I'll make sure that it does happen next time. Obviously Gary had some process set up where it was copied automatically, well that hasn't happened at this point in time, so I just reiterate my comments Mr Bates

DEPUTY SPEAKER Further debate. The question is that the Paper be noted
QUESTION PUT
AGREED

That Paper is noted. There being no further Papers we move to Statements

STATEMENTS

Are there any Statements of an official nature?

MR COOK Mr Deputy Speaker I would like to inform the community and also members of the Legislative Assembly that I have been passed a letter from Senator Heffernan, the Parliamentary Secretary to Cabinet and that apparently reveals that the Prime Ministers has asked the Secretary to invite the Norfolk Island Government to nominate suitable persons to receive the Australian Sports Medal. It's a matter of some interest that this particular medal is to be granted in approximately the time of the Olympics. We have been asked to nominate three persons which is the number allocated to Norfolk Island of the community to receive this medal. It is intended that the recipient of the medal be living and that it not be related to anybody necessarily who has performed in some outstanding way in a particular sport, it is across the whole spectrum of sport activities including administrators of sport and those who have participated in particular ways. I've already processed this letter because we have to have the nominations before the appropriate government department by the 30th June this year so it can be seen that there isn't very much time. I have given instructions for the public to be notified of the Australian government's request for nominations to come forward, I've asked that sporting bodies be given the opportunity to provide nominations or anybody else in the community who wishes to provide nomination and I intend to establish a committee without delay to consider all those nominations so that the recommendations can go forward in due course. It appears that it's considered by the government that this medal will be of some merit and value and those who are recipients of it should be of course of a high standard and quality and justify the award of this medal and I trust the community will co-operate to the greatest possible extent as a matter of urgency and bring forward recommendations and enable us to nominate in due course by the 30th June

DEPUTY SPEAKER Thank you Mr Cook. Are there any further Statements? Mr Nobbs

MR NOBBS Thank you Mr Deputy Speaker I've got several statements to make if you could bear with me. The first one relates to landing fees. I would just like to report that all regular passenger transports, I think is what they call Flight West, Norfolk Jet and the like, that are utilising the Norfolk Island Airport at present are paying landing fees. Any debts have been addressed with the debtors and my advice is that from the 1st day of this month, that is the 1st March, repayments of debts are being received by the Administration. I just repeat Mr Deputy Speaker, if I may, that all regular passenger transports utilising Norfolk Island airport at present are paying landing fees as required

DEPUTY SPEAKER Thank you Mr Nobbs. Further Statements

MR NOBBS Thank you Mr Deputy Speaker I would just like to make one in relation to some complaints that were made about the conduct of the last election. The statement relates to concerns expressed following the last election. These concerns varied from a potential ability to vote twice, to distribution and postage problems related to absentee voting. I wish to make it known that the matter is currently under review and a report will be furnished to the Assembly as soon as it is available.

DEPUTY SPEAKER Thank you Mr Nobbs. Do you have any further Statements

MR NOBBS Thank you Mr Deputy Speaker I have. I wish to make a statement in relation to an electrical incident which occurred at Ball Bay yesterday evening. There was an electrical supply incident yesterday afternoon which affected two houses at Ball Bay. My advise is that it was impossible for the incident to

affect houses other than the two identified. Mr Deputy Speaker the government has electrical and electronic people involved and the Administration is currently assessing the situation. I will advise Members as to the result of the assessment in due course.

MR BUFFETT May I just ask a question in respect of that Statement Mr Deputy Speaker. What was the nature of the difficulty?

MR NOBBS I understand it was something to do with the electrical surge or fluctuation in the power supply

MR BUFFETT Thank you Mr Deputy Speaker

DEPUTY SPEAKER Thank you Mr Nobbs. Further Statements

MR NOBBS I would just like to make one in relation to the telephone exchange Mr Deputy Speaker for the information of the public and if they'll bear with me it's only a couple of lines. The Norfolk Island telephone exchange upgrade has now been completed and all outstanding works have been satisfied. That's it

DEPUTY SPEAKER Thank you

MR BUFFETT May I ask a question in relation to that statement Mr Deputy Speaker. Does that mean that there are no connections that are outstanding and that everybody who wants to be connected to the telephone service is now so connected

MR NOBBS Thank you Mr Deputy Speaker, no just in relation to Mr Buffett's question, I said the Norfolk Island telephone exchange upgrade. It was an upgrade that was done last I think if you remember, and I think it cost us a million dollars or something in that order if I remember correctly and I wasn't a Minister at the time, and that has been completed and all outstanding works have been satisfactorily completed

MR BUFFETT Mr Deputy Speaker a further question in respect of that statement. The upgrade as I understand it, may have had some relationship with guarding against some prospective millenium difficulties. If that be the case, well we are all assuming the case that that has been overcome very successfully, were we able to successfully negotiate with the original providers of this exchange to reduce any fee that they subsequently endeavoured to impose upon us because the original exchange that they provided to us did not have the facility to address this difficulty

DEPUTY SPEAKER Mr Nobbs

MR NOBBS Thank you Mr Deputy Speaker I'll answer that with great pleasure. I brought the question up about twelve months ago I think Mr Buffett and the answer at that time was no. I have heard no different response to that although I look to the Minister for Tourism and Commerce if he wants to correct me but I understand that there was no account taken

MR SMITH Mr Deputy Speaker it may help seeing I was the previous Minister in charge of GBE's or telecommunications and Telecom. In relation to the point that's just been made, Erickson's gave us a quote of what it would cost to upgrade the AXE exchange a couple of years ago, leading up to the Y2K. the year 2000 perceived millennium problem and they gave us a quote at that particular time which was three quarters of a million dollars. We queried the company, and looked into whether they could actually do that seeing as the exchange was only a matter of six years old and it had only cost us \$1.4m in the first place, however further investigation proved that it was pointless following that course. it looked like we were being forced to upgrade the exchange as were other Islands around the pacific, as were I think it was

90% of the exchanges in Australia. That figure may be wrong but I think 90% of exchanges in Australia were Erickson's as well and they all had to be upgraded for the perceived problem with the changeover from the 31st December 1999 to the 1st January 2000. The upgrade was looking like it was eventually going to cost us more than \$1m but through some good work that was done by our own people at Telecom we were able to make some quite large savings and I think in the vicinity of around \$200,000 and the eventual cost of it was around \$960,000 I think was the final figure but it needs to be added, that it wasn't only the perceived Y2K problem, there was the upgrade of all the software of all the exchange to make it compatible to satellite which it wasn't capable of doing before, and as all members know and possibly some of the community know, that the life of the cable may be drawing to a close in the next two or three years or maybe even shorter or maybe a little bit longer but it's been envisaged that satellite will be the way that we'll be communicating to the mainland with our telecommunications in the future so it was a necessary part of the upgrade of the exchange. The exchange was also running short on circuits for telephone lines. Some of that was to do with the introduction of internet where people have extra lines to their house for an internet connection besides their normal telephone. Towards the end of last year I think there was very few lines available and certainly there's still a shortage as far as I know in some areas. Not due to the exchange as much as the capabilities of some of the lines that are around the Island. The upgrade of the exchange provided for another I think 400 lines and I understand from what Mr Nobbs is saying this morning, that that work has now been completed so there will be 400 new numbers available. This new upgrade will allow for expansion further in that sense if that is required in the future. The exchange has other facilities, one of which is ISDN, don't ask me what it stands for because I can't remember, but it does mean that larger places like the Administration possibly could use as a USDN line and make a saving on lines available to the general public. There's other facilities that will be available with the upgraded exchange which Mr Nobbs might bring Members up to date with in some future time of the capabilities that it now has. The scariest part about the whole thing I think world wide I think was this perceived Y2K problem. We don't know what would have happened if we didn't parade. Neither would anybody else around the world but nobody was willing to take the risk of saying "It'll be alright" because it might not have been and we'll never ever know that I guess. The worst part of the next part of that is since that time that has been views expressed that we don't only have a problem at that time but we are still going to have problems over the next two or three years with all our computers on certain dates. They may be as much a hoax as I believe the Y2K thing was, but we don't know. If that's helpful to the Members who wanted to know more about that exchange, I hope so

DEPUTY SPEAKER

Thanks for that response Mr Smith. Are there any

further Statements

MR NOBBS

Thank you Mr Deputy Speaker my last statement is in relation to a question that Mr Brown asked earlier in relation to liquor licencing and the like. I've taken advice, the liquor licencing does fall within my area of responsibility and I apologise to Mr Brown for not being fully across that, but my confusion was a result of the fact that in the previous Assembly the Minister for Tourism and Commerce was responsible in that area and undertook a review of the liquor and undertook to provide suggested amendments to the Liquor Act. I have not seen these as yet and I'm not too sure if they do in fact exist, however, I will look into it and respond to Mr Brown's question in due course

MR SMITH

Thank you Mr Deputy Speaker I don't want to prolong the meeting to much longer but I just need to correct Mr Nobbs. I used to be the previous Minister as Minister for Finance, with responsibility for the Liquor Bond and licencing. As you will remember there was a time when member chose to remove some of my things which included the Liquor Bond but I was still the Minister for liquor licencing right through the term of the last Assembly

MR NOBBS Thank you Mr Deputy Speaker I'm even more confused because I thought Mr Robertson had taken the lot but there we go, we'll clear it up in due course and I'll respond to Mr Brown as soon as possible, thank you

DEPUTY SPEAKER Thank you Mr Nobbs, are there any further Statements

MR SMITH Thank you Mr Deputy Speaker just a short statement. I would just like to advise that it is intended that I will be attending the Ministerial Council for Education at the end of this month. This will be the third such ministerial council that I have attended and the Council is known as MYCEETYA which is a council that deals with all issues of education training and Youth Affairs. There is an item on the agenda of the Ministerial Council that I'll be attending which is related to Norfolk Island . It was also on last year and it relates to Greenwich University and further to that there is at the last Ministerial council on Education the matter of the Norfolk Island Greenwich University was a matter of some concern to one or two state Ministers at that particular Council meeting and there was an attempt to get the Commonwealth to over ride Norfolk Island's legislation in relation to the Greenwich university. Fortunately with us being there and the other members of the Council which included other states and territory ministers we were able to actually get the Commonwealth look at setting up an investigation team to come and properly assess, which should have been done previous to that, assess the University so that they could be assured that the quality of the University was up to the standards that they were talking about. The whole issue got quite out of hand before that time last year and I need to advise that some people are coming over tomorrow as a result of the Ministerial Council almost twelve months ago to do those assessments and we will be meeting with them during their time here. The Ministerial Council will be on the 30th and 31st March and while I'm going to be there I will also be taking the opportunity to visit various tourist enterprises that relate to Norfolk Island so I'll probably be away for some days, thank you

DEPUTY SPEAKER Thank you Mr Smith, are there any further Statements? There being no further Statements we proceed to Notices but before we move to Notices I would like to ask the Speaker Mr Buffett to please take the Chair

NOTICES

APPOINTMENT OF THE HOUSE COMMITTEE

MR McCOY Thank you Mr Speaker I move that this House pursuant to Standing Order 19 in addition to the Speaker ex officio appoints -
 a) Brian George Bates; and
 b) John Terence Brown
 to be members of the House Committee. Mr Speaker the House Committee is a standing committee of the House comprising the Speaker and two other members. The traditional role of this Committee is to advise the Speaker on the facilities to be made available to members and staff within the areas allocated to the House

SPEAKER Thank you. Any debate on this matter

MR SMITH Thank you Mr Speaker if this is the Committee that looks after the fridge and other things I went out for a glass of milk before and saw that things were in order out there and I totally agree with this motion

SPEAKER Thank you for your report on the milk Mr Smith. Further debate. There being no further debate Honourable Members

QUESTION PUT

AGREED

The ayes have it thank you

APPOINTMENT OF THE BUSINESS COMMITTEE

Mr Brown Mr Speaker I move that this House pursuant to Standing Order 20 in addition to the Speaker ex officio appoints Bruce Stanley Walker and Alan John McCoy to be members of the Business Committee.

SPEAKER Further debate. There being no further debate
Honourable Members

QUESTION PUT
AGREED

The ayes have it thank you that motion is agreed

APPOINTMENT OF THE STANDING ORDERS COMMITTEE

MR WALKER Mr Speaker I move that this House pursuant to Standing Order 17 in addition to the Speaker and Deputy Speaker appoints Geoffrey Robert Gardner, John Terence Brown and Brian George Bates to be members of the Standing Orders Committee. Mr Speaker like the two Committees just appointed by the House the Standing Orders Committee is also a Standing Committee. It is comprised of the Speaker, the Deputy Speaker and three other members. The role of this Committee is to maintain a continuing surveillance of the practices and procedures of the House with a view to making recommendations which would enhance the operational efficiency of the House

SPEAKER Further participation in debate. I'm just pausing because I rather think that that may have been your maiden speech Mr Walker in this House and if that be the case I draw attention to it so that Members may acknowledge it accordingly Mr Walker. There being no further debate Honourable Members I put the question

QUESTION PUT
AGREED

The ayes have it thank you that motion is agreed

APPOINTMENT OF THE COMMITTEE OF PRIVILEGES

Mr Brown Mr Speaker I move that so much of Standing Orders be set aside in order that a Committee of Privileges is not appointed pursuant to Standing Order 18. Mr Speaker Standing Order 18 provides for the appointment of a Committee of Privileges to enquire into and report upon complaints of breach of privilege which may be referred to it by the House. A Committee of Privileges has only been appointed in one Assembly, the Eighth Assembly and although appointed the need did not arise in that Assembly for the Committee to meet, accordingly I am proposing that the past tradition be continued and that at this stage a Committee not be appointed in the Ninth Assembly

MR NOBBS Thank you Mr Speaker I understood at the original meeting we had, unofficial I think it was at the time because we weren't sworn in, that it was decided that we wouldn't appoint a Committee of Privileges at this stage but it

would be left open that it could be appointed at any time in the future. My question to you Mr Speaker is, does this preclude the appointment at a later date of a Committee of Privileges

SPEAKER No it doesn't Mr Nobbs. If the House if of another view at another time it may rescind this motion and act in accordance with its current wishes at that time. Further debate. There being no further debate Honourable Members

QUESTION PUT
AGREED

The ayes have it thank you that motion is agreed

IMMIGRATION ACT 1980 - APPOINTMENT OF MEMBER OF THE ASSEMBLY TO THE IMMIGRATION COMMITTEE

You will see Honourable Members that we have just concluded Committee's that relate to the Legislative Assembly and we are now starting to look at statutory appointments and the various pieces of legislation

MR COOK Yes Mr Speaker I seek leave to amend the Notice of Motion which is presently before the House to substitute the word "member" following upon the words "appointment of" to be "members" and again in line five of the motion to substitute the words "a member" the word "members"

MR SPEAKER Thank you. Leave is granted for that Honourable Members. Leave is granted thank you

MR COOK Mr Speaker I move that for the purposes of section 6(4) of the Immigration Act 1980 this House recommends to the executive member that
a) Alan John McCoy, and
b) Brian George Bates
be appointed as Members of the Immigration Committee. May it please you Mr Speaker, the appointment of Mr Bates comes about by reason of the fact that although his term was unexpired at the time of the election a point may well have arisen as to whether or not as a member of the Legislative Assembly his having ceased for a very short period of time to be such a member during the time of the election, it was necessary for him to be formally reappointed to the Board. It's an arguable matter and to avoid any problems or difficulties which could possibly arise I have proposed and ask you in due course to accept the motion that he be reappointed for the period of the two years. Mr Bates has indicated that he would be quite prepared to remain on the Committee and I'm very grateful for the opportunity to have his experience and expertise in having served on this Committee for quite a lengthy period of time, particularly in view of the upcoming requirements to review and the possible changes to the Immigration Act. Mr McCoy of course I would welcome him input of energy and enthusiasm to the appointment and I ask the House to pass the motion

MR SPEAKER Thankyou. May I in this case draw attention to your maiden speech Mr Cook, that being the first occasion that you have addressed the House in the context of that situation. Thank you, further debate.

MR SMITH Thank you Mr Speaker I wouldn't normally support the appointment of two MLA's to a Board and in some previous Assembly I made that known, however as Mr Cook has explained, one of the members may not be on the Board that much longer from his own personal choice so I don't have an objection at this point

MR SPEAKER
debate Honourable Members

Thank you. Further debate. There being no further

QUESTION PUT
AGREED

The ayes have it thank you that motion is agreed

SEA INSTALLATIONS ACT 1987 - NOMINATION OF A MEMBER TO BE A REPRESENTATIVE

MR GARDNER Thank you, Mr Speaker I move that for the purpose of paragraph d of the definition of representative in section 4(1) of the Sea Installations Act 1987, a Commonwealth Act, that this House nominates John Terence Brown to represent Norfolk Island for the purposes of the Act. Thank you Mr Speaker, I guess this is one that caused me a little bit of interest, not so much concern, but interest, as to exactly what the Sea Installations Act was and how it applied and why it applied to Norfolk Island. It appears that under the Commonwealth legislation that they have built into their legislation the necessary consultative processes with governments of states and territories within the Commonwealth of Australia and external territories of the Commonwealth of Australia requiring the Commonwealth Minister to give a representative of the state or territory an opportunity to discuss with a representative of the Commonwealth the granting, renewal, variation, revocation or giving as the case may be of a permit to operate a sea installation. I guess sea installations spring to mind as being oil rigs and things like that. Well my reading of the Act seems to exclude most of those things and the best I could make in the short time of reading the Act is that this is more related to environmental and scientific research and the structures that are associated with that. In other words a vessel or something that is anchored permanently on a site for those purposes. The list of exclusions as to the definition of sea installation is quite lengthy and I don't propose to read it out but certainly for the benefit of members I will make sure that this documentation is copied to them to give them a clear indication of it. Basically the objects of the Act which might be helpful to the broader community as to the reason for this are a) to ensure that sea installations that are installed in adjacent areas are operated with regard to the safety of the people using them and of the people, ships and aircraft near them b) to apply appropriate laws in relation to such sea installations and c) to ensure that such sea installations are operated in a manner that is consistent with the protection of the environment. And there's a number of Bills that extend to adjacent areas of the Commonwealth, the States and the Territories. The adjacent area to the territory of Norfolk Island from my reading extends out to the 200 economic zone surrounding Norfolk Island and this establishes a representative from Norfolk Island required by nomination of the Legislative Assembly to be appointed as the representative to be able to undertake any discussions or consultation with the Commonwealth if ever it were to propose to install such an installation in the water of Norfolk Island

MR BATES Thank you Mr Speaker, if Mr Brown can promise that the raft in Emily Bay is under no threat by his being on this Board I'll support the motion

MR BROWN I thank my long term colleague Mr Bates that Members will note that Mr Bates and I are members on a number of Committees. I have reason to believe that the Commonwealth would welcome my appointment to this particular position and I thank the Minister for his nomination

SPEAKER
Honourable Members

Further debate. There being no further debate

QUESTION PUT
AGREED

The ayes have it thank you that motion is agreed

HEALTHCARE ACT 1989 - APPOINTMENT OF A MEMBER TO THE HEALTHCARE CLAIMS COMMITTEE

MR GARDNER Thank you Mr Speaker I move that for the purpose of section 22(2) of the Healthcare Act 1989 this House resolves to choose Alan John McCoy to be a member of the Healthcare Claims Committee. Mr Speaker, Mr McCoy on the resignation of Mr Adams from the previous Assembly kindly agreed to fill the position that Mr Adams had filled as a member of the Healthcare Claims Committee and in the interests of trying to establish some sort of continuity in an area such as the Healthcare Claims Committee I have pleasure in having sought from him his agreement to continue to serve on that Committee subject to the agreement of this House and I welcome him continuing

SPEAKER Further debate. There being no further debate
Honourable Members

QUESTION PUT
AGREED

The ayes have it thank you that motion is agreed

EMPLOYMENT ACT 1988 - APPOINTMENT OF A PERSON TO THE EMPLOYMENT CONCILIATION BOARD

MR SMITH Thank you Mr Speaker I move that for the purposes of subsection 65(2) of the Employment Act 1988 this House resolves to reappoint Michael Angelo Zande being a person with relevant qualifications and experience to the Employment Conciliation Board for the period 9 April 2000 to 8 April 2003. Thank you Mr Speaker this is a reappointment as it said in the motion and I would like to thank Mr Zande for making himself available once again to carry out this role

SPEAKER Further debate. There being no further debate
Honourable Members

QUESTION PUT
AGREED

The ayes have it thank you that motion is agreed

SOCIAL SERVICES ACT 1980 - APPOINTMENT OF A MEMBER TO THE NORFOLK ISLAND SOCIAL SERVICES BOARD

MR COOK Thank you Mr Speaker I move that for the purposes of section 5(1) of the Social Services Act 1989 this House resolves to choose Brian George Bates, being a member of this House to be a member of the Norfolk Island Social Services Board. Mr Speaker, this appointment is one that I commend to the House very warmly. Mr Bates has expressed his interest to be involved in his assistance on this Board. His experience and his knowledge of matters which could assist the Board in the discharge of its functions I'm certain is known to all the community and particularly to the House and I commend his appointment

SPEAKER Further debate. There being no further debate
Honourable Members

QUESTION PUT

AGREED

The ayes have it thank you that motion is agreed

EXPLANATORY MEMORANDUM REQUIRED WITH ALL NEW LEGISLATION SHOWING FINANCIAL AND RESOURCE IMPLICATIONS

MR BATES Thank you Mr Speaker I move that all Bills introduced in this House shall be accompanied by an Explanatory Memorandum that shows the financial and resource impact of the Bill. This is similar to a motion which was passed relatively late in the life of the last Assembly on my initiative. Just in case it has lapsed with the Eighth Assembly I bring it forward again for consideration. Members are aware that for some time I've been concerned about the rising costs of Administration and I'm a little bit concerned that often in this House we do things not only with Bills, I guess it could refer to other matters that we deal with as well but we have to sort of learn to crawl before we walk and walk before we run so this is really only the beginning of an attempt to make us more accountable for our actions and to consider just what they mean by ways of financial and resource impact. I do commend this, and I circulated to Members of the previous Assembly an extract from a Guide to Regulations put out by the office of Regulation Review of the Commonwealth, just to assist members to know what this is all about and I just draw your attention to - I should say the total copy, there is only one copy here and the Clerk has that so if Members wish to have a look at the total copy of it, what was circulated from it was just extracts which I thought were relevant at the time and just to quote from the introduction to that paper it says that "regulation includes any laws or any government rules which influence the way people behave. It is not limited to primary or delegated legislation. Also it includes quasi regulations such as codes of conduct, advisory instruments or notes where there is a reasonable expectation by government of compliance". I also commend to members that under a(2) of that it lists seven key elements that could be looked at in looking at things and I think they are worthy of just a quick mention. Seven key elements of a Regulation Impact Statement which I think is similar to what we are looking for in the longer term, the seven elements are the problems or issues which give rise to the need for action to consider the desired objectives; the options regulatory or non regulatory that may constitute a viable means for achieving the desired objectives; an assessment of the impact; the cost and benefits of consumers, business, government and the community of each option; a consultation statement; a recommended option and a strategy to implement and review the preferred option. Now Mr Speaker I don't expect in the initial stages, we'll get quite that deeply into it, but that just indicates what we are looking for. I think if we start small and just give a little bit more attention to the resource and impact statement of things we do then I think we are well on the way to becoming a more responsible government and getting things done in the most economical and affective way so I commend the motion to the House

MR SPEAKER

Thankyou. Debate. Mr Gardner

MR GARDNER

Thank you Mr Speaker as Mr Bates would be aware, I was supportive of this the last time the motion came into this House, that was before the previous Assembly. I remain supportive of it, I think on a couple of occasions towards the end of the life of the previous Assembly we had attempted as best we could to try and determine the financial and resource impact. In a couple of instances that really had to be spoken about in a very general way that it either would have minimal financial impact or minimal resource impact, rather than being able to actually accurately identify exactly what the impact would be but really to give a graph description of what the impact would be. Minimal, major, I mean, once you start to get away from the minimal thing yes I think you've got to be justified in really looking at how much those things will effect people in resources. I am supportive and commend this motion to the House

MR NOBBS Thank you Mr Speaker I fully support the motion by Mr Bates. It highlights a problem when I've found since taking office, and it relates to the Norfolk Island Government policy. I would have thought that this motion which was fully supported by the last Assembly would be included in Norfolk Island government policy and then it was up to the succeeding Norfolk Island Government's to either accept it or knock it out but unfortunately I've asked for all the copies of policies to be documented and I think it will take a little bit of time, but it's under way and I would hope that if this is passed again that this would be included as a policy of the government and that as I say, in the future it would be easy then for the incoming governments and Assembly's to say, well we don't want that one, and just rule them out and so it's accepted as a flow on. that's the proposal and hopefully I'll have something in the next month or so in relation to that, but I fully support the motion

MR SPEAKER Further debate. There being no further debate
Honourable Members

QUESTION PUT
AGREED

The ayes have it thank you that motion is agreed

CHANGE TO THE ELECTORAL SYSTEM

MR NOBBS Thank you Mr Speaker I move that this House requests the responsible Minister to amend the Legislative Assembly Act to provide for a return to the electoral system known as "first past the post" whereby an elector shall give no more than one vote to any candidate, thus at an election each elector shall still retain as at present the number of votes equal to the number of vacancies however the elector is permitted to allocate no more than one vote to any candidate. Thank you Mr Speaker this is the same motion I proposed during the latter part of the term of the last Assembly and subsequently withdrew and it was decided to call an early election. The motion actually speaks for itself and it was my intention to introduce the motion and let it lie until the next meeting. However, it is my understanding that Mr Walker wishes to move an amendment and having spoken with Mr Walker it is suggested respectfully and with your indulgence Mr Speaker, that Mr Walker be given the call. I understand that Mr Walker has been short circuited on his maiden speech I would still respectfully allow you to call Mr Walker please

MR WALKER Thank you Mr Speaker I wish at the appropriate time to move an amendment to the motion. However Mr Speaker by way of historical background to this motion it should be noted that despite a referendum held in December 1979 the result of which was to the contrary, the Legislative Assembly Act 1979 provided what was technically described as a quota preferential system or more loosely referred to as a modified Hare Clarke system for proportional representation. The outgoing Norfolk Island Council objected to this change when it was first proposed. The Norfolk Island Legislative Assembly subsequently passed two bills providing for a return to first past the post but on the recommendation of the Federal government the Governor General disallowed both. In 1982 at the behest of the Federal government Abbot and Snyder undertook an inquiry into the type of electoral system most appropriate to elections on the Norfolk Island Legislative Assembly. Within their report dated August 1982 they set out at page 3 the advantages and disadvantages of the traditional block voting system or as it is better known, first past the post. For the purposes of this discussion I have extracted these in dot point form and the advantages are - simplicity of voting; ease of translation of votes into seats; low cost to conduct an election and the speed of results to be known to the electorate while the disadvantages are, the system has the possibility for significant minorities not to be represented; the system also has the possibility whereby a single minority group may elect all nine of the members of the Legislative Assembly. It is noted in their report that a review of the

electoral system in place at the time of transfer from an advisory council to a Legislative Assembly deemed that the first past the post system and I quote "provided no guarantee that significant minorities on the Island could secure representation". Abbot and Snyder go on to say that "indeed it would have been possible in certain circumstances for a single group, not even representing a majority of those voting to fill all eight vacancies on the Council" end quote. Examples of the disadvantages mentioned earlier are given in the Abbot and Snyder report with the conclusion that and I quote "since such possibilities may arise under the block voting system it is unsuitable for use in the election of a Legislative Assembly under the present arrangement for responsible government" end quote. Abbot and Snyder presented two alternatives Mr Speaker, which they felt appeared to meet the criteria set out in the inquiries terms of reference. These were limited voting, and cumulative voting. After much discussion with the Assembly it was deemed the cumulative voting or Illinois system of 4,3,2,1 voting had certain advantages over "first past the post" by incorporating the ability for all electors to weight their voters towards their most preferred candidates with a maximum of four votes to any one candidate. Mr Speaker, in December 1982 another referendum was called and this time the question asked "Are you in favour of a change from proportional representation type of system of voting to a new cumulative system of voting". The result produced was 64% yes and 36% no hence our present system was endorsed. Mr Speaker, after a strong representation called for review at the election in 1994, in May of that year, this House passed a motion to set up a Select Committee with a brief to inquire into and report on the provisions of the Legislative Assembly Ordinance 1979 and the Norfolk Island Act 1979 relating to a number of items of which No. 5 was to inquire into the present voting system. Having given consideration to thirty-four public submissions and a significant amount of research material present to them the Select Committee made the following recommendations at page 8 and I quote "a new voting system", recommendation No 22. That a new voting system representing a modified version of the "first past the post" system be introduced in which each elector is allocated a number of votes equal to the number of positions to be filled, currently nine, to be distributed one vote per candidate but that the elector be only obliged to vote for a minimum number of candidates being the next whole number higher than one half of the number of vacancies to be filled up to a maximum number of votes to be cast. Recommendation No 23 that in the event that recommendation No 22 does not proceed, the present Illinois system of voting be retained with a maximum number of votes that may be allocated to any one candidate should be reduced from four to three" end quote. Mr Speaker in a paper presented in September 1994 to the Eleventh Joint Australian and Pacific Regional Seminar Mrs Helen Sampson MLA who was a member of the Select Committee stated when referring to the elections in April of that year, that it appeared that the cumulative voting system was doing what it was designed to do, to elect a minority group. Mrs Sampson went on to say that the submissions received by the Select Committee up until now have been overwhelmingly in favour of a return to "first past the post" and we are now back to square one. Neither of the recommendations made by that select committee have been acted upon. Mr Speaker there has been much debate in many forums as to the effectiveness and fairness of "first past the post". Not the least of which was the study group set up by the Commonwealth Parliamentary Association in September 1985 which in answer to the question as to whether the Commonwealth's basic system of parliamentary democracy based on the "first past the post" system was really doing the job. They stated that there was general agreement that it was with the caveat that they were nevertheless always looking for improvement. In fact it was suggested that the population's fundamental freedom to express its preference and elect the representatives of its choice should be more important than the system used to translate votes into seats and/or representation. Mr Speaker, support in the Norfolk Island community for a return to "first past the post" was in a majority in 1979. It was strong in 1982 at the time of the Abbot and Snyder review, the 1994 Select Committee reported significant support and to all accounts it has remained so today. This is not to say though that it remains a majority of today's elector's preference. That question can only be determined by referendum. It is interesting to note that the 1994 Select Committee stated that whilst

there was some criticism of "first past the post" and I quote "that seven respondents advocated a return to "first past the post" system as being the simplest fairest and most easily understood". Whilst it is essential that we strive to accomplish the perfect system for Norfolk Island there will always be debate on the merits or otherwise of whatever system is adopted. As the Commonwealth established their current cumulative Illinois system only after a referenda on the question was held in 1982 I feel that we should not promote any change to the Act until the views of all have been fully canvassed and a new referendum on the question held. Mr Speaker, quoting from David Butler in his democracy of the polls of 1981, "an electoral system is a means of translating the popular will into an elected Assembly. This type of process is usually carried out by direct voting on the part of the people since they are generally the means through which the will of the people is expressed". Mr Speaker I cannot support the motion in its present form without being changed to seek the electors views through referendum prior to any amendment to the Legislative Assembly Act on this matter therefore I move the following amendment to the motion that the word "amend" where it appears in the first line be deleted and insert in its place, the following "seek the views of the electorate through referendum for an amendment to". Thank you Mr Speaker

MR BATES

Thank you Mr Speaker I think Members probably know my views on reverting back to the old council system. I was actually here for some years under that system and it certainly had its problems. One of the main problems was simply that not many people could really find eight people out of those nominated for election, couldn't find the numbers of people to give each person one vote. The most people could find three or four or maybe five that they would support, the problem was that they certainly ticked those five first and then what did they do with the others and they usually looked to who they thought was the least harmful or would not have strong views that were contrary to their own and they gave them a tick but once they did that they gave them equal status with the five people that they really wanted to be elected and then in some cases their throw away votes or whatever you would like to call the other four were instrumental in defeating one or more of their preferred candidates on their own votes, their favourite candidates got defeated by the others and if you look at two ends of the spectrum, let's say the right and the left, the people voting down the right might find their five and they pick those in the middle and they give them their throw aways. You look at those who voted down the other end on the lefthand side and they pick their five and they threw away their votes in the middle and those that got the throw away votes from the right and the left usually top the polls when they really weren't the favourite candidates of anybody. So I certainly have alot of reservations about going back to that system. I wouldn't have any difficulty in looking for some changes if people are unhappy with the present system. If we did have changes I would prefer the one that you reduce the maximum number of votes down to three instead of four, which is one recommendation. I think if you start allowing people to choose whether they have five votes or nine votes, where they use five or nine, then I think it's a matter of value to the person going to the polls for the vote and I don't think it's much fairer in one person having five votes and another person having nine votes by choice. I don't think that's really a sound system when you look at what the person who goes to cast their vote at an election is looking for value for their vote. They have an expectation of getting some value out of it and the fairest electoral system is where everybody out there when they go to vote can expect to get a similar value for their vote and I don't think that system would achieve that. On the other hand, just because I feel that way I would not want to deny the community of the chance to air its views. I think like Mr Walker I'm quite happy for the community to give us their views. I can't support the original motion because I certainly don't believe in it, I don't think it would be ideal but I wouldn't want to take away from the electorate, or the community, having their say about it so I would be inclined to support the amendment

MR SMITH

Thank you Mr Speaker we've spent considerable time and money over the term of the last Assembly telling the Commonwealth that any change to the electoral system on Norfolk Island As they had proposed should be left to

the people of Norfolk Island. I believe the same applies in this case, although the motion as it stands is flexible the way Mr Nobbs has promoted the motion, that it doesn't actually ask us to agree that we change the electoral system today but it gives us the opportunity if he was to bring back some legislation to change the Legislative Assembly Act to give us another chance to debate the issue and agree or disagree it. However, when this was raised in the previous Assembly I promoted a motion that there should be a referendum on the issue and I applaud Mr Walker doing the same for this one and on the basis that we do agree to have a referendum I would totally support the motion but I would also like at some stage if necessary to promote a further amendment that we go along the lines at the end of the motion and conduct a review of other electoral issues as raised in the Select Committee Inquiry into Electoral Matters that was raised in the previous Assembly. If you could let me know an appropriate time to move that motion

MR SPEAKER

Further debate

MR COOK

Yes Mr Speaker, I tend to support the foreshadowed amendment of Mr Smith about this. I believe it's very important that there be an expression of view from the community and that they be given the option in a proper or effective way to demonstrate some degree of choice about the recommendations which were made and which obviously should be carefully thought out. I of course would welcome the opportunity to have a very full and complete debate about these matters, and to participate in such debate and be able then to formulate my concluded view having listened to the whole debate. I appreciate what Mr Smith has said that this was very lengthily debated in the previous Assembly and I take that on board as an indication that there really has been a considerable airing of this particular issue, but for myself I would appreciate the situation that the statement from the community is a very powerful and very clear indication of exactly what they want after all, those who put us here in this Legislative Assembly should have a very great deal of input into exactly what sort of system they should have in place to be able to elect members to the Legislative Assembly and of course as in any democracy majority prevails, in the situation of voting or obtaining of an opinion as one does in a referendum and I for one feel that it's important to have the community have before it the full opportunity of consideration of the various appropriate alternatives which seem to have been considered over a very lengthy time and make some final choice which obviously would remain in place for quite the foreseeable future, thank you

MR SPEAKER

Thank you. Further debate. Mr Smith you foreshadowed an amendment

MR SMITH

Thank you Mr Speaker those words I used before I would probably use the same ones for this amendment and I would like to propose an amendment that would carry on from the motion as it stands at the moment where it says one vote to any candidate "and conduct a review of other electoral issues as raised in the Select Committee Inquiry into Electoral Matters that was tabled in a previous Assembly". I'll give you a copy of what I've written here if you like

MR SPEAKER

Just to restate what Mr Smith has given me Honourable Members, this amendment is to be inserted at the conclusion of that, that you have on your paper at present and the last line of what you have at present says "one vote to any candidate" then it continues "and conduct a review of other electoral issues as raised in the Select Committee Inquiry into Electoral Matters that was tabled in a previous Assembly". That is the projected amendment. We've still got to address the first amendment I've got to say but I just wanted it to be spread out so that you could see what the spectrum is in front of you. Any further debate, yes Mr Gardner

MR GARDNER

Thank you Mr Speaker I certainly had reservations in the previous Legislative Assembly in regard to this motion. I have no difficulty with Mr Walker's proposed amendment is ascertaining the views of the community in general. I

guess my major reservation here is to exactly the methodology we use to go about ascertaining the question for the referendum and I would have thought that probably the first view that needs to be ascertained is to what level of dissatisfaction there is with the current system before we put up other options. Is it in fact correct that more than half of the electorate are dissatisfied with the current system or if they are, it seems a very clear message that okay, we need to do something about it. Then you go on to maybe looking at the options that are available and I believe that just the "first past the post" system in the form that's been presented here may not necessarily be the preferred one and certainly a lot of people that I've spoken to prior to the last two elections had concerns about the electoral system and how it works and when you mention a "first past the post" in giving everybody nine votes there were people who were hesitant about that system for the fact that there were people out there who believed they couldn't confidently vote for nine different people and I think in debate on this subject in a previous Legislative Assembly I preferred looking - a personal view - at a system that maybe gave five votes. Or three, I think somebody mentioned that three was the ideal. Those are the sorts of issues I think, before you go out and you plonk two options before the community, that you really need to work through and gather some views on. I think as George quite rightly pointed out there is a need to revisit some of the recommendations made by the Select Committee into Electoral Matters from the Seventh Legislative Assembly, the only thing that really causes a little bit of concern there is I think Mr Walker referred to seven submissions being received in support of a change. The seven submissions received was not a great deal, I guess it's a great deal when you look at what can be expected when you ask people to lodge submissions, it's probably a large number but seven individual people, you could ask for submissions on pet projects or pet hates or pet whatever that may exist on the Island and certainly those who feel very strongly will put something down on paper but a lot of people may agree or may not agree but they aren't going to lodge submissions so I think there needs to be some area of caution in just establishing the weight that is behind those seven submissions and I think all Members around this table have discussed electoral issues and what the best system is. I think really we need to think a little more carefully and clearly about exactly what we are trying to achieve and to explore all the necessary options as we do with most other matters just to make sure that the question that we are going to be putting before the community is the right one for majority support

MR NOBBS Thank you Mr Speaker I made a statement just a while ago in relation to electoral issues and said that all these problems have been identified and are currently under review and the report will be furnished to the Assembly and they are being looked at now. Now I can't remember whether the previous Assembly that you speak of, the 7th Assembly's report, what it actually contained. I don't know if it contained a reference to people voting twice or the possibility of people voting twice but what we want to do is try and have a look at all these issues apart from the voting system. I would be more than willing to accept any concerns that Members have and put them through the review process so that's going ahead at the present time. That's already started. It may not cover everything that Members want but as far as the motion is concerned it's really in relation to the voting system and the number of votes that were used and I have no problem with it going to a referendum and I don't think we should confuse the issue too much otherwise we'll get nowhere. Let's either lay it to rest once and for all or test it once and for all. In our time anyhow. In summary, there is a review at the present time and there will be a report in due course, but it doesn't concern the number of votes and the electoral system in that area but the remainder of the issues that have been brought up to date will be canvassed

MR BATES Thank you Mr Speaker I tend to agree with some of the remarks made by Mr Gardner that we really don't know what percentage of the community is unhappy with the present system. I think it would probably be unwise to guess and we'll find out through a referendum but whether just have two alternatives is the way to go either I'm not so certain. I'm just wondering in view of what Mr Nobbs said about doing some more work on it and with what Mr Gardner said, does this matter

need to be dealt with to finality today or whether the proposals and the amendments are happy to adjourn it for another month and maybe we could have a little bit more information when we come back

MR NOBBS Thank you Mr Speaker just a quick one, I said at the outset that I'm quite prepared to leave it lay on the table for a month if Members so desire

MR BROWN Thank you Mr Speaker, one of the difficulties with the present motion is that the Commonwealth at an earlier time has been very firmly against a return to the "first past the post system". Some within the community has pointed out difficulties that that system brings with it, but I accept that there are difficulties with probably most if not all systems, getting something that suits everybody would be very hard to achieve but I do think that we need to tread carefully if we are about to endeavour to pass some form of legislation seeking to return to a first past the post system in circumstances where the Commonwealth is likely to declare war on us if we do that. I think that the suggestion to adjourning for a month is a good suggestion although it can hardly be suggested that Mr Nobb's has surprised everyone with his motion today. He did as he said move a similar motion during the life of the last Assembly, he has said on numerous occasions that in his view we should return to a "first past the post" system so the argument for waiting for a month is perhaps not quite as strong in that regard but I do think that it would be wise for us to put together a paper which set out all of the options and not just one or two of them and hopefully that paper would enable people to develop a good understanding of what the issues are and to be able to express a considered view at a referendum rather than being asked to simply say yes or no to the question put in front of them, Thank you

MR WALKER Thank you Mr Speaker I would support also the adjournment of this motion on the basis that I don't know that a straight choice between "first past the post" and the present system is the most wise way to go. I think there could be other options that need exploring and in some way we have to try and ascertain as to what the electorate out there is saying as Mr Gardner has pointed out to us. Thank you

MR SMITH Thank you Mr Speaker just in answer to Ron's query I suppose it was of why I was adding on my amendment, it wasn't there, that's why Ron, even though you did say earlier in this meeting that you were looking at electoral matters, but I think that it's important that if we are going to be dealing with any electoral matters, let's do it properly and make it complete and my suggestion of using the Select Committee Report was actually to assist you rather than to hinder what you are doing. One or two other things that need to be said, as far as the question for referenda, there were various ways as was discussed in the last Assembly when this motion was around, that the question could be put. The question could simply be "do you want to change the electoral system?" That's an easy question and I think one that the community would be comfortably with, or it could be as was proposed in today's motion, "do you want to go back to "first past the post" as opposed to what we have now. There are various ways that we can do it and I support the adjournment today to give us time to put our minds to it and we could amend the motion next time with the question for the referendum and we could deal with it in four weeks time but I still stick with my view right at the beginning of my debate today, that any electoral matters should be decided by the community, it's not up to us. The community does their part in putting us here, if we want to change how that happens it's not our decision it's theirs and if we are going to talk about it we should give them an opportunity through referendum. Thank you

MR McCOY Thank you Mr Speaker Prior to the elections that we just had I had representations from a number of people asking what we were going to do with the electoral system, are we to return to "first past the post" and I would have to agree that there are a number of different options which should be aired and the

community should be given a chance to make representation to Assembly members as to what type of system they would prefer and I don't agree I'm afraid with Mr Bates where people throw their votes away because one question that was asked of me was, how can we pick nine people and I believe people start from their preferred and work down without saying no, I'm just going to discard my five votes making them more or less worthless and some people in the community do still take the option of giving one vote to nine people, they try and pick the nine Assembly members that they wish to represent them. Also if we look at the stats from the previous elections it shows that one of the past Assembly members actually got more votes, but he didn't get in, then some of the people that are sitting around this table so there are questions as to whether this system that we are presently using is the vest system and from what Mr Walker said from all the reports that have been presented, to some degree the community was forced into the corner to accept the Illinois system to I would support adjourning at this moment rather than doing the same as what happened in the past and forced the community into a referendum where they decide whether we go back to the "first past the post" or we stick with what we already have thank you

MR BATES Thank you Mr Speaker I don't know whether Mr Nobbs or Mr Walker would like to move the adjournment, it would probably be preferable if they did but if nobody's going to do it I would be prepared to

SPEAKER Did you want to move an adjournment Chief Minister

MR NOBBS Thank you Mr Speaker yes, I'll do that

SPEAKER I just want to clarify what we have on the table. We have Mr Nobbs original motion, we have a formally moved amendment by Mr Walker and that is on the table and we have a foreshadowed amendment but not formally put at this moment which has been identified by Mr Smith but that has not been put at this moment, but that's where we are

MR NOBBS I seek your advice Mr Speaker. Should Mr Smith move his amendment at this stage or just foreshadow it

SPEAKER I am unable to have two amendments running at the same time, we would need to dispense with one before we move on to the next, but I really allowed an opportunity to know what it was so that you would understand that it is not formally moved at this moment

MR NOBBS Well with Mr Smith's concurrence can I move that the matter be adjourned and made an order of the day for a subsequent day of Sitting

SPEAKER Thank you and I put that question that the matter be adjourned and made an order of the day for a subsequent day of Sitting

QUESTION PUT
AGREED

Thank you the ayes have it that matter is so adjourned

PROPOSAL TO AMEND THE FAIR TRADING ACT 1995

MR BROWN Thank you Mr Speaker , I move that this House requests the relevant executive member introduce a Bill at the next meeting of the House to amend the Fair Trading Act so as to prohibit a person in Norfolk Island refusing to supply a product unless the customer provides all of his business to that person. Mr Speaker this amendment would be based on section 47 of the Trade

Practices Act of the Commonwealth and that section relates to a practice known as "exclusive dealing". Each six months or so we seem to get complaints on Norfolk Island in relation to a particular tour operator with that tour operator being accused of refusing to supply tours to group operators in particular unless those operators provide all of their business to that tour operator. Well I'm not attempting to pass any judgement on whether or not that has occurred but there have now been so many complaints to us in which people have said words to the effect, well why don't you have a suitable provision in your Fair Trading Act to prevent that sort of practice if it did occur, so I'm not here saying that such a practice has occurred, I'm simply saying that perhaps it is time that we amend our legislation so that we may be clear that such practices are unacceptable in Norfolk Island if they happen to occur and as I said section 47 of the Trade Practices Act provides a suitable precedent for the amendment which I am seeking

MR NOBBS Thank you Mr Speaker I've a little concern in relation to this because I thought, and I'm not a lawyer and actually I'll apologise, I asked for these Acts fairly late on Monday and we didn't receive them I think gentlemen until this morning, this is the Fair Trading Act and I apologise that things take a little time here but the story is that I would like to get some advice as to whether the current Act covers what Mr Brown suggested and I haven't been able to do that because section 15 of the Act may be appropriate enough for our conditions and it maybe that if these things go on, and I've got my doubts really whether this is related to the sale of a product, as Mr Brown says, or refusing to sell all the product or whether there's a price in there that's triggered all this exercise, whether it's a different pricing system for different people and that goes throughout the tourist industry as far as I'm aware, and I'm not too sure whether that's the problem or whether all the business as Mr Brown suggests, is the main problem. Whilst I don't like putting things off as you know, I would prefer some time to give this a bit more consideration

MR SMITH Thank you Mr Speaker I understand what Mr Brown is doing here but I think this does need a bit more discussion before we agree to introduce a Bill and I assume Mr Brown is going to adjourn this anyway to let the community have some input into this motion that's proposed because I think we just need to be a bit careful as to how we do things because I was handed something this morning that Mr Brown may be interested in where an accommodation place has done the same sort of thing and it might be like dominoes and have repercussions right throughout the community if we are not careful when we are dealing with something like this, if we amend such an act that we might get ourselves into a situation that might cause embarrassment all around the place, even though I understand what Mr Brown is trying to do in pursuit of fairness and equity but it might be interesting, if he is going to adjourn this I would be happy to support the motion at the next Sitting

MR BROWN Thank you Mr Speaker, I move that debate be adjourned and resumption of debate made an order of the day for a subsequent day of Sitting

SPEAKER Thank you and I put that question that debate be adjourned and resumption of debate made an order of the day for a subsequent day of Sitting

QUESTION PUT
AGREED

Thank you the ayes have it, that matter is so adjourned

PROPOSAL TO AMEND THE COURT OF PETTY SESSIONS ACT 1960

MR BROWN Thank you Mr Speaker I move that this House requests the relevant executive member to introduce a Bill at the next Sitting of the House to amend the Court of Petty Sessions Act to provide for the service of documents by post including originating documents. Mr Speaker a large part of the workload of the Norfolk Island Police is devoted to the service of summonses, and in particular the service of summonses issued by the Administration, particularly at times when

Levy's are overdue one sees a large box of summonses at the Police Station waiting to be served and similar things happen from time to time with electricity and telephones, in many other places amendments to legislation have been made so that such documents can be served by post. In the Australian Capital Territory for example the documents are posted from the Court office and the ACT legislation ;makes provision for that in certain circumstances and subject to certain restrictions to constitute it's service. I would suggest that the ACT legislation provides a suitable precedent for the Bill which this motion seeks to have introduced into the House and that the purpose of it is to simplify life for the police, to simplify the court process in terms of the service of the documents, to reduce workloads where-ever possible and to generally make things more efficient. I don't mind if debate is adjourned on this until the next occasion. It might be helpful for Members to consult with the Police for example and to ascertain just what difficulties the present system creates for them. It certainly would be unfortunate if the lack of a provision for service by post was a significant factor in a request to appoint an additional police officer because of the workload simply being too much for our existing police, thank you

MR COOK Yes Mr Speaker through you to Mr Brown, I have had input just in the last couple of days from the Crown Counsel who provided me with material which had been prepared back in November last year when Mr Brown had made requests for some action to be taken in this regard and I have input here from the Legislative Counsel of the time and the Clerk of the Court and from the Crown Counsel whom I have discussed the matter with directly. They have raised a number of issues and it may very well be appropriate and generally there is support for Mr Brown in the matters that he has raised. There are some difficulties that relate to being certain that the process can reach in time people who may be awaiting it or how this may be achieved. It is suggested that some form of registered mail in which people have to sign for documentation might be able to be used. This would provide some evidence as to the fact that the documents had been served. There could be difficulties relating to that because quite often somebody receives a notification that there's a registered letter waiting for them and the last thing they want to do is go near the Post Office, but quite apart from that I think there are some serious matters arising that are worthy of consideration and Mr Brown has brought that forward. I would like to have access to the complete file which I don't at this time, and also to have input from other persons then simply the legal section. Mr Brown suggested the Police and their views would be really quite appropriate to get input from that level too. It seems to me that there would be times also to consider in such amendment as is proposed by Mr Brown the question which doesn't apply in the Court of Petty Sessions where process has been served and address the services as provided at the time of filing some answer or response and thereafter the document can in fact be served by post and that obviously has the advantage of everybody concerned in the process of getting court proceedings underway effectively and without delay and with proper regard to everybody's interest. I welcome Mr Brown's willingness to adjourn the motion, assuring him the matter is in hand and being processed and will continue to be so with some degree of priority, particular having in mind certain claims that may be forthcoming that might be now too late to deal with any such matters and obviously the next lot of claims that might be forthcoming particularly from the Administration will have to be able to be processed more effectively than they are now. I ask Mr Brown if he would agree to the matter being adjourned and I indicate that there is difficulties at the moment of the

establishment of legislative counsel in the new post and it would be more convenient to take that course with the assurance that it certainly has not been put on the backburner but it is a valid and important amendment to be considered

MR BROWN Thank you Mr Speaker I would have been happy to draft a suitable Bill myself and introduce that Bill today but I felt that it was more appropriate to give the relevant executive member the opportunity to do it through the normal channels. I am aware that the Crown Counsel has looked at this because during the life of the last Assembly I actually provided a copy of the ACT legislation to the executive member who then had responsibility and as I said, the ACT legislation makes provision for the court office to do the processing of the documents. The Crown Counsel no doubt gave thought to the extra workload that would impose on the Court Registry staff here and suggested the parties should arrange to post the documents themselves. Having made that suggestion we then came to the difficulties of, should a document be sent by registered post. Well I think that if we go back to the ACT system and make enquiries in the ACT we would probably find that the Act system works quite well and one of the reasons that they have the court send the documents out is so that there is no argument as to whether the documents were sent or not and one of the reasons they don't require registered mail is the very one the Minister referred to, there is no shortage of people who choose to not collect registered mail, in fact in Norfolk Island you will regularly find three or four months of statements to a person are all of a sudden returned to you completely uncollected because when they open their box or go into the Post office and see the little penny dreadfuls with the little bits of clear paper on the front of them they choose not to pick those up and that's why in my view as long as a person is on Norfolk Island it is appropriate to simply send the documents by post from the Registry office and if the person then chooses to not collect his mail that must be his problem. Sure there needs to be adequate provision where a person is away from the Island at the time. I have no doubt that the ACT has taken account of that and that situation would apply to a very small percentage of the cases involved. Having said that I'm happy to move the adjournment at this stage

SPEAKER Thank you and I put that question that debate be adjourned and resumption of debate made an order of the day for a subsequent day of Sitting

QUESTION PUT
AGREED

Thank you the ayes have it, that matter is so adjourned

COMPULSORY THIRD PARTY INSURANCE

MR BROWN Thank you Mr Speaker I seek leave to move this motion in a slightly varied form

SPEAKER Thank you, is Leave granted. Leave is granted
Thank you

MR BROWN Thank you Mr Speaker I have provided copies of this varied motion to Members and I move that this House requests the relevant executive member to introduce a Bill at the next meeting of the House to provide for compulsory third party motor vehicle insurance, including requirements that (1) a certificate of insurance be provided to the Registrar of Motor Vehicles upon any registration, renewal of registration or transfer of registration of a motor vehicle with a transitional provision requiring a certificate to be provided within two months of assent to the Bill (2) such certificates provide not less than such amount of cover as may be prescribed (3) liability to be limited to such amount as may be prescribed for any claim arising from any one event. Mr Speaker I understand that there's been discussion about compulsory third

party motor vehicle insurance in Norfolk Island going back to the time long before I came to Norfolk Island in 1975. In fact I understand that it goes back at least as far as 1959 when the Commonwealth was looking at introducing it and there have been numerous endeavours since that time. In 1986 a white paper was published in relation to a possible accident compensation scheme for the Island, at a later time Bills have been introduced into the House and there have always been reasons for decisions to be delayed. Now my suggestion is that the time has come for us to stop that delay and to introduce a scheme which might not be perfect but will be a suitable stop gap scheme until a final version of the scheme can be introduced. I accept that what I'm proposing doesn't give universal coverage. For example, in other places if a motor vehicle accident occurs and the vehicle departs from the scene and cannot be located there is a system known as the nominal defendant and someone can sue the nominal defendant and obtain a judgement notwithstanding that they couldn't find the owner or the driver of the vehicle. Similarly if a person drives an uninsured vehicle in other places the nominal defendant system enables them to recover, notwithstanding that the vehicle didn't have third party insurance. Now initially neither of those two things could result in a sustainable claim in Norfolk Island if my proposal is accepted, but I believe that the time has come to fix 95% of the problem rather than leave the whole of the problem outstanding just because there are a few untidy areas. Some of those other untidy areas include the question of whether it should be obligatory for the Administration to insure its vehicles or whether the Administration should be able, as in many other places, to carry its own risk. There's also the question of what happens if someone has a record as a bad driver and an insurance company doesn't wish to cover him. It doesn't have to be made compulsory for the insurance company to take all risks or should they be allowed to choose their own as is the present situation. Do we want to cover all motor vehicle accidents or do we wish to continue with a fault scheme which is the present situation in any event, do we wish the driver of the vehicle to be able to have third party cover, he won't have third party cover in the case of a single vehicle accident or in the case of an accident where he is at fault under my proposal, but if in a month's time someone is involved in a motor vehicle accident and if the vehicle at fault is not insured, and if the person is badly injured, do we really want to say that we could have solved 95% of the problem by introducing compulsory third party motor vehicle insurance but we chose not to because we wanted to achieve perfection and we are very sorry, we now that we've been trying to do that since 1959 but it's just bad luck that you got hurt before we achieved our perfection. There will be all kinds of arguments as to why what I am suggesting doesn't provide 100% coverage and I daresay that I would accept 95% of those arguments as being correct, but as I said, I believe the time has come for us to solve 95% of the problem which will then leave us reasonably able to say, well we've done that, now let's sit down and take our time if need be, but now let's sit down and solve the rest. Thank you

MR COOK

Mr Speaker, through you to Mr Brown, it does appear that there was quite a considerable degree of community support for the concept of third party compulsory insurance and however one achieves that by reason of being part of the electoral platforms of a number of the candidates at the recent elections. It clearly is a commendable move to ensure that persons who are either on the road in other motor vehicles or pedestrians or somehow involved in some contact with a motor car when it's been driven has the protection to recover damages sometimes which can be quite horrific injuries, and one can only have regard to the extraordinary large damages awarded in quadriplegic or paraplegic cases where such damage awards run into millions. The situation requires I believe, careful attention. These matters were raised some eighteen months ago at least, and to my knowledge I have been provided with the file, I haven't had the fullest opportunity I would like to satisfy myself of all the material which came forward previously, but a Bill was prepared being the Motor Accident Insurance Bill 1998 towards the end of that year and that was a very comprehensive Bill. It provided for the situation that Mr Brown has adverted to of the uninsured liability scheme, nominal defendants and the Administration as it were of controlling the whole of the scheme. It's extremely comprehensive and I'm quite sure that there would be some very important

factors to be considered so far as the cost of implementing such a scheme. It would tend to provide for the degree of perfection that Mr Brown quite properly strives for for people in this community to have in either driving a motor vehicle, being a passenger in a motor vehicle etc. As I understand the immediacy of his motion it does provide a way of insuring the greatest possible protection by reason of a certificate of insurance having to be provided at the time that the vehicle registration sought to be renewed or transferred, and it means virtually that there are for any vehicle which is unregistered and on the roads of Norfolk Island would be automatically uninsured and one would have regard to the fact that instructions may be required to be given to ensure that appropriate policing takes place to avoid the situation of persons being able to drive such uninsured vehicles on the road. It seems that simply the question of observation or having some list of vehicles readily available to satisfy the curiosity of a police officer as to whether the vehicle is insured or not is a matter of ready access and can be part of ensuring that the use of the roads on Norfolk Island is most suitable to everybody engaged in that activity. It seems to me that there's a lot to be said for what Mr Brown has advanced in this motion. Basically I'm in support of it. I have endeavoured to obtain input when I became aware that I am responsible for this matter, from insurance companies on Norfolk Island. Some interesting questions arise. Extent of the cover and what would be required. Rates applicable in October 1998, and there were extensive consultations with the insurance companies on Norfolk Island, it would appear that for about \$80 per year one could be provided with cover up to \$500,000 and for an extra \$120 per year would provide cover for up to a million dollars. That is a very substantial amount but I have referred to the nature of the injuries, the nature of injuries and the awards of damages that occur for paraplegics, quadriplegics, which could well exceed that amount and careful thought would have to go to the question of what may be regarded in all circumstances as a suitable amount. One of the problems existing at the present time of my enquiry with the insurance industry on the Island, such as I've been able to make, is that most of them provide in that quotation that I've just made of \$80 for such a cover that it be for not only personal injuries but that it be for property damage and it appears at the moment that there isn't a separation out of the component for personal injuries from the property damage to third parties. It may very well be that some special tender process might be undertaken in which interest could be called for as to whether there are providers of insurance on the Island who are interested in providing a policy which just covers simply third party injuries. That may mean that there is a reduction in the premiums which are payable. Certainly it seems on careful examination that the amount which would be payable in any event which I quoted is certainly not a large amount when you see that in New South Wales and other States in Australia the compulsory third party insurance varies somewhere between \$450 to \$550 for compulsory cover. You can see that what is proposed is certainly a vastly reduced sum. What I would prefer to do in having in mind that there is in existence precedence by reason of the Bill which was prepared at the end of 1998 which is of great assistance because it means that if it goes forward it can be presented and considered, and also the presentation of the Road Traffic Amendment Act which substantially was to be read in tandem or in company with this motor accident insurance scheme but I'm sure with some suitable amendment it could stand on its own account to meet the matter that's been raised in Mr Brown's motion. There could be relatively early attention to the purpose of the motion to have this matter brought before the Assembly at its next meeting of the House. However there is quite an extensive consultation process which I think should be engaged in and we would welcome the opportunities of course for legislative counsel's processing of any suggested amendments while accepting the urgency of this matter because the fact that it's gone on for so long as Mr Brown so fervently puts it, something over forty years, is no warrant for it being allowed to simply fade into the distance or put onto the back burner. I think this matter requires urgent attention and I'm grateful for Mr Brown having raised it and I can assure him that given the opportunity to have full and urgent consultation with the insurance industry the matter will be processed as an urgent matter.

MR WALKER Thank you Mr Speaker, I would support the motion and I think it's well overdue however, I would ask the mover to consider the wisdom of the within two months of assent to the Bill simply on the fact that on Norfolk Island as it is well known, in most family units there are multiple vehicles which would all require to have this cover, whether they be personal, employment or commercial business purposes or even the tractor that goes on the road, there's a possibility that some families could have as many as four or five registrations to make, whether Mr Brown could consider maybe extending that two months with that in view

MR BROWN Thank you Mr Speaker what I'm attempting to do here is to introduce a system of compulsory third party insurance. In my view there is little point in then saying, okay once we've introduced it, it doesn't matter if you don't come into it if you can't afford to. I think we've got to say it's going to be introduced on a particular date and from then you have two months to get it together otherwise we're not being serious. Now I don't think the problem will be as great as Mr Walker has initially anticipated because I expect that one of the transitional provisions would be such that you would need to initially take insurance up until the time of your next registration so for some people they might only be needing to cover one month of the insurance with their initial payment. The Minister has told us about a Bill which was introduced in the time of the last Assembly. When the Minister has time to read through that Bill he will see that that is a Bill to introduce a complete system. It is quite different to what's being spoken of in this motion and one of the reasons that that Bill ended up sitting around for so long and then dying at the end of the last Assembly is that it got to be extremely expensive. We were looking from recollection at \$400 or \$500 per vehicle as the likely cost of the insurance and quite understandably, Mr Gardner who had the ministerial responsibility for it for the last year and a bit of the last Assembly didn't have the opportunity to progress it very far because it was hard to come up with an answer as to how you make it affordable. In this situation my motion doesn't have as many bells and whistles as the Bill which was introduced into the last Assembly and it doesn't pretend to be a long term solution. All that I suggest is that a Bill introduced into the House in accordance with my motion would solve 95% of the problem and would enable us to show the community that those of us who said we believe in third party motor vehicle insurance was prepared to actually do something about it, but I do accept that it would be a significant change. I accept that the community should have the opportunity to comment if they wish and for that purpose I would be happy to move an adjournment at this stage with the intention that the motion come back for the next meeting

MR GARDNER Thank you Mr Speaker as John's just said, there were a few difficulties and I had responsibility for the carriage of the matter in the previous Assembly and one of the major difficulties was the actual cost that was going to be imposed on the registration of motor vehicles in Norfolk Island as part of the compulsory third party scheme. The intention I think, and Mr Bates has made much mileage out of it over the last three years or so, was that the ideal scenario was to end up with our own health insurance system, our own workers compensation system and our own compulsory third party system so they all complement each other, and I guess that's the ideal scenario, that we have control over it and we are able to fund it ourselves and protect ourselves without seeing the dollars associated with it disappearing off shore to some foreign land elsewhere and Mr Brown was quite right that when the assessment of implementing this programme was concerned we were going to be looking at \$400 to \$500 type figure and there was a realisation here that a lot of people just aren't in a position to be able to afford that sort of cover so what I attempted to do in the last twelve months or so of the previous Assembly was to try and source a suitable alternative to what had been proposed by that bill from 1998 and had spoken to one of the local insurance providers who had come back and I met with the company representatives when I came to the Island in regard to establishing a system similar to that which has operated in Christmas and I think Cocos Keeling Islands which was a hybrid type system that was established specifically for themselves. The interim figures that I got back from them in relation to the cost associated with third party insurance per

and I always try to keep my vehicles insured even to the point where the premiums are worth more than the cars at times, but it is most important to have insurance when you have a motor vehicle, but I should also say that we should assume that anybody in this day and age on Norfolk Island where the majority of motor vehicles are of a higher value than what they used to be, even just ten years or so ago, but most people would I assume, be wise enough to have insurance on their car just for the protection of the value of the asset in itself. When this was talked about in the previous Assembly my view at that time, and other's views I think as well, was that we the government or the Administration should not be getting involved in an insurance situation which I think is what the Bill that was around provided for and I think what we were looking for at that time was what Mr Brown has introduced here today, that is, the effect of making it compulsory to have third party insurance. Where you get that is up to your personal choice rather than the Administration becoming involved in another insurance scheme as they have done on a previous occasion. It's all a matter of risk and the bigger insurance companies can take a far bigger risk than what we can with the paltry amount of money that we have in our things here. We shouldn't also kid ourselves that what we are doing here, or whatever we do will make sure everybody is covered at all times as well. I mean there will be times when insurance will not even give the best insurance cover that you can get. There may be circumstances where a person may not be insured and still do damage to your person or your vehicle. There are situations where other people may drive your car or you may be driving somebody's else's car that is not insured and I don't think it could ever be a guaranteed 100% protection for everybody and we shouldn't kid ourselves that that's what we are looking at here or try and convince people in the community. The only other question I have is in relation to the motion itself. I'm not being picky here but just the way the first part of the motion reads, I'm just wondering if this is actually requesting the Minister to actually provide for compulsory third party motor vehicle insurance or are we looking that it be a requirement for compulsory third party motor vehicle insurance. There may be a difference in the wording there and I would be happy if Mr Brown would just have a look at that and says no, this is exactly what we are talking about, or is it really saying inadvertently that the executive member has to bring back a Bill that says we've got to provide for compulsory third party motor vehicle insurance .

MR BROWN Thank you Mr Speaker the Minister has certainly identified a flaw in what I had written. The word require would be a much more appropriate word than provide and I seek leave to amend the motion accordingly

SPEAKER Thank you. Is leave granted. Thank you, leave is granted

MR BATES Thank you Mr Speaker I just wonder if I could make one comment and maybe either Mr Brown or even Mr Cook could clarify it, but I'm just wondering whether we would need some sort of amendment to the Healthcare Levy Act which has just got up and running to make sure that people injured in motor vehicles did not have their health services paid for by the Healthcare Levy Act and that there was a proper mechanism to make sure that people hurt in motor vehicles, that their medical expenses were in fact referred as claims to the insurance company and the hospital receiving its funds from the correct source. I guess it would be pretty easy, especially with people with no claim bonuses and things like that, with minor injuries to rush up to the hospital and just bill it through the normal Healthcare Levy situation and I think as Mr Gardner mentioned, that it's always been a little bit of a dream of mine that the three matters of healthcare, workers compensation and motor vehicle accidents were all gelled together to make the total service of medical assistance to people a little bit cheaper. Does this need to be looked at

MR BROWN Thank you Mr Speaker Mr Bates has indeed expressed a similar view on past occasions and it is a wise view and the healthcare legislation presently required a person to claim against his private insurer if he has

private insurance, before he can claim against the fund. A similar requirement should clearly be introduced at the same time to require such a person claim under the compulsory third party motor vehicle insurance before he make any claim against the fund and I quite accept that

MR COOK Very shortly, it does seem to me too that a matter I did mean to touch upon is a matter that requires careful consideration to the position, particular of passengers in a motor vehicle, the absence of compulsory wearing of seatbelts of course on Norfolk Island is a problem which may affect any quotations for insurance as well as the difficulties associated with passengers riding in the back of vehicles and so forth like utilities or small trucks. These are all questions that have to require careful consideration that may very well be that such an absence of those normal restraints and so forth can be covered by some relatively small increase. That's a matter for proper consideration and consultation to avoid obviously what's going to be put forward by insurance representatives that those lack of that type of restraint or situation creates a problem with passengers but certainly passengers must be well and truly covered

MR BROWN Thank you Mr Speaker the Minister has certainly identified an area which will be of significant importance if my motion is passed because clearly at that stage the time will have come for us to update our road traffic legislation. it will no longer be appropriate for children to be in cars unrestrained standing up. it clearly will be inappropriate for people to continue to stand on the back of utilities, it clearly will be inappropriate to turn a blind eye to a lack of road worthiness. There are a number of issues that would need to be faced up to at that time. They would not be very popular in some cases Mr Speaker, but I don't think that we would be very popular if we allowed the present situation to continue and someone did suffer a horrific injury and find that they had no way of obtaining compensation. But we have already come a fair way along that road Mr Speaker. Members will be aware that we now have provision for a compulsory blood test if you're the driver of a motor vehicle which is involved in an accident, so we don't have a breathalisher, but if you're involved in an accident you can be required by law to have a blood test. We now have a laser speed gun, and we have legislation that enables that speed gun to be used for its designed purpose. Now in Norfolk Island it's not used as a revenue raising measure. The police here in recent years at least have adopted a community policing attitude and the main use of the laser speed gun has been to show people the speed that vehicles have been travelling at and to encourage them to put more effort into road safety than might have been the case in the past. I believe that today the certificates for renewal of registration of motor vehicles are not being given out as easily as they might have been in the past. Perhaps that is in part because the cheaper second hand Japanese cars have meant that the large percentage of the rust buckets are now off the road and the cheaper Japanese cars have brought down the price at the lower end of the market and people have been able to afford a better cheap car if what they've wanted is a cheap car, so I think that we have gone some of the way towards improving the situation but clearly there will be additional things that will need to be done and I think that it is the time for us to put out the message that we do believe in road safety and that we are prepared to do something about it in order to ensure that our residents and our visitors are able to be confident when they drive along the road that other people are going to be pursuing reasonable standards of safety thank you

SPEAKER Any further debate? No further debate, Mr Brown

MR BROWN I move the adjournment

DEPUTY SPEAKER Thank you and I put that question that debate be adjourned and resumption of debate made an order of the day for a subsequent day of Sitting

QUESTION PUT
AGREED

Thank you the ayes have it thank you

Chief Minister, you wanted to seek leave in respect of a motion

MR NOBBS Thank you Mr Speaker I seek leave to move the motion standing in my name on the Programme in respect of reappointments to the Public Service Board

SPEAKER Thank you, is leave granted? Leave is granted. Sorry. I missed that. Leave is not granted

MR BROWN I move that so much of Standing Orders be suspended as to allow the motion to be moved

SPEAKER Thank you. I put that question to you Honourable Members, the question is that so much of Standing Orders be suspended as to allow this matter to come forward

QUESTION PUT

Would the Clerk please call the House

MR BUFFETT	AYE
MR NOBBS	AYE
MR BATES	AYE
MR COOK	AYE
MR McCOY	NO
MR GARDNER	AYE
MR WALKER	AYE
MR SMITH	AYE
MR BROWN	AYE

SPEAKER The result of the voting Honourable Members the ayes seven the noes one the ayes have it and so much of Standing Orders are suspended as to allow this matter to come forward and Mr Nobbs you have the call

MR NOBBS Thank you Mr Speaker I move that (1) this House for the purpose of section 13(a)(1) of the Public Service Act 1979 recommends to the Administrator that Charisse Clarke and Brian John Check be reappointed as members of the Public Service Board until the 17th June 2000 and that (2) this House under subsection 13(b)(3) of the Public Service Act 1979 resolves to reappointment John Thornton Pearson being the person referred to in paragraph 13(b)(a)(3) of that Act to be a member of the Public Service Board until the 17th June 2000. Mr Speaker this motion is necessary because the membership of the Public Service Board expires in two days time and it's only just been brought to my attention in relation to this and that's the need for this motion. Mr Speaker the three members are to be re appointed under the current Public Service Act. As you are aware the current Act will be superseded by the proposed The Public Sector Management Act, the Bill to this Act having been passed by the last Assembly but it awaits assent which is anticipated in the immediate future. The Bill is actually at present in Canberra seeking clearance from various Ministers with responsibility for employment and also our Territories Minister. The new Act provides for a different role of the Public Service Board and it will be necessary to appoint a Board under that Act once it becomes law. Thus as an interim measure to perform the important functions under the current Act, the three current members have agreed to be

appointed for three months. I thank all three members, Charisse Clark, Brian Check and John Pearson for their indulgence and patience for it's not the first time that they have been asked to accept appointment for a limited period whilst we await the new Act, however Mr Speaker, I thank them and commend the motion to Members

MR McCOY Thank you Mr Speaker I oppose this simply on the grounds, as Mr Nobbs has already mentioned, it's not the first time that these people have been called on for reappointment and I thought that their first re appointment, that the positions would have been advertised. Again the time has lapsed and as Mr Nobbs, the Chief Minister alluded to before, these positions for some reason are not being advertised and the Public Service Board has now become just simply a rollover or a turnover of the same people and I'm not sure whether the present members of the Public Service Board in their term of appointment were appointed for two years or if it was an open ended appointment because if it was not specified as resolution referred to in subsection 1, the member to whom the resolution relate holds office subject to this ordinance for two years. Whether that is the case for this reappointment, whether they'll hold office for two years or as Mr Nobbs alluded to, that their term of office will run out at the completion or assent of the Public Sector Management Bill so I believe they were only appointed for three months to start with

MR NOBBS Thank you Mr Speaker my understanding is that these three persons were appointed in about September last year for some six months and it was thought that the Bill would be through by then. It's a long way farther down the line than September last year. The appointments will cease as far as I understand when the Public Service Act that is the present Act, falls over and the new Public Service Act takes its place then these appointments will cease I understand, but as a measure they've agreed to act until the 17th June if it's so necessary

MR McCOY Thank you Mr Speaker if the new The Public Sector Management Bill is not assented to by the 17th June, it's not the first time we've seen things take a while to come back from the Commonwealth will these positions be advertised or will these people simply be reappointed

MR NOBBS Thank you Mr Speaker the position as I said earlier, I believe that all positions should be advertised and what I have asked the Service to provide and they are looking at it, is a list of all the Boards and also a duty statement for members who are on that particular Board. Until I have that information I can't actually call for nominations or advertise the vacancies, but it is my proposal and as I said at the time, I will seek the agreement of the House to do it, as it's a bit of a change but all vacancies when they exist on a Board or a statutory board or committee which we have input to, that these will be advertised and a selection process will be entered into, and I think it is most important that all members of these Boards and committees before they go onto them have an idea of what is expected of them and I can't say whether we'll have it done by the 17th June but I would definitely hope so Mr McCoy and I would hope that this Bill has been returned and if hounding Canberra can do anything, I tell you what, they have been and will be hounded to make sure it comes back as quickly as possible

MR SPEAKER Debate. No further debate. I put that question that the motion be agreed to

QUESTION PUT
AGREED

MR McCOY NO

Thank you that motion is so agreed and we move to Notices

MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR - NO 2

the figures I've received from the Director of the hospital seem to indicate that upwards of 95% of the children on the island are adequately immunised which is pleasing to know. That is far and above the level of participation in immunisation programs in both Australia and New Zealand so we have some very responsible parents out there that are doing the right thing but this is a way of subsidising that program to ensure those that have difficulty are able to provide adequate immunisation for their children. The other matter I think I had indicated a couple of months ago was discussion regarding the implementation plan that's being developed as part of the health review. There had been an indication given of approximately \$14,000 required for that. On further advise it seems that the people who are providing an expression of interest to undertake this will be able to trim that back and hence the reduction to \$10,000, thank you

MR NOBBS Thank you Mr Speaker I apologise to Mr Gardner, my notes actually had pre school children, which is closer to the mark I guess to babies, but I intend to move that this be adjourned Mr Speaker

MR SPEAKER Fine Chief Minister, I await your words

MR NOBBS Thank you I move that debate be adjourned and resumption of debate made an order of the day for a subsequent day of Sitting

MR SPEAKER Thank you and I put that question

QUESTION PUT
AGREED

Thank you the ayes have it, that matter is so adjourned

FIXING OF THE NEXT SITTING DAY

MR BROWN Thank you Mr Speaker I move that the House at its rising adjourn until Wednesday 19 April 2000 at 10.00 am

MR SPEAKER Thank you. Honourable Members will recognise that that's the normal pattern sitting for us. The question is that that motion be agreed to and I put the question that the motion be agreed to

QUESTION PUT
AGREED

Thank you that motion is so agreed

ADJOURNMENT

MR SMITH Thank you Mr Speaker I move that the House do now adjourn

MR SPEAKER Is there any participation in the Adjournment Debate? No, then I will put the question that the House do now adjourn

QUESTION PUT
AGREED

The ayes have it, therefore Honourable Members this House stands adjourned until Wednesday 19 April 2000 at 10.00 o'clock in the morning.

