

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

LEAVE

MR DEPUTY SPEAKER Honourable Members leave is sought for Mr McCoy for whatever time he may not be able to be with us this morning, he is unwell. Is leave granted. Leave is granted thank you.

CONDOLENCES

There are no Condolences.

PETITIONS

Are there any Petitions to be presented this morning.

GIVING OF NOTICES

Are there any Notices to be presented this morning.

QUESTIONS WITHOUT NOTICE

MR BATES Thank you Mr Speaker. My first question is to Mr Gardner Minister for Health and Environment. Various plans of management for our Reserves have been adopted, have sufficient funds been allocated in the draft 2000 and 2001 budget to properly carry out the provisions of those plans and if not why not.

MR GARDNER Thank you Mr Speaker. Mr Bates I believe there will be sufficient funds in the upcoming budget arrangements to be able to adequately fund the preparation of the plans of management for the remainder of the Reserves. That will also require the use of some of the funds that were budgeted for in this financial year and we are moving in that direction now to secure those to make sure that we have adequate funds available.

MR BROWN Thank you Mr Speaker. I direct this question to the Minister for Health also Mr Speaker. Can the Minister advise when the plans of management for all of the Norfolk Island Parks will be completed.

MR GARDNER Thank you Mr Acting Deputy Speaker. In response to Mr Brown's question. It's difficult to actually say exactly which month or time frame we're looking at for having those finalised. Hopefully it will be within the boundaries of the next financial year. There is no reason at this stage to suggest that they will not be finalised by then. The Conservator of Public Reserves Mr Peter Davidson is preparing a detailed time frame for the finalisation of those, he's currently not working on the plans right at this moment, his time at this particular point in time has been taken up with a great deal of work associated with the preparation of a Notice of Intent for the use of the whaling station site for crushing. Certainly our aim, the Chief Ministers aim is to have the whole land package which includes the plans of management finalised by the 1st of January 2001. As far as the plans of management are concerned I don't think that that is an unrealistic time frame.

MR ACTING DEPUTY SPEAKER Further Questions Without Notice.

questions that might touch upon the readiness or capacity of Norfolk Island to meet any concerns which are expressed in the HREOC Report, which I believe we should be well and truly prepared to meet the recent review which has been obtained from the Consultant Bronwyn Paddick of Sweeney Waterford, you mentioned their name Mr Buffett is going to be table this morning. A copy of that was made available to the Minister and his Advisors and as the media release indicated they intend to consider the matters set out in review and the legislation and give us the benefit of their views as to the suitability or otherwise of the proposed legislation. It was made quite clear that this was not intended in any way to take away the essential independence and opportunity for Norfolk to control its own particular immigration laws, because we have very special needs and I'm quite sure the Australian Government, if they're made properly aware of these needs will in due course be responsive to that situation.

MR BUFFETT Thank you to Mr Cook for that response Mr Acting Deputy Speaker. I have a question to direct to Mr Gardner, the Minister who has responsibility for the rock crushing processes. Can he please give us an up to date situation about how things are progressing for rock crushing in the whaling station site, things that might be relevant such as the Notice of Intent, the time frame for seeking of tenders and related matters. That's the first part of the question Mr Acting Deputy Speaker, and the second is whether he might give us the state of play with applications to crush on any site within the island.

MR GARDNER Thank you Mr Acting Deputy Speaker. In response to Mr Buffett's question regarding the preparation of Notice of Intent or the state of play surrounding the activities on the whaling site, proposed activities for the whaling station site. As Members are aware we have had a significant number of the Officers of the Administration working tirelessly on the preparation of the Notice of Intent and tender documents. As Members would be aware we met and discussed some of those documentation on Monday of this week in an effort to finalise some of the conditions and timeframes expressed in that Notice of Intent. The Officers have completed the Notice of Intent, that was as I understood completed early this morning. They required some input from myself, yesterday we were able to finalise that input so that that document was able to be finalised this morning. There are a couple of covering letters that I have with me at the moment, one to His Honour the Administrator in relation to the Notice of Intent and the provision of that to his office, and also a letter to Mr Gerry Morvell, the Assistant Secretary of the Environment Assessment Branch of Environment Australia, I'm just going to finalise those while I'm in the House this morning Mr Acting Deputy Speaker, sign off on those so that those documents can be forwarded on to those Commonwealth authorities and we're able to progress it. As far as the tender timeframes are concerned I have been informed by the Conservator, who is one of the Officers that have been working on this project, just before we came into the House that the tender specifications are all but finalised. They will be unable to be released until such time that we have a formal response from the Commonwealth in regard to our Notice of Intent. It is believed that as soon as we do have that formal response and approval and subject to any other conditions that the Commonwealth may insist upon being contained in tender specifications or documents we propose to immediately then release those documents for tender. I will endeavour at that time, depending on the success of the advice from the Commonwealth ensure that the relevant radio broadcasts are made, notices across the radio and certainly in the newspaper to make people aware that those tender documents will be available. As far as the timeframe of approval from the Commonwealth is concerned I am unable to give you an accurate timeframe. I would hope that it would be a fairly straight forward process and that agreement and principle had already been reached by the Commonwealth in relation to the use of the site. It is a matter of perusing the documentation that we will be putting before them today. I would certainly hope that within a day or two we will have some formal communication from the Commonwealth in relation to that. However that's my hope, whether that is reality is yet to be borne out. The second part of your question Mr Buffett and through you Mr Acting Deputy Speaker

the other sites, or the other proposals that are before us at the moment as Members again are aware there has been lengthy discussion on the utilisation of 49b2 on Stockyard Road owned by Island Industries for the purpose of rock crushing. On the 5th of May I gave final approval for that site to be utilised for that. Of course that decision will be, if people are of such a mind to take that decision to the Administrative Review Tribunal once again. I have had indications from residents in the Stockyard Road area that that is what they intend to do, in other words they will be challenging my decision to approve that application. That is something that will just have to bide its time and be dealt with by the Administrative Review Tribunal if in fact it actually reaches the Tribunal. There has been an inquiry from Island Industries regarding their ability to be able to crush before they are in a position to be able to fully comply with all of the conditions attached to their approval. This relates to the requirement of the applicant under the terms of conditions to secure I think, somewhere in the region of 800-850 tonnes of builders mix to enable the applicant to be able to comply with the conditions and those conditions relate to the necessity to have to pave all of the roadways and vehicle access into the block and also the footings, floors and foundations for them to be able to comply. It is a matter, as Members are aware that we have discussed amongst Members, I have requested from the applicants a detailed paper in relation to that proposal, so that it can be given consideration but at this stage before crushing were to be undertaken on 49b2 those conditions would have to be complied with that are attached to the approval that was signed on the 5th of May. There is one other outstanding application so I understand for rock crushing and that was on the Cascade Reserve. I understand that the Conservator will not consider that application in light of the fact that there is no crushed rock stock pile on the Cascade Reserve and as far as I'm aware that application will not be considered any further. As far as the development of other permanent crushing sites on the island as Members again are aware, we have been looking at various options island wide. We have received no other applications or proposals at this stage for the siting of a crusher on any other freehold block of land on the island. There is still the possibility of the utilisation of the airport site. I think as a result of the Motion in the House at the last sitting with the development of a plan of land management at the airport that may hold up that to some degree. However as a result of the development of the Notice of Intent for the whaling station site I believe now that we're in a position to offer the generic conditions that we've talked about that would need to be applied to any other site or application that was made.

MR BUFFETT Thank you Mr Acting Deputy Speaker. That was a very helpful response thank you. Can I raise a supplementary question. Could I ask the Minister whether there is any final word on location of the stockpiles of crushed rock, crushed rock expected from the Cascade whaling station site.

MR GARDNER Thank you Mr Acting Deputy Speaker. In our document the Notice of Intent, we have specified three stock piling sites, one of those is for a limited amount I think somewhere in the region of about 5,000 tonnes of builders mix that would be proposed to be stockpiled on 44a which as Members are aware is opposite my dwelling on Cascade Road, not that I would be controlling it Mr Acting Deputy Speaker but that is a proposed site. The other sites are of course the Administration stockpile where normally Administration's requirements are stockpiled throughout the year and the Parks Australia have at this stage identified a site for the stockpiling of their material that will be required for the upgrades of the road in Mt Pitt and Duncombe Bay Rd. and I understand at this stage that the site is out near Duncombe Bay Rd., however there is another site that they are working on the development of that is up near the entrance to the Park on Mt Pitt Rd.

MR BUFFETT One further supplementary if I may. Could the Minister please give some indicator about the fate of the stockpiled material in front of Aunt Lil's and if there is a move to move that, what sort of timeframe might be attached to that process.

MR GARDNER Thank you Mr Acting Deputy Speaker. It's possibly more appropriate that I ask my colleague Mr Smith to respond to that because I understand that's part of the Cascade safety management project, however I understand that that stockpile there is for Administration's ongoing use because that material is valuable for example for road compaction and things like that but I think maybe if we redirect that one.

MR BUFFETT Mr Acting Deputy Speaker may I so direct that question to Mr Smith as it does obviously relate more to the Cascade Cliff situation.

MR SMITH Mr Acting Deputy Speaker there's no particular decision been made on that pile of rock at the moment.

MR BUFFETT Could I ask the Minister if he could make some enquiries about that. A number of the members of the community have raised with me what's the fate of that stockpile, a significant stockpile and the timeframe that might be attached to it. A further question please Mr Acting Deputy Speaker to Mr Smith further on the Cascade Cliff. I do understand that the jetty has been used in the last couple of weeks, one for the unloading of ships and maybe for some other uses. Can he let us know whether that jetty is now in full operational use, including use by local fishermen.

MR SMITH Mr Acting Deputy Speaker I can't say that today. We made an inspection of the Cascade jetty yesterday with parties the have been involved in the project, as well as Administration. The jetty, well let's start with the fishing crane hasn't been installed back there at this point in time. The jetty was really only open this last weekend, particularly for the working of the boat that was in. On inspection of the jetty it has some dangerous aspects about it in the condition it's actually in at the moment due to some of the sides of the jetty actually being knocked off by some of the rocks and damage around there, so I wouldn't expect that people could put their hopes on being able to use it for fishing, certainly in the next couple of weeks but we're doing an assessment of the damage and the cost to repair that at the moment.

MR BUFFETT Thank you. That too was useful Mr Acting Deputy Speaker. Could I ask the Minister further about the Cascade Cliff, as to whether he is able to give us a completion date, that is a totality completion date for that particular project.

MR SMITH Mr Acting Deputy Speaker most of the project has been finalised. The only real indicator I could give you is the barge that is coming up to remove the heavy equipment is due here in the second week of June. There's other works that are associated with the project, for example the land up opposite Mr Gardner's, there's work to be done there, there's fencing to be done, they're still doing drainage works down at the bottom of the cliff up till yesterday. So I couldn't actually give you an accurate time in days Mr Buffett but I would assume that in the next 4 weeks it would be basically finished.

MR BUFFETT Thank you. I turn again to Mr Gardner Mr Acting Deputy Speaker. There appears to be a change of the quantity of Norfolk Island fish that may be properly imported into Australia. We have regulations which states a certain quantity, and it appears that Australia has rules that states various quantities and the two don't tally together. There is therefore some confusion about what can be actually carried. Can the Minister give us some information about that and if there are significant differences equip us as to how he's talking this through with the Australian authorities so that there is oneness about the matter.

MR GARDNER Thank you Mr Bates. Mr Buffett is correct, there have been I think some alterations, well there certainly has been some alterations in the requirements of the Australian Quarantine Inspection Service on the quantity of

be able to provide for the necessary food requirements for the visitors. I believe that there are a number of Clubs already who have expressed their interest and obviously could benefit financially from the situation of providing lunches, like a cut lunch or a simple lunch for each of the competitors during the day, but the provision of breakfast meals and evening meals will require very careful consideration and determination. I mention these things just simply to show that there is considerable degree of planning has gone forward in relation to the Games at this stage. It's obvious that the Government will have to be satisfied that the budgetary requirements or otherwise can be met and we'll be keeping a very close eye on this whole situation to ensure that there is no failure of these Games to live up to everybody's expectations. Obviously they're a very big thing for Norfolk Island. There will be concerns no doubt as to the various sports that are participating as to their requirements to be ready with facilities and to assist in the presentation of the Games and this is an ongoing matter and the Executive Members were presented with a statement initially in relation to athletics which indicated that quite substantial sums of money would obviously be involved in the presentation of athletic events at these Games. It seems at this time that with an increasing degree of urgency which must obviously apply to be satisfied as to the suitable requirements being in place that the Games are moving ahead in a reasonably satisfactory manner Mr Buffett.

ACTING DEPUTY SPEAKER Thank you Mr Cook.

MR BROWN Thank you Mr Acting Deputy Speaker. I direct this question to the Minister for Immigration and Community Services. Is the Minister aware that Norfolk Island has had immigration policies for many years, and of so can the Minister advise whether he has been adhering to those policies. In the event that the Minister has deviated from those policies, can he provide details of those deviations.

MR COOK Thank you Mr Speaker through you to Mr Brown. I don't believe in the short period of time in which I have had the responsibility for Immigration matters that I have deviated from policies which have been laid down or provided for the guidance of those who are administering the Act. Of course the Act does lay down the very certain and definite legal terms, what is required to be carried out and there has issued...been called or understood as to be the guidelines or the policy statements regarding the implementation of the Act. So far as I am personally aware Mr Brown responding to your question as it were without any notice of any particular situations I cannot recall any occasion when I have deliberately deviated from any policy or chosen to impose some policy of my own which it doesn't arise appropriately from the guidelines and the legislation which I am called upon to administer. I'll take your question on notice and if you wish for me to reply to it in due course I will do so.

MR BROWN Can I direct a further question to the Minister for Immigration and Community Services. Is the Minister able to advise how many General Entry Permit applications he has dealt with since being appointed to Executive Office and has the Minister dealt with all General Entry Permits applications himself or has he referred them to other Ministers. In the event that he has referred them to other Ministers, what proportion have been dealt with by the Minister personally, and what proportion has been referred to other Ministers.

MR COOK Mr Speaker, yes to Mr Brown. I cannot provide you with any precise details. I have on several occasions where I considered appropriate and I was satisfied that it should so happen referred Immigration matters to my colleague Mr Gardner and requested that he deal with those matters and I've had no input what so ever in the determination of such matters. So in answer to your question, whether I've dealt with all matters personally myself, the answer is no, there have been a number of matters that I have so referred, those matters have been referred because I have been concerned that I may have had some involvement in the matter with my

previous legal practice and if there was the slightest possibility or that situation could have arisen I referred those matters immediately to my colleague. I do not have precise details available Mr Brown to answer your question. I'll take your question on notice and I'll endeavour to respond to it at a later time.

MR BATES Thank you Mr Speaker. A question for Mr Cook Q.C., Minister for Immigration and Emergency Services. Given that the fire vehicles allocated to the airport need replacing how much has been allocated in the 2000-2001 budget for this purpose.

MR COOK Thank you Mr Speaker. Well Mr Bates I am not at the moment immediately not expecting the question able to respond to the question in precise detail. I will take that question on notice so that I might appropriately and accurately answer Mr Bates in due course. It is my understanding from numerous discussions which have taken place and which I have been present and involved on the budget that there is a figure which has been taken into account in respect of replacement of those vehicles but I don't wish to answer that inaccurately and I'll take that on notice and answer it in due course.

MR SPEAKER Thank you.

MR BATES Thank you Mr Speaker. A further question for Mr Cook Q.C. Minister for Immigration and Community Services. In briefing papers circulated to all members at the commencement of this Assembly reference was made that the Norfolk Island Fire Service could become self funding. What has the Government done in response to this suggestion.

MR COOK Consideration has been given at this stage I think in fairly wide and general terms as to the joining of the Fires Services with the airport Fire Services. I think that matter is still yet to be properly and effectively resolved. It would only be intended to be achieved, if it achieved a deal of financial saving and efficiency by the joining of those Services together. I think at this stage it would be inappropriate for me to endeavour to provide any further answer to your question but I will certainly take it on notice and endeavour to provide you with an answer in due course.

MR BATES Part of that question was whether the proposal that the Fire Service could become self funding. I believe the answer is that we're shifting the expenditure from the revenue fund to the airport and I don't think the question has been answered on the self funding aspect of it.

MR SPEAKER Mr Cook did you want a further opportunity to..

MR COOK Thank you Mr Speaker. I think I will, so that I don't answer in a way that is not effective to the question which was put and it was certainly not my intention to avoid answering it. I'll take that question on notice and I'll answer it in due course.

MR SPEAKER Thank you.

MR BROWN Thank you Mr Speaker. I direct this question to Mr Cook, Q.C. Minister for Immigration and Community Services. Would the Minister please advise what action he has taken to introduce compulsory third party motor vehicle insurance.

MR COOK Yes Mr Speaker. This matter has been progressing through the Legislative Counsel and through the preparation of a Bill to present to the House. It has received priority listing and will be brought forward at the earliest possible time. It has been considered by the Legislative Assembly to be an

important matter that requires reasonably urgent attention, it's been treated that way and I believe on the next sitting of the House I'll be able to present something for the consideration of the House.

MR BROWN Thank you Mr Speaker. I direct this further question to Mr Cook, Q.C, Minister for Immigration and Community Services. Would the Minister please advise what action he has taken to introduce emergency services legislation into the House.

MR COOK Mr Speaker here again Mr Brown this emergency services legislation is in the course of preparation through the Legislative Counsel and I believe consistent with its priority and its position in the priority list of legislation, and it is a matter which requires urgent attention, there was of course, I'm sure the community is aware a couple of recent circumstances which require the careful examination as to the state of preparedness to meet emergency situations arising on Norfolk Island, and I can assure you Mr Brown that as soon as that Bill is able to be brought forward for the consideration of the House it will be presented and certainly is as I understand it that at this stage likely to occur in a very short period of time.

MR BROWN Thank you Mr Speaker. I direct this question to Mr Cook, Q.C. Minister for Immigration and Community Services. Would the Minister please advise what action he has taken to ensure that adequate equipment and funding is provided to the Emergency Services.

MR COOK Mr Speaker I think at this stage the question of equipment and the necessary funding for emergency Services is matters which arise in the consideration of the budget. There were documents which were presented of course by the person responsible for the present coordination of Emergency Services on the island as to the need in various areas and equipment and matters of that kind. They have all been taken into consideration and as far as I am personally concerned in the sense of any direction that I have given I'm not able to inform you of any particular items or funds which have been allocated for any individual matters. I'll take your question on notice Mr Brown and endeavour to respond to it as soon as I'm able to.

MR BROWN Could I ask a supplementary question Mr Speaker. Would the Minister please advise what amount of money has been provided in this years budget for the provision of both funding and equipment to the Emergency Services.

MR COOK Mr Speaker I haven't Mr Brown examined the figure to be able to respond to that to you immediately without some delay and to go through the figures. As I understand it those matters have been the subject of discussion among the Executives and will come up for consideration before the Assembly in due course. Again I wish to be able to answer your question accurately and effectively and I'll take your question on notice and answer it in due course.

MR BROWN Thank you Mr Speaker. Could I ask a supplementary question. In taking the question on notice would the Minister please also advise the House what bids were made for the provision of funding and equipment for the Emergency Services and which if any, of those bids are proposed to be funded.

MR COOK Yes I will take that supplementary question on notice and in due course I will provide an answer for you.

MR BROWN Mr Speaker could I direct this further question to Mr Cook Q.C. Minister for Immigration and Community Services. Would the Minister please advise what action he has taken to provide insurance coverage for volunteers involved in the various emergency Services on the island.

MR COOK Thank you Mr Speaker. At this present stage Mr Brown in view of endeavouring to put into place effective Emergency Service legislation and to carry out a complete review I have not at this stage taken any steps personally in myself, obviously this matter is a matter of very considerable concern. In the Fire Control Bill which I have placed before the House previously is coming up again for consideration today questions have been raised as to the insurance cover which might be available to persons involved in fighting fires. I think this is a very significant and important question. I have referred at least one question which touched upon the matter of insurance for such persons to the Legislative Counsel to seek advice in that particular regard. I am quite concerned to ensure that anybody who engages in a emergency service provision on the island, in whatever capacity, whether it's their officers, or whether they are volunteers who have been brought in to assist might be fully and adequately covered and it would certainly be my endeavour to ensure that that takes place.

MR BATES Thank you Mr Speaker. Question for Mr Smith Minister responsible for Education. During a site inspection of the School early in March a number of requirements, defects, etc were identified at the School. Which of these are being addressed in the coming budget, which have been rectified and which will not be further considered.

MR SMITH Mr Speaker there is much work that needs to be done at the Norfolk Island Central School as members who attended the School that day as an inspection will see, there is very little that shows up in the proposed budget at this point for the repairs to the School. There is a little bit of money there to do it Mr Bates but certainly not enough. We're going to be actually doing the costing on what it will cost to do what is necessary just to make the classrooms more useable for the students at the School and once we get that we'll certainly be pursuing some extra funding.

MR BATES Question for Mr Gardner Minister responsible for KAVHA. How much restoration as opposed to conservation has been done in the last few years and how much restoration is planned for the coming financial year.

MR GARDNER Thank you Mr Speaker. Mr Bates in response to that I certainly don't have the quantities before me this morning but I certainly will undertake to provide you with a comprehensive answer to that question. As far as this years proposals are concerned that is still being debated and will need finalisation, of course subject to the Norfolk Island Government's progress of its budget. I understand that some \$400,000 was included in the Federal Governments budget for KAVHA but as yet haven't seen the final break down of those figures but as soon as they are available I'll certainly copy them to you.

MR BATES A question to Mr Gardner Minister responsible for heritage issues. What is being done by this Government to develop Norfolk Island heritage laws.

MR GARDNER Thank you Mr Speaker. Mr Bates would be aware that Norfolk Island does have its own Heritage Act and later on this morning I will be tabling my trip report that I made to Canberra back in April. Part of that report talks about the meetings that I had with the Australian Heritage Commission whilst I was in Canberra and that was to try and advance the implementation of our own heritage register which was successful and I was very pleased with the outcome of the meeting, we are just awaiting a draft memorandum of understanding between the Australian Heritage Commission and the Norfolk Island Government in relation to advancing those heritage issues. I expect in the draft memorandum of understanding that there is an undertaking that the listings on the National Register that were made some time last

year, or made some time ago but caused some grievance in the community last year will in fact under this memorandum of understanding be up to the Norfolk Island system to deal with. In itself I think that was significant. The Australian Heritage Commission will be assisting our own officers in developing the register, getting it up and operating and making sure that our legislation is full commenced.

MR BATES Thank you Mr Speaker. A further question for Mr Gardner Minister responsible for fishing. In briefing papers provided to this Assembly it was indicated that the Fishing Consultative Committee was expected to meet last month and work was to be done to give Norfolk Island more control over the box and to increase its size from 60 by 40 nautical miles to 75 by 60 nautical miles. What has happened.

MR GARDNER Thank you Mr Speaker. I was hoping that I was going to get something on fishing, I actually brought a paper along with me just in case the issue did arise because I know it's dear to a lot of peoples hearts on the island. It is really the action arising list from the last Consultative Committee meeting that met on the 4th of April 2000 and I'll just go through the dot points that are contained in that action list which may assist members in understanding exactly what the situation is regarding fisheries management for Norfolk Island, and I'll read them directly off the paper Mr Speaker if that's appropriate. Firstly the AFMA is the Australian Fisheries Management Organisation will inform the Norfolk Island Government if it was aware that an unauthorised vessel had crossed into the Norfolk Island box. The Norfolk Island Administration will amend legislation such that all species are prevented from being exported from the island and that this would also be included in the proposed Fisheries Bill. The Norfolk Island Administration will progress required amendments to the Norfolk Island Act, a Fisheries Bill and the management plan for the inshore fishery. AFMA will provide the Norfolk Island Fishery Consultative Committee members with a copy of the exploratory management report for the Norfolk Island offshore demersal fin fish fishery and the Norfolk Island Government with the names of the boats that are given access to the fishery which is likely to occur several months hence. AFMA will seek advice from their legal section as to whether the Norfolk Island Fisheries Consultative Committee members who had signed the AFMA deed of confidentiality could have access to uncensored reports undertaken under the scientific permit held for exploration in the box outside of Norfolk Island, sorry in the AEZ that is outside of the proposed box for Norfolk Island. AFMA have also undertaken to provide the Norfolk Island Fisheries Consultative Committee with a report of surveillance in the Australian Fisheries zone around Norfolk Island if that was possible. They will also provide the Norfolk Island Fisheries Consultative Committee with a summary of the compliance budget for outside the box. Also provide Jodie Brown, who is the Administrative Officer involved in that committee with dates for the research reports for the Leons survey of the Norfolk Island Fisheries project. What's actually happened in relation to the size of the box that there has been movement, there has been agreement in principle so I understand for the extension of the box increasing its boundaries. I don't have with me this morning the exact measurements of that box, however it does increase the size of it, but of course this is all going to be subject to confirmation by the Commonwealth Minister for Fisheries. In line with the extension of that box will be these other requirements and basically that's the development of our legislation, the management plan for the inshore fishery and also the need to amend, as far as I'm aware the schedules to the Norfolk Island Act so that Fisheries becomes a Schedule 2 matter.

MR BATES I was just going to ask if Mr Gardner would provide Members with a copy of that paper with all those details on it in due course.

MR GARDNER Certainly Mr Speaker that paper is the action arising paper, I think it's probably easier and certainly more comprehensive if I were to copy to Members of the Assembly the Minutes of the Consultative Committee meeting. I've got no difficulty with that at all.

MR McCOY Thank you Mr Speaker. I have a question I wish to direct to Mr Smith, Minister for Tourism. It's in regard to the 2000 and 2001 budget. I note that the Norfolk Island Tourist Bureau or Tourist of Norfolk Island requesting an increase of \$25,000 in one area of the budget and also an increase of \$60,000. Has there been any justification for these particular increases considering that we've had pretty good tourist numbers coming to the island over the last 2 years.

MR SMITH Thank you Mr Speaker. I don't actually have the thing with me, I probably will have by the time we come to talk about the budget a little bit later on in this sitting. I think the Tourist Bureau is much like any other entity that we have control of is that there is never enough money and one would also question your question of because our numbers have been up does that mean we shouldn't spend any more money on it. What I'm saying here is I can't remember exactly what it was that they bid for for the extra funds, just off the top of my head. I guess you have it there do you but I'll certainly talk this out when we get to the budget Mr speaker.

MR BATES Thank you Mr Speaker. A question for Mr Gardner, Minister responsible for the Environment. The Commonwealth Biodiversity Conservation Act due to be administered in July 2000 extends to Norfolk Island. What are the implications for Norfolk Island.

MR GARDNER Very briefly if I can Mr Speaker. The implications, or what will trigger the Environment and Biodiversity Conservation Act would be any action arising on any area of Norfolk Island that has an impact on Commonwealth land and waters. That's the impact. In other words an activity, it may be a farming activity, it may be a tree felling activity or thereabouts that may impact on a Commonwealth property or marine environment would trigger the Act.

MR BATES Thank you Mr Speaker. Further question for Mr Gardner, Minister responsible for the Environment. Given the policy requires new buildings, especially tourist accommodation to provide adequate water storage, etc when is it proposed to require existing establishments to upgrade to suitable standards.

MR GARDNER Thank you Mr Speaker. We have discussed that as Members are aware in the last week or so and my proposal to try and advance and give some statutory basis to a sole water policy for the island. That will require of course amendments to our legislation. It had been argued I think in the past that we wouldn't proceed with that, we'd try and deal with it as one complete package under the land review and review of the associated legislation with that review of the land package. It is felt that there is significant concern out there, it is not considered to be an onerous task in the preparation of amendments to the legislation to incorporate some sort of statutory base for water policy and my intention is to proceed with that as was outline to Members the other day at our meeting.

MR McCOY Thank you Mr Speaker. I have a question I wish to direct to Mr Gardner, Minister with responsibility for Quarantine. Can Mr Gardner tell us what the present status is for the establishment of a screen house for Norfolk Island.

MR GARDNER Thank you Mr Speaker. As I think I answered this question at the first meeting of this Assembly or the second meeting of this Assembly I think at the March meeting of the Assembly, we were awaiting a report from the Australian Quarantine Inspection Service regarding their pest and disease survey, I think as members would appreciate we need to know what's here first before we can think about the introduction of plants or materials through a quarantine screen house. I understand that that report is on its way, it was delayed as I mentioned because I think it got caught in a flood and had to be put back together again. As far as the budget is concerned I don't believe that there is any budgetary amount allowed for the

establishment of a quarantine screen house but I think when we get to the budget I'll be a little bit more open about some of the initiatives that are being looked at regarding primary industry and bits and pieces and the requirement for the Assembly to keep an open mind that there may be a call on funds later in the year if it is felt necessary for those purposes.

MR McCOY Thank you Mr Speaker. I also wish to direct this question to Mr Gardner. It's to do with lands and quarantine matters. I note in the budget that there is some funds put aside for the continuation of the army worm control programme. Can Mr Gardner update us on where we are at with the army worm control programme.

MR GARDNER. Thank you Mr Speaker. The advice that I've received most recently in relation to the army worm control programme seems to suggest that the expert advice that has been taken on board suggests that the course of action that has been taken may not in fact give us the results that we're looking for. What I mean by that is that it is felt that results elsewhere haven't been comprehensive enough to be able to indicate that there is a control available to control the outbreak and spread of army worm and that army worm is only one of a number of insects that cause problems during the summer season here on Norfolk Island and that the amount of funds that were required for the army worm programme over a number of years would need to be repeated and every single one of those methods of eradication if the army worm one was successful. We haven't given up hope yet but I hope to have a paper back before Members very shortly in relation to the options of being able to manage better damage that's inflicted by the army worms and that's looking at proposals to encourage primary producers to utilise alternative source of feed and varieties and species of grasses that are not affected by army worm and that do in fact produce far greater quantities of feed than Kikuyu.

MR BATES Thank you Mr Speaker. A question for Mr Nobbs Minister responsible for the Airport. When will the satellite landing system installed at the Airport be used by commercial operators.

MR NOBBS Thank you Mr Speaker. Thanks for that Mr Bates. The situation is that I understand and I was actually speaking to a representative of CASA a few days ago and he will be coming back to me with a full report in relation to this, but I understand that from observations that Flight West have actually installed the equipment on at least one of their aircraft. I understand that they have tried it out coming in here without taking their hands off the wheel of course and that it seemed to, the indications that I had, that was only a personal communication, it's nothing official but the personal communication was that it was working effectively. I understand that from the previous Minister when he was in, Mr Robertson that there would be a need for a testing, something like 50 actual operations into the island before CASA or whatever the other, Aviation Safety Authority would actually licence the actual operation of this particular equipment. The person I spoke to from CASA the Commonwealth Safety Authority stated that there may be a need to have an aircraft here for one week but that's another thing that he was getting back to me in relation to that. As soon as I have more details on it I will most certainly provide it to Members as I understand from Members and also my Ministerial colleagues, and also members of the public that there are real concerns that we have expended this amount of money on the Airport for this particular facility, it's a new facility obviously as far as aviation in the Southern Hemisphere at least is concerned and people were concerned that we may have bought a pup so to speak but I can assure Members and also members of the public and Mr Bates that testing will proceed and that I've been a supporter of it for some time and I hope that this support will be borne out and I'm very confident in talking to people that it will be, there will be an improvement, there will not be a 101% improvement but there will be a significant improvement in the landings here under conditions which are fog and low cloud.

MR GARDNER Thank you Mr Speaker. I think Mr Bates that that is more appropriately addressed to the Minister for Tourism Mr Smith and that I think it is a matter for the Cascade Safety Project Management Committee to determine the amount that's required repayment to the Commonwealth for the loan. I certainly don't have access to those figures at the moment.

MR BATES Supplementary question to that. Given that the rock is now, the known quantity of rock is now to hand. When does the Minister expect to be able to advise the public of what the royalty amount will be.

MR SMITH Mr Speaker I'll take the question. As Mr Bates will know that there has always been a presumed figure that was based on the estimated amount of rock that would come out of the Cascade Cliff and I think Mr Bates had actually come up with a figure for the Assembly of around \$17 or \$18 that was talked about in the last Assembly but the figure is probably closer to \$20. There hasn't actually been accurately done at this point in time because the last of the rock has only just come out of the project. Once we know the actual final details of the exact amount of rock, that will give us an indication of what we'll need for the royalties just to pay back the loan fund, but that doesn't necessarily mean that whatever that is, if it's \$20 or \$25 that that would be the price that would be charged to anyone wanting to buy the rock. There maybe an additional few dollars put on that for other purposes, that hasn't been discussed amongst Members so I won't pursue that any further at this point and I hope that answers Mr Bates' question.

MR BATES Question for Mr Cook Q.C Minister responsible for legal matters. Given that Norfolk Island has no bankruptcy legislation of its own would the Minister either introduce a suitable enactment or provide Members with a paper setting out reasons why we should not have such legislation.

MR COOK Thank you Mr Speaker. I haven't given consideration to this particular matter. What you suggest does require some fairly careful consideration as to whether a bankruptcy Act specifically based on Norfolk Islands needs and requirements should be developed. I will take the matter carefully under advisement as you have suggested that some examination of the situation should be made. It is possible and a matter that arose out of my own researches at the time, that there is applicable in Norfolk Island a bankruptcy laws that were enforced in England in 1828 which with necessary changes could be made to apply here on Norfolk Island. It would be of course immensely preferable if there was ever to be such a legislation in force that we didn't have to rely on some statue going back all that time and linked in that particular way to the jurisdictions of the Courts in England. However I will certainly take the matter that you have raised carefully under advisement and I will seek some preliminary advice from the legal services branch as to the what's involved in those considerations of a bankruptcy legislation effective and in place in Norfolk Island.

MR BATES Question for Mr Gardner, Minister responsible for Quarantine. For some time it has been suggested that quarantine could be more efficient if a sniffer dog was used. Has the Government considered this option and if so, what conclusion has it reached.

MR GARDNER Thank you Mr Speaker. Yes the Government has considered it and it's considered it I think for the last 6 or 7 years. As I understand it hasn't been successful. I do understand that support for a sniffer dog is there, there are also a lot of questions and resourcing implications that would come as a result of utilising a sniffer dog on Norfolk Island. Again it's a matter that's been before previous Assemblies. We have seen many papers on it, but as yet no final decision has been made on whether we proceed with a sniffer dog or not. Again it's going to require significant exploration of the implications of that, not so much that we might catch more people bringing fruit, plants, vegetables or whatever into the island but the implications

of the cost of securing the dogs, the ongoing costs of food and maintenance of the dogs or the dog, exactly which part of it we are trying to police, whether it's to do with plant quarantine, human quarantine, or quarantine as far as prohibited import of drugs and other associated items, simply because there's not one dog that does all of those things. It needs a breakdown, those decision will need to be taken and it will need to be carefully considered.

MR BATES Question for Mr Nobbs, Minister for Finance. At the March meeting I asked if in your opinion the balance of the Revenue Fund was too high, too low or adequate and your response was evasive. Have you formulated an opinion yet, and in the event it is considered not adequate what are you doing about it.

MR NOBBS Thank you Mr Speaker. I actually can't recall that from Mr Bates asking me whether the balance was too high or low or sideways. The budget actually, and I wish to answer it and I'll take a little time because we've, the budget on Norfolk Island is a little bit different to anywhere else, I mean in the normal sense of budget operation you would not be having questions prior to the introduction of the budget and that's a fact and I know we're different, and I really appreciate it. The second part is that the budget is really passed by the House but we don't have a party system and therefore it is the budget of all the Members and they can vote for it, or against it as they so wish, they can also amend it as they wish. The position that I've taken since I came into this particular position a couple of months ago is this, that we had to provide to the Members what was a balanced budget and that we would then proceed along those lines and I actually asked Members a month or so ago whether they considered that we should increase the take, or reduce the expenditure because what normally happens is that in a budget situation anywhere I guess, that it comes in that the bids are a lot higher than the where with all at the end of it and that has happened this year and I've brought in a balanced budget situation. Now whether I consider personally whether we should increase the take or not, I don't believe at this stage we should increase the take. I believe we can operate our actual recurrent type operation, that's through administrative, bearing in mind that the Government Business Enterprises are not part of the revenue budget and the Government Business Enterprise budget was provided to Members I think it was in March and they cover the Business Enterprises. The revenue is for the administrative side of it plus Forestry and those sorts of things. Now I believe that we can manage within our, and I've spoken to Mr Bates on this actually and I think at the time he actually promoted that view that we could service within our current revenue base, but the problem is, and I don't want to butt into my talk on the budget, the problem is that how far Members and the necessity to upgrade and maintain the infrastructure and that is the question. It is a decision that will have to be taken, I believe that it has been ducked for quite a few Assemblies, we need to take decisions on it, it is on the list of things that have to be done by this Government and as long as I'm here I can assure Mr Bates that we will be tackling it. At the present time for the actual administration of the island, without looking at the infrastructure side of things our current take is quite adequate. To upgrade the facilities and repairs and maintenance and the like of infrastructure, there will probably be a need for additional funding and we would hope and we've been hanging onto it for some time that the gaming and offshore finance centre funding will be available to undertake those particular tasks, but it's something we need to look at and we need to look at very quickly.

MR BATES Thank you Mr Speaker. Question for Mr Gardner, Minister responsible for Health. What has the Government done towards developing and implementing suitable public health codes.

MR GARDNER Thank you Mr Speaker. The short, quick answer to that question Mr Speaker is that it is part of the package of land matters that are being dealt with, that were the subject of discussion whilst I was in Canberra. There is a proposal that there will be a cost sharing arrangement with the Commonwealth in regard

to that as yet, that still requires confirmation but it appears as though it will be a 50-50 split and the costs of the advancement of the land package and an integral part of that is the development of the public health codes. So it is advancing, certainly I would hope within the next month or so that we will have some very good news in relation to the whole of the land package, let alone just the public health codes.

MR BATES Final question Mr Speaker for Mr Cook Q.C responsible for firearms legislation. With the provision of the Firearms Act soon to be enforced what is being done to inform the community of conditions of licences, types of guns, and the storage requirements etc so that they can attempt to meet those requirements.

MR COOK Mr Speaker it is my understanding from the advices that I have received about the implementation of the whole scheme relating to firearms that the community will soon be receiving a considerable degree of material which will make clear these matters that Mr Bates has touched upon. I think it would be appropriate, rather than me endeavouring to touch upon any particular items, the matters might be taken out of their context or overlooked in providing an answer to Mr Bates of a total stature that he be assured that all these matters will be adequately dealt with when the matters are made public, as is the intention of the team with the responsibility of those who are coming very shortly to Norfolk Island.

MR BATES Can I ask a supplementary to that please Mr Speaker. Given that the requirements may require certain people to replace guns that are acceptable and hand in guns that are not acceptable, and also given that the storage requirements seem to be a little bit over the top for Norfolk Islands situation, will sufficient time be given for these people to meet these requirements or will they be caught short.

MR COOK Again Mr Speaker I'm not entirely familiar with all the specific detail. I have received assurances that these matters will be given appropriate attention, that you have indicated a matter of some concern, that is the storage situation for firearms and keeping them safe, these matters have been the subject of discussions and I've received certain information in relation to those matters and I can assure Mr Bates from the information that I have so far received that adequate and appropriate time will be given for the implementation of an appropriate storage situation and I do not believe from the information that I have so far received that it is likely that that would be of a kind which is extremely expensive or likely to cause difficulty, of being able to be met adequately within the community's resources.

MR SPEAKER Honourable Members time has expired for Questions Without Notice this morning. Are there any answers to Questions On Notice.

QUESTIONS ON NOTICE

MR NOBBS Thank you Mr Speaker. I was asked a question by Mr Bates and it was "Is it mandatory to own a credit card in order to make payments for the use of Internet, and if so, why".

MR SPEAKER Order. I don't see that matter on the Questions on Notice Mr Nobbs.

MR NOBBS Sorry. It was a note that I'd actually put on there but it wasn't on the Notice Paper for sure.

MR SPEAKER At this stage I'm inquiring as to whether Question on Notice No. 1 which is from Mr Brown to the Chief Minister is in a position to respond to.

MR NOBBS Thank you Mr Speaker. I'm sorry about that. That has been passed to the Minister responsible for Broadcasting Mr Smith who has agreed to undertake that.

MR SMITH I have the answer. Mr Speaker I take great pleasure in answering this. The Question on Notice was a question from Mr Brown. How much income has been earned by Radio VL2NI from 1 July 1999 to date as a result of sponsorship by Government Business undertakings and the Norfolk Island Government Tourist Bureau. The answer Mr Speaker is \$460-00.

MR SPEAKER Thank you.

PRESENTATION OF PAPERS

MR SPEAKER Are there any Papers for presentation.

MR NOBBS Thank you Mr Speaker. You've got me confused Mr Speaker. I think this is the

MR SPEAKER If you want a moment I'll call Mr Cook

MR NOBBS If you wouldn't mind

MR COOK Yes Mr Speaker I wish to table before the House the papers which are in effect the preliminary study which is being carried out and a review of the immigration system of Norfolk Island by Ms Bronwyn Paddick. This is quite an extensive document. It contains material relating to an oversight of Norfolk Island, its requirements, the proposals thought to be requiring attention and a draft legislative provision which themselves are extremely extensive. The Members have of course received a copy of this review. I put it forward for the opportunities for Members and the community to examine it. I suggest that it's an interesting document. It's extremely lengthy so it would take some time to examine it fully. I did touch upon in an answer to a question, Mr Speaker that you directed to me this morning upon the, a question on the HREOC. I should say and it was a matter of obvious interest to those who might have access to reading this review that quite a deal of attention is given to that aspect of the matter by the person carrying out the review and it would appear that quite strong criticism has been raised by her which appears to have some weight and significance as to the effective state of that opinion, or that report put forward and as to whether all things which should have been adequately considered were considered. I only refer to this matter because it might be of interest to persons to examine that, having in mind concerns arising as to the HREOC Report. The legislation which has been suggested as being applicable to Norfolk Island is really quite complex. It no doubt represents some 20 years advance in the principles of the application of administrative law which seems to be the growing preoccupation of the higher Courts in Australia and certainly overseas and I hope that members of the community who are interested in this whole matter of immigration, which is of most considerable significance to Norfolk Island in its movement forward to self government and independence of the right to determine its own future so far as immigration is concerned will have access to this review and read it, and study it carefully

MR SPEAKER Thank you. Further Papers for presentation.

MR GARDNER Thank you Mr speaker. As is the practice instigated by the 9th Assembly I table a report on my visit to Canberra in April which was basically to attend the Ministerial Counsel on Gaming, and also to meet with Officers of the Department of Territories and Regional Services regarding the advancement of the

land package and as I indicated earlier this morning also meeting with the Australian Heritage Commission on the advancement of our Heritage Act. I so table that report.

MR SPEAKER Thank you.

MR NOBBS Thank you Mr Speaker. Section 2b(2) of the Customs Act 1913 make provision for the Executive Member to exempt goods from duty where the duty payable is less than \$200. Section 2b(5) of the Act provides that where the Executive Member has exercised this power he shall lay a copy of the exemption on the table of the Legislative Assembly. I so table those exemptions but before doing so I would just read out, if I may the items concerned. Particulars of the duty waived is as follows 1. The sum of \$96-69 on the importation of tennis equipment donated by the ITF for junior tennis. 2. The sum of \$101-20 on the importation of protective clothing for St. Johns Ambulance Norfolk Island Division. 3. The sum of \$71-24 for the importation of uniforms for the St Johns Ambulance Norfolk Island Division. 4. The sum of \$161-26 for the importation of plastic tables and chairs for the Millenium 2000 Activities Committee and the 5th and last is the sum of \$33-41 for the importation of ribbons by the Royal Norfolk Island Agricultural and Horticultural Society.

MR SPEAKER Thank you Chief Minister.

MR McCOY Is it appropriate to note that paper.

MR SPEAKER Question is that the Paper be noted.

MR McCOY Thank you Mr Speaker. I just noticed the Chief Minister mentioned the exemption of duty again for the Millenium Committee, is that correct for plastic chairs and tables.

MR NOBBS Yes

MR McCOY Who actually owns those plastic chairs and tables.

MR NOBBS I understand that they are being stored by the Works Depot and that they are managed, and the responsibility and I understand they have been donated to the Norfolk Island Government but Mr Smith if I'm wrong he may please correct me. No, he signals that that's the story so with your indulgence Mr Speaker they are I understand the property of the Norfolk Island Government and will be part of the Millenium tent once the arrangements are completed in relation to repayment of outstanding funds for the purchase of the tent.

MR SPEAKER Further participation. The question is that that paper be noted.

QUESTION PUT
AGREED

MR GARDNER Thank you Mr Speaker. Section 14 of the Bookmakers Act requires the Executive Member responsible for gaming activities to table licence issued by the gaming authority and their attached conditions before the Legislative Assembly. I therefore table a copy of the licence issued to Worldwide Totalisators Pty Ltd., the agreed conditions of licence, the applicants package of documents and all schedules that are attached hereto that form part of the conditions of licence Mr Speaker.

MR SPEAKER Thank you. Further Papers.

MR NOBBS Thank you Mr Speaker. Mr Speaker I table the Revenue Fund Financial Indicators for ten month ending 30th April, 2000 and I ask that they be noted.

MR SPEAKER Thank you. The question is that the Financial Indicators be noted.

MR NOBBS Thank you Mr Speaker. Mr Speaker as you are aware as effective from 1 July 1999 the Revenue Fund adopted accrual accounting principles except for Customs duty receipts, all revenue and expenditure reported in the financial indicators as far as possible is accrued. Accrual of Customs duty has not been included due to time constraints in the collection of the information, that is shipping imports received in April may not be assessed for Customs duty until late May. Mr Speaker please note that the indicators report reflects the 5th and final draft of the budget review as at 31st December 1999. Income. 1) Customs duty collected to the 30th of April 2000 is \$121,000 short of budget and I refer again to the budget review papers of the 31st of December, that's the budget we're referring to. The total collected however is \$307,000 more compared with the same period last year. In the past June has traditionally been a good month for the collection of Customs duty. Income. 2) F.I.L received a boost in February and as at the 30th of April it was \$20,000 ahead of the revised budget. Income from other taxes is \$3,000 ahead of budget. Earning from GBE's is on line, Liquor Bond sales continued to be very good. Income from other charges category is \$37,000 ahead of budget. Overall total income to the 30th of April 2000 is 100% of the revised budget. On the expenditure side, welfare expenditure, medical costs exceeded the revised budget by \$106,000. Based on the current expenditure trends this category of cost will require a further \$100,000 to June 30th 2000. All other expenditure categories are within the revised budget.

MR SPEAKER Thank you. Further participation. The question is that the Financial Indicators be noted.

QUESTION PUT
AGREED

MR SPEAKER Any further Papers for presentation.

MR SMITH Thank you Mr Speaker. I present the Inbound Passenger Statistics for April 2000 and move that they be noted.

MR SPEAKER Thank you. Question is that that Paper be noted.

MR SMITH Thank you Mr Speaker. The Papers indicate good numbers once again for the month of April this year, I think is what is another record month with a number of 3,819 passengers arriving as a total, and also brings our financial year to date figures up to date up to 32,043. Compared to last year which was a record year at the time was 31,155. Interesting to note also that the average night stay is actually increased in that month as well. New Zealand numbers which we have been a little bit concerned with are up slightly on last year and down a little bit on the year before, but otherwise a pleasing result. Thank you Mr Speaker.

MR SPEAKER Thank you. Further participation. The question is that that Paper be noted.

QUESTION PUT
AGREED

ME SPEAKER Further Papers. We have concluded Papers. Are there any Statements this morning.

STATEMENTS

MR NOBBS Thank you Mr Speaker. I have four Statements to provide Mr Speaker if I may. The first one relates to security in the telephone system. Mr Speaker from time to time the issue of perceived security breaches related to the use of telephones raises its head. Claims relate to possible listening in and even recording of conversations. These are Mr Speaker very very serious allegations against Telecom as a service provider and are matters that are thoroughly investigated by management. I wish to clarify the position in relation to security breaches of this nature. The Telecommunication Act provides severe penalties in relation to privacy and interception of communications. However there is a need from time to time for technical staff to monitor the quality of transmission or in fact if the call has been made successfully. I have received as well, complaints also in relation to interference on the line and this type of problem must be monitored. Mr Speaker international calls may be monitored for quality and progress of calls of both Telecom maintenance staff and also if necessary Telstra Gateway Exchange personnel. Malicious call traces are possible but any such action by Telecom is at the request of the Norfolk Island Police and any information gathered is passed directly to the Police. Norfolk Telecom ISP is accessed by Telecom maintenance and Administration's EDP staff. However the actual content of customer emails and addresses are not monitored, or readable and it would be illegal to do so. No monitoring hardware or software is in place at Telecom. In short Mr Speaker any monitoring of telecommunication is illegal if used for wrong purposes and penalties are provided in our Telecommunications Act. Telecom staff are made aware of penalties and requirements. Access to the Communications Centre is by coded access locks on entry doors, and codes are changed regularly. Coupled with this are appropriate passwords on software. May I also say Mr Speaker Telecom personnel are well aware of the concerns in relation to personal privacy in the service they provide. The privacy issue is monitored continually by management and may I also add that there have been no instances of illegal monitoring reported. Thank you.

MR SPEAKER Thank you.

MR NOBBS Thank you Mr Speaker. Another one in relation to public telephones if I may Mr Speaker. Mr Speaker I'm saddened to bring to the Assembly's attention the ongoing vandalism of public telephones. Whilst it is annoying, costly as far as repairs are concerned a criminal act and all of those, it is a fact such malicious activities has led to considerable delays in emergency situations resulting in unwarranted suffering by those involved. All public phones on the island Mr Speaker are utilised at some time or other in an emergency and it is thus essential that they remain operational at all times. Mr Speaker I've never been a dobber but in such circumstances I believe any person seeing such senseless acts are perfectly in their rights, and should be encouraged to put the vandals in. Apart from that I appeal to those with a tendency to vandalise phones to think again. Maybe it will be you in an emergency who will be pleading for the phone to work. I have in relation to a question that was asked by Mr Bates at the last meeting, and the question was; Is it mandatory to own a credit card in order to make payments for the use of Internet, and if so, why. The short answer is this. Yes it is necessary to own a credit card to permit connection to the Norfolk Telecom ISP. This was a policy recommended by the Internet working party when Internet was first introduced to assist Administration Accounts Department in debt collection procedures. Mr Speaker there are certain advantages and disadvantages in relation to that and it's been recommended and I quote "the decision to only permit customers to only be connected to Norfolk Telecom Internet Services who own a credit card be reviewed by the Internet working party at the earliest possible convenience". That Mr Speaker is a recommendation that will proceed from that question. Mr Speaker if I may there has been discussion and I've spoken on the airwaves in relation to the increase in electricity tariffs due to an increase in fuel costs. The fuel increase came into place for the last quarter of this financial year which will be until the 30th of June this year

when we will have another contract price which could be the same, it could be more, and it could be less. The price has risen in round figures from 42c in July 1999 to the current price which is 59.5c and it's an overall increase of approximately 43%. The cost of fuel has increased from a figure in 1998/99 of \$880,000 to an estimated cost in the present 99/2000 of \$1,003,000 and if the current prices maintain, total fuel cost in 200/2001 will be \$1.3 million dollars. As I've said the Electricity undertaking is currently in debt to the Airport for a loan negotiated to purchase 4 Gen sets and the repayment schedule is based on stable fuel prices. The Electricity undertaking under normal circumstances struggles to meet commitments such as the purchase of generating equipment. There is no valid opportunity to vary such commitments. Contracts have been entered into to purchase these equipments and I understand that the Gen sets will now be coming on the June Captain Cook or booked on the June Captain Cook to ensure that the new crane will be here so that there will be no need, and obviously there is a danger in doing it for them to be stripped on the ship before they are brought ashore, so there has been a delay in the arrival of these Gen sets until June, whereas I said at the last meeting it was in May. Getting back to this particular point the loan with the Airport GBE must be repaid to allow the required resealing in 2003. The advice from the Electricity and Finance people suggest an increase in the tariff of at least 4c. This was discussed at the Members meeting the other day, some Members suggested that we look at a system where a levy is imposed and it relates to the fluctuation in fuel prices. This was suggested on Monday and the members of the staff have actually been looking at it and I will be putting the proposal to Members at their next meeting. There seems to be Mr Speaker 2000 meters on the island, it takes 2 weeks to read them completely, it takes 6 or 7 meter readers to do this, there is one girl who would be required for 10 days for data input and dealing with misreadings and the proposal is that, and we've got a contractual arrangement that we have a quarterly arrangement for pricing, that prices are set on the 1st of January, 1st of April, 1st of July and 1st of October. This would necessitate reading of all the meters on the island at one particular time. Now the current system is a manual operation, it requires placing of each reader recording by hand onto a card, and then bringing the card down to Admin and then it's transposed onto the database. I've suggested that there is a real possibility of considerable savings in that area and that is a matter that's also being considered at this particular point in time. I will leave the matter with you but I would suggest that this is an excellent idea I believe, provided that it can be done efficiently but I must say Mr Speaker it is long overdue because the fuel prices have been fluctuating considerably since the actual Gulf War exercise, in cohesion, and I think that was about 9 or 10 years ago, so it is well overdue. There are other things that we should be looking at as far as the electricity goes and that's an incentive system for the payments on time and a disincentive I guess for late payments, but unfortunately under the present arrangement the present accounting arrangements over there, which will I understand be fixed when the new computer systems are in place that this system can't be put in, that's the incentives and those sorts of things. So as far as the fuel prices are concerned there is a definite recommendation and I believe that there is a support for a 4c increase, whether it comes in as a direct increase, and then it's reviewed within 12 months as a recommendation from one particular section of the Assembly or it is brought in as a levy system I will have to leave it until next week to advise the members of the public, but they can be assured that there is a need and there is an urgent need to increase the price of electricity.

MR SPEAKER

Thank you. Further Statements.

MR COOK

Yes Mr Speaker I have two Statements I'd like to present. The first Statement is in relation to a document that I received from the Officer in charge of the Police on Norfolk Island Sergeant Anton Major and it relates to changes in Police rostering to implement the new certified agreement. I should probably preface my Statement by indicating this as something the Australian Federal Police require to be put in place so far as the working conditions of Australian Federal Police Officers are concerned and something which is bound to be implemented in accordance with that agreement. In reading this Statement, I think it's the easiest way for me to make the

Statement if the first person is used is the Sergeant of Police who is the person referred to. In order to comply with the terms of the newly implemented Australian Federal Police change agreement I intend to change the current Norfolk Island Police rostering practices. The changes will enable the members of the Norfolk Island Police to comply with many of the terms of the new agreement. It has fallen upon myself to regulate the service provision and to reduce community expectations. I propose to encourage members of the community to direct all routine matters to the Police during business hours 9am –5pm Monday through to Saturday. Calls made outside those hours to the Police Station will receive a recorded message and this message will advise the caller of the normal hours of business. In order to cater for emergency assistance I hope to introduce a new emergency number, hopefully 999. This number will divert to the oncall Officer 24 hours a day. The ability to provide genuine emergency response will not be compromised. Of course Police hours will not be fully restricted to 9am-5pm, patrols will be made after hours with special attention to Friday and Saturday evenings, rostering will be flexible with no obvious set patterns, the focus will be on core Police business. Prior to the introduction of the new rostering practices I hope to be able to make the community fully aware of the changes via the newspaper, radio and postal box notification. I would appreciate your assistance with public notification. The newly certified agreement covers all work practices, including occupational health and safety guidelines. Members of the Norfolk Island Police will be taking a commonsense approach to the principles of the agreement. That's the Statement I present in relation to that change and obviously there will be considerable public notification in due course as suggested by the sergeant. The other Statement I wish to make, a Question Without Notice on the 19th of April was directed to me by Mr Bates and that question was; "What assistance has the Government given to the whaleboat project, and how is that assistance accounted for, and what is the present state of the project". I have caused a report of the Whaler 2000 Project for May 2000 prepared by Ms Rhonda Griffiths to be circulated among the Members but the purpose of public being aware of the situation I reply to Mr Bates' question as follows. Mr Speaker at the last sitting of the House Mr Bates asked the following question; "What assistance has the Government given to the whaleboat project and how is that assistance accounted for, and what is the present state of the project". Mr Speaker I'm advised the Government has assisted the whaleboat project in the following way. During the term of the 8th Legislative Assembly the Government donated pine trees for the project. These were milled by Howard Christian and the community members on a voluntary basis. Also two grants of money were made. The first of these grants was an amount of \$2,000 made to assist stage 1 of the project which allowed the purchase of some essential tools and equipment and to bring Mr Bill Hart, former resident of the island to assist with the construction. I'm also advised that this was supplemented by the donation of tools and equipment by members of the community. The second grant of \$3,000 was made and I am advised that this was used for the construction of laminated keels, bow and stern stems, and the attachment of stems. MR Speaker in the early stages of the project the Administration did provide the use of the boat shed at Kingston free of charge, however this proved to be too small and the project moved to another site on private property. Mr Speaker the amounts granted to the project was paid from the Cultural vote and on the approval from the former Minister for Immigration and Community Resource Management in the 8th Assembly. Mr Speaker Mr Bates also asked what is the current state of the project and I table a report that has been handed to me by Ms Rhonda Griffiths who is co-ordinating the project. This report details the progress and present position of the project. Mr Speaker this project is very much a community one, and assistance by the Norfolk Island Government has been intent to those matters mentioned above. I will keep Members informed of any request for Government assistance should they be made. It also appears that through the Lighterage some request was made for the provisions of some surplus copper nails, I think to the extent of about 2kg, the value was about \$26-88 and I think that donation was made to assist in the construction as a practical donation. The report I think indicates that of which I'm about to table of Ms Griffiths that there was a deal of fittings required for the boat which were required to be obtained from New Zealand and the person who was providing those

materials, I think there was some iron and bronze casting, drogues, staves, gudgeons, pindalls etc and I understand that all the labour and costs involved in providing those fittings was donated by Mr Craig Bell, a boat builder in New Zealand. I table the report in respect of that project which I earlier indicated has been circulated among Members by Ms Griffiths made in May 2000.

MR SPEAKER

Thank you.

MR NOBBS

Thank you Mr Speaker. I've just been handed a response to a question that I was asked earlier in relation to the Airport parking and the proposal is, and I'll read it. The works to be undertaken to improve the efficiency of the Airport Carpark in the immediate are as follows: Installation of a new entrance to the Carpark at the Photopress end of the Carpark, closing the current entrance way into the Airport Carpark which concurrent with the above point will serve to streamline traffic flows in one direction and particularly cut down on traffic snails brought about by having the main Carpark entrance opening directly into the middle of the Carpark. Third point is the existing concrete ?? balls in the Carpark on Douglas Drive will be set back a further 3 metres from their present position. This will extend the inter row width between the carparking lots from its present 8 metres out to 11 metres relieving congestive pressures in these areas. Those are immediate and these will be, or immediate as they can be put in, I mean they're not being done right now sorry Mr Speaker I was a bit misleading but as immediate as they can be done. They will be monitored to see how effective and reviewed continually. I thank the gentleman for getting this to me. It was written several days ago but it got lost in some sort of black hole he said, but anyhow that's life so thank you Mr Speaker.

MR SPEAKER

Thank you. Are there any further Statements this morning.

MR GARDNER

Thank you Mr Speaker. I have a little bit of concern about what I'm going to do but I notice it's happened a couple of times already this morning and it's really to do with the practice and procedure of the House in dealing with questions that were taken On Notice by Members at previous meetings. There were, I understand three questions that were taken On Notice on my behalf at the last meeting, due to my absence in Canberra and I'd like to at this stage if I may Mr Speaker provide responses to those questions. It's probably matter I think the House needs to deal with later on regarding questions that are taken On Notice, I understand that the onus is upon the question asking, the person asking the question to ensure that those questions taken On Notice actually do appear on the Notice Paper, but I stand to be corrected on that if I may proceed with my..

MR SPEAKER

Maybe it would warrant some clarification at this stage before you embark upon that particular project. I have noticed that Ministers have indicated that they would like to take a question On Notice and that's entirely proper. For it to actually happen, the person who is initiating the question needs to place that question in writing with the Clerk, and it then appears on the Notice Paper as a Question Without Notice. Unless that happens it does not formerly become a Question on Notice. That procedure needs to take place. However, having said that it does not stop a Minister, as you are about to do I think Mr Gardner from picking up that question that had been raised and making a Statement upon it so that there will be a response to it, but it will not be using the Question on Notice procedure, but your own initiative in picking up that question and responding to it in another way, and Members are at liberty to handle it either way of course, but if you want to have the label attached to it that it is a Question on Notice I just remind you of that particular procedure.

MR GARDNER

Thank you Mr Speaker. I appreciate your words on that, really my question was to ensure that a question that was taken On Notice was answered for the benefit of the community and also the person asking the question. It's

all too simple, as I'm about to do maybe to put them to one side and forget that the question was being answered but I shall endeavour now to answer those. There are 3 questions that I understand Mr Speaker and I'll answer them. The first one was a question by Mr Bates directed to Mr Cook on my behalf in my absence dealing with the Government's policy regarding primary industry and how much is spent annually on its development. There has been some confusion Mr Speaker over exactly whose portfolio that falls under and what it is that we declare to be a primary industry. People would argue that tourism is our primary industry and therefore this question is more likely directed in that area. However I have a feeling that what Mr Bates was referring to in his question was in regard to rural type industries, things like horticulture, agriculture and things but I would stand to be corrected on that, but if I could provide this answer coming from that direction more the rural type industries and policy. The answer to that Mr Speaker is that there, as far as I'm aware there is no standard primary industry or rural development policy that is in place at the moment. It's been managed more on an adhoc basis subject to the proposals that have been placed before Officers of the Administration or successive Ministers in the portfolio. However an undertaking has been given by this Government and certainly in the Chief Minister's list of strategic initiatives to ensure that a proper policy is developed and that's what we're about. The Government is supportive of primary industry in Norfolk Island and demonstrates this fact by its ongoing involvement in the stock health programme, the employment of an Agricultural Officer, the position is currently vacant but is planned to be filled, and its attention to special requests as they arise. The previous Minister with responsibility for primary industry did establish some principles to be applied in the granting of assistance which were, that the Government assistance should not be directed to individuals or special interest groups for their personal gain, but at the Norfolk Island community generally and be freely available to any genuinely interested person. Before assistance is given there must be a cost benefit analysis of the request prepared which clearly demonstrates the short and long term financial and other benefits of the proposal. In relation to the costing Mr Speaker the annual costs are difficult to quantify as indirect costs are not specifically identifiable but the direct costs include the following; the stock health programme, which is mainly for suppliers for the 6 monthly muster some \$5,000, the Stock Inspectors salary which is a part time position \$7,500, the engagement of a visiting Vet for stock health assessment, last time that occurred was in September of last year was \$6,500 and the position of the Agricultural Officer, salaries and expenses \$25,000. There is also the recently completed, so I understand pest and disease survey undertaken by AQIS which had a cost of \$2,000. Other primary industry initiatives are involvement's by the Government include the ongoing Fruit Fly monitoring, the pawpaw industry export investigation and planting trials, soil analysis undertaken by the Agricultural Officer, maize growing trial again that were monitored and under the control of the Agricultural Officer, the army worm control investigation that has been ongoing now for quite some time, the quarantine screenhouse investigation, as I said in reply to an answer this morning the finances haven't been provided in this current budget which we'll discuss later on today for that to proceed. Also an approach by myself to members of the Primary Producers Committee in assisting in the mini Games and trying to provide the opportunity for the primary producers involved in retaining as much of the benefits gained from the mini Games in the supply of fruit and vegetables and meat for the purpose of the Games and my colleague Mr McCoy has pointed out to me also the hemp programme that was undertaken, hemp growing programme, and that has had legislative support as well as I understand some financial support from the Government in the development. Mr Speaker I'm always receptive to proposals to benefit primary industry on Norfolk Island and would welcome comment from interested persons to assist in the ongoing development of the Governments primary industry policy and this is a matter again that I will bring back before the Primary Producers Committee when I call them together and hopefully in the not too distant future that will happen, to try and advance the mini Games concept. As I said before we propose to develop a more detailed and comprehensive policy than currently may exist and that will go as far as including looking at electricity costs for example and maybe different tariffs being applied. That's not principally to be dealt with in our policy because that will be as a result of a more

comprehensive look at the electricity undertaking and the structure of electricity fees and charges. Also another matter that I've discussed recently with the Customs Officer Mr Buffett, that's duty considerations on seeds and fertilizers to assist primary producers. I understand the impact, particularly in relation to seeds is somewhere in the region of only about \$2,000 revenue collected for seeds but it may in some cases provide significant incentive, especially in the derivative seeds to see the import of improved varieties of fruit and vegetables to the island. Mr Speaker the second question, I'll try to be a little bit briefer this time was another question from Mr Bates. In the event that an application fee under the Planning Act does not cover the cost of considering the application, who bears the additional cost. Mr Speaker in answering Mr Bates' question as Members would be aware around the table there are 3 categories of building activities to which an application may relate. Fees of \$120 for a category 1 application, \$140 for a category 2 application and \$260 for a category 3 application are applicable. In cases where the cost of considering the application exceeds the application fee the differing costs are at present absorbed by the Administration or the Public Service system. It is difficult to place an itemised costing on every application as each varies in the nature of the activity. However, it should be remembered that planning application fees are a set statutory charge rather than being determined on a cost recovery basis. There are other jurisdictions Mr Speaker where planning application fees are costed against the time taken to process them, but to implement such a system on Norfolk Island would require legislative change and I think really that's a matter Mr Speaker that Members will have to consider as we are reviewing the Norfolk Island Plan and its associated legislation as to whether we want to move in that direction but basically as the legislation stands at the moment those are set statutory fees, and again I'd be grateful for comment from Members or others in the community that may have suggestions regarding not only planning applications, or planning generally with a view to including them in the proposed amendments to the Plan in the legislation as I've outline. One other very quick one Mr Speaker was taken from Hansard and again a question from Mr Bates directed to Mr Cook in my absence. The Government has a water policy for new buildings including tourist accommodation. Is this policy being carried out and if not, what is being done to ensure it. I think I answered what would have been a supplementary question to that this morning when we were dealing with what proposals we're looking at undertaking for existing tourist accommodation units, and in answer to Mr Bates' question as of Hansard from the 19th of April 2000 my investigations have shown that the policy that was developed in regard to new tourist accommodation and dwellings is being strictly adhered to an all applications that have come across my desk indicate that has been approved according to that water policy. Thank you.

MR SPEAKER Thank you. Are there any final Statements this morning. No further Statements thank you.

MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

MR SPEAKER Honourable Members I've received the following message from the Office of the Administrator. It is message No. 4 and it reads. On the 28th of April 2000 pursuant to Section 21 of the Norfolk Island Act 1979 I declared my assent to the following legislation. Supplementary Appropriation Act 2000 which was Act No. 6 of 2000 and the Tourist Accommodation Moratorium Act 2000 which was Act No. 7 of 2000. The message is dated the 8th of April 2000 and signed A.J. Messner, Administrator.

REPORTS FROM STANDING COMMITTEES

MR SPEAKER Are there any Reports from Standing Committees this morning. No, thank you. Then we are at Notices.

NOTICES

MR SPEAKER There is a prelude to Notice No. 1. I have received this message from the Office of the Administrator and it is Message No. 5 Appropriation Bill 2000. In accordance with the requirements of Section 25 of the Norfolk Island Act 1979 I recommend to the Legislative Assembly the enactment of the proposed law entitled "An Act to Authorise Expenditure from the Public Account for the year ending on the 30th of June 2001". The message is dated the 15th of May 2000 and signed A.J. Messner, Administrator.

THE APPROPRIATION BILL 2000

MR NOBBS Thank you Mr Speaker. Mr Speaker I present the Appropriation Bill 2000 and move that the Bill be agreed to in principle.

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

MR NOBBS Thank you Mr Speaker. As way of explanation at the outset Mr Speaker I would like to say that in no way was I critical when I was answering a question earlier in relation to how Norfolk Island prepares its Appropriation Bills and the budget. I think it's a great idea and whilst it's unusual it certainly will be encouraged as far as I'm concerned because it just shows that we do have very open government here at the present time. Mr Speaker the budget is provided in the Appropriation Bill provides for a balanced budget, but the Appropriation Bill itself has a schedule attached to it and I'll read out some of the facets in the schedule. The salaries and wages for all sections, and bearing in mind as I repeat what I said earlier in question time that we are dealing with the Revenue Fund budget and it's not the Government Business Enterprise budget as such. The Government Business Enterprises such as Telecom, the Bond, Postal and Electricity and the like have been dealt with earlier and this is purely on the administrative side of it. So salaries and wages Mr Speaker there is a sum of \$4,835,300 provided. On other recurrent expenditure there is a sum of \$3,544,300 provided and subsidies is the third section, there is a sum of \$1,308,500 provided for and in capital expenditure there is a sum of \$513,100. Now in percentages terms Mr Speaker the salaries and wages account for 48% of the budget in rounded figures, recurrent expenditure which includes staff training, Administrative services, Health and Quarantine, Education, Welfare, Courts, Lands, Police, Public Libraries, Norfolk Island Legislative Assembly, Tourism, Roads, Forestry, Tanalith Plant, Livestock, Noxious Weeds, General Works, KAVHA, Cultural Arts and Sports and expenditure at the discretion of the Executive Member. That accounts for 35% of the budget. The subsidies, which are to the integrated Museum, the Norfolk Island Hospital Enterprise and the Norfolk Island Tourist Bureau amount to some 13% of the budget and the capital expenditure amounts to some 4 or 5% of the budget, in that order. Now Mr Speaker in the past years, and I draw Members attention, if I deal specifically with the budget. We have had a situation as far as the expenditure is concerned in some areas where expenditure over the term of the last Assembly has increased dramatically and as an example Mr Speaker I will give you, in the Administrative side, the salaries, which includes, not all areas, this is the Administrative which is Accounts, Customs, Records, Immigration, Legal, EDP, Policy & Projects, Secretariat Staff are the main in there. That has increased from the previous Government taking office, and I'm quoting this because I was a Member of the previous Assembly. From 96/97 budget to the anticipated final figures for this financial year there has been an increase overall of some 22% in salaries component. In the overall, the total cost in that particular section, which includes operation, capital and the likes there is something like 30%. If you include the year before 95/96 there has been an increase in total cost in the Administrative section of 41%. Mr Speaker why I'm saying this, the figure proposed for this expenditure, total expenditure in the budget is actually less than will be expended in this financial year, not by a great deal, but there is a slowing down in that particular area. Health and Quarantine, in that area we've seen in salaries increase of the period since 95/96 to what will be in June this year, bearing in mind that we're dealing with a budget period, is something like 44% has been increased in salaries. Education salaries for that period,

the same period 95/96 to June will be something like 37% and the total expenditure for Education has increased by 33%. So that's fairly significant. Police have increased over that period, salaries of 58% and the total for Police is something like 48%. The Legislative Assembly, in our area, has increased quite dramatically. There is a total increase of something like 39% in the 5 year period on expenditure, and that expenditure includes salaries, operational capital, remuneration to Members and the like. Now salaries are for the Clerk and lady assistance that we have, typists and the like. So there's been a 39% increase in that. Looking at the other side of things, tourism there's been a 29% increase but then we get down to the other sections. Works, there's something like 7% and Roads, not a great deal. Now these are the areas that I don't wish to concentrate on totally Mr Speaker but I wish to say something in a few minutes. Getting back to the budget as such it provides also for Broadcasting to be included within the Telecom vote, it provides for the Fire Service to go into the Airport GBE. Certainly Mr Speaker there are savings to the Revenue budget and it can be said that there is a cost overall to the Norfolk Island Government and I accept that. I believe that there are real advantages in the efficiency of both operations and I'm not going into it in any great deal at this particular point in time, but in my opinion there are. These two initiatives have been discussed for a number of years and it is a decision that's been supported by the Government at this particular point in time and it's been put in the budget accordingly. Finally on what's provided in the budget, it provides for the establishment of an infrastructure fund. Now as I mentioned in an answer to a question Mr Speaker the infrastructure is an area where we have serious problems at this particular point in time. I'll give you an example. We've been talking about a 4c increase in electricity, but yet we've got a serious problem in relation to electricity that there has not been a great deal of work done as far as reticulation is concerned. Now we are providing now four new generators, obviously there will be some replacement of existing outmoded machines but there will be additional electricity generated or capacity to generate electricity and we have got serious problems in relation to infrastructure as far as the carriage of that electricity is concerned. Now it was put to me just in the last few days that if we have an interruption to the line between the Power Station and the Hospital corner that the central business district plus the whole of Grassy Road and out to Anson Bay will be immediately put out. The alternate line is through Kingston and that line cannot account for, and we do have a ring main in place which goes up the hill from the Assembly just here and we can feed Steeles Point from that area. Mr Speaker it needs upgrading, there's been a proposal in, there's a forward plan for, it was made some 5 years ago, and there is very little that has been done to progress that proposal. In that proposal is to upgrade the lines actually to alleviate the potential, and it's a fairly serious potential problem that we have in the Burnt Pine area. So those infrastructures, not only electricity, it includes roads, school, the hospital, wharves, parks, telecommunications, general administrative buildings, plant and equipment, the airport and on it goes. So there is a considerable need for looking seriously at these areas and trying to work our way through how these sorts of things can be fixed. Now earlier, I think Mr Bates asked me whether I thought that the balance was right and I say as far as the salaries and recurrent we've got enough, adequate and for a little bit of capital works but it's nowhere near to the standard that we need to maintain and upgrade where necessary our infrastructure. It was identified by the Grants Commission that did a report on the island several years ago and it was also identified as a necessity by Mr John Howard who did a report on the administrative arrangements about 18 months ago. So it's nothing new. It's something that we need to prioritise our activity in that particular area and we need to start thinking a bit outside the square. I will just deal very briefly with the individual sections which I've handled most of the increases I think in this Mr Speaker. The proposal is that here will be no new staff in positions at his stage. There maybe with the land package coming over to us, there may be a need for rejigging within the current establishment and I haven't got a correct proper establishment. There would be a need when the Public Sector Management Bill comes into force and that's designed to come in in mid June that the first thing that will have to happen is that we have a structure, and all positions are involved in that are provided to the Assembly for approval. So at this stage there are no new positions, although there

is a requirement for something in the order, there was \$261,000 was actually in the original budget for new positions. We have had to reduce some of the increase in recurrent expenditure and that's accounted for \$140,000. The Fire Service going over to the airport GBE has saved us something like \$117,000 and the \$168,000 is savings in relation to Broadcasting being put under Telecom. Now Telecom have funding available to cover that. It will be, I believe a far better way of dealing with responses and the technical side of things to have Telecom directly responsible instead of now they seem to be running around on the periphery of things. I would hope that we would be able to activate a traineeship at Telecom. There is already a position in there for a radio technician type person, be it male or female to go do some training so that we can broaden out our expertise in that particular area. As far as the Fire Service is concerned Mr Bates mentioned that there was a proposal to create the Fire Service as a GBE. This is something that was brought in and there was, but what it amounted to was this, that we will be increasing our service to aircraft and this, under the CASA arrangement at this particular point in time it's purely a draft, it may not come into force. What will happen is that if this is approved, and it won't be before the next financial year that it is approved, what will happen is that the Fire Service may be required at this particular point in time is the proposal, and it's only a proposal to meet all the flights. There will be a considerable cost involved. The proposal is that the airlines would have to pay for this then we would be able to create a GBE under the, the aircraft sorry would cover this, the landing aircraft would be charged a fee and that the BGE which is created for the Fire Service would pick up that. If that comes into force, and it's a possibility, I know but as I say it's purely a draft proposal at this stage, if that comes into force it can be quite easily accounted for under the current Airport GBE arrangements. Mr Speaker I really have not a lot more to say in relation to this, except one thing. We came in right at the point where we were doing a review of the current budget and we were to put together a new budget for the next financial year. In my experience and it's fairly lengthy, is that a budget process is started towards the end of the calendar year before it has to come in, not in the last 3 months of a financial year and that's if I'm still in this position at the next time that a budget is proposed that I will insist that we start this operation in November and we will work through and have it all ready for implementation in May as is this one. There has been a rush and whilst not apologising to Members I do feel that there has been an over rush probably on my behalf to make sure it comes in here, but as I said on the radio the other day this is a Members budget, it's open for Members discussion. I would just like to add one point if I may Mr Speaker. In relation to capital expenditure there is a considerable sum in there for stage 2 of the computer programming and there is money in there for additional computers. There is even money in the Legislative Assembly vote for computers. I'm not a computer buff Mr Speaker but I can assure you that there will be considerable efficiencies if we get a reasonable computer system in operation. If for no other reason than particular Managers can then manage their own budget. At the present time it is extremely difficult, time consuming and a jolly nuisance for the girls to provide the data to individual Managers, and that is why I believe under this arrangement we will have, can sit there as a potential for considerable efficiencies and if we manage it correctly it will certainly prove that way, and I mentioned earlier in talking on the electricity side of things if we can have a system where you needn't have a data base on the actual meter board, all you need is the guy to punch in a couple of things, at the end of the day bring his pocket size computer down here hook it in to the system, voomp it's all on the data base. Then the girls can operate systems where we do have a penalty if your late or if your goodies well then you get some recompense. I mean it's going on everywhere and it should happen here. If you pay on time for your bills you should get some recompense for that. So Mr Speaker I will just draw Members attention to the fact that there is a considerable sum in there, and also in some operational areas for computerisation and I would hope that they would support it because it is long overdue. Thank you Mr Speaker.

MR SPEAKER
debate.

Thank you. Debate Honourable Members. No

MR BATES

Everyone seems very reluctant Mr Speaker. I won't say much because I've said it time and time and time again and it's always fallen on deaf ears so I'll confine myself to just a few comments on what has been said. First of all I must take to task of the shifting sideways of the expenditure from the Revenue Fund to the GBE's. A lot has been said about efficiencies but frankly I think it's just another means of balancing the budget. But really you don't get anything for nothing. If the Revenue Fund doesn't pay these expenses then the GBE's have to pay them which reduces their ability to provide the same level of dividend back into the Revenue Fund so it's just a circle. It's almost a political ploy to balance the budget I believe. I don't have any problem with the Radio Station being managed through Telecom. I think the Chief Minister mentioned the figure of \$165,000 costs, that cost will now be borne directly by Telecom. My figures were \$185,000 incidentally but the Chief Minister said \$165,000 and I don't want to quibble over it. The point is that that amount of expenditure will now come from Telecom. I believe at the same time there is proposal around the track to put up rental charges at Telecom, so we might be assuming that our rental charge increases are going directly to the Radio Station. Maybe we shouldn't assume that, maybe there are genuine reasons to put up the rental charges. The total figure of the Fire Service expenses I add up in these figures that again cross the Airport it's \$283,000 and I think in the past the Airport has directly contributed round about \$150,000 of those costs, so there's another \$133,000 or \$130,000 that the Airport is going to have to put towards the Fire Service unless, and part of my question before was that the Fire Service when it had said that the Fire Service can be self funding and Mr Nobbs has touched briefly on that, but in the event that that doesn't happen, in the event that airfares are not increased to provide the Fire Service for the general public there's no other option. The Airport will lump it and the Airport seems to get lumbered with lots of things. It seems to subsidise a lot of other things and I think this is part of our accrual accounting processes to properly identify our costs centres so that as a Government we are not hiding things behind other things. Just a simple example, some of the things that happen at the Airport Terminal Building with the Tourist Bureau in there for nothing, with the Security Offices operating in there for nothing, with Customs not contributing to the costs of the space that was built for them and the electricity and the cleaning costs of it, all subsidised by the Airport. Now these things under accrual accounting I believe, will be addressed. If we don't address them our external auditors will be critical of us. But if we're just shifting funds out of the Revenue Fund into other places to balance budgets, then we're only kidding ourselves. This is something that I've been on about for quite some time. I do commend the Chief Minister for getting this Supply Bill into the House in May, and I do commend him for commencing an earlier leading time so that that can happen. That was one of the reasons why I, Members might remember pushed for an early election, was to at least give this Government a chance to get its budget into gear without coming into office in April or May and finding they had such little time to develop their policies and get on with it. So I do commend him for that and I certainly support what he's trying to do there. I don't think I want to say a lot more at this time. I'm well aware of all these percentage increases that the Minister quoted to us. I monitor those regularly through my work. I don't bring them here because I monitor them through my work but I do monitor them and I'm well aware of that. If there is any suggestion that these increases are directly the fault of the Administration then this is another thing that I've been on about that we as a Government often require things to be done and we must take more account when we look at our legislation and we look at our policies, look at the things we do as to what financial impact they are going to have on the costs of the different sections. He says Works are down. Well I think Works are down but I think we can also say that through no fault of the staff but probably to the policies of the Government that a lot of neglect has gone into that area. A lot of neglect has gone into our roads and areas, so it's all very well to say that Works hasn't increased very much to the same proportions as other things but if it's neglect well I don't know if that's a good thing or not. I don't think the Minister mentioned that the 4c increase in electricity will have an impact on the Revenue Fund budget. I don't know if that's been taken into consideration but certainly 4c a unit for electricity, for instance the electricity that's sitting over my head at the moment is

paid for from the Revenue Fund, that's going to go up. Electricity right through many of the Administrative Services is paid for from the Revenue Fund. It's not a free ride. That will put up ongoing costs in pretty well all areas of Administration through no fault of the Service itself. However I don't want to say too much more than that. I'll listen with interest to debate and if I feel I need to comment on other comments later on I will. Thank you Mr Speaker.

MR SPEAKER

Thank you Mr Bates.

MR NOBBS

Can I, if I may Mr Speaker just respond before somebody else. In the shifting sideways of funds to the GBE's, I appreciate what Mr Bates said and we've actually discussed it previously and I agree with him. His figures are I think gross figures. My understanding is that the Fire Service has income which is outside the ambit of the Airport as well, but there was a savings of, gross savings of \$117,800 in Fire Service and Broadcasting estimates are \$168,100 but Mr Bates is probably in a better position than me to know these. These are figures that I've been given and I accept them. There was, the putting of the charges up is another area because I've actually got a Ministerial on that and it's right before me right now which I only read a little while ago. I've just past it over to another Minister who's been responding to it. There is a proposal to put up the charges at Telecom but they are only for hire of equipment and those sort of things, it's not for putting up the actual toll charges or anything like that. Now I understand from the Telecom people that some of these charges, or the majority of them except for new ones that have come in since that date, were last increased in 1984. Now there are 3 Members of the Assembly who were actually on this Assembly in 1984 and they may recall it or they may not, but they had to back into archives to find out what date it was actually put up. So it is considerable time ago. The increase, I quite agree with Mr Bates are no fault of the Administration. As I said the budgeting process, Administration are provided with the funds to do a particular job and these funds are provided by the Assembly and that's why I used the period that I was in to highlight it because I am equally at fault as if it is a fault as the previous Finance Manager and I don't think it is a fault but I just wanted to make it clear that I was actually in here, it was my budget as equally as the previous Finance Minister. I'm not critical of Roads at all by their increase, I was just highlighting the fact that how badly done by they probably have been and that it is a fault also of myself and the previous Assembly. The 4c increase of electricity, yes it will be an impact and it has not been included in this budget for sure Mr Bates as you are well aware. It's something that's come through finally in the last day or so and depending on whether we leave the 4c on for the whole time or whether we go to a levy system or whatever the jiggling of it is, and then we'll be able to make an estimate accordingly. Apart from that Mr Speaker I think that's about all the responses I have at this stage.

MR SPEAKER

Yes. Thank you Chief Minister. Further debate Honourable Members.

MR BROWN

Mr Speaker the Chief Minister has tried hard to present a balanced budget in fact he's tried hard to present one with a small surplus which can be applied to the fund that he's calling the Infrastructure Fund. Perhaps that fund is little different to the one that an earlier Finance Minister Mr Howard favoured called The Island Fund. It's unfortunate that the backbenchers have not seen the bids that were made by the various people in the Public Service at the beginning of the budget process. We don't know what was asked for. We don't know what has been knocked back. We are totally unable to form a view as to whether what's been knocked back was wisely knocked back or whether parts of it really should be included. Year after year we prepare a budget by looking at what things cost last year and thinking that must have been a reasonable figure and virtually every item then represents an increase on last year. I said virtually every item Mr Speaker and it's really interesting to look at a couple of them. The Burnt Pine Upgrade has a provision of zero. Not a single cent is proposed to be spent on completing the Burnt Pine Upgrade. Not a single cent is

proposed to be spent on road reconstruction, and when we look at other roadworks, patching for example, we see that indeed \$119,000 is intended to be spent, and of that it seems that \$65,000 of that is for the purchase of bitumen, and if I have read that correctly, looking along the line that deals with the purchase of gravel and bitumen we're proposing to spend \$70,000 of which \$65,000 will be for the bitumen. So at a time when the Administration has very little metal in its stockpile it proposes to spend \$5,000 to get metal for roadwork this year. That's the total Mr Speaker. Yet at the same time a proposal is being pursued to let a contract for the crushing of 40,000 tonnes of metal. If that costs \$60 a tonne Mr Speaker that's going to cost \$2.4m. The \$60 figure is intended to include the payment which under the present arrangements must go to the Commonwealth when the rock comes off the stockpile in the old quarry. That \$2.4m doesn't appear anywhere in this document. I'm not saying that to be unduly critical because the Chief Minister has managed to do what he wanted to do from day one. He has managed to table this document at our May sitting. There is now a month in which Members can run through it and can decide whether really some spending initiatives need to be added, whether some need to be culled or what. It's not a document in my view is in anywhere near a final form because I really don't believe that the community is keen to continue going down the path of not bothering to reconstruct roads, not bothering to repair them and generally allowing the infrastructure to fall apart. I accept that the Chief Minister is proposing to put \$145,900 I think it is into an Infrastructure Fund and certainly the Chief Minister may have a view that road reconstruction will come out of that but you won't get much done for \$145,900 Mr Speaker. Thank you.

MR SPEAKER

Thank you. Further debate.

MR BATES

Thank you Mr Speaker. Just another couple of points. I'm glad that Mr Brown drew our attention to the Infrastructure Fund and the fact that similar funds have been tried in the past and not had much effect. I certainly don't agree with splitting up our funds into further sections. If Mr Nobbs had said to me I want to have a surplus of \$149,500 or whatever it was this year and I want to keep that to do up the roads or for the infrastructure or something, in other words I want to increase the balance of the Revenue Fund from \$800,000 to \$950,000 like I said good idea but to shift that money sideways and have 2 funds, one with \$800,00 and another one worth \$150,000 is not necessary. This has not been discussed as a particular subject by all Members to my knowledge. It's been broadbrushed across on several occasions. I don't know how he hopes to administer it. I think in one paper I read money won't be spent from this Infrastructure Fund except by a Supply Bill or something. I don't know if he intends to amend the Public Monies Act to cope with it or whether he thinks he can handle it under the present Public Monies Act, but if he intends to handle it under the present Public Monies Act then I think alarm bells should be ringing to all backbenchers in this house because I'm pretty sure that that is going to move those funds very much out of control of the backbenchers and I'm prepared to talk about that over the next coming month, unless there are some amendments to the Public Monies Act. I've tried to get on many occasions us to talk about the balance of the Revenue Fund on occasions. If we were saying over the next 3 years of this Assembly that we want to build up the balance of the Revenue Fund to do some work on infrastructure I would say good, but there is no need to create a special fund for it. As a matter of fact I think creating a special fund could backfire on the Government if chips were really down and they found themselves in some kind of financial difficulties and couldn't get their hands on that fund because of something they'd done and say they really needed it for health matters and couldn't use it for health matters because it didn't come under infrastructure. They'd have to probably pass emergency legislation to get it back out of the Infrastructure Fund. However we can talk about that over the next month. The business of open government has been tossed around a little bit. When I had a look at the budget I went out of my way as an MLA, certainly nothing to do with my work, but as an MLA to ask some of the GBE Managers "Hey what do you think of this idea" and some of them knew very little about it. It had been passed over a little bit. Some of them were very surprised that they were going to be lumped with the funding of it.

Nobody seems to have told them or there doesn't seem to be much consultation has gone on with them. I don't know whether it's just a whim of the Chief Minister that this is what the Government's going to do without consultation. Well the Government can do that, but I think it's a bit rude when we hammer the bit about open government that... I don't believe much consultation has gone on over the shifting of these funds to the GBE's. We've been aware of it but we haven't had much consultation about it. I tend to think it's more a matter of balancing the budget than it is a real need to transfer them but I've already talked about that. That's all I wish to say for the moment thank you Mr Speaker.

MR SPEAKER

Thank you Mr Bates.

MR NOBBS

Thank you. I'd just like to respond to Mr Brown's on the Infrastructure Fund and the Island Fund. I'd never heard of the Island fund to tell you the truth but I have heard of incidents in the past where money has been set aside and it's just gone and that's why infrastructure I believe and Mr Bates touched on it briefly should be, any expenditure should be on the basis of a Motion of the particular House. Now that's the way it has to be managed. Mr Brown is quite right that historical costs are used largely in the budget process, well not largely but to a great degree they seem to be used and they're often out of kilter and that's why if we started the next one in November that we should start off with a zero and go from there and that all sections can have an idea. But bearing in mind that the budget should reflect the programme of the particular Government and the Government is only in place to carry out the whims and fancies, to put it mildly of the Assembly as a whole. So we need to establish before that particular November and what actually we will be doing, or what the Assembly proposes that shall be done in the following year, or what actually should be done when the review is done in December for the latter half of the this financial year and what shall be done in the financial year following and the financial year after that, because we must have in place a programme, a deadset programme that is supported by the budget and we should have a forward 5 years. Now they are two proposals that have been put to Members and they are in the project list and we need to concentrate on them as soon as possible. Mr Brown mentioned the need for \$2.4m to go in here. The proposal put by the Government is that we will be paying for the crushing of 40,000 tonnes of rock. That is we will be tendering to crush 40,000 tonnes of rock and that will be paid for as well as the funds for the purchase of rock from the cliff project and the proposal is that that will be done out of the funds so generated by the sale of that rock. We will need some funding in the initial stages to support it but as soon as the sales commence and people are actually clambering for quite a deal of rock that that will be covered. Mr Bates had got some concerns about funds put aside and I think I've covered those pretty well. I believe that we start getting an Infrastructure Fund together. Just as an example, there's usually talk of things happening you know, what we should do in relation to say the Cascade Pier, it should be fixed, we should put a derrick out and do this with the stone but it's usually when the gears here, or when it's about to be packed up, the pressure comes on we should be doing it. What we're looking for now is with the roading situation and there's been talk of it for years that we should upgrade the roads at the same time as we do the Airport, or as much of it as we can. Now the thought is if that is accepted by the Assembly, we look at 2003, we have to look at how we're doing it because it's no good having the guys come in here and say "what are we gonna do now, are we gonna put in kerb and channeling or what are we gonna do". We have to get proper designs of our roads, get them costed properly so that we can actually tender at that particular point in time and have a clear understanding between us and the contractor exactly what's doing. That is if that proposal is going ahead, and I don't say it is going ahead but an Infrastructure Fund will allow you to start doing things like that. I think it's essential and we need to build on it and draw people's attention to the fact and we need to look at other areas which we are and raising funds, there is a proposal in there to progress the offshore finance centre to the next stage by which time we hope that there will be enough information to make a judgement on it. We're looking at the GST proposal that has been put up by a Member or two here. We're looking at

continuing that sort of assessment process, that is included in the budget, those sorts of areas we're looking at, a taxing regime. As far as the costs of.., there are no additional costs apart from, the electricity is going up for sure but there will be a continuation of something that started last year and has never continued and that is to review the charges of Administration and other services. So that will continue. I don't think it will have a big impact on the budget. It's not a big ticket item but we will continually be doing that because they are, in my opinion, well behind the eightball in certain areas. So as far as that I hope I've answered those particular points that were brought up. Thank you Mr Speaker.

MR BATES Thank you Mr Speaker. Just in case there's some misunderstanding on what I've said about the Infrastructure Fund. I support the expenditure of monies on infrastructure, I support planning to get these things done and I certainly support the concept of tarsealing all our roads when we upgrade the Airport but supporting it and providing an Infrastructure Fund does not get the money to do it. All your doing is moving the money out of one pocket into another. That's all I'm saying. It is not necessary. The infrastructure can adequately be handled and these things and planning of doing the roads up in 2003 and whatever things we want to do with infrastructure can adequately be handled through the Revenue Fund, I think more satisfactorily handled through the Revenue Fund, more controlled by the House as a whole through the Revenue Fund. I'm just saying it's not necessary to have your money in two pockets, but I've got no problem with this planning to do something with infrastructure. I've been talking about this for a long time. I've been saying that our present taxation system is inadequate to properly fund out infrastructure to the extent that we're getting to neglect. So there's no disagreement between Mr Nobbs and myself over the need to get on with doing something with the infrastructure. It is just that I'm saying by putting your money in two pockets doesn't give you any more money. Thank you Mr Speaker.

MR SPEAKER Thank you.

MR BROWN Thank you Mr Speaker. Could I just add one thing to what I said before about he proposed contract to crush metal. I accept that the Chief Minister expects that he will be able to sell it all as soon as he crushes it and that would be wonderful if it was true, but there is only \$5,000 in this budget for the Administration to buy metal. So if the Administration is saying that 12,000 tonnes of what get crushed is going to be used by the Administration somehow or other at the very least the Administration will have to pay for that, and if any of the other stuff isn't purchased, or isn't purchased promptly the Administration is going to have to pay for that too, and if we look at average sales of metal on Norfolk Island, it's been running for some years at about 8,500 tonnes a year. On that basis 40,000 tonnes would represent the best part of 5 years of normal sales. Now sure next year is expected to be a little bigger than a normal year but be aware of the risk that the Administration could be caught with as much as 30,000 tonnes of that stuff unsold at the end of the first year. Also be aware that the projected utilisation for the various National Park works appears to have reduced. I'm only saying that because I don't want to see us get to a stage where the Assembly decides to let a contract for a large amount of money in the expectation that cash is going to flow in in order to fund it and then find at the end of the day that there is a thumping great big hole that we've got no way of filling. Thank you,

MR SPEAKER Thank you.

MR McCOY Thank you Mr Speaker. I guess I'm a little bit different to the previous speakers because I support the provision of an Infrastructure Fund and glad to hear Mr Brown mention Mr Howard's plan. I believe he put that in the House about 1982 and it was a well thought out plan to span over 15 years and in that 15 year period all of the roads on the island were to be brought up to scratch and sealed but sadly it didn't happen. The monies were never put aside. So I guess I'm a bit

different to Mr Bates and I don't see that you just put in money in another pocket. I understand that it's all collectively out of the Revenue Fund but I believe that if you put it aside for specifically for a purpose well then you may have a chance of achieving your aim. But to just leave it in the Revenue Fund and come along and find we need another \$200,00 here and we pass a Supplementary Bill to take the \$200,00 and bad luck for the road plan. Also as far as putting the Fire Service under the Airport, well it is I believe the Airport Fire Service and I've always been a little confused in my ways to understand why we have it separate from the Airport when it is actually an Airport, part of the Airport entity, and it's all very well to say that we'll charge the airlines more just because we are providing them a Fire Service but I don't think the airlines would wear that all that well either. The Radio Station, well it is a communications issue so it should be, I feel put in under Telecom. It's something that I discussed with Mr Nobbs on an earlier occasion. As far as the crushing of the Cascade Road metal or the monies that will be needed to pay for that well I'm still not quite up to speed with how that will all be covered but I thought that the Government wouldn't have to put any money into the loan that they have from the Commonwealth until they have sold the metal. I understand we're going through a tender process to get someone to crush rock and there will be a 6 month period to crush some 40,000 tonnes. So it's really only 6 months of this present budget that we're looking at. That's all I have to say.

MR SPEAKER

Thank you Mr McCoy. Any further comments to be made.

MR SMITH

Only small comments Mr Speaker. One is more in the way of a query. In relation to roads, I thought there was something in the Appropriation Bill that, and maybe some of the older Members around the table can remind me that the fuel levy was to be dedicated for a specific purpose. I look to the Members that have been here for a long time. You might be able to remind me about that but it seems to be in the back of my mind that somewhere along the line the increases in the fuel levy allowed for, or it didn't allow for the money to be spent on anything else but on roads but I don't know what that means, whether that means roads in total or roadworks. Somebody will no doubt be able to answer that question. The other comment I'll make is about the GBE's and the inclusion of the Fire Service as Mr McCoy rightly pointed out. There has been some confusion. It was part of the Airport undertaking as Members will remember back in '92 or '93 or something like that but it was removed and put into the Revenue Fund because of some reasons at that particular time. I don't have any difficulty with the Fire Service or the Radio Station being put under a GBE like Telecom. The budget will still be strictly controlled, just because they're under a GBE doesn't mean to say that they have lots of money to be able to go out and spend. But I'm just interested in that part about the fuel levy if some Member can answer that.

MR NOBBS

I don't know Mr Smith, whether it's just another one of these ones that sort of creep up on you and I'm still trying to find the consolidation of all the policies of all the Norfolk Island Administration and I would assume that if that was one of the policies that it would be in it but when I find all the documents and put them all together, which is actually a project which has been listed in the 35 projects that I might be able to answer it.

MR BUFFETT

Mr Acting Deputy Speaker this budget that we've got in front of us has these sort of attributes. It has a value of say 10.2 \$10.3m. It's aimed to be a balanced budget, it's not quite on the knocker about a balanced budget but that's the general aim, and that's the general indicator in the figures that we have in front of us at this moment. It has no major capital works, it has no major increase in taxes and it leaves a reserve fund of about \$900,000 and the way we've oscillated over the past couple of years it means that we've oscillated between \$700 and \$900,000. If you look at that, it is not a great deal different from what we've done over the say past 3-5 years. That's a general statement but I think it has reasonable correctness. It's not

hugely different from those that we've experienced over the past 3-5 years. And so I ask myself is that good, or is it bad. I think the major fault over our past years and including with this budget is that it has not addressed the major capital things that we need to do to maintain the long term operation of the island. For example this budget and others haven't adequately done it too, well this one provides nothing for roads, that's already been mentioned. It provides nothing for Burnt Pine and that's already been mentioned. If you just look wider than the actual documents in front of us at this moment there is no, for example major indicators of expenditure for the electricity reticulation as opposed to its generation, which is part of the infrastructure of the island. I come to the infrastructure comments earlier made in a moment. So there has been no major spending on those sorts of items and I see that as the major impediment in this particular budget that's in front of us now. The matter of GBE's absorbing some of the components that we've talked about, such as Telecom absorbing the Broadcasting Service, such as the Airport absorbing the Fire Service, I don't think that's the major issue as to whether they are in one place or the other because no matter where they go they will still require the same amount of expenditure needed to operate them, and if they need additional expenditure to maintain their structure then they equally still need to have it. So it's not a matter of where they sit it's a matter of funding, funding them wherever they may sit. It's the same question about the Infrastructure Fund. There is argument here as to whether you should sit it in the Revenue Fund or whether you should create a new fund. But this is not a question of where you store the money. The difficulty in this budget and other budgets is the matter of getting the money. Unless you've got the money it's not a very logical argument to try and raise difficulties and argue with one another as to where you're going to put it. The reality is that there is very little to put and so the main difficulty that we have, we've had it before and we continue to have it is the matter of our revenue base. Members won't be surprised I say this because it's been said before, and not only said by me of course. I've got to say that I think that's one of the redeeming features of this budget if one can look for redeeming features and that it that it does place an amount in the budget to examine the revenue base. It is quite a small amount I've got to say, it's \$30,000 but nevertheless it's a sum and I think should be one that should be quickly utilised to be able to make that examination. But we commenced that process when we looked at the last budget and where is at now, there seems to have been very little done over the past 12 months and there is certainly no evidence that in the past 3 months which is the life of this Assembly that there has been an emphasis to try and, with real thrust, with real emphasis to pursue that to see if there can be some arrangements put in front of us for this budgetary process, an examination of our revenue base, because unless we do that, two things may well happen. One is that we will not be able to support what we are doing now because we have not got additional funds to do so and we will find that we will run down the infrastructure that the Chief Minister has been talking about. The other option is that we will gradually draw from our reserves which presently is around the \$800,000 mark and you just can't go on doing that for ever. And so there is really no alternative but to look at the revenue base and that's the main thrust that I want to put into mind of Members. We can argue about all of these other things but unless we seriously address the revenue base all of those other things are going to be of no account anyhow, and so my just trying to enter this debate in a small way is to try and emphasise the need for proper and more extensive examination of Norfolk Island's revenue base, otherwise next year we're going to be sitting around this table, or some people are going to be sitting around this table and they're going to be asking the same questions without it having been advanced, and that can not go on for ever.

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

MR GARDNER Thank you Mr Acting Deputy Speaker. Just in reference to a thing Mr Buffett brought up and I think it's just looking at revenue bases and bits and pieces. I may need some clarification on this but I understand that the Chief Minister earlier in the meeting tabled the Financial Indicators to the end of April I understand of this year, and clearly in that paper it mentioned the fact that 100% of

projected revenue for this current financial year had been achieved to the end of April and that there would be a requirement for about \$100,000 of additional expenditure required up until the 30th of June this year. My mathematics might be a little bit wrong Mr Acting Deputy Speaker but that tells me that from the end of April until the end of June is some 2 months. If you were to divide the total revenue budget for last year into 6 portions you would find that we should, if all revenue as stated in those Financial Indicators had been collected a surplus of some \$1.8m, just very roughly in the current financial year which hasn't been taken into account in the preparation of this budget. Now that's very rough because I realise that there is some pieces of revenue that are picked up earlier in the year and later in the year and others that appear in the middle of the year, but just very roughly that pans out to be something like \$1.8m. I just need to have it cleared up in my own mind, if I'm way off the mark there, because if they are saying that 100% of the current financial year has been collected to the end of April of this year, leaves 2 months left over. For this current financial year total revenue was somewhere in the region of \$10.6m. So I must looking at a sixth of that, is what will be expected to be extra, at least in these last 2 months. I just need some clarification on that Mr Acting Deputy Speaker. If someone could comment on it for me.

ACTING DEPUTY SPEAKER I could but it wouldn't be appropriate from the Chair Mr Gardner.

MR BROWN Thank you Mr Acting Deputy Speaker. Such high financial matters do not appear to be one of the strengths of the Minister for Health. I understand that document to be saying that in respect of the 10 months to the end of April they have collected 100% of the amount of revenue they expected to collect for the 10 months, and if you said that that's likely to continue for the following 2 months it's correct, there's quite a bit of money that would come in but you've got to remember quite a bit goes out and so you don't have a surplus of \$1.8m. In fact what the document is telling us is there's going to be a shortfall of about \$100,000 that the spending is going to exceed what is already approved at least by \$100,000 and I think you could expect that it's telling us that apart from being out by that \$100,000 we're running fairly close to what the budget suggested we were going to do.

MR GARDNER Thank you Mr Acting Deputy Speaker. I thank Mr Brown for clarifying that it's just my reading of the document had suggested to me that it was 100% of the total revenue expected for the financial year.

ACTING DEPUTY SPEAKER If you will bear with me just by making a quick comment. It is 100% of the estimated revenue until the end of April that we've reached, not 100% of the total estimated revenue for the 12 months.

MR NOBBS Thank you. It ebbs and flows. I was really excited with that \$1.8m but Mr Brown actually clarified it correctly. It may have been misleading, sorry. We'll adjust the statement in the future to make it clearer but I assure you I don't believe there will be a huge budget surplus at the end of this financial year based on the way things are going and from indications that I have and I would just draw your attention to the fact that Australia starts its GST on the 1st of July and there could be some impact on Norfolk Island receipts. We are having great difficulty in assessing that particular the impact but we are aware that there will be some impact and that should be taken into account as well.

ACTING DEPUTY SPEAKER The question is that the Bill be agreed to in principle. If there is no further debate, Mr Nobbs do you have an adjournment Motion.

MR NOBBS Thank you Mr Acting Deputy Speaker.

MR BUFFETT Mr Deputy Speaker before you call on the adjournment I wonder if I could just invite the Ministers who have items in this budget to

indicate whether they are comfortable with the allocation of funds that have been made in their respective areas.

ACTING DEPUTY SPEAKER Thank you Mr Buffett. Are there any Ministers who wish to respond to that.

MR GARDNER I hadn't quite finished I did intend to come back in with a bit of luck and maybe to answer some of those issues that Mr Buffett is referring to, especially in regard to matters in my portfolio. I think the Chief Minister has outlined to us quite clearly the list of matters that, or has made reference to a list of matters that are currently under review all major projects for this Assembly to consider, and in that are matters within my portfolio and as Members would be aware there's some that I've been actively pursuing over the last 18 months or so in the life of the last Assembly and certainly in the early life of this Assembly. One of those relates to the development of a health strategy and a implementation plan subsequent to the sitting of the House on the 19th of April and the passage of the Supplementary Appropriation Bill at that time Members would recall that there was \$10,000 made available in that to be able to progress that strategy and implementation plan. That is now under way. I've given notice to the School of Health Sciences at Griffith's University to proceed to assist in the development of that and really this is where the warning bells start to ring. We commence these reviews, we commence these initiatives, we provide funding for the initial steps and I've already made it quite clear to Members that some time late on in the next financial year we will probably have to come back and go into a further Supplementary Appropriation Bills to enable the completion and the finalisation of some of these projects, because just simply in the area of health and the development of the strategy or the ongoing development of the strategy and the actual implementation plan itself, which is expected sometime by the end of July, there may well be significant implications from that plan and report that will require funding. At the moment it's impossible to be able to put your finger on exactly what it is, hence there is no allowance in the budget but those are issues that I've brought up, not just in relation to health but also in relation to the land package, waste management, I think courts and lands and the ART. There are things out there that happen that we just can't, we haven't got a crystal ball to say look this is what it's going to cost. We need to be aware that there has to be flexibility, not only in our reserves, we've talked about a reserve fund and we've talked about the budget, but there's got to be flexibility there to allow us to be able to come back, be deadly serious about what we're trying to achieve in all of these planning initiatives and these reviews that we've undertaken. Health is a major one, it's been ongoing. We are almost nearing the end of that process of the review of the health process. We can't afford to sit here and just say, well it's wonderful, here's all the recommendations and bits and pieces but we haven't allowed any funds for it. It's crazy and we'd get ripped apart if we weren't prepared to be able to basically put our money where our mouth is at the end of the day. But we won't know what that figure is until this process has been finalised. This is the same for the land package, and the answer I think Mr Acting Deputy Speaker to a question that you asked me earlier this morning about were adequate funds available for public health codes, it may have related to something else and I said yes we were satisfied under the proposal that had been put to the Commonwealth that we were in a position to utilise the funds that were in the budget. This current financial year and those proposed for the next financial year for us to be able to have the necessary funds to advance those things to completion. However as we all know, it's like planning anything, there is always something unexpected that seems to pop out at you and we have to be prepared to be able to come back sit down and say all right if we're going to progress this to finality which is an undertaking that we've given with land, with health, with waste management and things like that we have to as a whole be prepared to come back here and sit down and say yes we are serious about this, we are going to see it through to its conclusion. We never seem to talk much about that. We always seem to only talk about the figures that sit in front of us in the budget. Now this is related a lot to what the Chief Minister is saying about an Infrastructure Fund, it's related a lot to what yourself Mr Acting Deputy Speaker has said

about having a surplus and having our reserves, what other people have tried to achieve in the past so that when these things do pop up we've got the adequate funds. What I'm saying is that we've got a list of 38 or 39 projects, specific projects and a lot of those are reviews of current systems that are underway. They include things like social services. I mean the implications of the passage of a Motion in the House at its last sitting had, I think very roughly, \$145,000 impact on this next financial year and also I understand on the remainder of this financial year. Those things we weren't looking forward far enough and this is where again the Chief Minister's forward plan for 5 years comes into play, but you have to plan for those things. You just can't have these things that come out of left field and suddenly spring up and say look we need a couple of hundred thousand dollars today because we've decided that we're going to increase the salaries of the Public Service or we're going to increase the pensions, or you know we're going to provide these other things which we haven't planned for, we haven't budgeted for. This is where we keep falling into this hole. We don't have the reserves, we don't have the necessary where with all to be able to provide what we want to provide, what we've given ourselves a commitment to provide. I'll go back again if I can to the land package. As I've said there is adequate funding as it stands at the moment under the proposal as it stands at the moment to be able to advance those things to finality. That's the belief at this stage, but things could come out of left field that we're not aware of that may incur further expense. The consultants that may need to be taken on board for these things, we may have underestimated what the true cost is. Those are rough figures, they are ball park figures and that's the best we can do at the moment because we aren't certain of those figures. However those are progressing and I'm satisfied that we can progress a great deal of the land package without too much difficulty. Again I get back to health. I'm a little bit disappointed that the full hospital submission this year for the hospital budget of some \$457,000 that they were looking for in the subsidy has been trimmed to the \$450,000. I don't know what the specifics are of the \$7,000 that have been left out. But just in relation to the hospital I think Members would be aware that the original budget for this current financial year that we're in was something like \$658 or \$678,000. My memory doesn't serve me that well, but ball park figures. By discussions with the Doctors, by discussions with the Staff, discussions with the Board and the Management at the Hospital we were able to bring that back in this financial year to the \$450,000 and it appears as though the Hospital is being able to run adequately with that level of subsidy. What I've asked the Hospital to do was prepare again for this current financial year their new budget, which they've done. It's come back \$7,000 increase which isn't a huge increase when you take into account that there has been an increase in the income of the staff at the Hospital this year. So the Hospital have been very very constrained I guess in the development of their budget and very responsible I believe. However that's just the point, I'm disappointed that the \$7,000 has been trimmed off and I don't know which part of the Hospital budget has been trimmed by that much at this stage. It hasn't been made clear to myself. I've already spoken about the strategy and the implementation plan which will be undertaken by Griffith University School of Health Sciences. That should coincide with the release of the Joint Standing Committee's Report on the status of health on Norfolk Island which is expected some time next month and will need to be, the recommendations contained in that Report of the Joint Standing Committee will need to be considered in the strategy and implementation plan development. I have already touched on the fact that the recommendations that actually come out of the final plan, we haven't made allowance for because it's impossible to do that at the moment. There is consultation process that needs to be run through with the community and the development of that health plan. That still needs to be finalised. The services that are wanted need to be prioritised, and then we need to be able to put a cost to those things to see what we can fund and what we can't fund. Waste management we've discussed recently. The waste management proposal that we were successful in obtaining \$250,000 in funding from the Commonwealth through their natural heritage trust funding programme late last year. That will provide some of the costs of the implementation of the island wide waste management system. There are plans to incorporate waste management in with the water assurance scheme as been related, waste management matters. There has been

long discussion over time that the initial phases of it will be funded from the water assurance scheme because the waste water and sewerage sludge and bits and pieces from the water assurance scheme will actually be utilised in the composting system and waste management system that's proposed to be introduced. In line with that there has been talk of the introduction of a levy by the Committee which hasn't gone any further than Committee level at the moment which would equate to approximately \$50 per household per accommodation unit, per business on the island, that would need some tidying up on an annual basis to provide for the maintenance of the waste management project, to reduce what is expended out of the Revenue Fund. At the moment something like \$70,000 odd for the maintenance of the Tips that the levy would cover that. So there would be a saving I guess to the Revenue Fund, if that was undertaken and also to cover depreciation of the equipment and necessary infrastructure as part of the waste management fund being developed. In other words that it would be self funding and I think what would be regarded as little cost to each individual householder, tourist accommodation unit and business on the island. I've covered only some of the, I've just been passed a message Mr Acting Deputy Speaker. I'll get back to what I was saying. These are only some of the major areas in my portfolio. Gaming as Members are aware is being paid for at this stage out of funding out of the Revenue Fund in the form of an advance but as Members are aware with tabling the licence this morning they should be aware that it is a requirement of the Gaming operation should commence within 12 months from the issue of the licence and an administrative levy on that, just a single Bookmakers licence of \$25,000 is payable from the date of the licence. So there's \$25,000 due immediately from that licence. The other licence which is unable to be tabled in the House today which requires, because of tyranny of distance the signature of the successful applicant, that is for a dual licence bookmakers and gaming licence. That will attract an administrative levy of \$50,000 and that's to be offset against the tax rate. That was put in to prevent people obtaining licences and not acting on them. In other words we want people that are serious about that to act on it. So immediately we get some income coming in. As we move down that process, that offsets the costs that are currently being drawn off the Revenue Fund by the Gaming Authority and in time will actually repay to the Revenue Fund the cost of the development of gaming to date. Those things are positive, they are happening. As I said those are some of the major issues in my portfolios that are being dealt with in the budget. Some areas that I'm not satisfied that we have given the necessary commitment, coming back into this House to provide supplementary funding to complete the processes that we've set in train, both the previous Assembly set in train and this Government have picked up and committed themselves to in the life of this Assembly. I repeat what I said about the Administrative Review Tribunal. That set the Administration coffers back I think something in the region of about \$13,000 in total at its last sitting which had not been budgeted for, we hadn't budgeted for that at all. There is every likelihood as I said this morning in my questions without notice that there is an application at the moment that may in fact go back to the ART before the end of this financial year. If that's the case we have no funds budgeted in this current financial year for that. The problems keep arising. Next financial year we don't know how many administrative review tribunal appeals there may be and at what cost will be attached to those, and especially in light of my colleague Mr Cook's portfolios, the Immigration portfolio. If for example the appeals were to be handled by a Administrative Review Tribunal established here on the island there will be extra costs associated with that as we try to advance to secure responsibility for Immigration. I've already mentioned the social services impact, the impact of the Motion that was passed in the House just last month. That has an impact of some \$145,000. The investigation of the tax base, all well and good, there's \$30,000 there. The difficulty that I have with that is that certainly the proposals that were made to us, Members of the Government in the previous Assembly was that part of a stage would be covered by \$30,000 odd to investigate GST or a broad based consumption tax, but there were a couple of other stages there too. What I'm talking about if we're going to budget for this let's try and see as best we can to budget right through the process or say this is for stage 1 and at the end of this next financial year we would have finalised stage 1, which means we aren't going to have a

new broad based consumption tax in the next financial year, it may well be after stage 2 is completed in the following financial year. This I think gets back to what the Chief Minister is talking about this plan. It's got to be properly planned and properly spelled out because we seem to start too many projects with too little funds and we never ever seem to finalise them. There's also of course in relation to Questions Without Notice this morning I think Mr Brown asked Mr Cook some questions about emergency services legislation and you yourself Mr Acting Deputy Speaker would be aware of your concern that a lot of the legislation that comes to the House comes to the House devoid of financial impact and you know it has been a Motion of the House to require that that statement accompany legislation into the House. Emergency Services may well have significant financial implications and budget implications for the Norfolk Island Government. Again we haven't considered that type of thing yet we're talking about bringing the legislation in. Certainly I think that we haven't yet finalised the review of the Public Service, certainly the legislation has gone through but just to what degree we're going to go to over the next 4,5,6 months with human resources and bits and pieces. I see there's a suggestion in there for paternity leave I think as part of the human resource policy that is adopted. If this Assembly adopt that, that will have a budgetary implication in the next financial year. There's a whole host of things that I think we just need to sit down and be a little bit more clear on before we just march into the. That's my comment thank you Mr Acting Deputy Speaker.

SUSPENSION

ACTING DEPUTY SPEAKER I had hoped to wrap this up before lunch but it is twenty to two and I think...

MR BROWN I move that we suspend to 2.45pm Mr Acting Deputy Speaker.

ACTING DEPUTY SPEAKER I think Mr Smith wants to address this so if Members are in agreement with that we will suspend for lunch until 2.45pm. No objections.

RESUMPTION

MR SPEAKER Honourable Members we reconvene after the luncheon break. We are still at Notice No 1 which is the Appropriation Bill 2000 and debate continues on this particular matter.

MR COOK Mr Speaker thank you. Just before we adjourned for lunch we were dealing with the question of whether Ministers were satisfied with the state of the budget as it were and their particular portfolios. I am of course very new indeed to this process and I'm listening very carefully and I hope I'm learning a lot and I'll endeavour to continue to do so. What concerns me about the budget is that there are a number of matters that need attention in my portfolios. I notice in the Immigration that the requisites are increased only by a small, relatively small amount for this current budget. Those requisites relate to departure forms, and the printing of all sorts of documents for the Immigration Department but what I'm concerned about, there doesn't seem to be any funds at all that have been put aside for the possibility of us having to implement some particular border controls that relates to the Australian Government's concerns about the influx of people into Norfolk Island seeking particular access to Australia. There's matters such as getting onto the movement alert list, which on very short notice, although we have some access to that on a much slower rate, but to get instant access it may end up by costing us quite a deal of money to put in the appropriate equipment and so forth. I just mention these things because it seems that we must have some provision made if we are going to endeavour to bring our Immigration Act up to a satisfactory state and one that particularly meets the concerns that recently have been expressed by the Australian Government which we certainly must pay some regard. I also, so far as the Emergency Services are concerned, I

cannot detect in the budget, and I didn't answer Mr Brown's question this morning specifically when he put to me because I didn't have the material before me for immediate examination, but I can't detect any particular items that have been set aside which in any way could measure up to Emergency Service provision. There is of course in the Fire Services some elements relating to protective clothing and fire fighting equipment and so forth but the recent episode with the yacht off Norfolk Island and the search, all those things which were a perfect example I think of Murphy's Law which I think states simply that if anything can go wrong it will go wrong and it did seem that there was quite a few elements lacking of essential equipment, even just basic equipment to ensure proper communications and contacts between searching vessels, aircraft and persons on the land. These things are very simple but they are obviously very necessary and Mr Brown I think did touch upon these this morning, obviously with the intention of at some stage making quite clear that we have to move in this direction of Emergency Services legislation and setting up proper co-ordinated efforts if an emergency arises and I agree with that approach entirely. I have advanced the Emergency Services legislation as quickly as it can in its priorities as I said this morning but I am concerned about the lack of particular monies for Emergency Services provision. The other thing that concerns me too is the fact that the Chief Minister indicated there were no new positions were going to be created in this current year. I'm not entirely certain whether that covers the fact that there is a position which has already been established of a Cultural Affairs Advisor and I therefore won't say very much about this because I don't want to waste time if that situation is covered. I believe in my role that I have being the Executive Member responsible for the Culture and the Arts that it's a matter of considerable importance for Norfolk Island to establish without delay on a very sound basis and right across the community from input from every source just what it is that we can identify as and speak about as being the culture and heritage of Norfolk Island. I say this advisedly because I think that the time will come very soon when we will have to defend ourselves from attacks that we're not really a special place at all, we are just simply like any other part of Australia and it is up to us to have something in place which we all understand, we all support and we all feel strongly adherent to of an establishment of a identifiable and readily able to be stated concept of what our culture is all about and I do hope that the position of Cultural Affairs Advisor in due course will be able to be filled because I think there is an important role there for the co-ordination of efforts to bring about a clear understanding and a clear establishment of just exactly what Norfolk Island culture is all about. So far as other matters are concerned I just have to of course understand in my relatively new situation as a Minister in this Government I must learn the processes which I am trying to do. If anybody feels disappointed in the particular areas in which I have responsibility that maybe their things haven't been pushed hard enough, well all I can say is I'm sorry. I ask them to be patient and I assure them that next time around they can rely on the fact that I won't be quite so inclined to be so passive and taking a learning approach rather than an aggressive approach.

MR SPEAKER

Thank you.

MR SMITH

Mr Speaker thank you. My comments with the paper that's in front of us, not the Appropriation Bill itself but the paper that indicates really the expenditure and revenue comes and goes from. I'm assuming from what the Chief Minister has said that he has brought this into the House and has made it the property of the House which means this is the basis to work from. I think if the Chief Minister is proposing that this is how it was going to be I would have some difficulties and I refer to 2 or 3 things. One is in the staffing area and that's probably a matter for this Assembly or in particular the Government, but we put together the Public Sector Management Bill or Act package last Assembly and part of that was leading up to the appointment of a management structure and those proposed positions were to be funded in this next financial year, well there is no funding there, but that is something I imagine we will talk about in the next few weeks before the sitting when we agree or not agree to this budget. The other things is in the area of roads. That is a concern today of course like

everybody would be with not indicating any funds at all but I imagine that the Chief Minister, Mr Speaker has put together a concept of how we will be able to fund the roading. There are some other matters in education as was raised this morning by Mr Bates with the condition of some of the classrooms at the School which certainly does need some money spent in those areas. The School have proposed some funding for a computer strategy, that hasn't been included but there is the other matter too that if the NSW Teachers succeed in their bid for an increase in their wages that we may be up once again for another 3 or 4% maybe in this years financial year but I think the Chief Ministers view is that we'll wait and see what happens with that which I'm reasonably happy with. In the area of tourism, there was a small bid this year from the Tourist Bureau for another 70 or \$80,000 which has been left out of this document at this point in time but I would be pushing in the next couple of weeks to include all, or if not all some of that monies to be put in along with the education and I'd really like to know probably before we pass the Appropriation Bill how we're going to fund the roading projects. But I do understand from what Mr Nobbs has been saying that he wanted to get this in the House as the basis of a budget. I don't imagine that he expects this to be the final document and I'll look forward to the next couple of weeks when we will be discussing it further and seeing how that turns out. I suppose I should make a comment that was made to me last year as Minister for Finance by many Members, some of them still sitting around the table that above the balanced budget that we had last year and this is a surplus budget there is a figure of \$1.8m that's put to the side and that was a strong point that was raised by Members with me last year and that number includes a lot of things that we're not too necessarily too sure exactly what they may be but I'll look forward to finding out what's going to happen in that area, and of course the problem that we always have with budgets is the amount of revenue that we expect. This year we're expecting a little more revenue, although there has been some changes made to the Revenue Fund by putting, proposal to put some of the Revenue Fund entities into the GBE's, revenue remains that same problem. We made some increases last year which of course weren't popular, especially with the smokers and we'll probably have to do something similar in this financial year as well, and I don't think we should shy away from that either Mr Speaker and I've said that, I said that last year and I'll stick by it. If we need money for something that we should address it except for the smokers. I would not support any proposal to change that. At this point I have no more to say Mr Speaker.

MR SPEAKER

Thank you. Further debate Honourable Members.

MR BROWN

Mr Speaker the previous speaker, the Minister for Tourism is a former Finance Minister, and what he says is certainly interesting. When one looks at the sort of column on the right hand side of the present draft set of numbers, the Revenue Fund budget proposals 4th draft discussion paper one does indeed see nearly \$1.8m sitting there. Backbenchers are at a disadvantage, but we've learnt today that Ministers are at a disadvantage too because they haven't seen the bids. The Ministers, would you believe it Mr Speaker haven't seen the bids from their own Departments. It's an amazing circumstance. But in any event what we have got, the one thing that has been provided to us over and above this 4th draft is a copy of the 2nd draft discussion paper and when we look at it we see what can only be assumed to have been some interesting budget proposals, and I'll turn to roads again. You will recall that there is nothing provided in the present draft for the reconstruction of roads, although there is an amount sitting in what we used to call second priority, this years document says for more discussion but we used to call it second priority. Second priority has \$350,000 in it for road reconstruction and nothing for the Burnt Pine Upgrading, but when we look at the 2nd draft it actually had \$300,000 in first priority and \$400,000 in second priority for road reconstruction and it had \$350,000 in first priority for continuation of the Burnt Pine Upgrade. \$1,050,000 Mr Speaker and when we look at this 4th draft it simply contains in the second priority column \$350,000 so \$700,000 was chopped out and thrown right off the page. I think it really is important that backbenchers get to see what the bids were. It's not realistic for us to be asked to

meaningfully contribute to debate on what a budget should be without being told what the members of the Public Service thought in their own minds was necessary in the first place. Now it may be, as you yourself said Mr Speaker that at the end of the day we form a view that many of these things are sufficiently important to restore them to first priority and it may be that we then decide that we have to take action in relation to either, chopping other programmes out, if we feel that those other programmes are a bit over the top or alternatively raising additional revenue, but I don't think that we should make the mistake of simply saying "oh we're pretty wonderful people, we'll balance the budget, we'll tell the Finance Minister to chop out whatever is necessary in order to have a balanced budget and we won't tell the backbenchers and we won't even tell the other Ministers what it's all about". As I said earlier we've got a month in which to sort this out and I've got no doubt that the Chief Minister has tabled the thing today very much with the intention that it will be a matter of discussion during the next month. Let's ensure that that discussion takes place and let's ensure that we all have copies of the budget bids so we've got a better idea of what it is that we are talking about. Thank you.

MR. DEPUTY SPEAKER Thank you. Further debate Honourable Members. Chief Minister.

MR. NOBBS I'd just like to respond to a few things that I were mentioned. The first well over the luncheon period I managed to get a list from the Finance of how much has been actually expended on roads since 1988 and the expenditure on roads has been six point \$6,812,300. The revenue from the Fuel Levy has been \$3,470,700. The balance or surplus in relation to excess over the fuel levy is \$3.341m so that there's been a considerable in the last decade there has been a considerable amount expended on roading in the Island. Now I don't know what it says but it says to me that we look at it and do it somewhat different. But anyhow that's the way it goes. As far as a couple of points that came up Mr. Cook is Minister Cook is quite correct there is there will be a need for border controls and the like and that's where I believe that and I've mentioned to members previously that we're looking at a system where the computerisation can be utilised and we will be working I know the Immigration Department is working on a arrival form that can be computerised and we will be following suit in that area. As far as the Cultural Affairs there are some funds in there and I think they're similar to last year for Cultural Affairs. As for a Minister Smith in relation to last year's budget my I understanding was that we were something like \$103,000 in deficit last year for the budget and it was only pulled back with the revenue with the review was done in the last couple of months. But be that as it may we all knew that was going to be a problem and I will this I'll say it again I've said it on the air and I'll say it on the air again and I said it to you at meetings this budget here is for you guys to work on. Its a whatever you want to do if you want to increase of beer which it probably will be and leave scotch alone and all these sorts of things well if you want to if there's five members that want to do it we'll do it. And if there's five members that don't want to do it well we won't. I mean these are the sorts of things. The bids have been available. I told you they were available to me. They've only been available to me in the past couple of weeks and I have I've got one actual copy of it which is made available downstairs who want it to. And it might not be satisfactory. One of our costs in the in the whole set up here in the Legislative Assembly is printing and that's why we need to get some computerisation in here so we don't have to print all this stuff off every time. But be that as it may I would I commend this draft document to the House.

MR. BATES Mr. Speaker. I think we keep getting told we've had something dished up to it and now its ours. That's the way I see it anyway. It was very interesting that the Ministers that govern government almost unanimously said they didn't have sufficient funds to carry out their responsibilities. They didn't use those words but they all highlighted areas that they weren't happy with that they might need more money. I think Mr. Gardner spoke for twenty minutes on money that he might need if some of his projects go forward. I put it to you that the responsibilities of the government are the things that drive a government not the whims of backbenchers.

Backbenchers can't do a lot of things. I don't think they can bring in a taxation bill. Don't think they can even bring in I can remember at one stage when I wanted to bring in a motion that we investigate a broad base consumption tax I had to get a minister to do it for me. And on the other whether the backbenchers unhappy with the budget or supply bill that's brought before them they have two options. They can't raise any more money to put any more expenditure in there, they're not allowed to do that and that's a fact. They can refuse to pass it and my argument there if they refuse to pass it is that its completely irresponsible because without a supply bill we have nothing. Everything will grind to a stop within weeks. So its all very well to say oh this belongs to all you backbenchers it belongs to the whole house but some of us here have really little way other than talking other than putting our viewpoint forward in a forum such as this of what we think should be done we have very little ability to get on and change anything. So its all very well to there it is fellows its all yours you can change it if you want to. It doesn't quite work like that in reality. I'm sure that Mr. Brown knows what I'm talking about. He's been a minister and understands the difficulties it is from the backbench. If the government does not lead the way with the budget and if the ministers are not happy with what they've got to spend in their portfolios don't turn round and blame the backbenchers. Thank you Mr. Speaker.

MR. DEPUTY SPEAKER Further debate Honourable Members. Chief Minister.

MR. NOBBS I don't want to seem to take offence but I find that quite ridiculous because there's no way in the world that I'm blaming' the backbenchers for this sort of thing

MR. BROWN Point of Order

MR. DEPUTY SPEAKER Yes Mr. Brown

MR. BROWN Suggesting that something said by Mr. Bates is ridiculous is a reflection on a member which is inappropriate.

MR. NOBBS I'll withdraw that if its

MR. DEPUTY SPEAKER Yes. Alright thank you.

MR. NOBBS No problems. I didn't mean to mean to I just thought that the statement was a bit suss. And therefore as in relation to this exercise Mr. Speaker we have so much money and that's it. I mean we can sit here and talk all day but we have x amount of dollars. We have a commitment of something like thirty nearly eight per cent oh more than that of the budget eighty-odd per cent of the budget is in actual administration of wages which are we're committed to. We've got funds to keep them working and then we look at the other side. Then we've got a commitment of another ten per cent in relation to the keeping for the Hospital and those sorts of other things and the bottom line after all that comes the poor old capital situation so I would suggest that we would be far better off thinking you know putting our minds to how we're gonna attack these sorts of things and go on because I've said to you we've spent on according to the according to the Finance Section something like 6.8 over 6.8 million on roads in the last ten or so years and our roads are not really bright at all. So I mean we need to look at that infrastructure situation and go for it. But finally, I just want to make a point is this. That members are elected in here they don't have to stand on policies or anything like that. We get in here and there is no real policies. I cannot find a consolidated policy document which sets out what the Government, governments of the past have in place. All right? There is no policies on what we've got. They're around they tell me. I've got to find them. They should be there for an incoming Government. This is the policy. Do we change the policy or not? On the other side of it what do we want to do? We trying to develop now a these projects to put in place a plan. We've

spent hundreds of thousands of dollars on these plans and what have you if you really look at the cost of planning to date down here in the last couple of years it is astronomical. We haven't really got a plan in place. We've got a plan which says that its wonderful place and all that you know but really to put it down the nuts and bolts of any planning exercise is what you're going to do. What are we going to do in this particular financial year. What flows on from that? Those are the things we must be looking' at. And that's the time I wouldn't mind spending time on that and actually sort out where we are. What are we gonna do? What about these roads? What about I mean electricity's a classic. Its just it needs so much TLC and funding. Where are we getting it from? I don't know. But we have to plan and work out exactly where we're going and that's why we're trying to get these in the Ministers are working. I mean nobody's asked me what I want in this budget. I mean only the money sort of thing. But the other ministers are dissatisfied I'm not satisfied at all. I mean we need money for infrastructure full on. So what do we do? Cut the top the eight per cent that we're spending' over there? Cut that? What? I wouldn't agree to that but anyhow 'cause we need and administrative backing for an organisation but we're gonna need funds. And somehow or other we have to come up with some schemes to create those funds. Thank you.

MR. DEPUTY SPEAKER

Mr. Bates. Mr. Brown I'm sorry.

MR. BROWN

Mr. Speaker I seem to recall in the last Assembly that the present Chief Minister was extremely vocal in his criticism of many many things. And he continues to be critical today as it seems but I am astounded that he's just told us that he's not happy with the budget that he didn't really know what was in it and a moment ago that the bids only came to his attention two weeks ago. How can a Minister for Finance prepare a budget if he chooses to not even look at the bids until two weeks before he introduces the budget into the House. I don't understand how he thinks that can be competently done. Thank you.

MR. DEPUTY SPEAKER

Chief Minister

MR. NOBBS

Well there is a response to that and I don't want to get into a slanging match. Very simply I mean because you have these bids. The process was done I've explained it to you how it was done. When we came in there were no bids in place. It was done by the finance people to get the first draft. And that's why I put on the note on that second draft that the first draft really was on a historical basis so we used the second draft for what the public service bids were about. It then went to the other to the staff members and I thought that ministers had some input then but maybe not. And then it came back as the third draft. And then I spoke to you about it couple of weeks ago that it was in excess of a over a million dollars I thought it was 1.5 million in excess of what was a balanced budget. And I asked you what'd I do? Do I cut or do I just raise the revenue? What if I want to raise if you want to raise the revenue what do I do? Fine. Nothing happened. So I said righto I'll bring it back in the budget and its balanced as best as I can which I've done and now I've put it to you. If it astounds you that you can do that in two week well I'm sorry I mean my administrative backing is suggest that we can do that in a week if you really wanted to or in a couple of days if you really wanted to but I mean that's the story.

MR. DEPUTY SPEAKER

Further debate. No further debate. Chief Minister

MR. NOBBS

I had things here before lunch ready to go Mr. Speaker if you may and I'll move that that there being I move that debate be adjourned and be made an order of the day for the next day of sitting of the for future day of sitting.

MR. DEPUTY SPEAKER

Thank you Chief Minister. Honourable Members the question before us is that debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting.

QUESTION PUT
 AGREED

That matter is so adjourned.

IMMIGRATION ACT 1980 - FIXING OF QUOTA

MR. DEPUTY SPEAKER Notice No. 2. Immigration Act 1980 Fixing of Quota. Mr. Cook

MR. COOK Yes, Mr. Speaker I move

1. That this House resolves that the policy in relation the fixing of a quota for the purposes of Section 21 of the Immigration Act 1980 based upon a 2% per annum population growth be reviewed urgently and an appropriate policy determined without delay.

2. That following upon such review and determination and provided that it is in accord with such determination the Executive Member responsible for immigration exercise his power under Section 21(3) of the Immigration Act 1990.

MR. DEPUTY SPEAKER Thank you. Mr. Cook.

MR. COOK Yes. Mr. Speaker I brought forward this motion because I'm not expecting by any means at all today that there would be any attempt to immediately determine an appropriate policy at once. Obviously there requires to be most careful consideration if one's going to review a policy which presently has been in existence for about six and a half years. The last time as I understand it that this population growth policy as it might be applied to immigration was considered was in December 1993 and what I really was hoping to do today was that I would bring this matter up for discussion. No doubt members would wish to raise certain matters for discussion immediately today but not to go into a total consideration of the issues because I believe its appropriate that there be a seeking of input and from the community itself as to what is considered to be an appropriate annual population growth which might be sought to be obtained and which might guide some principle as to the fixing of the quota. The fixing of the quota for immigration purposes is of course under the Immigration Act required to be carried out by the executive member with the with a resolution before this Assembly. I consider that of course not only because its in the Act but because of the opportunities for full and complete discussion to take place as being a most important principle. I have noticed that in the suggested draft legislation that has come through from the consultant who carried out this function on behalf of the government that in section 79 I think it is of the proposed legislation its proposed that the executive member himself simply fix the number of entry permits which might be granted in any year or the type of entry permits which would be granted in any year. I for myself don't believe that that is appropriate and wouldn't support it as being simply stated in those terms within any legislation because as I said I believe this matter should be the subject of a full discussion and determination by the all the members of the Assembly having that opportunity to make such an important determination. May I indicate that I brought forward this matter because when the I think it was the immigration quota if I might call it that or the annual population growth figures were sought to be established so that the quota could then be worked out as being appropriate that was in December 1993. There was further discussion that I've been able to locate in February 1996 and yet again at the last sittings of this last Assembly before this present Assembly was elected a quota was actually fixed. Now I have and that was twenty that twenty permits general entry permits be granted during the period from February 2000 to February 2001. I have circulated to members the copies of Hansard in respect of those particular periods for their consideration and it may not have been possible for everybody to have fully absorbed what was said and what was discussed on those previous occasions and that's why I think its important that there be

no by any means any final attempt to decide this particular issue today although I still regard it as being extremely urgent and not one that can await some review or some final determination of what should be contained in our Act. I don't think we have that opportunity. I also circulated to members for their consideration from the Department of Immigration and Multicultural Affairs in Australia matters relating to population projections as they have been taken out and used in Australia and I've simply done that to give some sort of input and assistance for considerations to go forward. I must say at once that I have no fixed idea in my mind at the moment because I'm waiting to be fully informed as I possibly can be before I can maybe formulate an approach myself to be able to put it forward as to what should be the basis on which the quota should be fixed. The 2% annual population growth appears not to be working. I say that advisedly because in February 1996 it the quota was fixed at that time I think at some thirty-four in the year and at that time there appeared to be a pro a process of fixing a half-quota in early in the year and then completing the quota figure later in the year and I think in February 1996 seventeen I think were was the number which was fixed in February and I think later in August I think there was another seventeen which made up the thirty-four which was considered then to be a figure which would represent a 2% population growth over the next twelve months on the figure of some 1545 persons who were considered to be the persons to whom population could be identified on Norfolk Island that being residents and general entry permit holders. Now this was the basis on which the population was determined at that time. There may very well be some reason for looking at that in a different light today and I simply indicating that situation to make sure its understood how the quota appears to have been established at least in that time applying this 2% figure which come through from December 1993. I should perhaps just digress just for a moment to indicate in December 1993 it initially had been proposed that the population annual population growth figure be 3% but that was reduced to 2%. But the figures that I have been supplied with if one takes the situation of the residents and being and general entry permit holders being the persons who might be described as the population of Norfolk Island is that the end of March the population figure had which had averaged out over the last nine months before March of 2000 was the figure of 1522 persons. Figures were provided for me which showed that from June 1999 to the end of March 2000 if one took a figure over nine of those ten months then that figure of 1522 would emerge. The other the missing month which is out of that period of ten months would be the month of December and in December it showed the number of residents and general entry permit holders on Norfolk Island rose at the date which that figure was taken to 1772 persons but its of note that in the when the next assessment came in January it dropped back to something like 1560 or 1570 persons so it clearly resumed what might be described as the average monthly figure taken over that period. So its fairly readily seen that if one looks at that period of time from 1996 through to the year 2000 in February 2000 that there had not been an actual growth in population at all there'd been a decline. So it doesn't appear like that this method of fixing a quota really has been effective to bring about what it was desired to bring about. And it does appear appropriate that that should be reviewed should be reviewed urgently and it should be determined just exactly what process should be put in place to guide not only the executive member but clearly of course the other members of the Assembly who assist the executive member in this determination of a quota. And it is my commend commendation to the Assembly that we embark upon this process of reviewing the annual population growth figure to determine whether that's appropriate or whether we think we'll stick with that or we find something different to put in its place. Obviously as I said earlier when I commenced to speak on this motion there is necessary to be a considerable amount of input from the community and persons who have put forward in the community. And if the Assembly agrees to this motion which I hope they will today to enable matters to go forward I would without delay call upon the community to express their attitudes or their ideas or to bring forward concepts as to what should be a method of fixing the quota or in determining the annual population growth if that is considered still to be the way one should go about these matters. I should say that as far as the Australian government is concerned it still seems to adhere to the use of annual population figures as being indicative of the of the sort of quotas or

sort of immigration figures levels which should be fixed for various categories of persons coming to Australia but their figure seems to be based more on fertility rate mortality rates and the nett immigration figures which emerge from people who come to reside permanently in the country. I have added the second leg of my motion to endeavour to ensure or make it clear that I am satisfied that until there is such a review and determination there shouldn't be a fixing of a quota. I believe that a quota is fixed. If I exercise powers under Section 21(3) of the Immigration Act then that necessarily means that because there was an instrument in place in February 2000 fixing the quota for the year until 2001 that I would under 21(3) exercise my powers to increase that figure. I have that power to do so with the resolution of the Legislative Assembly in that respect supporting that determination. I notice that in the Hansard which was taken at the last sittings of the last Assembly in February of this year the Minister responsible then the Hon. Mr. Ion-Robinson MLA said that the figure should be fixed at twenty initially. I rather understood from reading that that it was proposed that that was not intended to be necessary the whole or full figure which would be applicable in the next period of going right through to February 2001. From the figures which have been supplied to me it seems like that the quota has been fixed now for some time annually certainly since 1996 at in the figure of about thirty a year and those figures apply from the figures that I have had from June 1997 the quota was thirty in June 1998 it was thirty in June 1999 it was thirty. I should say that in that time in June 1997 the population figure was stated to be 1540 in June 1998 it was 1579 and June 1999 it was 1525. So it seems to me that there is need for this review to take place for it to take place urgently and for some assessment to be made without delay. On the figures which have been supplied to me I understand that there is a totality of persons waiting to have general entry permits processed or taken to finalisation amounting to some 58 persons at the present time. There are three persons who presently had their applications for general entry permits approved but who or granted but who cannot proceed to the finalisation of those issue of those permits because of the lack of a quota who have applied under the law as they are entitled to do so to have their applications subsist. So there are three of those persons. There's two persons I understand whose applications for general entry permits are before the Minister in Canberra under appeal. The applications which were actually before the last fixing of the quota and have not yet been finally processed dealt with some twentytwo persons and I simply indicate to that that even at that time in February 1999 February 2000 there were a number of twenty of course permits were taken up fairly quickly that were granted at that time but of then the fiftyeight people who presently stand waiting out the outcome of their applications there twentytwo of those persons had their application actually lodged and then processed at the time the quota was last fixed. I do urge the House to accept that this motion is an endeavour to have this situation examined without delay to have it looked at carefully and if there is a necessity to do something positive and without delay about the fixing of a quota then that should be taken care. I would rather hope that all the input and all the material which will be necessary for informed discussion and full and complete discussion could be obtained and ready for the next sittings of the House.

MR. DEPUTY SPEAKER

Thank you. Mr. Brown

MR. BROWN

Mr. Speaker that was a very long speech and I'm not really sure what it said but it seems to me that we have a fairly simple situation. We have had a policy which provides for a maximum growth of 2% per annum for some years and there has been no growth. Now I'm not sure whether the Minister is suggesting that we should change the policy so as to create growth or whether he is saying we should change the policy so that we don't provide for quotas at all. But it appears to me that there is nothing wrong with the present system continuing until such time as we decide upon a different one. When it was introduced it was always understood that at such time as the Assembly wished to change it it was going to be able to. But it provided a maximum growth of 2% per annum. The maths are fairly simple. There were about 1500 people on the Island at the time. A 2% growth would require thirty additional people a year. But its not just a question of new people who

come there's other people who go. And so in order to hold growth to a maximum of 2% it would have been possible in any of those years to set quotas of sixty rather than thirty. Its my suggestion that we should set a quota today. The Minister has told us that the average number of people on the Island at present is around about what it was four or five years ago. Now if that's the case our policy provides for a maximum growth of 2% we should set a quota today of an additional thirty places. We should then if that's what members want to do go about revising the policy but we need to decide what it is that we're revising. Are we simply revising the maximum growth that we want to have in a year or are we changing our attitude to growth at all. Are we saying that we don't want to have any growth? Now all of that's fine but let's do what the Act intends us to do in the meanwhile and I seek leave to move an amendment that all words after that first appearing be deleted and the following words be inserted in their place: that the quota which was set for the purposes of the Section 21 of the Immigration Act 1980 at the February meeting of the last Legislative Assembly be increased by thirty places in respect of the period from February 2000 to February 2001. I seek leave to move that.

MR. DEPUTY SPEAKER Thank you. Is leave granted Honourable Members? Leave is granted.

MR. BROWN I so move Mr. Speaker

MR. DEPUTY SPEAKER Thank you

MR. BROWN And I think I've said all that needs to be said in relation to it. After all brevity is an important thing wherever possible.

MR. DEPUTY SPEAKER It is. I do need to just get those words that you actually proposed. All words after that to be deleted

MR. BROWN that be deleted

MR. DEPUTY SPEAKER and the words that you've mentioned inserted which says: the quota which was set for purposes of the Immigration Act

MR. BROWN Section 21 of the Immigration Act

MR. DEPUTY SPEAKER Section 21 of the Immigration Act at the February meeting of the last Legislative Assembly be increased by thirty places for the period February 2000 to February 2001

MR. BROWN That's correct Mr. Speaker

MR. DEPUTY SPEAKER Thank you. That Honourable Members is the text of the Amendment which is now before you. Debate.

MR. COOK Could just speak to that it would probably make my job a great deal easier I can assure you to find that a motion of that kind would be passed. However I've given the matter some considerable thought. One of the matters that I sought by way of input before I brought this motion to the House I asked the advice of the Immigration Committee as to what they thought should be the position as regards to quota or any increase in the quota. I think its appropriate that I indicate to the House that without the Committee expressing its reasons at any length at all to me their advice to me was that no new quota determination be set at this point in time if it is only to accommodate the number of subsisting GEP applications and no additional quota pending the review being undertaken at the moment. And those were the advises that were conveyed to me by the Committee the meeting which they held on the 10th May this year and I think its appropriate of course that I draw the attention of the House to the recommendations of the Committee then place so far as the immigration law was

concerned. And I'm just concerned. I appreciate all that Mr. Brown has said and I take it on board as to his criticisms or otherwise in endeavouring to deal with this matter. I think the question of fixing of quota how it is gone about or how it is actually carried into effect is an important one. I think it should be a determination of this House after adequate input is taken as to whether or not there should be a change in the policy. I appreciate the criticisms inherent in what Mr. Brown has said about if we had a policy well we should stick to it we should do what the policy basically seems to provide for us to do and that is to meet it with this increase that he proposes. I find that in some senses attractive proposition put forward by Mr. Brown but I feel in the circumstances I should endeavour to stay with the original motion that I put forward. With some regret.

MR. DEPUTY SPEAKER Thank you. Further debate. Chief Minister

MR. NOBBS Thank you Mr. Speaker. Mr. Speaker I've for the past three years opposed these on the an increase in the quota or setting a quota on the basis that we should do something about the Immigration Act. I whilst I know there are inherent problems in that it was a protest more than anything else. What I am concerned about is this is continual quoting of 1522 people or 1550 people or what have you where in effect the population of the Island is far higher than that. I mean we have got a situation I think that was quoted in the paper of something just under 2000 including TEPs and GEPs and illegals and what have you. The whole shebang shooting match of just 2000 people. You add on to that an average of 700 or 800 tourists and we are actually with a population base of 2800 people. Now is all very well this GEP and TEP caper but as I explained in the February my argument in the February was that we are supporting an industry and its fine to have an industry which promotes which works around tourism not tourism immigration but we need to look at that and the people. I get a feeling in the community that the people are sick and tired of this the immigration procrastination with immigration and the whole business and we need to sit down and work this thing through. Why do you need a 2% population growth I'm blown if I know. I mean why do we really need it? I mean you can say you know I know Mr. Brown's gonna be jumping' up and down and you say that the old people have got to support the infrastructure and all that sort of thing so be it. But what happens if you start if your population increase in theory if its starts increasing and it has done actually if it increases you need there's more pressure on your infrastructure and so it goes on and on. So we need to strike a balance somewhere along the line we needn't just say that there's right we need 2% right she's all been rosy for x number of years seven years or how long its been in because we're still sitting on 1522 people. But we're not we're up high a lot higher than that and I would I think that the community that when you've got a motion like this its we shouldn't try to snow job on it they should have the opportunity to speak out and it be left for a month at least for them to say really what's their view on it whether the 2% should be retained or not or where they really want to go with immigration. As I say there are real concerns in the community about immigration and what's going on at. Not just now and I the minister responsible minister has picked up the what is a torch that's burning very low I can tell ya. He's grappling a very hot handle at this particular point in time because its been allowed to go on and whiles I might seem critical to Mr. Brown that's my own personal feelings and I think that this we're long overdue for a for this review. The documents have been tabled today. They hopefully I hope they will be available to the community but that's a determination I understand of the Speaker and that we should go from here. Its been made available to the Commonwealth Government and we need to crank up our own attitude if we want them to deal with it very quickly as they've got a hell of a lot more on their plate than we have. My suggestion is that I that we leave this issue for it to lay on the table for a month and come back to a debate at that particular point in time. Thank you.

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

MR. GARDNER Thank you Mr. Speaker. I've reviewed all of the different Hansards from 1993 I think 1996 and also that February sitting of the previous

Assembly. I'm still not absolutely 100% clear in my own mind exactly why the 2% path was gone down there's conflicting advice and arguments in all of those Hansards as to whether it was to increase population or control the rapid growth of population. I'm on record as saying some three or four years ago it may even be longer ago than that and it may have been my initial attempt at standing for election to the Legislative Assembly but I believe that a population of some description was important and you had to be very specific about the classes of people that you were trying to attract to Norfolk Island and those that you were looking at making a contribution to the development of Norfolk Island in the future. I did point out that it was my feeling at the time and I think I still stand by that feeling I'm sure I still stand by that feeling that control is that population is directly relevant to the economic activity at the time and I said when you've got a boom you've got more tourists to service you've got new industries and bits and pieces that are developing into service and that in itself controls it. I think as most members are aware around this table there's not a great deal of unemployment on the Island. There may be a degree of under-employment. The list of names sorry not the list of names but the numbers quoted by Mr. Cook in relation to the general entry permits that are outstanding or applications for general entry permits that are outstanding I asked the question the other day as to just what number of those people are actually on the Island right at this moment. It appears as those most of them seem on the Island at the moment. Most of them seem to be gainfully employed. Most of them seem to be either involved in business or looking at becoming involved in business. I tend to agree with Mr. Brown's comment earlier that we need look at setting a quota today another determination today. Mr. Robinson in the previous Assembly had set twenty as an interim step. Mr. Cook has basically laid it out quite clearly today that we could be possibly be looking at 30 or 31. I don't know whether I'd be supportive of a full thirty but certainly I think we need to make sort of commitment. There are a number of business initiatives out there that are being stalled awaiting the setting of a determination and I think it could be reasonably expected that somebody out there would have certainly on past history been of piece of mind to suggest that there would have been a quota set back in February of thirty or thirty-one whatever the mathematics might pan out to be and that hasn't happened but surely a realistic expectation that the remaining places on the quota would have been determined in due course. I seem to think that maybe by agreeing to Mr. Cook's motion right at this moment I think we're delaying the inevitable. There will be places made available there has to be places made available otherwise we are in dire fear of I guess stagnating. I think I would prefer to see an inclusion here of the determination of some quota not necessarily the thirty as I said before that was suggested by Mr. Brown but certainly ten at this stage I'd be comfortable with that. That's all I wanted to say at the moment thank you Mr. Speaker.

MR. DEPUTY SPEAKER Thank you Mr. Gardner. Further debate
Honourable Members. Mr. Smith.

MR SMITH I quite agree with some of the points that Mr Gardner has made. Often throughout the Assemblies that I've been part of Mr Speaker that we talk about the numbers as just numbers but we have to face reality sometimes, if we've got a policy where we have a growth factor built into our Immigration policy, and if that needs to be satisfied well we need to realistically look at the numbers that we need to provide on the quota for people, and as Mr Gardner is raising, if there is people already here who may have come to the end of their TEP situation or in a business situation, realistically they are probably going to end up being here next time the quota number comes up anyway so I think we need to consider that but I can also understand the Ministers point where he probably wants a bit of a pause there and review what he's doing but I think maybe we could do a combination of both. Maybe we could provide some quota today but also pick up the first part of Mr Cook's Motion where he might like to do a review over the next 4 weeks perhaps until the next sitting which may be a help to himself as well based on what his committee has recommended. I'll see what other Members say about that concept, a little bit of a quota today and maybe part of the

Motion that is proposed there may be a way to satisfy the Minister and Mr Browns comments. I think that would make a lot of sense.

MR SPEAKER

Thank you. Further debate.

MR BATES

Thank you Mr Speaker. I think I've been fairly consistent in recent years in saying that I don't agree with the 3% growth policy. I think it does put a certain impression in the minds of some people that's a target to be reached at any cost, and I think I've been pretty consistent in saying that if you just have growth for the sake of growth without considering the amount of money in the barrel or in the economy to be shared then your only getting more people to share the same dollar. I think I've been fairly consistent in saying that. The Immigration Committee did say if your just going to set a quota to meet the people on the waiting list or meet what's in the pipeline then what's the point in having a quota. When you've got so many people on the list and your going to make a quota that matches it well then you might as well not have a quota at all. You may as well make it open slather. I do have to take some disagreement I think with the philosophy that you always must have growth. I think when you look at the world wide situation we've got too much growth. I think we're going to self destruct with growth. I think that's evident that environmental issues and all the rest of it. Norfolk Island is not like Australia where you can open up, buy a farm out and put another 200 houses on it and fill them up and bring some people into it. Norfolk Island is not like that. We're already getting very pressed for building blocks. So the next pressure after that when you get your growth will be to relax your subdivision codes or policies or whatever to allow the blocks to become even smaller to provide for some more building blocks. If you let your imagination run away with you a little bit and you get the precis I suppose to allow buildings to go above the 2 storey to 5 storeys or something, if that's what Norfolk wants we could quickly turn it into a Singapore, or a Hong Kong or a Honolulu. I think we lose the track that we all accept that Norfolk Island is firstly the home of its people, it's not the home of multitudes that might like to make a quick dollar out of it and turn it into a Hong Kong or a Honolulu or a Singapore. That could be very good in the minds of some people but certainly not in my mind. I think too often we look at situations in isolation. I think too often we look at budgets in isolation to the overall economy. Too often we look at immigration in terms of a growth factor rather than the total effect, overall benefits or otherwise and the overall economy. I think the Governments got to use all these tools to do what it wants and it's got to learn to dove tail them in, to each other so that it does achieve what is right for the people. The Immigration Committee, or the outgoing Committee anyway has been concerned and has been very pleased of the work done in changing the Act but it has got complicated with the Human Rights Report and Australia's involvement in it, the dangers that our Immigration might be taken away from us and I think overall has become a much bigger problem than what was envisaged by the Committee, but the Committee has been crying out for some changes for a long time and I think their saying if your not going to give us the changes well you know put a hold on things until you do and hope that something will move forward a little bit more quickly in that area. I think the outgoing Committee is almost unanimous in saying let's look at the TEP situation. Our 3 year policy is not working. People either have to leave after 3 years or become GEP's where some of them would be happy to remain as TEP's for a little bit longer. So our policy forces them into applying for GEP's. They have no choice, they either go or they apply for a GEP. We force them into that with our 3 year policy. If that was let out to 5 years a lot of those people would be quite happy to stay as TEP's and their employers would be quite happy to employ them. The Government itself runs into similar problems with the Teachers and Doctors and other things, 3 years if they are going to be serious about it they've got to get rid of them. So the Committee is concerned about that and thinks the 5 year policy should be looked at. You can say the same thing with GEP's. One of the problems with GEP's is after 5 years there is very little you can do to stop them from becoming residents. Some of them don't even particularly want to become residents but once they become residents well then they can almost do as they like, opening up new businesses, applying for pensions, throwing out their healthcare cover and getting into

our setup. Some of them have a very short life in the community then become full recipients of our social services benefits. The Committee thinks there is room, not to force people that after 5 years to become residents but to allow them remain a GEP for longer periods of time. That's only a couple of the problems that I see in it and the sooner we get on with saying well that's a good idea, let's change our policy, let's do things, or that's a bad idea, or we won't have a bar of it or the sooner we come up with something I think the sooner we will probably find that some of these problems are not quite so bad. But just going back to the 2% growth policy, what we're really doing with that, as the land becomes less available it becomes more valuable, then it becomes something that only prospective GEP's with the bank nest egg behind them can afford to buy it. Our own people that have been away at school, our own children who we keep talking about wanting to encourage to come back and work on the island simply find they can't afford a little nest of their own when they get here. But our 2% growth policy really makes Norfolk Island a place for the rich and not really a place for its own people. So all these things need to be considered. As I said I just don't believe that we should set a figure up there and say "that's the figure we're going to achieve, we don't really care how we achieve it, as long as we achieve it". So it's time we did have a review. I think it's probably time we put a hold on things until we do come to grips with what it's all about, do come to grips with the situation in Australia, do come to grips with getting things out of policy and into legislation so that we can administer them properly and get on with the job. I think this is an opportunity for the Minister to get on with the job and I certainly support his Motion.

MR SPEAKER

Thank you. Further debate.

MR SMITH

Mr Speaker I don't want to get too deep into this but I was around at the time the Assembly, as you were, and maybe some other Members at the time the 2% was talked about. There is a very real reason for that coming into place because what happens with the quota number and it has always been a bone of contention with Members of the Legislative Assembly as far back as I can remember because somebody thinks that the number might not be right without really knowing all the facts and it has always been a difficulty. In some years I think there was even no quota, no numbers on the quota at all. I think it was Mike King might have been the one who proposed it that we actually look at it realistically and, they went into it fairly well at that time and what really came out was that what we were replacing with a lot of the GEP place holders is residents. There is a lot of residents who leave the island over a period of time and it happens regularly. You can take even our school leavers. If you have 20 of them who are all residents they move off the island, they are residents off the island. They make a difference to your population. The thing is to try and encourage them to come back and take part in the community again which is what we're trying to do in the education system right now. But it's a real problem because if you don't replace them, and we don't put in quotas that are reasonable enough to replace them you'll find as we did at that time, and I think you were there too Brian, you might remember the discussions we were having in relation to the population, and when you break it down, and I don't know how it is now, but it was something like at that time 500 people that were in the retired age group, there was something like 400 people under the age of 16, or kids basically and the rest is the balance of the workforce, and when you boil it all down there is not that many people paying for everybody else and that was the thought that if we do let in a certain amount of people it can top up the workforce if you like, or if it's a commercial enterprise it may bring in some new skills or a bit more money and that's where that came from, but we've got to keep that in mind that we are actually replacing our own people and I'd like to see that actually how it is these days, and how it was 3 or 4 years ago. It was the residents that were actually leaving and not a lot of GEP's were leaving, it was people who had been here quite a long time, families moving away as they have every right to do etc, so we've just got to keep that in mind. Mr Speaker I'd like to hear from Mr Cook about my proposed amendment, if he's happy with that I might seek leave and propose it. That was to set some sort of a quota today and pick up the first part of his Motion.

MR SMITH Mr Speaker I certainly wasn't making any comment about the different age groups in the community and their contributions. I was referring to, it it's what I said that your referring to Chief Minister. I was referring to the working population and how that moves. However I don't want to get into that because that's, I think you realise that wasn't what I meant, I wasn't sort of suggesting that people don't contribute because of their age. But I would like to seek leave to move a Motion that will amend the proposed amended Motion at this point.

MR BROWN Mr Speaker if it would be of assistance I would be happy to adopt the Minister for Tourism's proposed amendment by changing my number 30 to the number 10. That's the only change wasn't it.

MR SMITH Yes that's right and adding on the..

MR BROWN It may be easier if the Minister

MR SPEAKER Could we just hear Mr Smith and then let's talk that through Mr Brown.

MR SMITH So what I would be proposing is that the number, as proposed by Mr Brown would be reduced to 10 and that we would delete part 2 of Mr Cook's Motion but leaving in tact the first part which is the important bit to Mr Cook with the review.

MR SPEAKER The first point is that Mr Brown are you comfortable that that replace if leave is granted and we'll come to that in a moment.

MR BROWN Yes I'd be comfortable with that Mr Speaker and it may simply be done by where I said that all words after that first appearing be deleted, so all words after that in paragraph No. 2 be deleted and then change the number 30 to 10.

MR SPEAKER The proposal Honourable Members is that Mr Brown's earlier amendment, which was agreed to come forward to be replaced by that that has just been mentioned by Mr Smith, and the question before us now. Is leave granted for that matter to come forward. Leave is granted thank you. Mr Smith did you want to elaborate.

MR SMITH So shall I so move that or...

MR SPEAKER Thank you. That matter is now before us Honourable Members and for clarification further the proposed arrangement that is in front of you is that it is item 1 as in Mr Cook's Motion. The amendment is that item 2 of that Motion be deleted and be replaced by that that Mr Brown had earlier mentioned with the adjustment of 30 down to 10. Debate on that situation.

MR NOBBS I move that the question be put.

MR SPEAKER The question is that the question be put.

QUESTION PUT
AGREED

MR SPEAKER The ayes have it and therefore I will put that to you Honourable Members. I will first of all put the amendment and I don't think I need to state it again but if there is any query about it please say so now before we vote upon it.

MR GARDNER I was just wondering Mr Speaker for the benefit of the listening public and taking into account the Chief Ministers concerns regarding public input that it may be appropriate to read if possible the Motion in its entirety not withstanding the fact that I think that the step that has been proposed is not outside the Government policy as it exists now.

MR SPEAKER Would it be useful if I read the Motion as it would be in its amended form. Are members comfortable with that. It would read thus. That this House resolves that the policy in relation to the fixing of a quota for the purposes of Section 21 of the Immigration Act 1980 based on a 2% per annum population growth be reviewed urgently and an appropriate policy be determined without delay. 2) That the quota that was set for purposes of Section 21 of the Immigration Act set in February 1999 of the last Assembly be increased by 10 places for the period February 2000 to February 2001.

MR COOK That should read with respect Mr Speaker February 2000 you said February 1999 I thought. As you read it out I thought...

MR SPEAKER Yes. The first reference was, right ok then, February 2000. So in February of this year we made that..

MR COOK Yes that meeting was in February of this year.

MR SPEAKER Fine, I've made that adjustment. That's the amended form. Does that help. OK then. Honourable Members we are now voting on the amendment, which is Mr Smith's amendment.

QUESTION PUT

Would the Clerk please call the House.

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

Result of the voting Honourable Members, the ayes 4, the noes 3. The ayes have it. We therefore have a Motion as amended Honourable Members, and I will put the question to you that the Motion as amended be agreed to.

QUESTION PUT

Would the Clerk please call the House. This is on the question that the Motion as amended be agreed to.

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

MR SPEAKER The result of voting Honourable Members is the ayes 4 the noes 3, there are no abstentions, the ayes have it. The Motion as amended is agreed to.

MR COOK Mr Speaker may I have leave to move a Motion circulated this morning to Members in respect of appointment of Members to the Immigration Committee.

MR SPEAKER Thank you Mr Cook. Is leave granted. Leave is granted? Leave is not granted. Voice needs to be unanimous in that and I hear a No amongst the Members of the Legislative Assembly.

MR COOK Mr Speaker I move that so much of Standing Orders be suspended as to enable that Motion to be brought before the House.

MR SPEAKER Thank you Mr Cook. I put that Motion to you Honourable Members.

QUESTION PUT

Would the Clerk please call the House.

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

MR SPEAKER The result of voting Honourable Members, ayes 6, the noes 1, the ayes have it. Leave is granted.

MR COOK Yes Mr Speaker may I move that for the purpose of Section 6 (4) of the Immigration Act of 1980 this House resolves that the Executive Member appoint Joan Maree Kenny, Lisle Dennis Snell, Barbara Elvey, and Louise Alexis Tavener members of the Immigration Committee for the period of 19th of May 2000 to the 19th of May 2002.

MR SPEAKER Thank you.

MR COOK Yes Mr Speaker please as far as the Motion is concerned it's necessary for the purposes of the Immigration Committee to have new members appointed. Mr Bates who had appointment after the election had taken place from that time until the 30th of May has tendered his resignation to me. He indicated quite clearly at the time that his name was put forward, that he only wished to be on this committee for a relatively short period of time. I would like to thank him on behalf of this House and the community for the efforts that he had made. He's been on the Immigration Committee for quite some time and has rendered outstanding services to the committee. The expressions of interest were called for from the community in relation to appointment to this Immigration Committee and the Statement of Duties, and what would be required by persons operating on that Committee were set forward to the community and a number of persons offered their names for consideration and that included three of the persons that were on the Committee who were eligible for re-appointment. The other member of the Committee Mr John McCoy a member of the Legislative Assembly is appointed from the date shortly after his election until the period of 2 years from that date elapses, so he does not come up for appointment at this time. The persons who offered themselves and expressions of interest were persons all who

appeared entirely suitable to be appointed to this Committee. Two of the persons who had offered themselves, one was the person who for a considerable number of years has acted on the committee and has been Chairperson of that Committee, and there was another senior Public Servant who had offered himself for appointment to that Committee also. I considered the names of all the persons who had offered themselves. It appears that so far as the Government is concerned, and I did raise this matter before the MLA's meeting on Monday there is some concern as to Public Servants being on Statutory Committees, particularly where the activity is on of service on that committee can quite materially effect their opportunities to continue their daily obligations of duties to the Administration. This is a matter of concern because it's, a reason or other a Statutory Committee where there is considerable input required from the Committee as to time which is necessary to be taken to engage in those committee duties and in the light of the proposed review and consideration of new legislation which is about to take place it appeared that it was likely that quite heavy demands may be made on the Immigration Committee for the foreseeable future in that regard. So far as a situation arising where it was able to avoid this possibility occurring, obviously considerable concern is necessary to take place when one has persons who offer themselves with considerable qualifications. I must at this stage refer to the previous Chairperson of the Committee who's efforts I believe are outstanding so far as the community is concerned and to whom the community does owe a considerable debt of gratitude for his efforts over a number of year. The situation as I see it enables persons who were previously on the Committee to continue to put their input into the work that the Committee is required to carry out and from time to time when the community itself may be asked to have an input into a particular important matters relating to immigration as has been proposed even today with the question of the quota and the intention to obtain input from the Committee. Mrs Joan Kenny who has been a member of the Committee for many years, she's given most valued service to the Committee and her re-appointment will bring a continuity of long experience of immigrated matters to the Committee. Mr Lisle Snell is an island person who has been engaged in many activities on the island. He was as a younger man in the earlier days of the movement towards self-government in Norfolk Island, he was engaged in immigration matters and he was engaged from my understanding on helping to formulate the original Immigration Act which clearly requires consideration as to where changes may be necessary to be made and I believe his input can be quite valuable in that respect. He continues to be involved in the tourist industry of Norfolk Island. Ms Barbara Elvey is a person has had quite long involvement in business activities on Norfolk Island, she belongs to a number of organisations and is on a number of committee's and I believe that she is a person who can add quite a deal of significant contribution to the immigration matters on this island. And Finally Ms Louise Tavener is a younger person. She is a mother of a young child. Obviously her concerns with the future of Norfolk Island I believe she's had an excellent record in administration in the business on Norfolk Island and I believe that she will be a very useful and appropriate member of the committee and I commend the names that I have put forward to the House for appointment to the Committee.

MR SPEAKER

Thank you Mr Cook. Debate.

MR BATES

Thank you Mr Speaker. This Motion raises several concerns in my mind. The first one being of course that normally names for people on committees go on the Notice Paper and we have a couple of days to chew them over and a couple of days to talk about them. It was only because I rang the Minister yesterday that he was good enough to inform me which of the applicants he intended to nominate. I do believe that he circulated that paper to other Members this morning and certainly this morning is not time for Members to properly consider what we're really doing with the makeup of this Committee. I'm not placing any blame on the Minister I know he's been busy, I know it might have been awkward for him to get the names up a little bit earlier for us to give proper consideration. But we've also created a brand new ball game and I'm not knocking that either. For the very first time we call for expressions of interest by a notice in the paper and when you do that generally most

times, if it's certainly for a position anywhere you have a bit of a selection panel who looks at them and maybe they have some interviews or something but we have the result here of a one man selection panel without really telling the rest of us what qualifications, who the other names were that have been rejected, what their qualifications were, what the criteria for those people were in relationship to the one man selection panel has selected and put before us. We haven't been able to consider that. That's a bit of a worry in itself. I think the Minister did say at one stage there were 7 names and I think I've worked out who they are. I think you can do that but we haven't been told who they are. That in itself is a problem. So I don't know how we can come to a conclusion that of the 7 that were good enough to put their names forward these 4 are the best qualified. We can make a judgement on our own knowledge of these people and what I'm saying now is in no way reflecting on the ability of these people. I'm quite sure they are all quite capable to carry out the responsibilities. It's no good me suggesting well we haven't had time to think about it we should adjourn the matter and make it an Order of the Day for the next day of sitting because there is some urgency. I believe that tomorrow, unless we appoint people we don't have an Immigration Committee. I think tomorrow is D day. So that's out. There is no good saying that, that would be irresponsible and I think it would be not in the best interests not to have a Committee. There are other aspects of this which I find difficult to understand, and that aspect is simply that here we are in the process of review, review of Immigration because there are problems and if this Motion goes ahead as it is we will have a makeup of 4 new members with no ongoing experience on Immigration and the Minister who himself admits that he hasn't been in the game long enough and has no experience in Immigration and one person from the old Committee who is left to on her own shoulders to bring forward the problems that have been seen by the Committee. I just think 4 new, there is nothing wrong with new blood, I think that's good and I certainly would have supported the Minister had he said 3 members of new blood and retain 2 members with some experience. I think that would have been the much better balance in the makeup of an Immigration Committee. I've spoken to some of the members that, retiring members of the Committee and one of them has agreed that if at the appropriate time that I, and I do wish to do this at the appropriate time, move an amendment to the Motion and put the name of Mr W.J. Menzies in place of one of the others. It might be said he's been there a long time, it might be said it's time for change, but in view of the fact that we are in the process of review, that we want to get on with it I think the knowledge and experience that he has gained over the last 17 years are going to be invaluable at this point of time. If it's simply a matter the criteria of Public Servants not being wanted on any of these Statutory Bodies, Mr Menzies has been there for 17 years in the Public Service and I don't think that's the reason that he's not being re-appointed. I fail to see the connection between an Airport Groundsman being on a committee and an immigration matter done by the Administrative section of the Administration. One works for a GBE, one works in the Administration and I see no close relationship to those two things. I'd also like to draw Members attention to the notice that went into the paper calling for appointments. It didn't say Public Servants don't apply, but it did say, candidates will be selected to ensure the Committee collectively possesses an appropriate balance and expertise to carry out the important functions assigned to it. Now that's one of the major punchlines, the others are just running down as to what you might have to do and, but it really says it will be selected to ensure that the committee collectively possesses an appropriate balance and expertise to carry out the important functions assigned to it. So let's look at the 3 members. Every one of them is directly involved in the tourist industry. Mrs Elvey I think manages tourist accommodation apartments. Mr Snell drives a bus for a tourist operator. Mrs Tavener is heavily involved in the tourist industry. Now you can't tell me that that's an appropriate balance in the important functions. That's very one sided. That's heavily loaded. I don't wish to criticise any of the members the Minister has put up. I think every one on the list is capable but unfortunately I do not have before me the criteria of all these to make a comparison between those 4 so therefore I have to do something and what I do propose, I don't know whether I need leave Mr Speaker but whatever I do need to do, my suggestion or my amendment to the Motion will be that Mr W.J. Menzies

is included in the list in replace of Mrs Elvey and that's no reflection on the ability of Mrs Elvey it's just for the reasons which I have already stated. I don't know what extent I need leave but if you can guide me through that I..

MR SPEAKER I'll ask the House Mr Bates. Is leave granted. Leave is granted.

MR BATES Well I would do move then that the Ministers Motion be amended by removing the words of Mrs B. Elvey and substituting the name of Mr W.J. Menzies.

MR SPEAKER Thank you. Honourable Members we have an amendment in front of us in respect of the Motion put to us by Mr Cook. Further debate.

MR NOBBS Thank you Mr Speaker. First of all I'd just like to thank the outgoing members of the Committee very much for their services. That's Mrs Joan Kenny, Mr Yarm Menzies, Mrs Di Menghetti and my compadre here Mr Brian Bates and they have performed and some of them I hadn't realised some had been on so long, 18 years, that's a fair while and it's an onerous task I believe to be on Committees of this nature. You can't please everybody and I really appreciate their contribution to the community efforts because these Committees to me Mr Speaker are for a long time have been really the backbone of how the island operates and whilst there has been talk of late that we should scrub this Board and that Board and leave it in the hands of the various Ministers I don't agree with that at all. I believe that these provide an ideal opportunity for community input. We come again to the actual policy in relation to selection of these Boards and my understanding has been that the Minister recommends to the House the various memberships of a Board under his or her responsibility. I understand it's been going on for quite some time now and it's within the legislation. The Minister, Adrian Cook has made a recommendation, we decided that we would advertise these positions really to try and show people that 1) that the various functions that they had to do in these particular committees and to try and streamline that, that they knew exactly what they were in for and 2) that it allowed for a broader selection process by the Minister in his recommendations. Minister Cook has recommended Mrs Kenny, Mr Snell, Mrs Elvey and Mrs Tavener and I have got no problem whatsoever with those particular people being selected and I probably would have none with the other 3, which I don't know who they were, and I don't think it's fair that the Minister should divulge who they were. You normally under a selection process you don't run out and tell who got beat. You say who won the position but you don't say who got beat because it's a fact of life that people do get upset and they do get hurt and it's no good just pointing the finger at them. So I'm very happy with these. If we wish to, and I think that's what's come out in the debate is that we have to refine our selection techniques, well that's fine, I mean we've just been through a process in the Assembly last Christmas where all what's his name broke loose with the appointment and we've had to start refining our techniques. If we have to this time, that's fine. Mr Cook has done a great job so far with Immigration and Community Services and I think everybody will agree he has the poison chalice of Immigration, well it's getting pretty close to it. I think he's doing a great job in relation to that and I have no problems in supporting him on this particular Motion. It's no reflection on Yarm or on any of the others. I believe that the Minister has the call, Brian doesn't agree with it, that's his right but I agree that he should have the call and that's it. Thank you.

MR SPEAKER Thank you. Debate.

MR BROWN Mr Speaker this is not a situation where the Minister makes the decision, this is a decision where the Legislative Assembly makes the decision.

MR NOBBS Point of order. Mr Brown's referring to something I said. I said that the Minister recommends to the House and it's the House's decision. I said that clearly.

MR SPEAKER Yes there is no Point of order Chief Minister. The Speaker doesn't adjudicate on that particular matter. If you are of one view and Mr Brown is of another then you are at liberty to pursue your respective views. Mr Brown has the call. I am happy to give you the call to make your view known next.

MR NOBBS I accept thank you.

MR BROWN Mr Speaker it seems in any event that the Chief Minister and I are saying the same thing so that's very good. But it is indeed the House that makes the decision. Sure the Minister makes a recommendation, but I think we need to be careful about this business of calling for applications. It's all very well to invite people to express an interest but I don't think that a Minister should feel that he must then confine his consideration to those people who happen to send in a letter saying I'd like to be on such and such. In my view Mr Speaker they are names which get added to the list that the Minister might have in mind because there's nothing wrong with the Minister ringing someone up and saying hey you've been on the Board for a few years on the Committee for a few years you haven't expressed an interest in continuing but would you be interested because I'd like to recommend your appointment. There'd be nothing wrong with that. There'd be nothing wrong with ringing some other member of the community and in fact with all due respect it is a bit lax to simply take a view that one has shoved an ad in the paper therefore you don't have to go beyond the half a dozen or seven whatever names that you have in front of you. I think one of the other regretful things about this episode is that good manners have been overlooked. Two people found out last night as a result of Mr. Bates' efforts that they were not being recommended for re-appointment after having both served on the committee for a long time. Were it not for the fact that Brian Bates has ferreted around yesterday and had rung these two people they could have been listening to the radio today and for the first time found that they were being overlooked. Now that is not good manners. That's not the way a minister in the Norfolk Island Government should act. He should have rung them. He should have said look, thanks for all of your hard work I've decided this time I want to put a bit of fresh blood in the committee so I won't be recommending your appointment but I didn't want you to find out by someone in the street telling you they'd just heard it on the radio or I didn't want it to come as a shock to you if you happened to be listening to the Assembly. So its another matter of regret that hopefully will not recur. I accept the Minister's view that it is undesirable to create a situation where a member of the public service can't go about his work in the service and I really don't know of the extent to which that has been a problem in the past. I don't recall it being a problem in the time when I had the ministerial responsibility. What I recall is that members of the committee were very happy to meet with me on of a lunchtime or were happy to meet after work and that I'm quite sure I've met with them on a weekend. I know that when the committee itself meets it generally meets after working hours. So although there may be some validity in that I'm not aware of it having been a significant problem in the past and if it had been a significant problem in the past the way to fix it is to talk about it and say hey we don't want this problem continuing find a way to fix it. Its regrettable Mr. Speaker most regrettable. Thank you.

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

MR. COOK Yes. Mr. Speaker through you I find that to sit here and find myself rebuked for a lack of good manners and told that's not the way a minister behaves on Norfolk Island to be very regrettable indeed to me and maybe others in the community will think so too its not a matter for me to presume that anything that I necessarily am going to recommend is going to be accepted. I have to await until the House deals with it and it may very well be as suggested if I had rung Mr.

Menzies and told him that I had chosen not to appoint him and then I find that Mr. Bates moves the next day to an amendment to the list and indeed Mr. Menzies by vote of House which is entirely open to the House to make such a vote is replaced on the list which I have been put forward then I would imagine that I would look as though I had rather a lot of egg on my face. I don't mind having egg on my face. That's an accident of life. I've lived long enough to realise that you can't avoid those consequences sometimes if people endeavour to throw eggs at you. The point here is that I had the obligation and responsibility of choosing a committee I had to consider the fact of a new Act likely to be coming into effect and force a review that was necessary and ideas that might be described as fresh or otherwise to go forward. Its not a question of somebody continuing to administer an Act which was unlikely to be the subject of change or obviously their degree of experience is a necessary ingredient and quite a high ingredient in the discharge of the committee's functions. This is a situation in which there is likely to be considerable elements of change. A need to come with ideas which are fresh and free from the engagement over a very long period of time in dealing with matters in a particular way. I have no hesitation as I said earlier in accepting the very high level of input which has been given by the two persons on the committee who haven't been re-appointed. I have written letters to everybody concerned not only those who expressed their interest and were not appointed but those who were not re-appointed and I've expressed personally to them my regard for the input they've made to the committee and the efforts they made. I have not endeavoured to treat anybody with bad manners or in a way which would likely to be truly offensive when my obligations to endeavour to provide for the best possible committee to serve for the next two years is concerned. These persons on this committee I believe I've endeavoured to strike a balance of people who are enthusiastic and youthful and intending to provide the energy which I believe is necessary. I've endeavoured to have the continuity of experience of somebody like Mrs. Joan Kenny and I have not related so very heavily indeed on the actual activities in which people are involved. I've had regard more to what I believe is an appropriate assessment of the personalities concerned and the likelihood that they would measure up to the very onerous and heavy burden that they will all to accept in the next few years and I've put forward the committee on that basis of my own endeavours to find the best possible committee that I could have to assist me in the task I have ahead.

MR. DEPUTY SPEAKER Thank you Mr. Cook. Chief Minister I said I would give you the call. I said earlier that I would speedily give you the call.

MR. NOBBS Oh did you. Thank you Mr Deputy Speaker. I move that the question be put.

MR. DEPUTY SPEAKER The question is Honourable Members that the question be put.

QUESTION PUT
AGREED

Honourable Members that motion is carried. Therefore I will promptly put to you the matter that is in front of us and the first matter is that Mr. Bates' amendment in respect of this motion be put.

QUESTION PUT

Would the Clerk please call the House

MR. BUFFETT	AYE
MR. NOBBS	NO
MR. BATES	AYE
MR. COOK	NO
MR. GARDNER	NO
MR. SMITH	NO
MR. BROWN	AYE

Result of voting Honourable Members the Ayes three the Noes 4 the Noes have it. That motion the amendment is not agreed. Honourable Members what continues in front of us is the original motion. I will put the question to you that the original motion be agreed to

QUESTION PUT

Did you want the House called Mr. Bates?

MR. BATES Yes please.

MR DEPUTY SPEAKER Would the Clerk please call the House

MR. BUFFETT	NO
MR. NOBBS	AYE
MR. BATES	NO
MR. COOK	NO
MR. GARDNER	AYE
MR. SMITH	AYE
MR. BROWN	NO

Result of voting Honourable Members the ayes four, the noes three, the ayes have it. The original motion is agreed. Thank you.

ORDERS OF THE DAY

LEGISLATIVE CHANGE REQUIRED AS A CONSEQUENCE OF THE RECENT REFERENDUM

MR. DEPUTY SPEAKER We are at Orders of the Day now Honourable Members. Order of the Day No. 1 Legislative Change required as a Consequence of the Recent Referendum. We are resuming debate on the question that that motion be agreed to. Mr. Brown you have the call to resume.

MR. BROWN It's now two months since the Referendum. The voice of the community was resounding. It is now our obligation to make the necessary amendments in order to take account of the community's. Not only must we make those amendments but they must have effect promptly. That effect should not be delayed for two or three years it should occur at the first convenient and reasonable date. Thank you.

MR. DEPUTY SPEAKER Thank you. Debate. Mr. Cook.

MR. COOK Mr. Speaker I would seek by leave to propose an amendment to the motion which is presently before the House.

MR. DEPUTY SPEAKER Thank you. Could you identify that motion then I will seek leave of the House.

MR. COOK Yes. The motion that I would seek to have amended in this fashion. I would delete all the words and that and all the words in sub-clauses (a) and (b) and I would propose that I'm sorry that should go in I'm sorry I've I seek to delete the word and and all the contents of sub-clauses (a) and (b) and to substitute the new the words the above provisions as to eligibility to maintain public service employment and sit as members of the Legislative Assembly are to come into force and be effective in relation to the next election or by-election for the Legislative Assembly.

MR. DEPUTY SPEAKER Thank you Mr. Cook. Is leave granted. There is a dissenting voice so leave is not granted.

MR. COOK Therefore I ask Mr. Speaker that so much of Standing Orders be suspended as allow the amendment to be put.

MR. DEPUTY SPEAKER Thank you Mr. Cook. I put that motion to you. Those in favour say aye contrary no. Do you want the Clerk to call the House.

MR. BROWN No there's no need thank you Mr. Speaker

MR. DEPUTY SPEAKER Thank you. Leave is granted. Mr. Cook

MR. COOK Yes, Mr. Speaker so far as the responsibility of this House to carry into effect the Referendum result I have no trouble with that in any way whatsoever and I do believe it is the obligation of the House to ensure that that Referendum is carried into effect and it was really a very strong result that emerged from the community when the matter was put to the community. However, what I'm most concerned about most particularly is the effect of these clauses both (a) and (b) and if I might refer to clause (b) immediately this appears to provide for a situation that after the date of assent to the proposed bills that the motion refers to is given or reached that a person shall have to resign from the public service with immediate effect. Now what I am concerned about is that this seeks to bring in offence a retrospective operation of provisions of eligibility which were certainly not in force at the time nominations were called or at the time of election. It might have been said that there had already been placed before the community by reason of debate in the House the prospect that there was to be a referendum to take place not long after the elections were held in which this issue would be put to the people for their views to be expressed and that was clearly a situation of which the public were aware and of course any candidates would be aware. So that if they stood for election they were taking the risk that there would be some view of the community expressed thereafter which might prevent them from being in the situation at which the matter of the referendum aimed. But what concerns me of course is that there must be a situation avoided in which there could be any possibility of people being disenfranchised. This seems to be an element in relating to a constitution situation with some considerable importance in most civilised communities that if people are elected on a particular basis unless they misbehave or they conduct themselves inappropriately when they come up for the dealing with the House of which they're a member to see if whether they're worthy to continue as members then if that situation doesn't occur they cannot be really effectively disenfranchised. It seems to me that at the time the election took place although there was this referendum proposed it could not possibly be accepted that there had to be an inevitable result of it. It could have gone in any way according to the majority vote within the community. And that the person who stood for election and was elected thereafter was entitled to do so on the state of the law as it then stood and I look at this matter endeavouring to look at it from very much a legal point of view of what appears to be just and fair and what doesn't seem to infringe against the traditional concepts that retrospective legislation or the retrospective affecting of people's rights is a matter of most serious concern. I myself if I express an opinion its my own opinion and not obtained from anybody else am concerned that if there was a challenge if this motion's

passed and there was a challenge to it it seems there would be an inevitable result as a consequence of the courts taking the view as to whether or not there had been a serious situation which was unfair and unjust and really quite inappropriate to put in place. I have given the matter anxious concern because

MR. BROWN Point of Order. If the minister is purporting to give a legal opinion in the debate then that is inappropriate.

MR. COOK I have put forward that's my own view whether its considered that's

MR. DEPUTY SPEAKER On the on the point of order I didn't interpret that Mr. Brown but we could make that plain to the minister that it should not be the case of him putting forward a legal view.

MR. COOK I had no intention of putting so. In fact if my words were misconstrued in that sense then I certainly wish to avoid that because I'm not. I am just pointing a concern that might arise not that that was a considered and final determination of that aspect. I'm pointing out certain things which could occur. All I'm concerned about is that the motion that I have put forward as an amended motion does meet in my respectful submission the effect of the referendum. I myself personally hold quite strong view about public servants acting in the role of legislative on the legislative side as well as on the administrative side and that's a traditional view about the separation of power and I don't resile from that in any way at all. That's not the issue as I see it. The issue as I see it is that persons who stood for elections persons who were voted for in the light of what could happen who received a certain number of votes which clearly indicates that those votes were considerably in excess of the numbers who might as I understand it have taken a no vote in the referendum do require some careful concern and consideration the fact that we don't disenfranchise those persons and it is for those reasons I move the motion the amended motion.

MR. DEPUTY SPEAKER Thank you. Further debate Honourable Members. Chief Minister.

MR. NOBBS Thank you Mr. Speaker. The original consideration of this particular proposal or not the proposal so much but how we would implement the wishes of the people I guess you could call it at the referendum on the 4th April about six weeks ago seven weeks ago. This the first was that the number of positions because it was unclear to some who was actually what positions not who but what positions were actually involved in the proposal. Thirtyeight positions were identified by their peers in the public service. As head of the I suppose my responsibility I shouldn't say head my responsibility was the public service and I considered it was more like twentyone positions as proposed. The proposal that I put to the members at the time was one that we decide on the on what positions are involved and the second one is that whether the it would be sort of retrospective or it would apply at the time as from time of the of the April 4th or we would not allow it not retrospectively but in a forward nature to the next election where it whichever of these would occur. It was put to the executives and the executives took the view that the thirtyeight positions identified with the service would be the recommendation or all public servants whichever other members felt was appropriate. I don't believe that all public servants were considered in this. This was motion directly at specific positions and therefore I would support in view of the membership the executives proposal that the thirtyeight positions involved recommended be the ones involved. The actual timing is quite interesting because the question says eligible at the same time to maintain their public service employment and sit as members of the Legislative Assembly. That's what that's what it finished. That to me encompasses what the people voted on and I firmly believe they voted on the fact that this was the time. However, I have some difficulty in removing people from the Assembly not because of my own past history in that area but because I believe that the

Assembly I've read somewhere in all and I can't recall it exactly where it is it was in my mind earlier but the Assembly really is not empowered to give rid of a member of the Assembly. You can get rid of ministers for sure not off the Assembly but you can you can cut their feathers and make 'em feather dusters if you like and go back as ordinary member that that's fine but to actually remove a member from the Assembly is something that oh by other members is something that I believe is against is not legal. But I may be wrong and I don't want to give it a legal opinion because I'm not a lawyer but anyhow my suggestion is perfectly is this. That I believe that the public has spoken. I believe it is for the members affected to take their own counsel. I that's I say that again. I think it's the the Assembly the general public has spoken. It was a resounding result and it is up to the individual members to take their own counsel and to either stay as they are or resign from the resign from the public service or resign from the Assembly and I'll leave it as that.

MR. DEPUTY SPEAKER

Thank you. Mr. Brown.

MR. BROWN

Could I Mr. Speaker could I just add one thing. The Chief Minister is of course correct. Its not for the House to remove a person from his position as a member of the Assembly and in fact the motion acknowledges that. The motion contains provision for a deemed resignation from the public service but not for a deemed resignation from the Legislation Assembly. So I fully accept what's been said there.

MR. DEPUTY SPEAKER

Thank you further debate. The cue Mr. Gardner.

MR. GARDNER

Thank you Mr. Speaker. I have some difficulty with the original motion and tend to be at this stage supporting the proposed amendment though I have some minor difficulties with the proposed amendment and if you'll bear with me I'll try and keep it as brief as possible. The difficulty that I have with the original motion Mr. Speaker is dealing with the three months from the commencement of the legislation which in effect would basically force whoever it may be that's effected by this motion and the and the legislation and the appropriate legislation as brought forward to have to consider their options whether to remain as a member of the Legislative Assembly or whether to remain a member of the public service but quite clearly its intended that they would be unable to do both. I've read as you're aware Mr. Speaker I wasn't present at the April sitting of the House but I have read with interest the Hansard from their with reference made to this matter and I think Mr. Brown in his arguments in support of this motion said that we all knew about this prior to standing for election and so that we should have all been warned that your head was on the line if the referendum was in favour or supported basically the thrust of this motion which obviously it did. The people have spoken and I'll support that and I'll respect that I have no difficulty with that. We're talking now about implementing the wishes of the community. Certainly the referendum didn't say or state in any particular form that this was to have immediate effect. We weren't asking the population to comment in any way on that and I think really at the end of the day election results have borne out the fact that because the election became came before the referendum that people obviously in the community were comfortable with members of the public service at that time standing then the referendum question was another matter subsequent to . What I'm trying to get to Mr. Speaker is the fact that yes we did all know that. But so have we for a number of years known that the Commonwealth was making sure that all members of the Legislative Assembly were Australian citizens. And there're a number of people sitting around this table that were very aware of that fact and I think it goes back to probably the sixth Legislative Assembly that that question came up and that in its time could have affected Mr. Smith it could have affected I think Mr. Robertson in the previous Assembly the only member of this Assembly that I think that that may have had an effect would have been Mr. Walker and Mr. Walker's absent today but I understand that he is not an Australian citizen. If the success of the proposed amendments to the Norfolk Island Act that were proposed by the Commonwealth if they'd succeeded which I

think fortunately for Norfolk Island they didn't in the bigger picture but if they had been successful and bearing in mind that I think many members of many past Legislative Assemblies have looked upon the Commonwealth as being some sort of ogre sitting out there. I think I commend the Commonwealth for the approach that would have been taken if that had been successful in allowing the members of the Legislative Assembly that were non-Australians to serve out their time of service on the Assembly. And I think that is the responsible fair and just way to proceed with this. That's where I say that I support the proposed amendment in that I think that its only just that people should be able to remain in their elected position. I take on board the views of the Chief Minister in relation in its not really our role to say that a member of the Assembly should disappear or to bring in the necessary that would prevent them from continuing in their role which expires at the end of the three year period then they do no longer exist. That is when the legislation should come into effect or at the time of a bye-election and I'll support that that these provisions come into train at either the next bye-election or next full general election for the Island. As I pointed out in my introduction Mr. Speaker the minor difficulty I think that I have with the proposed amendment is that the provisions or the requirement for somebody to stand down immediately upon election may cause some difficulty with staffing within the Administration. If I were to give a hypothetical example of that if there were to be nine of the most senior members of the Administration including the CAO and Programme Managers etc. all stood for the Assembly and were all elected of course some of those automatically would resign because of I would imagine that some of them would take up executive responsibilities in the Government. However the other five that would remain outside of executive office would be under these provisions having to resign immediately which could hypothetically leave a major staffing problem and a major hole in the management and running of the administration. I would therefore propose that maybe at the appropriate time that I would seek to amend this amendment to probably reinstate this part of the Amendment item (a) in the original motion but to delete with immediate effect from that and replace that with within six weeks which I think would give an a workable time frame to be able to replace those senior staff members. That's all I have to say at the moment, thank you.

MR. DEPUTY SPEAKER Thank you Mr. Gardner. Further debate. Chief Minister.

MR. NOBBS Thank you. Elsewhere just a quick point on that. Elsewhere the person has to resign on nomination of public servant so that's the story. You do and that's it finish having been down that road myself I can tell you. And its you certainly realise whether you want to be a politician or not with about six weeks or so no pay coming in. But anyhow. The I I just draw just out of interest and I know its getting late and all that but there was a committee. Report of Select Committee on Electoral and Constitutional Matters in October 1995. Recommendation 18 says that public Public Service Ordinance be amended to provide that if a public servant is elected to membership of the Legislature he is deemed to be on leave without pay from the public service without the option to return to the public service at a similar level when he ceases to be a member so there was obviously somewhere in here it says that they were concerned about public servants being on the Assembly. So that's only just the historical data document which I have to be readings from in some time in the future I understand.

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

MR. BROWN Mr. Speaker the Chief Minister is quite correct. In most other jurisdictions it is necessary to resign prior to nominating. And there have been some reasonably prominent cases in Federal Parliament over recent years in relation to just that question. And in each case the particular person who had been elected to the Federal Parliament found that they lost their seat because they had not

attended to the necessary resignation before nominating. The whole concept of this is the doctrine of separation of powers so that you do not have people in the legislature with one leg and in the executive which is what the public service is with the other leg. If members are of a view that that the provisions of the legislation should not have immediate effect well so be it. I believe that it should be immediate effect particularly because of the fact that the referendum was known to everyone before nominating. I accept what Mr. Gardner has said about people of New Zealand citizenship being members of the Legislative Assembly. Its not my recollection that the Commonwealth has been trying to make that change for ages the Commonwealth certainly tried to make the change during the life of the last Assembly. I accept that but it was the Commonwealth who said look in order to try and buy you all off a little bit we would leave it so that you can stay there for the life of the present Assembly and the thing would only have effect from the time of the next election. Well that's fine but what's being talked of here is not retrospective legislation. It doesn't deem someone to have not been a member of the Legislative Assembly in the past. It simply says that once this legislation comes into being in so many months time it will be necessary for someone to have made a decision. I prefer it the way that it is but if a majority of the house wants it a different way well so be it. At least we are progressing. Thank you.

MR. DEPUTY SPEAKER

Mr. Cook.

MR. COOK

Mr. Speaker through you if I could just speak to I fully support in a real sense what Mr. Brown has said because I think he understands that I have maintained the question of the separation of powers and believe it is important matter that we must pay proper and adequate regard to. Mr. Gardner's suggestion that there be a six weeks' delay as it were it seems to me with great respect that if anybody who is going to stand for election is well aware of the situation that if they are elected they cannot take their position on the Assembly unless they resign from the public service so they really are faced with an immediate choice. One of the problems of about the Chief Minister said about having to as it were resign as at the date of nomination is of course the situation is under the Norfolk Island Act the relevant section 39 I think it is one that deals with qualifications for or disqualification for election to the Assembly is that you are disqualified from nomination for the Assembly if you are one of the officers under an Act of Commonwealth or an Act of Norfolk Island which is prescribed and there has been no prescription of any such officers and it would mean as far as I can see that one would have to go to the process of giving regulations made specifically under the Norfolk Island Act which would deal with this matter and that might take a very considerable time. I believe that we ought to act with some degree of urgency for the community to understand that we accept the direction given in the referendum but at the same time we endeavour to deal justly and fairly with those who proceeded on a particular basis a particular time. The Public Service Act itself seems to provide for the situation by necessary implication that you could stand for election and also be a member of the public service and that was the situation at the time that the elections took place because it relates to the question of pay and entitlement to receive pay so there seems to be an implication there that was acceptable at the time the person was elected and therefore I don't find myself able to support Mr. Gardner's suggestion that we retain clause (a) in some form and increase the immediate effect situation by making it some six weeks. I rather think that the motion as it stands in its main part that they cannot maintain their public service employment and sit as members as the Legislative Assembly doesn't mean to say they can't they've got to make a choice at the time the election takes place and whether they proceed further with their public service employment and I think that effects the necessary intention of the satisfaction of the referendum result.

MR. DEPUTY SPEAKER

Thank you. Mr. Brown I think you were signaling.

MR. BROWN

I don't think it matters Mr. Speaker thank you.

MR. DEPUTY SPEAKER Any further debate Honourable Members? What we have in front of us is Mr. Gardner you wish to move that amendment. Is that the stage we're at or

MR. GARDNER Yes, if I could thank you Mr. Speaker. I so move.

MR. DEPUTY SPEAKER Okay then. Is leave granted for that Honourable Members? Leave is granted. Honourable Members if we're at the stage of tackling the voting on this first of all there is the matter of Mr. Gardner's amendment to the amendment.

MEMBER Could we have that clarified please?

MR. GARDNER If you would like Mr. Speaker. I'll try and clarify it as best I can. It's a three part thing. It begins with those words under this motion that this House request goes right through and that followed by the colon. Then it would go on to and make the proposed amendment of Mr. Cook's section (a) I guess of that motion and then would be followed with the original section (a) being redesignated as section (b) with the words in that original section (a) with immediate effect being deleted and within six weeks included. And the deletion and at the end and the semi-colon replaced with a full stop.

MR. DEPUTY SPEAKER Okay. Honourable Members I will put that question to you. That Mr. Gardner's motion be agreed to.

QUESTION PUT

MR. BUFFETT	ABSTAIN
MR. NOBBS	NO
MR. BATES	ABSTAIN
MR. COOK	NO
MR. GARDNER	AYE
MR. SMITH	AYE
MR. BROWN	AYE

Thank you. The result is the ayes three the noes two abstentions the ayes have it. Thank you. So we now have a motion which incorporates Mr. Gardner's clause. We now need to look at Mr. Cook's amendment which is in the paper that you've circulated. So I'll put that question to you. That this is in respect of Mr. Cook's amendment.

QUESTION PUT AGREED

We now have a motion the original motion that is amended and I will put that final motion to you. Therefore it is a motion which has Mr. Cook's amendment Mr. Gardner's amendment and that's the totality of the amended motion.

MR. NOBBS Mr. Speaker could we have clarification. I'll be voting no as I've said because I've got my own views on these things and they're probably the only ones here so why put an amendment in but could we clarify what we're at with this at the present time.

MR. DEPUTY SPEAKER Yes

MR. NOBBS For the listening public because

MR. DEPUTY SPEAKER Yes

MR. NOBBS

They are probably as confused as

MR. DEPUTY SPEAKER

Yes. In respect of the published motion we have the first clause of that. We then have Mr. Cook's amendment and then as the third part of that we have Mr. Gardner's amendment. There we are. I put the question to you Honourable Members. Mr. Bates.

MR. BATES

I have abstained from voting on this for obvious reasons but I think it needs to be said that I do not object to the to the result of the referendum being implemented through legislation. I do have some difficulty with being forced into making a decision as a properly elected person who went to the polls being forced to make a decision before another election. I would have no difficulty in making up my mind at another election but I have abstained for obvious reasons but that shouldn't be construed that I don't support we give some legal basis to the results of the referendum.

MR. DEPUTY SPEAKER

Thank you Mr. Bates. Honourable Members I will put the question to you this is that the motion as amended be agreed to

QUESTION PUT

AGREED

FIREARMS AMENDMENT BILL 2000

MR. DEPUTY SPEAKER

We're resuming debate on the question that this Bill be agreed to in principle and Mr. Cook you have the call to resume.

MR. COOK.

Thank you Mr. Speaker. All what I wish to do is to move that in the Firearms Amendment Bill which I put forward that Clause 5 be deleted and there should be substituted the following clause under the heading Issue of Permits 5 Section 26A of the principal Act is amended by omitting subsection 2 and substituting 2 the issuing officer shall not issue a permit under subsection 1 until after the end of the period of twentyeight days following the day on which the application is made for the permit but may in exceptional circumstances and with the prior approval of the executive member issue a visiting sporter shooter permit before the end of the period referred to.

MR. DEPUTY SPEAKER

Thank you.

MR. COOK

Mr. Speaker if I might speak to that the situation was that the previous form in which Clause 5 stood when the Bill was introduced to the House was that for the words where issue a permit before the period and did not include the words visiting sporting shooter and those are the words that have actually been added. Now what happened when the Bill was put forward for consideration and Commonwealth authorities have an interest it would appear but I was not present in the Assembly beforehand but I was following with some interest the general conduct of the firearms legislation there came back a response that the Bill in its form was acceptable except for this cause because it didn't make it clear that the permit which was to be issued under section 26A was what you might call a purely temporary permit granted for the purposes of enabling visiting sporting shooters to participate in events. As I indicated to the House when the Bill was brought forward there had been a difficulty which had been experienced. Shooters from New Zealand who came here to engage in a shooting competition found that they didn't have the opportunity to obtain a permit to enable them to shoot on the Island. Regulations had to be immediately passed to meet that situation so they could compete as was intended. They were bona fide shooters who had come here for the purposes of an international competition. I pointed out at that time in the Australian States and Territories a person who has a shooter's permit

and is entitled to participate in shooting competitions would be able to come to Norfolk Island and participate on the strength of that permit. The persons who come from outside that immediate situation such as a person from New Zealand, Vanuatu, New Caledonia or elsewhere would have to make to application for a permit and Section 26A is intended purely to meet that situation and it is quite clear that with that appropriate amendment which I put forward now and commend to the house the any possible concerns as to the situation emerging that some permit could be granted which was as it were open-ended or intended to last indefinitely is overcome and the real reason for section 26A is carried into effect and that is that it is to enable visiting shooters to participate in competitions on Norfolk Island.

MR. DEPUTY SPEAKER Thank you. Honourable Members is there any further participation. I will put to you the question that the bill be agreed to in principle so that we will tidy that particular matter then we will take into account the particular amendment that Mr. Cook has just addressed with us. I'll put the first question first. The questions Honourable Members that the bill be agreed to in principle.

QUESTION PUT
AGREED

MR. DEPUTY SPEAKER Thank you. And in respect of the detail stage we have the amendment that Mr. Cook has just discussed with us and if there is no further debate in respect of that but I will give an opportunity if there is I will ask whether you wish to agree that amendment. Any further debate in respect of that amendment.

Then I ask whether the amendment is agreed to.

QUESTION PUT
AGREED

Unless there are any further amendments Mr. Cook and I would look to you to indicate to me if there are

MR. COOK No further amendments

MR. DEPUTY SPEAKER No further. Then I will now put to you Honourable Members the question that the remainder of the bill be agreed to.

QUESTION PUT
AGREED

MR. DEPUTY SPEAKER I now look to your Mr. Cook to propose a motion maybe that the bill as amended in your terms be agreed to.

MR. COOK Yes. Mr. Speaker I do put that forward that the bill as amended be agreed to.

MR. DEPUTY SPEAKER Thank you. Is there any final debate.

QUESTION PUT
AGREED

PUBLIC MONEYS AMENDMENT BILL 2000.

MR. DEPUTY SPEAKER We're resuming debate on this bill and the question before us is that the bill be agreed to in principle. Chief Minister you have the call to resume.

MR. NOBBS Thank you Mr. Speaker. The purposes of this bill was as read out last at the last meeting is to amend the Public Moneys Act to bring it into line with changes that have been in place have taken place in the management of the Finance Section of the Administration and the method of accounting of public moneys. There are basic changes in relation to the accountant and there is change to finance manager some years ago and therefore this reflects that. There also changes in other particular areas where it clarifies the Administrative Services Fund the which there was some ambiguity bit late in the day. There was no clear provision put into the Public Moneys Act. It was felt by the Crown Solicitor of some of a little time ago and that the it was authorise expenditure from the Administration Services Fund Trust Fund and the Loan Fund without the need for an Appropriation Act. There are other other minor amendments to the Public Moneys Act and at this stage I don't particularly wish to add anything further Mr. Speaker.

MR. DEPUTY SPEAKER Thank you Chief Minister. Any debate. No debate.

QUESTION PUT

AGREED

DISPENSED WITH DETAIL STAGE

MR. DEPUTY SPEAKER Therefore I seek a final motion. Chief Minister.

MR. NOBBS I move that the bill be agreed to.

MR. DEPUTY SPEAKER Thank you. Any final debate? No final debate.

QUESTION PUT

AGREED

YOUTH ADVISORY COUNCIL BILL 2000

MR. DEPUTY SPEAKER Youth Advisory Council Bill 2000. We're resuming debate on the question that this bill be agreed to in principle. Mr. Smith you have the call to resume.

MR. SMITH. Yes thank you Mr. Speaker. I have little to say on this. The bill is fairly self-explanatory. Its been sitting on the table since the last sitting. I think we talked enough about it in the last sitting and now its just a matter of members of either agreeing or not agreeing to it so we can get on with the business of setting up the council if the Assembly agrees.

MR. DEPUTY SPEAKER Thank you. Debate. The question before you Honourable Members is that the bill be agreed to in principle.

QUESTION PUT

AGREED

DISPENSED WITH DETAILED STAGE

MR. DEPUTY SPEAKER Therefore I seek a final motion.

MR. SMITH I so move Mr. Speaker.

QUESTION PUT
AGREED

MARKING OF WEIGHT ON HEAVY PACKAGES AMENDMENT BILL 2000

MR. DEPUTY SPEAKER We're resuming debate on the question that this bill be agreed to in principle. Chief Minister you have the call to resume.

MR. NOBBS Thank you Mr. Speaker. This is an old bill its actually older than me and there are only minor amendment to a very simple bill which places measurements in penalty units and minor amendments in relation to gross weights and to make an old statute appropriate to modern modern commercial practices Mr. Speaker. I think that that's all I have wish to say at this particular point in time.

MR. DEPUTY SPEAKER Thank you Chief Minister. Any debate Honourable Members? The question before us Honourable Members is that this bill be agreed to in principle.

QUESTION PUT
 QUESTION AGREED
 DISPENSED WITH DETAIL STAGE

MR. DEPUTY SPEAKER Therefore I seek a final motion that the bill be agreed to Chief Minister.

MR. NOBBS I so move.

MR. DEPUTY SPEAKER Thank you. The final question Honourable Members that the bill be agreed to.

QUESTION PUT
 QUESTION AGREED

FIRE CONTROL BILL 2000

MR. DEPUTY SPEAKER We're resuming debate on the question that this bill be agreed to in principle and Mr. Cook you have the call to resume.

MR. COOK Yes. Mr. Speaker thank you. Since I laid this bill before the House for it consideration and particularly arising out of discussions that took place at the MLAs on Monday of this week a number of concerns were expressed by persons particularly relating to the powers of the Chief Control Officer or Fire Officer and Authorised Person to enter land and which may be land adjoining a place on where a fire was occurring whether it be on vacant or whether there was a house on that land and the responsibilities for damage which might be occurred on that neighbouring land in particular. And this was raised and discussed and seemed to be a valid concern as to whether or not it was adequately covered. In the course of debate it was pointed out that sub-section 2 of section 20 which refers to damage which might be occasioned by a fire Chief Fire Control Officer a Fire Officer and Authorised Person doing something in good faith or in exercise or performance of powers or functions of this act which includes of course going on to adjoining land and there was no action which could lie against that person if it was done in good faith and in obvious performance of his duty in a reasonable fashion and not negligently or recklessly or otherwise. That there was special provision in sub-section 2 of section 20 that said that any damage referred to in sub-section 1 shall be taken to be damage by fire within the meaning of any policy of insurance against fire covering the property so damage notwithstanding any clause or

I didn't do this earlier and I'm sorry Mr. Lewis that I didn't recognise you earlier. For the listening public the Legislative Counsel's main job is to is drafting legislation and assisting members in that regard. I welcome him to Norfolk Island from the other Island Tasmania and look forward to working with him as I know all other members do. Thank you.

MR. DEPUTY SPEAKER Mr. Brown

MR. BROWN Mr. Speaker could I join in that welcome and could I add that Mr. Lewis is not one David Hugh Lewis. He is a different David Lewis.

MR. DEPUTY SPEAKER Thank you Mr. Brown. Mr. Gardner I didn't realise that you were seeking the call otherwise I would have given you the call first on proposing that motion. Mr. Gardner.

MR. GARDNER That's fine Mr. Speaker. I don't mind in the least and I'll try and keep this as brief as possible I know the time is getting on. I'm just referring back to debate over the budget session today and a matter I brought to the Assembly some two or three weeks ago in regard to two portions of land at Ball Bay that are on the market a matter that has been discussed widely in the community over a long period of time. I understand that the portions are still available for sale and have been approached by the Open Space Conservation Foundation and I hope I extend my apologies to them if I got the wording of their organisation wrong but these people have approached me to to make representations to the Legislative Assembly to see whether there is any possibility of the Government and Legislative Assembly giving consideration to the purchase of that those portions of land and that in the budget. I think its quite clear to all members that there has been no provision to date made in it. It was agreed by members to give it consideration and I just wish to draw that matter again to members' members' attention as over the next month we certainly get our minds into the budget process. Thank you.

MR. DEPUTY SPEAKER Thank you Mr. Gardner. Further participation Honourable Members.

Honourable Members the question is that the House do now adjourn.

QUESTION PUT
AGREED.

This House stands adjourned until Wednesday the 21st June, 2000 at 10.00 am.

