

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

We move to condolences. Mr McCoy

CONDOLENCES

MR McCOY
following condolences –

Mr Speaker, it is with regret that we record the

Catherine Anderson
Joanne Iris Elena Dukes
Evelyn May Burrell
Oenone Harriet Yeaman
Macey Gregory Quintal

Catherine Anderson passed away at the Norfolk Island Hospital on 3rd June. Catherine with her husband Gideon and young son John came to Norfolk in 1946. She was brought up on the family farm in the Te Aroha district of the Waikato, North Island, New Zealand. It was a family Scottish background with Daniel forming the first pipe band in the North Island and Catherine became a top Highland dancer, performing especially the Sword Dance and Strathespey before large audiences. She eventually became a teacher of Highland dancing. It was a health minded family – no smoking or drinking tea or coffee and wholemeal bread. Catherine continued this practice throughout her life and grew her own fruit and vegetables at her home in Mission Road. She won several prizes at the A & H Show for artwork in water colour, oils and pencil. Gideon passed away in 1978 and she lived alone until in recent years she became an in patient of the Hospital where in the late 50's she was a voluntary nurse aide. Catherine had a strong faith and close friends to sustain and support her and she was well loved. To John and his wife Florence, to Jean Sanderson, an artist in Auckland who also once lived on Norfolk, to Kate's many friends this House extends its sincere sympathies.

Joanne Iris Elena Dukes, a long time resident who passed away in the Norfolk Island Hospital on Friday 7th June. Joanne was born in Surrey, England on 13 July 1907. During the 2nd World War Joanne drove ambulances in London and in 1947 she was married and went to live in India. Joanne loved India and spent many years there with her husband who was a Marine Supervisor for a shipping company that worked Bombay and the Middle East. Joanne then moved to New Zealand to live by herself but found it too cold after India so came on to Norfolk where she has lived for some 38 years. Joanne loved a hit of golf and was a member of the club. She was a keen bridge player who outlived her partners. She also enjoyed her home and her four cats, and worked in the Op Shop for many years. Joanne was a very private person and a very independent. She had no family left but she had close friends and to Lois Francis, Keith bishop and Lorraine Boudan this House extends its deepest sympathy

Everlyn May Burrell, affectionately known as Neen passed away on the 18th June. Neen was born in New Zealand in January 1901, the same year as the Queen Mother. She missed out on her 100th birthday by only six months, and it was a great score in a family of long livers, her sister Trix died recently at 95. Neen was part of a family of 7 – the Short family. They were sheep farmers and known for their sheep stud. Neen married another farmer from the area who was also a pilot. He flew in both World Wars and returned to New Zealand to become the nucleus of the Royal New Zealand Airforce.

Neen's husband had flown over Norfolk on his way to the Solomons and liked this Island so much that he decided to bring his family here after the War and so Neen, Heather and Byron all came to the Island in 1946. Neen set up house at Point Vincent and lived there 'til she moved to be closer to town in 1964. She loved being closer to the centre of Norfolk for she loved a tea and chat. Neen loved socialising but was certainly not a lady of leisure. She was an active member of the RSL Ladies Auxiliary, a founding member of the Country Women's Association, a life member of the Bowling club and was helping to clean St Barnabas Chapel until two years ago. She was probably the first to establish orchids on Norfolk. She loved gardens and gardening. To Byron and Noelle, Heather and Ron, Lois, Denise and Bill, Robyn and Jeff, Dean and Wendy, to her grandchildren overseas and to her great grandchildren this House extends its deepest sympathy

Oenone Harriet Yeaman passed away on the 19th June. Born in Norfolk Island in 1923 to Nellie Elva nee Quintal and Thomas Francis Buffett who were themselves born in Norfolk Island to parents whose parents comprised some of that whole Pitcairn Island community which relocated here in 1856. Noni was educated at the Central School travelling by horse. Her father, having been a World War I Light Horseman groomed her to be an excellent horsewoman. After her schooling in Norfolk Island Noni was further educated in Sydney, mainly for her musical excellence and to gain some typing skills and shorthand. World War II interrupted plans and on return to Norfolk Island in 1940 she nursed at the hospital, which is now Bishops court, until she went to New Zealand in 1945. Whilst in New Zealand Noni married Mort Conaghan and she gave birth to their first four daughters, Lorraine, Kathleen, Colleen and Sandra, then after moving to Norfolk Island, their fifth daughter Patricia was born. In later years Noni married and then nursed Eddie Yeaman who predeceased her by six years. Throughout her life Noni was a keen and good bowler, a good sport and worked hard for the Bowling Club. She was a Foundation Member, regular trophy winner in team situations, held Executive Offices including Madam President. Her love of the sea would often find her fishing at Bumboras, Kingston or Cascade. Noni Yeaman was a courageous fun loving caring person, and a wonderful Mother who single handedly raised and provided for her five children until they could provide for themselves. To her sister Alice, to Pat, Lorraine and Gaeton, Kitha and Robert, Colleen and Earl, Sandra and Ian, to their children and to her great grandchildren to her many friends this House extends its deepest sympathy

Macey Gregory Quintal passed away on Saturday 17th June. He was born on the 11th June 1918 at Paddington in New south Wales. Macey was the only child of Thomas Austin Quintal and Eleanor Louisa nee Evans. His mother died when he was fifteen months old and he was brought up by his paternal grandparents at Ivy House, Steeles Point. There was little or no employment in Norfolk Island during the Great Depression so he went to Lord Howe in 1934 when offered a job at Pine Trees Guest House. Live lived there for eight years and then enlisted in the Air Force in 1942, serving in Darwin and then New Guinea. At the end of the war when stationed in Melbourne he met Zilpha. They were married in 1947 and returned to the Island. After the death of his father they returned to Melbourne where his children, Diane and Denis were born and went to school. On his retirement in 1978 they built a new home out at Bumboras and returned to the Island. To Zilpha, Diane and Denis, to Zilpha and Peter Menghetti and Melissa and Shane Quintal and to his great grandson Pierce, this House extends its deepest sympathy.

SPEAKER Thank you Mr McCoy . Honourable members as a mark of respect in the memory of the decease, I ask that all members stand in silence please. Thank you honourable members.

QUESTIONS WITHOUT NOTICE

MR BATES Thank you Mr Speaker. My first question is to Mr Nobbs, Minister responsible for the Airport. Will the new arrangements for funding of the Airport Emergency Fire Service be cost neutral to the airport or will funds collected from the Airlines to upgrade the runway be eroded by this initiative of the Government.

MR NOBBS Thank you Mr Speaker, and thank you Mr Bates for that question. There has been some concern I understand in relation to that from the Service and whilst I didn't anticipate the question I'll answer it. The position is that the Airport at the moment will be in a debt situation of \$117,000 this year and it drops progressively, I think it's \$90,000 the prediction of next year and around the 90 to \$100,000 from those years onwards. Now the proposal hasn't been finalised for the transfer of it, I mean the final arrangements haven't been put in place. We're waiting the outcome of the budget. I believe that there are some income streams that can be looked at in relation to picking up this money which I think will average about \$100,000 a year a net loss in the operations of the Fire Service at the present time I think we need to look closely at how they can be accommodated. As I said there are some ideas floating around. We are waiting on the final outcome of the budget and discussions in relation to that but regardless of where the Fire Service is situated its still in a net loss situation to whatever, whether it's in the Revenue Fund, or the Airport Fund or the Legislative Assembly Fund we still will be \$100,000 behind on the operation of that particular facility and I thank Mr Bates for the question and I can assure him that it will be addressed.

MR SPEAKER Thank you.

MR BATES Can I have a supplementary please Mr Speaker. I think in the question I was really asking whether funds collected from landing fees by the airline is going to be rerouted to fund the Fire Service and I don't think Mr Nobbs has answered that.

MR NOBBS Thank you Mr Speaker. I don't anticipate that that will occur. There are some funds at the present time which I understand go or have been in the past and for quite a few years now have actually gone from the airport to support the Fire Service. Now this will continue but given that amount of funding there will still be a net loss of \$100,000 a year which we need to cover and to get away from the situation of taking it away from the Airport and the funding arrangements that are provided there for the refurbishing of the Airport. We are actually addressing that now.

MR BATES Another question for Mr Nobbs Minister responsible for Finance. When the so called 40,000 tonnes of rock is eventually available for sale to the public does the Government intend to load the price to boost its coffers.

MR NOBBS Mr Bates thanks for the question. I don't think we'll be loading it at all. I don't understand the question. I mean if we are into a commercial operation I would have thought that there was a need to show some sort of a profit on that and I would anticipate that there will be a profit built into it and that it will not run at a loss and therefore I don't think there will be anything built in extra but, at this stage, there's no plans at the present time to do that apart from running it as a commercial operation, as a GBE so to speak and there will be obviously a profit margin in there.

MR BATES Could I have a supplementary please Mr Speaker. The sum of \$10 over and on top of the proper costing of this rock has been suggested and that \$10,000 by 40,000 tonnes that's \$400,000 which has been suggested should go into the coffers of the Government. Is that just a story or is there some truth in that.

MR NOBBS Thank you Mr Speaker. Mr Bates we don't know how much. I mean all we know is that the current cost if rock was available at the present

time I would assume that I would have to pay something like \$60 a tonne or whatever the commercial rate was at the time that it became unavailable and I think now we're still paying something like \$64 a tonne for stockpiles that are available. I think that's what was quoted to me last week but it's around the \$60, \$64, \$65 a tonne. Until we get a clear indication from the tender documents that have just gone out and I understand will be closing shortly. Until we get a clear indication of what the cost of crushing will be and added to that the cost of the purchase of the rock plus the incidentals I can't tell you now exactly how much we will be charging for rock. It may be \$64 and it may not. I don't know but there is a need I believe as in any other commercial operation to put a profit margin in there, otherwise we will be subsidising things.

MR SPEAKER

Further Questions Without Notice.

MR BATES

A question for Mr Nobbs Minister responsible for finance. During the recent visit of Minister McDonald progression of the so called land package was discussed. Could the Minister outline the cost to Norfolk Island Government both to implement and also for ongoing costs and the Governments willingness and its ability to fund it.

MR NOBBS

Thank you Mr Speaker and Mr Bates for that question. A paper was put up by me some months ago in relation to that and I think that the figure that we came up with was in the order of \$140,000 or \$150,000 around about that figure which was to be I believe that the Federal Government could fund it on a \$3 to \$1 Norfolk Island Government. Subsequent to that we've agreed that this should be split 50/50 and so that the \$70,000 or \$80,000 will be available to fund our side of it. Now there are funds within the current budget in relation to that and there are additional few dollars which fell short of that figure which has been put into the 2000/2001 budget. As for the ongoing costs of it, a lot of these things which I think you should realise, a lot of what's happening now is actually being funded by us at the present time. One of the things, the Norfolk Island Plan is, there is a review of the Norfolk Island Plan to be done. We've already got the plan in action. There is a preparation of codes, which under the Public Health Act, we've already got public health inspectors there. They are introducing the Heritage Act, I mean the Heritage Act, these Acts were brought in, the Heritage side of things were brought in about 1996 which is actually before my time in the Assembly so I assume some consideration was given to the cost of them at that particular time but going through it, the Heritage Act, there will be a need for some funding in that particular area and until we actually find out, there's no assessment criteria at the present time, there's no assessment or a panel in place, there's no register in place and until we get those things in place I cannot be precise as to the cost of the things. The plans of management for all the Reserves, we're currently running the Reserves ourselves at the present time. I wouldn't have thought that the plans of management for all the Reserves would really cost anything greater than what we're actually doing to the Reserves at this particular point in time. There is a proposal under the Roads Act to prepare road codes. I mean we're spending something like between half and three quarters of a million a year on the roads but we need a definite road code in place, we need to define the legal status of the roads, we need to examine each road and find out what's actually required to bring it up to these defined standards that we're setting under the road codes. Now there will be a cost in that because if you just drive around and have a look at the roads, I don't believe that they are really up to the standard that's required or economically, a standard which is economically sustainable but I mean there will be costs on that and we've identified it and it's been said that maybe it's going to cost us about 6 or \$7m to do the roads up but I don't know and we're actually getting engineering advice on that. I understand that the Service has sought expressions of interest in relation to having an engineer who will fill the bill in that area so we really need to get the required information before I can come to any conclusions as to the costs in that. The building codes, at the present time there are no building codes under the Act. Until we've got an Act in place,

we've got inspectors in place, there's a requirement for building codes there. The other ones, negotiate and transfer of the National Park and KAVHA. They are on, the proposal in relation to them is that the current management arrangements will continue in those particular areas but that the proprietorship of the land, that's the ownership of the land will return to Norfolk Island. It's a fairly simple exercise I believe in that area and I can't see any additional costs of great significance at this stage in relation to those two areas. If we wish to take over the National Park down the line in the future there will be additional costs. Same as if we wish to take over KAVHA there will be additional costs but the proposal at this stage is to transfer the land and those are the particular areas of the land plan that's progressing. I will say that I appreciate the speed with which Canberra has reacted to the meeting of two weeks ago and there is a group on the island at the present time who were sitting down at 9.00am talking to our people in relation to these particular issues.

MR SPEAKER

Thank you.

MR McCoy

Thank you Mr Speaker. I have a question I wish to direct to Mr Gardner, Minister with responsibility for the lands and for crushing at the moment. At the sitting of the 9th Legislative Assembly in April of this year you answered a question put to you by myself in regard to the emergency legislation being drafted to exempt certain properties on Norfolk Island from the working of the Norfolk Island Planning Act for the purposes of operating a rock crusher. Who advised you, or even prompted you to issue such drafting instructions.

MR GARDNER

Thank you Mr Speaker. Mr McCoy has referred to the April 19th meeting I believe I was in Canberra at that time so I don't believe I provided any answer to any question at that time. However as far as the thrust of the question I think which relates to the drawing up of emergency legislation, I think that's the words John used. That was an option that was explored by myself as one of the options that were explored to be able to ensure the continuation of the crushing industry on the island, one of many options that were pursued.

MR McCoy

Thank you Mr Speaker. I may have made a mistake, it may have been back in March that I asked the question. Supplementary to that. What has happened to this emergency legislation that you spoke of.

MR GARDNER

It is believed on the advice that I have received to date that it is not possible for us to be able to put in place effective emergency legislation for the resumption of crushing on the island.

MR McCoy

Thank you Mr Speaker. This question is also directed to Mr Gardner. You on earlier occasions informed members of this Assembly that no decisions can be made regarding the siting of the crusher on the whaling station site until generic conditions for crushing there, or anywhere else on Norfolk Island have been drafted by the Conservator and approved by the Legislative Assembly and the relevant Commonwealth Ministers. Have such generic conditions been developed.

MR GARDNER

I believe the first part of the question is incorrect. I don't believe that I've given an undertaking that before any decision on any crushing activities on the island were to be undertaken that there would be those generic conditions developed. Secondly in the stationary noise policy that is utilised by the Administration of Norfolk Island those conditions are fairly self explanatory I believe. Also the basis for the conditions that have been attached to an approval given for the operation of Island Industries on 49b2 and also the documentation that has been circulated for the temporary operation of a crushing site on the whaling station site form in themselves a defacto or quasi type generic conditions for the operation for noise

requirements, industrial requirements for crushing on the island. I think they are pretty self explanatory.

MR McCoy Thank you Mr Speaker. If they are quasi or generic type conditions why weren't the members of the Legislative Assembly given the opportunity to endorse these conditions before tender documents were issued to potential contractors to crush rock on the whaling station.

MR GARDNER I think that the conditions in a generic form, and then specific to the whaling station site were in fact circulated to all members of the Assembly prior to the finalisation of those tender documents. I don't know whether Mr McCoy was here or still in Malta at the time that that was done but certainly they were copied to all members of the Assembly.

MR McCoy Thank you Mr Speaker. This question is also directed to Mr Gardner in relation to crushing. Has a tenders committee been formulated to assess tenders for the crushing at the whaling station site or will the whole Legislative Assembly be involved or only the Executives.

MR GARDNER My understanding of the situation and the advice that I've received to date is that the tenders committee was formed by a directive of the then Finance Minister in 1995 under the Public Monies Act and that policy which is still in existence to date is that the tenders committee comprises the four Executive Members and the Chief Administrative Officer and unless that direction has altered that is the tenders committee.

MR McCoy Thank you Mr Speaker. This question is also directed to Mr Gardner, it's in relation to the conditional approval for Island Industries to crush on 49b2. Is it a fact that appeals have been lodged with the Administrative Appeals Tribunal against the conditional approval granted by yourself, Island Industries to establish a rock crusher on Potion 49b2.

MR GARDNER Thank you Mr Speaker. We don't have an Administrative Appeals Tribunal on Norfolk Island, its accurate name is the Administrative Review Tribunal and there has been a series of applications that have been lodged to the ART in relation to that approval.

MR McCoy Thank you Mr Speaker. Is it a fact that a letter concerning this matter received by you and circulated to Assembly members has been lodged as part of documentation evidence to the ART.

MR GARDNER I would at this time Mr Speaker prefer not to provide an answer to that question. I don't know whether Mr McCoy is intentionally trying to inflame a situation which is being dealt with but really the matter of evidence before the ART is a matter for the ART to provide advice on and I certainly would not like to become involved in pre-empting any decision of the ART in relation to an application before it. I don't believe that's my role or responsibility to do that.

MR WALKER Thank you Mr Speaker. A question to the Chief Minister Mr Nobbs. Will the Minister give consideration to a review of lighterage operations with a view to examining alternative discharge methods to bring Norfolk in line with global trends.

MR NOBBS Thank you Mr Speaker and thank you Mr Walker. Most certainly we'll be looking at alternatives in relation to the operations of any of the Government Business Enterprises. The situation is, we've already had other

MR WALKER Mr Speaker a question to the Chief Minister Mr Nobbs. Can the Minister inform us of the current ETA for the new generators and further, if the generators have been fully paid for.

MR NOBBS Thank you Mr Speaker. The ETA of the generators are unclear at this particular point in time, because they are actually I understand sitting on the wharf in Sydney awaiting the arrival of the Captain Cook into Sydney for loading and there has been a hold up, I understand, well that was in the last day or two. They were supposed to be loaded yesterday but I understand, my information is that the Cook hasn't yet arrived from Geelong and so they have not been loaded. In relation to the other question. I understand that there was a progression and that at this stage I can't answer you exactly whether they've been totally paid for in full, but the funds are available and I assume that by the contract that was written at the particular point in time that there would be some funds held, there were I understand some funds to be held back but I can't tell you exactly how much, but I will advise you as soon as I find out Mr Walker.

MR WALKER Mr Speaker a question to the Minister for Customs and Quarantine. In view of the fact that Norfolk Island is to host the South Pacific Mini Games in December 2001 what initiatives have been taken to ensure the supply of fresh produce to the competitors in these games.

MR SPEAKER Chief Minister I think that's in your area.

MR NOBBS Oh is that mine. Sorry I thought it was about fruit and vegetables. Is that more appropriately in Mr Gardner's area than mine.

MR SPEAKER The question was directed to the Minister who had responsibility for Customs and Quarantine.

MR NOBBS Well I've got responsibility for Customs and Mr Gardner has responsibility for Quarantine but I could deal with whatever. Would you repeat what related to Customs was please Mr Walker. I was asleep. I was still on your electricity question.

MR WALKER The question Mr Nobbs is that in view of the fact that Norfolk Island is to host the South Pacific Mini Games in December 2001 what initiatives have been taken to ensure the supply of fresh produce to the competitors in these games.

MR NOBBS Thank you Mr Walker for that question. I understand that there was a committee set up some time ago to look at the supply of fresh fruit and vegetables and then it was, I understand following the last Games and I think that Mr Smith actually went to the last mini games or major games I'm not too sure in Guam. It came back that the actual feeding of them was taken on by another body who felt that we could handle the particular feeding arrangements and the supply of foodstuffs required quite adequately but that was the last that I was involved with in that particular area, but the relevant Minister Gardner may have some additional information to add but that's all I've got.

MR GARDNER Thank you Mr Speaker. For quite some time now there has been quite some debate I believe in the community regarding the supply or the feeding of the athletes and supporters and officials that will be here for the Games at the end of next year and certainly some concern as to whether we have actually the capability or the capacity to be able to undertake what is a fairly monumental task. There are a group of people in the community who believe they have the necessary

introducing a Bill to make provision for compulsory third party motor vehicle insurance and if not why not.

MR COOK Yes Mr Speaker, certainly there has been drafting of appropriate amendments to the Road Traffic Act to enable such a Bill to be brought forward and that is in the process as I understand it in its final stages. There has been consultation with the appropriate authorities in relation to that, particularly the Registrar of motor traffic, but I just wish to assure Mr Brown that I'm not moving to introduce that today but hopefully I will in the next sitting as the matter is urgent and is being treated as such.

MR BROWN I direct this question to the Minister for Immigration and Community Services. Is the Minister able to advise the number of general entry permit applications which have been lodged but not yet dealt with to finality including applications presently with the Immigration Officer which have not yet gone to the committee, including applications with the committee, and including applications which have gone from the committee to the Minister, and including applications which may be under appeal.

MR COOK Mr Speaker I have available this which has been prepared for me as to the general entry permit report at the 20th of June of this year, prepared for my by the Immigration Officer and it sets out the situation in respect of all general entry permit applications and their present standing and as best I have been able to interpret the material that I have, I think at the moment there are something like 36 general entry permit applications outstanding. There are 6 general entry permit applications I believe before myself in which I am seeking some material. There is 11 general entry permit applications awaiting further information and that's been at the request of the committee primarily. There's 3 general entry permits at the moment which are subsisting, there being no quota available for them presently. There are 6 general entry applications in which notification has been required to be given to Canberra under the Memorandum of Understanding which presently there is a deal of doubt as to the effective operation of that Memorandum of Understanding due to recent changes to the Migration Act in Australia. Ten General Entry Permit applications were dealt with under section 18(1) and six General Entry Permits granted which used up the quota of ten which was set at the last meeting in April. As far as I can appreciate and my mathematics on that is 36 General Entry Permit applications and a totality in the number of people including where they are family members and so forth in respect of those applications there are some sixty six people involved. If Mr Brown wishes to have it I'm most willing for him to have access to that document which was sent to me from the Immigration Office

MR BROWN Mr Speaker, if I could just ask the Minister if he could answer the final part of the question and that related to the number of pending appeals if he has that information thank you

MR COOK Mr Speaker I do apologise, I overlooked that part of the question. I did not intend to avoid answering. I think to the best of my understanding at the present time in appeals which are presently before the Minister I think there is a total of four. I would like to not convey any inaccurate information to Mr Brown Mr Speaker, I just want to be sure of that, but that is the best of my recollection at the moment, that there are four outstanding appeals

MR BROWN Mr Speaker, I direct this question to the Minister for Health and the Environment. Is the Minister aware of material which was broadcast late last night on the ABC suggesting the Norfolk Island intended today to thumb its nose at the Commonwealth and to proceed with Internet Gaming, notwithstanding the Prime

Minister's desire that there be some form of moratorium on that, and is the Minister aware that the particular comment from the ABC suggested Norfolk Island expects to earn \$150 million per year from the existing licensee

MR GARDNER

Thank you Mr Speaker and thank you John for the question. Mr Speaker if I may just provide some background before I answer this question. It was exactly in relation to this question that I was held up from being able to take my seat in the House at the original time this morning. I was in fact in an interview with the ABC regarding an article that appeared in the Sydney Morning Herald I understand this morning by a gentleman who was recently on the Island, an investigative journalist by the name of Mr Ben Hills. The content of the article that has appeared in the Sydney Morning Herald and I guess my reaction to that which I have communicated to the ABC this morning was that the journalist has basically tried to inflame a situation, which I don't believe, required inflaming. It is something that we are dealing with cooperatively with Senator Alston and the Commonwealth Government as far as the advancing of gaming on Norfolk Island is concerned. Mr Hills seemed to indicate in his article in the Sydney Morning Herald that Norfolk Island has secretly issued an Internet Gaming Licence Mr Speaker. That is totally incorrect. I certainly have made it quite clear over some months now that we are closing in on the issuing of licences and I believe had made it quite clear that the licence that Mr Hills refers to in this article which is somewhat scandalous in my mind was made public knowledge certainly well before April 19th when attended the Ministerial Council on Gaming in Canberra where a moratorium and a ban supported by the Federal Government were discussed by the Ministerial Council. Mr Hills has quoted me I believe as saying, as far as the possible amount of revenue that could be generated by this undertaking on Norfolk Island being somewhere in the area of \$100-150 million per year. Certainly there are people out there who are saying that. I tend to believe at this stage and I would be very happy if we were to break into the million dollar mark from revenue from this and later on in this article he does indicate that I did say something about even if \$100,000 per year were to be generated that will be money we can use. Well indeed yes it would be money we could use Mr Speaker, but to indicate that that is what we are expecting, \$100-150 million per year is a little bit over the top and I made that quite clear to Mr Hills at the time, that that was certainly on the outer edge of some of the expectations that were around in relation to what we could expect to receive as revenue from gaming activities on Norfolk Island. I tend to believe that this article again is really just to try and inflame some sort of confrontation between the Norfolk Island Government and the Commonwealth regarding Internet Gaming. As I made quite clear to the ABC this morning we have had I believe very constructive and fruitful discussion with both Senator Alston and Senator Macdonald and the Commonwealth on this issue. We have a legitimate structure in place, we have the necessary legislation in place, we have a Gaming Authority of the highest integrity in place which are dealing with applications and have issued licences under a legitimate structure. Until the Commonwealth choose to change that I really can't comment any further on it other than I guess to reiterate what I believe Mr Ben Hills has attempted to do is to try and make a mountain out of a molehill

MR SPEAKER

Thank you. Further Questions Without Notice

MR McCOY

Mr Speaker thank you. I have a couple of Questions that I wish to direct to the Minister for Immigration, Mr Cook. Has there been a shift from the Immigration Policy that businesses have to have operated on Norfolk Island for five years before Temporary Entry Permit or General Entry Permit holders can be employed in such businesses

MR COOK

Mr Speaker through you to Mr McCoy. I do not believe there has been a shift in any policy. Of course, policy in respect of these matters is the subject of agreement. It is generally arrived at after matters are put forward,

certainly if there's going to be a change of any policy and Members of the Legislative Assembly have the full opportunity to have input on that. I am not aware if I may say so, of any change in that essential policy which has been in existence for some time

MR SPEAKER

Thank you Mr McCoy

MR McCOY

Mr Speaker thankyou. A further question for Mr Cook in relation to Immigration. How is it that offshore contractors can compete for work in the building industry on Norfolk Island and if successful, bring in their employees to carry out the work

MR COOK

Mr Speaker again through you to Mr McCoy, I'm assuming Mr McCoy by saying that, how can such a situation be, that this is actually occurring or has occurred. I would be grateful of course if appropriate and proper information could be conveyed to me of any claim that there has been a failure to comply with the policies under the terms of the Act primarily in the Policy Guidelines which have been laid down, in my understanding, these matters have to be processed appropriately. There has to be advertisements, genuine advertisements inserted in the local newspaper seeking that local persons who are qualified and able to engage in the employment will come forward and be available for possible selection and so forth. As far as I am aware and I repeat my assertion to Mr McCoy. If he says that there are particular instances or examples I would wish these to be drawn to my attention so that I can be satisfied myself whether or not appropriate procedures have been taken

MR McCOY

Mr Speaker thank you. A supplementary question to that. Is it not a fact that we saw this situation happen last year with the construction of a tourist accommodation complex and we see exactly the same situation occurring at present

MR COOK

Mr McCoy I'm a bit at a loss because I wasn't here last year and I'm not quite aware of the comparison that you are endeavouring to make by putting forward some situation which I was not immediately directly concerned with in any operations of the Assembly. I may have heard things in the community but that's totally different from being aware of appropriate factual situations that I can compare with any present situation that you have alluded to. Here again I would be grateful if you would supply me if you choose to do so with appropriate information which I can take into consideration in a proper fashion

MR BATES

Mr Speaker, I have a series of questions for Mr Gardner, Minister for Health and the Environment, all to do with the recent departure of the heavy equipment of Kaipara. Maybe if I just run them out and we see how we go. The first one is have they met all their obligations under their contract. Have the full monies been paid to them

MR GARDNER

Thank you Mr Speaker, this relates I understand to the Cascade Cliff Management Project. I think if that is the case then it should more appropriately be directed to the Minister responsible, George

MR BATES

Well that question was, have they met all their obligations and have they been paid all their money

MR SMITH

Mr Speaker, I'm actually going to make a statement on the Cascade Cliff Project in Statement time which will cover some of those things but the answer to Brian's question is probably accurate if I say, No, not all of the financial side of this project has been finalised yet so of course the contractors wouldn't have been paid everything at this point in time

MR BATES Mr Speaker, yes maybe these questions can be raised when the Statement is made but the things I had in mind were repairs to Cascade Road, restoration of the foreshore at Ball Bay, jetty damage, future use of the Campion land and Young's Road when will it be open to the public and when will Cascade Common be restored to its earlier state but maybe I can address those when the Statement is made

MR SMITH I'm easy

MR BATES Well they're the questions. Cascade Road

MR SMITH Yes, maybe we'll go through those because they are quite easy to answer in that sense. Cascade Road. There is an obligation under the project that the Cascade Road be brought back to a similar standard I presume to before the project started. I don't think residents in the area should expect that because of a result of the project that there'll be a brand new Cascade Road. The jetty likewise. There was some damage done to the jetty obviously by the project. There will be an obligation on the Cliff Management Board and the Contractors to make good the repairs. Not all of the repairs, as I made obvious from my earlier answer to the question. Some are just old age problems of the jetty, Young's Road, you are referring to the road from Cascade Road out to the cliff edge. That's not open at this point because the last time I was down there a few days ago it's not actually fenced off down at the bottom yet, so that's the reason for that

MR BATES The restoration of Ball Bay from the ramp that was put down there

MR SMITH Mr Speaker, I assume that the restoration of Ball Bay would be part of the contract too and would be restored to how it was before, although I understand there has been some proposal that the temporary jetty that was there, people have been asking if it could stay there. I can't add any more at this time but certainly with the project if damage was done at Ball Bay it would be put back into the state it was. Is there another one there Brian?

MR BATES Restoration of the Cascade Common

MR SMITH Where the rock pile is? Yes, well that would be the same thing

MR SPEAKER Thank you. Further Questions Without Notice

MR McCOY Mr Speaker thank you. I have a question for the Chief Minister Mr Nobbs. At an earlier Sitting of the House you undertook to provide a report regarding the rental or leasing of private accommodation by the Administration. What is the present status of this Report

MR NOBBS Thank you Mr McCoy for that question, through you Mr Speaker, the situation is that I did undertake to do that Mr McCoy, I have requested a report from the Service in relation to government housing and unfortunately that report has not been provided at this stage, but I will definitely chase it up and see whether it can be brought on line for the next meeting

MR WALKER Thank you Mr Speaker a question to the Minister for Health and the Environment. Whilst it is now evident that a temporary

crusher site has been approved, can the Minister inform us as to what progress has been made to locate assess and seek approval for a permanent site

MR GARDNER Thank you Mr Speaker I guess the short answer to that is that the only live application for a permanent crushing site on Norfolk Island is a matter before the ART at this stage. Certainly it has been through the processes of the Planning Board and has received approval and the intention of that was to be a permanent site, as I understand. As far as any other alternative site, and having spoken to Mr Walker about this matter just before the start of this meeting I think he was particularly concerned as to whether we are advancing a permanent site at Cascade. All the way along the Government hasn't wanted to become involved in the actual operation of a crushing establishment on the Island and basically have taken the position that it is a matter for private enterprise to seek permanent sites and then to go through the process but we have available to us, ie the Planning processes etc to establish a permanent site, especially in the Cascade area. As of today I am not aware of any live or living application with a proposal to establish a permanent site at Cascade, however, as I said to Members the other day when we briefly discussed this question, the other site that had been previously identified as a potential site for a permanent rock crushing site on the Island was at the airport. There is a motion that was agreed to by this House that a Land Use Plan be developed for the airport and that will have to be considered in the development of that Land Use Plan for the Airport. I guess in summary it's a matter of waiting for private enterprise to make the necessary applications for a permanent site

MR WALKER Thank you Mr Speaker, a question to the Minister for Immigration and Community Services, has the Minister taken steps to address the practices of obvious TEP renewal advertisements placed in the local paper where the advertisement is worded to discourage any application from local residents

MR COOK Mr Speaker yes, in answer to Mr Walker, I had earlier drafted a notice which I felt would be appropriate to put in the newspaper in relation to Temporary Entry Permit applications generally indicating concerns that the process which are required to be carried out should be effectively and appropriately carried out so that there is an even handed, appropriate and proper treatment of all such applications that involve all such persons making them. One of the matters that has given me considerable concern Mr Walker, you've put your finger on it, is the question of an advertisement which is inserted in similar terms to that which you have mentioned, it seems to me personally that it intends to indicate to people that there is no use in applying as it were and it's just a formality that has to be undertaken. My understanding of the Act and the Guidelines and the practices which have been established and the reasons for those matters coming into operation is very much the intention that local persons be given the fullest possible opportunity to be able to take up jobs and that this process must be a fair and realistic one and not in any way that could be described as an artifice or a sham or a way of somehow or other getting people not to be replying to advertisements so you can be satisfied that I myself consider it to be inappropriate, and I'm considering still the option of putting forward a notice which would be in such terms as I would probably pass it to the Members of the Legislative Assembly at the appropriate time to make sure they appreciate what considerations and concerns exist about processes of Temporary Entry Permit applications

MR BATES Mr Speaker, a question to Mr Smith, Minister for Tourism and Commerce. During the previous Assembly you were to investigate whether there should be a limit to the size of passenger buses allowed into the Island. What were your findings and has the Government formulated a policy for their future importation

MR SMITH Mr Speaker, that was a question Brian asked early last year I think it was and we actually sent off to get some advise on that and I don't believe I actually ever got that advise back. The issue had certainly gone out of my mind in the last few months. Maybe if Mr Bates would nod his head, then maybe I could pick up the issue again and see what happens with the reply

MR BATES A follow up question asked of Mr Cook, responsible for legal matters. At the previous meeting you undertook to consider bringing forward reasons why we should not have Bankruptcy Legislation or why we should have it. You said you would consider it. Has anything been done

MR COOK Mr Speaker through you to Mr Bates. No, nothing has been further done. Obviously in response to Mr Bates question, is the need for such an Act to be properly considered and if necessary, brought forward, requires appropriate attention and I will certainly continue to do so now that he has again brought it to my mind. I will do whatever I am able to do and seek advise as to the situation of such a type of act being introduced and what the ramifications are and so forth and I will obviously act on the advise of the Legal Service Section in the first instance

MR BATES Mr Speaker at a previous meeting I asked Mr Gardner if a price had been set for the royalty of rock now that the quantity should be known and he was unable to answer at that time. I wonder if it's appropriate for him to answer or for somebody else

MR GARDNER Thank you Mr Speaker I think at that last meeting Brian did ask that question of me. I certainly myself wasn't in a position to answer that question. Again, it should be more appropriately directed to the Minister responsible for the Cascade Cliff Project, Mr Smith

MR SPEAKER Did you want to do that Mr Bates

MR BATES If Mr Smith can tell us what the royalty rate would be I would appreciate it. It's been around for a long time

MR SMITH Mr Speaker I can pick up the question. We don't know at this point in time because the final cost of the project hasn't been determined yet and that's what will determine the royalty rate. I can't say exactly when that will be but it will have to be pretty soon because we are selling some of the rock out of the stockpile pretty soon. Maybe by the next meeting I might be able to have an accurate answer for all Members Mr Speaker

MR SPEAKER Honourable Members time has expired

MR BATES Mr Speaker I have one more question. May I move that time be given to allow it to be asked

MR SPEAKER Would you like to suggest a time Mr Bates

MR BATES Five minutes Mr Speaker

MR SPEAKER The proposal is that there be an extension of Questions Without Notice for a period of five minutes. Is that approved by Members. Thank you. Mr Bates

MR BATES A question for Mr Nobbs, Minister for Finance. From a comment made earlier on a question re the profitability of Government run

enterprises, is it the policy of the Government to run all of its enterprises as revenue earners and none as essential services which are cost neutral and if so, when was this policy implemented

MR SPEAKER

Chief Minister

MR NOBBS

Thank you Mr Bates for that question and through you Mr Speaker, the philosophy that Brian has in that question has been around for some time. Not all the GBE's actually raise funds but I thought I was referring in answering Mr Walker's question, to the fact that efficiency and the viability of the actual operation. I don't think there was any emphasis then on a particular GBE being a financial milch cow or end up as a supporter of the community in other ways. I can't find a policy in relation to the operation of the GBE's but then again, I can't find a lot of policies in relation to things in the Government Operation but there are some obviously in the GBE's which do raise considerable funds, and we look at the Bond and Telecom for instance and there are others like electricity which are battling to keep their heads above water and whilst we have increased the electricity cost of late after quite some time, there's been an increase, it will still be battling to show any sort of a cut even rate at all. Now whether this current Assembly wishes that we differentiate between the GBE's in some other form and say that electricity should be all paying for itself well that is something that we will be looking at I believe in the thirty six projects that we will be starting on, on the 1st July this year and in those thirty six projects there are quite a number of issues that Mr Bates refers to

MR BATES

Mr Speaker a supplementary if I may

MR SPEAKER

Supplementary Mr Bates

MR BATES

Mr Speaker I was really referring to the earlier question when the Chief Minister suggested that we are entitled to make a profit out of the sale of crushed metal products, that's what prompted the question and I think he's side stepped that one. The question is, is rock crushing a revenue cow or is it in the same category as electricity, is it an essential service to the community

MR NOBBS

Well the actual costs will come up before the Legislative Assembly, I believe. I'm not saying that Mr Bates has made it \$10 per ton and I thought that in a \$60 per ton there may be a profit margin of around about that figure but it's up to the Members as to what they want to do with it actually but if it's \$10 profit margin in that area well that does equate to \$400,000 as Mr Bates said. I'm not saying now that we should make it one thing or the other but I would assume that if it's in private enterprise there would be an ability to make a profit in that area and that's why I'm suggesting that. If we are going into the crushing business then it becomes a GBE and we look at it as making a profit and the degree of profit, well it's up to discussion among the Members but my suggestion is we should be looking at a profit making organisation and that would not have us in a situation where we are actually losing money or just scratching to break even on the situation

MR WALKER

Thank you Mr Speaker a quick question to the Minister for Health and the Environment. Whilst we are aware that the process for reviewing of the Norfolk Island Planning Act 1996 and the Norfolk Island Plan is underway, can the Minister tell us whether this Review will include the implementation of a new Building Code and if so, is it intended that these codes will be aligned with or drawn from a mainland jurisdiction

MR GARDNER

Thank you Mr Speaker, yes to both questions

MR SPEAKER
expired

Honourable Members time extended has

QUESTIONS ON NOTICE

We move now to Questions that are on Notice. There are Questions 4 to 8 that are on Notice. Could I have an indication as to whether they are to be responded to today.
Chief Minister

MR NOBBS Thank you Mr Speaker there's a Question on the Notice Paper from Mr Brown. The first question on notice is, has the new satellite landing system at the Norfolk Island airport been approved by the Civil Aviation Safety Authority, that's the Australian Civil Aviation Safety Authority? The answer to that is, the system installed on the Norfolk Island Airport requires approval at two levels. A) is a type of equipment which can be used for aircraft guidance and B) is a specific application of that equipment. The system installed at the airport has been type approved by the United States Federal Aviation Authority, the FAA. This approval is recognised and accepted by the Australian Civil Aviation Safety Authority (CASA). Testing of the installation at the airport has already been successfully completed. Air Services Australia has flight inspected the installation to confirm the accuracy and signal coverage, CASA has validated the approach procedures to be used by the aircraft using the system. The final approval for operational use of the system installed at the airport has not yet been granted. This approval cannot be granted until the completion of airborne equipment installation and flight testing of the commercial RPT aircraft to use the system. CASA requirement is that the final approval be issued to the ground installation and the airborne installation as a total system. Based on the successful approval already issued to ground/aircraft installations combinations by the United States Federal Aviation Authority, (FAA) there is no reason to assume that approvals will not be granted by CASA to the Norfolk Island Airport and the commercial aircraft RPT system, utilising that system. These USFAA approvals have been for installations using identical equipment to that installed at our airport and that being installed in the commercial RPT aircraft. That's Question 1 or 4.

Question 2 or 5. How many aircraft has Flight West Airlines fitted with the necessary instrumentation to make the use of the satellite landing system? Flight West Airlines has supported the introduction of this system and have stated they will provide equipment in their aircraft. The number of aircraft that they wish to put them in are a commercial decision for the airline and I will not be making any statement here in regard to the actual number.

Question 3. How many additional aircraft will Flight West Airlines fit with the necessary instrumentation to use the landing equipment? The same answer as to the last question. I will not be making any statement. It's a commercial decision by Flight West. They have indicated they will support the system from the outset and I understand that they will continue to support it. How many, I am not prepared to say here.

What has been the cost to date of the new satellite landing system and what further cost will occur in the event a) the system is approved by the Civil Aviation Safety Authority used by at least one of the airlines which flies to Norfolk Island b) the system is approved by the Civil Aviation Safety Authority but not used by one of the airlines which flies to Norfolk Island and c) the system is not approved by the Civil Aviation Safety Authority? The total cost of the system installed at the Norfolk Island Airport is \$788,490.04. I understand that that is all costs. Telephone calls, trips away by the Minister and various supporters, all are included. As with the other airport systems, there is an ongoing maintenance cost, which is necessary to ensure the continued safe operation of the system. This includes a mandated periodic flight inspection as is

currently required for the existing navigational aids and approach lighting. The Norfolk Island Airport management will procure this inspection at the best possible competitive commercial rates. CASA has issued a notice of proposed rule making which will remove the monopoly held by the Air Services Australia on flight inspections and will allow other providers such as the Airways Corporation of New Zealand to submit competitive proposals of the work. Whilst I appreciate that I may not have fully answered b) and c) may I say, and this is my own words, that there was a gamble taken by the last Assembly which took b) and c) into account when they approved the proceedings with the purchase of the unit. I don't think we need to worry actually about b) and c) as I understand there will be commercial aircraft using it, or RPT aircraft.

Question 5 which is 8 on the Notice Paper. Will the responsible Executive Member prepare and table a detailed report in relation to the purchase and installation of the new satellite landing system? The answers to the earlier questions provided a comprehensive outline of the Satellite Landing System to date. As the work is ongoing I will keep Members informed of developments as we progress to bringing this navigational system to operational status. I would just like to add to that that I have made comment, from memory, I know at the last meeting and probably the meeting before in relation to the operation of this system. I have had concerns about it myself as to whether it was going to be up and running. I assure Members that it will be up and running in the next few months as I understand it and I will provide a full and total report when the navigational system reaches that operational status. I would hope that answers Mr Brown's questions

MR BROWN Mr Speaker thank you. Could I ask one supplementary question? Is the Minister able to advise whether this equipment is of a high tech nature, similar to our telephone exchange? If so, is the Minister able to advise whether as was the case with our telephone exchange, it is going to be necessary to spend large amounts of money from time to time in upgrading the equipment in order to keep it up to date with current developments

MR NOBBS Thank you Mr Speaker, off the cuff to the question in relation to that Mr Brown. The situation is that I understand that it was a proposal put by Honeywell at the outset that they would be doing a major upgrade, I just can't recall just what year it was, but the first major upgrade is included in the contract. Post that major upgrade, I think it's in two years time, I can't recall actually offhand but post that time I am unable to answer how long the system will actually be operational but I will find that out for you and I do know that Honeywell will be fully funding the next upgrade of it

PRESENTATION OF PAPERS

Honourable Members we move to Presentation of Papers. Are there any Papers to be presented this morning

MR GARDNER Thank you Mr Speaker in relation to a Question Without Notice this morning to do with Gaming Licences I table for the House, which is required under Section 13 of the Gaming Act 1998 and Section 14 of the Bookmakers Act 1998 the licences that have been issued by the Gaming Authority that have effect from the 29th March 2000 for the company known as ubet.com to conduct interactive home gaming and also are licenced to act as a bookmaker on Norfolk Island and I table both of those licences

MR SPEAKER Thank you. Further Papers for presentation.
Mr Smith

MR SMITH Mr Speaker thank you. I would like to table the Inbound Passenger Statistics for May 2000 and move that the Paper 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 record another good month with a monthly total for May this year being 3,164. Last year a comparison of 3,066 although in 1998 there was actually more in that particular month of 3,193. With that 3,164 for this May the financial year to date figures up to date up to 35,207 which is higher than all previous years. Compared to last year which was 34,221 so there's an increase there of 1,000. If that trend continues through this month for the total financial year we will probably exceed last years record figures of 37,000 to somewhere in the vicinity of 38,000. It's already shaping up to be that way. The overall average nights stay in May was 7.36 compared to last year of 7.85 and compared to 1998 to 7.86. It is interesting that New Zealand numbers are probably the worst they've been in May, or certainly over the last three May's and probably if you go back further they are probably the worst figures we've had for quite some time. 496 out of the New Zealand Pacific which leave the Australian total of 2,668 passengers. It is interesting also to note Mr Speaker that if we go through the age groups and break them down into large areas, in the age group of 65 and over 1300 passengers arrived in May. If you take a similar section of the numbers like from 40 to 65 there would have been 1580 people approximately in that age group. Under the age of 40, that is 39 right down to zero, 308. Those percentages might be helpful to people who do worry about the particular age groups of people who come here. 1300 for 65 and over, about 1580 between 40 and 65 and under 40 308 for the month of May that was. Thank you Mr Speaker.

MR SPEAKER Thankyou. Any debate. Chief Minister

MR NOBBS Thank you Mr Speaker. Sorry. I don't have any debate on the figures

MR WALKER Thank you Mr Speaker if I could just ask the Minister to comment. He highlighted the fact that New Zealand is only producing 454 in this last May. I have been monitoring it and the last month has been running about the same. In other words, there is a downward trend. Are we in any danger of losing the service and has this been taken up in New Zealand because I know that they are very conscious of reaching certain loading factors. They have in the past taken out a service on that basis. Can the Minister comment on whether some appropriate action has been taken to try and bolster the New Zealand figures

MR SMITH Mr Speaker certainly there has been a concern, not only to be but also to the Tourist Board although if you do look at the amount of flights out of New Zealand I think there were eight for that period which means that the aircraft is probably achieving around about a 50% occupancy which is not necessarily a major concern when you think that in a sense another fifty passengers per flight would put them up to 100% loading which any airline would particularly like. However, it does worry me, and it does worry the Board. They are very concerned about it and they are taking action to see if they can remedy that downturn in the New Zealand area because we certainly wouldn't like to see it get to the point whether Air New Zealand would want to remove another service out of New Zealand although they certainly haven't indicated anything along those lines at this point in time, and I certainly hope they wouldn't

MR WALKER Thank you Mr Speaker further to that, could I just ask the Minister if he's had any feedback at all on the fact that Singapore Airlines is

MR SPEAKER Thank you. Any participation.

MR SMITH Thank you Mr Speaker. I'd just like to comment with this financial year I'm very pleased to see that it has ended up pretty much as we expected when I introduced the budget in the end of last financial year when I introduced the budget. It has turned out pretty well as we expected and the only thing which hasn't really kept up is the welfare expenditure which is a figure that we never know what it's going to end up being in relation to HMA payments. I just want to make that comment. That's good to see that we did actually budget for the fact that we started the year with \$105,000 deficit I think it was and to end up at the end of this financial year providing June turns out all right, in a reasonable state I'm really pleased.

MR BATES I'm just wondering this paper to the end of May suggests that we are \$405,000 in revenue exceeding expenditure for the 11 months. I wonder if the Chief Minister could comments as to whether he anticipates that that similar situation will be the situation at the 30th of June or some of that \$405,000 is going to be steeply eroded during June because I notice that accruals for both revenue and expenditure are included in this statement which would seem to suggest that all known expenditures and that at the present time are taken into account as well as all revenues that might be accrued. I was wondering if the Chief Minister could comment on whether he expects that \$405,000 to be drawn down in the next month or to retain it.

MR NOBBS Thank you Mr Speaker. I was very keen on the thing but I've been told to be very cautious of it as June is not a good month for certain things so I believe. So I am happy if we can contain it at that amount but my advice is that to be very careful so I will just wait and see Mr Bates on how the next month progresses but as I say the indications or the advice I receive is that we will end up fairly even I believe and not to get too carried away with these figures.

MR BROWN Thank you Mr Speaker. Could I take this opportunity to congratulate the Minister for Tourism and Commerce? He told us a moment ago that he's tabled the budget and that he was pleased that it was working out ok and that's a good thing. I have thought that when he goes outside he goes outside for a little cigarette but it's obvious now that he goes out to crank up the budget performance and that's well done.

MR SPEAKER Thank you. Any further contributions. Honourable Members the question before us is that the Revenue Fund financial indicators paper be noted.

QUESTION PUT
QUESTION AGREED

MR SPEAKER Thank you. Are there any further papers for presentation.

MR NOBBS Thank you Mr Speaker. In accordance with Section 41 of the Interpretation Act 1979 I table the Public Sector Management Regulations 2000 and I move that they be noted.

MR SPEAKER Thank you. The question is that those regulations be noted.

MR NOBBS Thank you Mr Speaker. For the information of Members they've been circulated. It's Draft 3 which we have, which is being tabled. It provides for the introduction of the Public Sector Management Act which was brought in

on the 16th of June whereas parts 1,2,3 or divisions 1,2,3 of part 3, part 6 and schedule 3 were introduced. The regulations provide for a transition between the old Act, the Public Service Act and the Public Sector Management Act. It allows for the current Public Service Board to continue until replaced by the Public Service Board under the Public Sector Management Act, that's the new Act. This is necessary as the new Public Service Board and I'll refer to them as the new and old if I may. The new Public Service Board requires the election of a staff member to, an election to occur to appoint a staff member to the Public Service Board to make up the three. So to allow this to happen the regulations were brought in. The regulations provide for that election, it provides for the current Board to carry on until we have in place a new Board, and it provides for all the staff to move over under their existing arrangements and once we have the new Public Service Board in place and there will be a need to then introduce further sections of or parts and divisions of the new Public Sector Management Act. So it's purely a transition process and that's all I have to say at this particular point Mr Speaker.

MR SPEAKER Thank you. Is there any debate. The question is that those regulations be noted.

QUESTION PUT
QUESTION AGREED

MR SPEAKER Thank you. Any further Papers for presentation.

MR COOK Yes Mr Speaker in accordance with Section 41 of the Interpretation Act 1979 I table the Firearms Amendment No. 3 Regulations 2000 and the Companies Amendment Regulations 2000 and move that they be noted.

MR SPEAKER Thank you. The question is that those Regulations be noted.

MR COOK Mr Speaker I only wish very briefly indeed to say that to draw the attention of the Members and the public of course will be interested that the Firearms Amendment No. 3 Regulations, it's been necessary to introduce that for the purposes of including in the definition of firearm in Subsection 3 (1) of the principle Act, an air rifle as being a firearm. So simply to indicate that that's the necessity for that regulation to be introduced. It was apparently an oversight at the time Act was originally brought forward. So far as the Companies Amendment Regulation is concerned I only draw attention to the fact that it deals with the applications for transfer and incorporation of a company here on Norfolk Island to the mainland under Section 122a of the Companies Act and the regulations simply relate to the provision for fees and the appropriate forms for such applications.

MR SPEAKER Thank you. Any participation. I put the question. The question is that those Regulations be noted.

QUESTION PUT
QUESTION AGREED

MR NOBBS Thank you Mr Speaker. I wish to table an exposure draft of the Public Sector Management Amendment Bill Mr Speaker and ask that it be noted.

MR SPEAKER Thank you.

MR NOBBS Thank you Mr Speaker. As I said I wish to table this as an exposure draft to fulfill the requirements of a Motion of the 17th of May and this

House in part requested the responsible Executive Member to bring before the next meeting of the House Bills to amend the Public Service Act and the Public Sector Management Bill to provide that senior officers and senior employees of the Public Service, Programme Managers, Branch Heads, Section Heads, Managers of Government Business Enterprises should not be eligible at the same time to maintain their Public Service employment and sit as members of the Legislative Assembly, and that a) the above provisions as to eligibility to maintain Public Service employment and sit as the members of the Legislative Assembly are to come into force and be effective in relation to the next election or bi-election of the Legislative Assembly and b) if a senior officer, a senior employee of the Public Service thereafter stands for election to the Legislative Assembly he or she shall be deemed to resign from the Public Service within 6 weeks, in the event that he or she is elected at that election, provided that he or she shall not be penalised for providing such short notice of resignation. That Motion was passed at the last Assembly and I table this. I would just like to make comments in relation to this document. At some stage the Federal Government will have to be invited to prescribe regulations under the Norfolk Island Act. In the meantime it is on my advice that there is no impediment either by law or protocol to the implementation of the resolution made by the House on the 17th of May. There is no reason the Norfolk Island Government cannot enact the Public Sector Amendments in the first instance. The Motion requests that I bring the relevant Bill before the House at the next sitting. The Motion mentions both the Public Service Act and the Public Sector Management Bill, an amendment to the latter is now all that is required. As there are a number of amendments which will be required to the Public Sector Management Act before all sections commence I table the amendment for discussion. The proposal is all the amendments should be debated and agreed or otherwise along with the other proposed amendments to avoid a piecemeal approach. Mr Speaker I'm advised that paragraph B of the Motion which relates to he or she having to resign, I'm advised that paragraph b of the Motion is not in accordance with some of the very firmly established principles of parliamentary protocol. The reasons for a person resigning forthwith from the Public Sector upon nomination is to ensure that during the period prior to the election a candidate has no association with the Executive what so ever, and to give no opportunity for any detractors to claim undue influence or knowledge in respect of a candidate. Accordingly the effects of paragraph B is not included in this draft. Mr Speaker I table the draft and it will be distributed to Members I understand as soon as possible.

MR SPEAKER

Thank you.

MR GARDNER

Just a very brief comment on that, I just find it interesting that the draft that's being prepared has ignored the wish of the House. Thank you.

MR SPEAKER

Thank you Mr Gardner. Anything further.

MR BROWN

Mr Speaker I'll be interested to see the draft but I think that the Chief Minister deserves to be commended for prompt manner in which he has got to the stage that he is at, at the moment.

MR NOBBS

Thank you Mr Speaker. I'd just like to make a comment. The draft is where we have acknowledged the situation is in relation to election of a person having to resign and the actual time of resignation. That is an exposure draft, it's up for discussion and it can be done but having been in the position of having to go through that particular process myself it is I believe the correct way and it's supported by advice that we have in relation to parliamentary protocol elsewhere and if the members don't wish it to go that way well so be it but at the present time that is the draft in place and it's up for acceptance or not, as they do and I thank the drafting.

Thank you Mr Brown for your comments and I definitely thank the drafting people and legislative section for their prompt assistance in regard to this.

MR WALKER Thank you Mr Speaker. I haven't seen the draft but I would be most interested to see whether it is going to be selective to certain officers, and if so have we determined who those officers are.

MR NOBBS Yes we have. There was debate on that when this Motion was put through and it was accepted that the Motion as it stands, and there was something like about 30 odd positions were identified which I'd had identified. At the time Mr Walker I believe that it should be less than that but anyhow the Service had suggested that these were the positions covered by the Motion, that's Programme Managers, Branch Heads, Section Heads and Managers of Government Business Enterprises and those will be the positions that will be effected. I think you were away at the last meeting. Sorry about that. I should have gone into it deeper for you but those positions have been identified.

MR SPEAKER Thank you.

MR GARDNER Thank you. Mr Speaker I'd just like to reiterate what I said before in regard to it being interesting that the draft exposure that had been requested to be brought back to the House by the Executive Member doesn't comply with the wish of the House and interested to see that those matters that Mr Walker alluded to have been included yet part B of the Motion agreed by this House has been totally ignored.

MR BATES Thank you Mr Speaker. I just want to mention to the House another fairly unsatisfactory situation with this. It seems to me, I was scratching around through my files to see if I had a copy of it. It seems that the Minister has had a copy prepared to such a state that he could table it at this meeting. It doesn't seem to be a very lengthy document and I think it would have been very helpful obvious to Mr Walker and to other members around here if we could have had the courtesy of the copy so that we would know what we're talking about. It just seems unusual that he's had a copy and he tables it, tells us we'll get one in due course and yet, he seems to have had ample time to make sure that we had one at this point in time.

MR SPEAKER Thank you. Further debate. The question Honourable Members is that that Paper be noted.

QUESTION PUT
QUESTION AGREED

MR SPEAKER Thank you. Are there any further Papers for presentation this morning.

MR SMITH Thank you Mr Speaker. I would like to table an amendment Bill that amends the Fair Trading Act. This is also as a result of a Motion in the House, I think it was in March that the Executive Member bring forward an amendment to the Fair Trading Act to do certain things and I'm doing similar to what the Chief Minister has just done and making this an exposure draft of that particular amendment Bill. I need to move that it be noted.

MR SPEAKER Thank you. Your tabling that and proposing the Motion that that Paper be noted. The question is that that Paper be noted.

MR GARDNER Thank you Mr Speaker. I think as Members would be aware, certainly those Members that were members of the previous Assembly the Legislative Assembly of that time actually had to provide special exemption under the Employment Act 1988 by promulgating the employment or Green Corp Traineeship Regulations 1999, to enable this activity to be undertaken on Norfolk Island. It has wound up and concluded as Members would be aware and members of the community would be aware whereby a fairly comprehensive article that appeared in the Norfolk Islander recently in relation to the winding up of this project. It was certainly carried a bit of press coverage with the attendance on Norfolk Island and at the final presentation evening of Trish Worth MP Federal Member of Parliament who is also the Parliamentary Secretary to the Minister for Education training in Youth Affairs who presented the final certificates to the participants. I think most Members would be aware that the Green Corp group were active on the island for some 6 months and have achieved some significant achievements in the environmental area and also provided themselves with some basic Corp training towards recognised certificates for land conservation and restoration and some of those environmental achievements, I'll just touch on them briefly Mr Speaker, include the regeneration of 1.7 hectares of bush on Norfolk Island, 80 odd hours of nursery work with the Parks and Forestry section, the planting of a significant number of trees, not only at the Norfolk Island Central School but at the 100 acres Reserves, Anson Bay, Ball Bay and Cascade and various surveys undertaken in relation to bird burrows, some of the sea bird nesting sites around the island and other various research surveys conducted on island including tree form monitoring, tree measurements which assist the gathering of data for our Forestry section, the surveys and eradication of Madera vine at 100 acres Reserve which has proven to be a particularly difficult weed to control on the island and certainly their actions have prevented, what I believe to be a large potential for fairly rapid distribution of that weed around the island. As well as touching on the bird burrow survey that were undertaken, snail research, walking track audits, weed surveys, track maintenance within some of the Reserves and the construction of steps. According to the documents some 900 metres of track was upgraded and maintained as well as the inclusion of some 56 steps to assist people traversing through the 100 acres Reserve. As well I think the culmination of all this was a particularly well hosted event at 100 acres for the general public and the Norfolk Island Central School in particular on June the 5th 2000 which was World Environment Day, which was attended by significant numbers of members of the public and also the Norfolk Island Central School. I've touched on the training aspects Mr Speaker in relation to that. These young people that have been involved, I believe totals 6 which includes Mark Scott and Edward Christian Bailey of Norfolk Island that have obtained certification in conservation and restoration to do with the environment. I think it's been a valuable exercise. I think there is due thanks that need to be provided to Greg Hardwick who was here on the island as the Project Supervisor and congratulations be extended to the Walls End Employment and Training Services who managed this project on Norfolk Island. The hosting of it by the Norfolk Island Parks and Forestry Service which is headed by Peter Davidson, the Conservator and the joint co-operation that's been extended by the Commonwealth Government and the Norfolk Island Government in enabling this project, very worthwhile project in my mind, to take place on the island. Thank you Mr Speaker.

MR SPEAKER
that that Paper be noted.

Thank you. Any further contributions. The question is

QUESTION PUT
QUESTION AGREED

MR SPEAKER Thank you. Are there any further Papers for presentation this morning. We move to Statements. Are there any Statements to be made this morning.

STATEMENTS

MR NOBBS Thank you Mr Speaker. Just in response to a question from Mr Bates last week, I answered it and I said that I would make available when the plan for the Airport carpark was available I'd make it available and it is now available and this is what's going to happen. The installation of a new entrance to the carpark at the Photopress end of the carpark and closing of the current entrance way into the Airport carpark and existing wall in the carpark in the Douglas Drive side will be set back a further 3 metres from the present and this will extend the inter-row width between car parking lots from its present 8 metres to 11 metres relieving congestive pressures in these areas. Mr Speaker after the implementation of the changes as outlined, their effectiveness will be reviewed and monitored as to the level of improvements in easing traffic restrictions in the carpark. As far as the future carpark developments. In the event of increased usage of the Airport carpark there are other areas available that can be utilised for car parking, ideally on a stage basis. An option available is to reclaim part of the general aviation area which is actually between the terminal and the power house adjacent to the northern end of the present carpark, where overnighting or locally owned non RPT aircraft are parked. That's a very very brief outline of the proposals at this stage and I would add that it's for a trials, there will be conducting trials, and I would hope that the public will give their support to the trials, be patient if there are problems, and advise the relevant officers if they foresee where improvements can be made or pat them on the back if it's working ok. Thank you Mr Speaker.

MR SPEAKER Thank you.

MR McCoy Thank you Mr Speaker. Can I move that that Statement be noted.

MR SPEAKER The question is that that Statement be noted.

MR McCoy Thank you Mr Speaker. Just reading through that and I guess Mr Nobbs didn't touch on it but there doesn't appear to be an intention to put in a turnstile or any means for people to enter that area without having to go over the cattle grid. I wonder if that had been considered.

MR NOBBS Thank you. There will be access, I would assume there is access now beside the present entrance, that won't be blocked off. The present entrance area will be blocked off and it will be part of the trial to see how it actually works. I would assume that when they put a cattle stop in up near Photopress that beside it will also be a gate where you can get through, but as I say I'm only assuming that Mr McCoy. But if they are listening to you they may get the message.

MR SPEAKER Thank you. Any further contributions. The question is that that Statement be noted.

QUESTION PUT
QUESTION AGREED

MR SPEAKER Thank you. Any further Statements.

MR GARDNER Thank you Mr Speaker. Just a brief Statement in relation to the review of the Norfolk Island Plan. As Members would be aware around this table, and I believe a number of people in the community would be aware the previous Minister for the Environment had announced a review of the Norfolk Island Plan some 18 months ago and there had been I believe a notice in the Norfolk Islander in regard to that. My advice to date suggests that there have been a limited number of responses to the calling of the review and the seeking of submissions and I just wish to touch on it briefly today if I may Mr Speaker and invite not only my colleagues but also the listening public if they feel very strongly on matters relating to the Norfolk Island Plan and its intended legislation that they put pen to paper and make necessary submissions so that it can be given due consideration as we move down the review. I have spoken to officers of the Administration in recent days regarding the placing of a call for submissions in the Norfolk Island Government Gazette and certainly hope to ensure that there is a series of those in the Government Gazette over a period of weeks and months, and to try and broadcast as widely as we possibly can our desire to see as many people involved in the review of the Plan as is possible and I look forward to submissions, not only from Members, but members of the public in relation to that.

MR SPEAKER Thank you. Further Statements to be made this morning.

MR SMITH Mr Speaker I would like to make a Statement on the Cascade Cliff Safety Project, one for information and the other so it is recorded in Hansard. It is a little bit lengthy but it's important to do it. The Statement is to recognise that the actual on the project has been completed by the contractor and the points that I'm going to go through are in number points. Firstly it starts with the background. On the 10th of February 1998 the then Minister for Territories The Honourable Alex Somlyay announced a grant of a \$3m interest free finance facility from the Federal Government to the Norfolk Island Government to allow the stabilisation of the Cascade Cliff. In accordance with the contract for a loan for works at Cascade Bat between the Commonwealth of Australia and the Administration of Norfolk Island dated 13th July 1998 the contract, the Norfolk Island Legislative Assembly enacted legislation authorising the borrowing of money for the purposes related to the stabilisation of the Cascade Cliff. The Cascade Cliff Loan Act 1998 was assented to on the 16th of June 1998. This Act required the establishment of the Cascade Cliff Loan Fund for the receipt of loan funds. The contract provided for the establishment of a Board of Management known as the Cascade Cliff Management Board to implement the project and to manage the operation of the loan fund. The contract specified the composition of the Board to be a person appointed by the Commonwealth Government, that is His Honour the Administrator Mr A.J. Messner, a person appointed by the Norfolk Island Government at the start of the project, the Honourable Gary Robertson MLA and currently myself. An independent member approved by both the Commonwealth and the Norfolk Island Governments, and that is Mrs Kathy O'Sullivan CPA. The Board determined that the project be staged, the design and pre-construction stage, and the construction stage. The Board appointed a technical adviser, which is the project Manager, SMEC Australia Pty Ltd to Project Manage the Cascade Cliff Safety Project. The objectives Mr Speaker of the project was to stabilise the Cascade Cliff to ensure public safety and extract rock for the islands needs. In the design and pre-construction stage an agreement between the Administration of Norfolk Island and SMEC for the design and pre-construction stage was executed on the 11th of May 1998. The design and pre-construction stage concluded on the 28th of February 1999. The total cost for the design and pre-construction stage was \$113,373-38. Additional funding from the Commonwealth Government of \$640,215-75 was sought on the 4th of March 1999. This allowed \$300,000 for project contingencies and \$340,215-75 additional project costs. The total project budget was \$3,640,215-75. Following a pre-qualification for tender and a tender process Kaipara Excavators Ltd of Auckland New Zealand were selected as the

successful tenderer. In the construction phase the construction phase commenced with the awarding of the tender on 25th of March 1999 to Kaipara as the contractor for the project. A lease agreement for the use of part of Portion 5a to stockpile rock recovered from the cliff was executed on the 25th of March 1999 between Mr M.D. Christian and the Administration of Norfolk Island. On the 20th of April 1999 the following agreements were entered into. Kaipara and the Administration of Norfolk Island, project management agreement between SMEC and the Administration of Norfolk Island. The construction work commenced in May 1999 with the mobilisation of plant equipment and materials from New Zealand. There is a 12 months defect liability period following practical completion. Practical completion was beginning of June of the year 2000. The construction phase costs are expected to be about \$3.1m although those figures are not yet finalised. Kaipara employed over the life of the project 14 residents and a general entry permit holder. 10 Norfolk Island businesses were employed to provide other services and/or as sub-contractors. The quantity of superior quality crushable rock recovered from the cliff is about 160,000 tonnes. This is more than was expected at the time of the tender and that rock has been stockpiled on Portion 5a on part of Youngs Road and along the Cascade foreshore. The quantity of rock recovered is expected to meet the islands needs for at least 10 years. The Jetty will be available to the general public as soon as the construction phase is totally complete, although there may be short closures at times to fix the damage to the jetty. On the top of the cliff, on Fredicks Age the public will no longer be able to drive to the edge of the cliff. There will be a turning point from which there will be a pedestrian access and it is not intended that people should walk down the cliff slopes. Young's Road has been upgraded to all weather access but will not be sealed. Agreement has been reached with the contractor in relation to fixing the damage to Cascade Road with an allowance for fair wear and tear. Cascade Reserve will continue to have a stockpile of secondary rock and soil that was extracted from the cliff. This valuable resource has been retained by the Administration for road base and road works etc. The Cascade Road from the whaling station site at the Cascade Jetty will not be formerly re-opened until the Works Depot have had an opportunity to place crushed metal on those parts of the road considered dangerous when wet. The danger is caused by additional soil on the road as a result of the project. In due course the jetty will need to be closed again to allow repair work to be undertaken, and these works will be done as soon as practicable. The final costs of the project will not be known until the purchase and installation of a weigh-bridge and minor works during the defects liability period and tenders have been sought for the supply of a weigh-bridge. Until a weigh-bridge has been installed and operable no rock can be released from the rock stockpile and the project has sufficient crushed metal for the installation of that particular weigh-bridge. Portion 44a in Cascade Road near the School Oval was purchased by the Administration for the placement of overburden removed from the cliff. This land is currently being topsoiled and will be grassed for further use by the community. One final thing I need to say is that royalty is not set by the Norfolk Island Government, it will be set by the Cascade Cliff Management Board.

MR SPEAKER

Thank you. Any further Statements.

MR COOK

Thank you Mr Speaker. At the last meeting Mr Brown addressed a series of questions to me touching upon the Emergency Services on the island and I indicated that I would answer some of them in due course. I felt it appropriate to answer one of them particularly because of public interest no doubt in the subject that Mr Brown touched upon in his question and that is the question of insurance cover for volunteer workers on the island. I have obtained and just received before I came to the meeting this morning a letter from the Employment Liaison Officer, I'll just read it. I think it speaks very clearly for itself. Attached to this document is a copy of a confirmation letter advising that our current insurers agree to extend workers compensation cover to include volunteer emergency workers. It was suggested by our Consultant Risk Manager Mr Russell McGuire that a register be kept with a name of

MR SMITH Mr Speaker, I would like to make a short statement in relation to the renaming of two roads. Mr Speaker the previous Eighth Legislative Assembly agreed a motion by the then Minister for Tourism and Commerce to rename two roads. The first was the lane known as Dead Rat Lane renamed to Mitchell's Lane and the second was Harnish's Lane renamed George Hunn Nobbs Road. A petition was presented to the previous Assembly that showed dissatisfaction in the way the roads had been renamed without proper consultation with people in the community. Members of this Assembly have also been lobbied by community people who wish to have their views made known. In effect Mr Speaker it appears that the motion of the Legislative Assembly was enough for the roads to become renamed at that time and at this moment in time, remains the situation

MR WALKER Thank you Mr Speaker I would like to move that that Statement be noted

SPEAKER The question is that that Statement be noted.
Mr Walker

MR WALKER Thank you Mr Speaker it would appear that little or no consultation was entered into prior to this name change being made and I would like to foreshadow a motion that I would like to move in relation to this to suggest to the Minister that in light of the petition to the Eighth Legislative Assembly which contained over two hundred signatures, that the views of the landowners in the lane be canvassed for a compromise on this issue

SPEAKER Yes Mr Walker you are foreshadowing this matter. At what time would you want to raise this just so that I might be prepared

MR WALKER Thank you Mr Speaker, I would be guided by yourself. I'm not sure what the correct procedure is. Should I seek leave now

SPEAKER Well maybe, if we could just tidy this matter that is before us which is that this particular statement be noted, and then we might look to whatever proposal you might have when we've completed that

MR BROWN Mr Speaker, one of the aspects which is of interest in relation probably to both of the renamings is the question of the status of these particular areas. Was Dead Rat Lane a public road. Was it a public road under the control of the Administration or was it perhaps an easement and if it was an easement does the Administration have a role in naming it anyway and strictly speaking, do we therefore have an ability to pass a meaningful motion whether on the occasion where we endeavoured to do it before or on this occasion. I don't know the answer to that question but it is an interesting question and with respect I would suggest that it probably is a relevant one

SPEAKER Any further participation

MR SMITH Mr Speaker, I'm not too sure as I haven't got the file in front of me but if there is going to be a motion about this, maybe I can dig the file out and have a quick look at it with Mr Brown before we go too much further with the motion. Maybe after a lunch break which I expect we will be having soon

SPEAKER Thank you. Any further participation. Chief Minister

MR NOBBS Thank you Mr Speaker. What Mr Brown has said is perfectly correct. I understand there's some doubt about the ownership of the road and whether Admin or the Norfolk Island Government really has a role in naming it anyhow and I support the proposal and I would suggest that we leave it to the next meeting actually because I don't know whether we can clarify it as quickly as over lunch

SPEAKER Thank you. Any further participation. Honourable Members the first matter that is before us is to tidy the question that that statement be noted and if there is no further participation on that I put the question that that Statement be noted

QUESTION PUT
AGREED

The ayes have it thank you. Mr Walker you foreshadowed a matter. There are a couple of ways you can handle this matter. You can seek leave of this House to have it brought on now. In light of some of the things that are still outstanding you might like to wonder whether that is the right way to do it. You may of course pause and give notice at the next Sitting so that it is formally on the Notice Paper, Members will have an opportunity to see the exact words that you propose and equally have time to do some homework in respect of the matter but the initiative is entirely yours

MR WALKER Thank you Mr Speaker, I would be quite happy to go with the latter suggestion

SPEAKER Thank you. Are there any further Statements to be made this morning. Mr Gardner

MR GARDNER Thank you Mr Speaker one brief one. It's in relation to the outgoing membership of the Planning Board. Members certainly will be aware, we have discussed recently the membership of the Planning Board which currently comprise five members including my colleague Bruce Walker a Member of the Legislative Assembly and nominated by the Legislative Assembly and resolution of the Legislative Assembly to be a Member of the Planning Board, Mr Peter Pye who is currently the CAO's appointee to the Planning Board and the three other current members of the Planning Board who have all chosen not to continue in that role following on from the final meeting of that Board at the end of their term which I understand is scheduled for tomorrow or Friday and I would just wish to if I could pay brief tribute to those three outgoing members of the Board. Firstly the Chairperson Arthur Evans who has been involved in planning processes and formerly the Building Board and now the Planning Board in excess of ten years, and Mr Len Christian Bailey who has been a valued member of the Planning Board and formerly the Building Board for well in excess of twenty years so I wish them both well in their future and I think we lose a lot of experience especially as we are treading down the road of a comprehensive review of the Norfolk Island Plan and its attendant legislation however, we will look to establish a Board that will be able to turn its attention to that review rigorously over the next few months. The third person I wish to pay tribute to is Mark Robinson who has been a Member of the Planning Board for the last three years and who is keen to pursue other ventures and just briefly to sum up Mr speaker I wish to pay tribute to those three persons for the valuable contribution that they have made in what at times is a very thankless task and certainly whether they make a decision for or against a proposal they are the subject of criticism whichever way they go and I just thank them very much for the contribution that they have made and I look forward to making the appointments of their replacements in the next few days. I was of the understanding that that had to be by resolution of the Legislative Assembly but it has been brought to my attention yesterday that that is not a requirement. We have advertised for replacement members

to that Board seeking expressions of interest from people within the community to serve on that Board. I've received five replies to that and I'm considering each of those five applicants at the moment. It has been discussed by the membership to date and I intend to involve the membership of the Legislative Assembly in finalising those future appointments, thank you

SPEAKER Are there any further Statements to be made this morning. No further Statements. Honourable Members Statements are concluded

What I would like to do with your concurrence is Report Messages to you which means that we are then going to be at the commencement of Notices then we'll pause for lunch

MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR – NO 6

SPEAKER Honourable Members I've received the following message from the Office of the Administrator. It is Message No. 6 and it reads. On the 23rd of May 2000 pursuant to Section 21 of the Norfolk Island Act 1979 I declared my assent to the following legislation. Public Sector Management Act 2000 which was Act No. 8 of 2000 and the Statutes Amendment Public Sector Management Act 1999 which was Act No. 9 of 2000, the Public Moneys Amendment Act 2000 which was Act No. 10 of 2000, the Firearms Amendment Act 2000 which was Act No. 11 of 2000, the Youth Advisory Council Act 2000 which was Act No. 12 of 2000 and the Marking of Weight on Heavy Packages Amendment Act 2000 which was Act No. 13 of 2000. The message is dated the 23rd of May 2000 and signed Owen Walsh, Deputy Administrator.

SUSPENSION

SPEAKER Honourable Members we then would commence Notices but at this stage I would suggest to you that we pause for lunch and my proposal is that we suspend until 1.30 then resume. Would that be a suitable lunch hour and looking around the table I would assume that we have assent to that. Honourable Members we suspend until 1.30

RESUMPTION

After lunch we resume to commence Notices

NOTICES

ADJUSTMENT OF PROPERTY INTEREST AND PAYMENT OF MAINTENANCE FOLLOWING THE BREAKDOWN OF A DE FACTO RELATIONSHIP

Mr Brown you have the call

MR BROWN Mr Speaker thank you. I move that this House requests the responsible Executive Member to introduce as quickly as possible a Bill to provide for the adjustment of property interest and the payment of maintenance following the breakdown of a de facto relationship. Mr Speaker I intend only to introduce this motion today. I'm not seeking for it to be dealt with today but in brief terms there are differing abilities for parties to sort out matters of spousal maintenance and to sort out the adjustment of property interest following the breakdown in a relationship, depending on whether that relationship is a marriage or what is called a de facto relationship. In the case of marriage of two people the Family Law Act provides a very extensive ability to deal with matters of child maintenance, spousal maintenance and property settlement but where people have not been married the Family Law Act doesn't apply and people are left in the difficult situation of needing to resort to the general law in order to deal with adjustment of property interest and they are left really with very little ability to claimant in

other people want to thing about it, talk about it and consider the situation that we've both spoken of today, I rather hope that he might agree that that matter can go forward and the House can take a vote on it today

MR NOBBS Thank you Mr Speaker I concur with what Mr Cook has said. When he came in here he raised the priority and I thought this was all in hand at the present time and it was about to be drafted and would proceed at the next meeting or the one after at least so I was a bit surprised when I read the motion by Mr Brown, but obviously he wasn't aware of that fact, but I've got no problems with letting it rest or go ahead. I think the drafting procedure will follow any how and so either way, I'm easy

MR COOK Mr Speaker through you I think this House recognises... to the community it's a statement from this House to the community the recognition of the seriousness of the problem and the need for it to be dealt with urgently and I for one hope that it might remain as a motion so that it reminds us all that it's got to be done and done quickly

MR WALKER Thank you Mr Speaker can I just ask for a point of clarification from either the Minister or the mover of the motion. I always had the perception that once a couple had lived together for a certain length of time that they were taken to be a common law marriage anyway. Is that not the case on Norfolk Island

MR COOK Mr Speaker if I might add to that through you or Mr Brown may also want to say something, a common law marriage is not recognised as such to say the Family Law Act. It has to be a marriage which is celebrated in accordance with the law and what Mr Brown put forward earlier is perfectly correct and to my understanding such persons wouldn't qualify for resort to the Family Law and the only resort they would have, as I've said, is to go to the Supreme Court and go through this cumbersome process of proving a trust as it were that property was held in trust and so forth

MR BROWN Mr Speaker, if Members are happy to deal with the matter today I would be very pleased. In any event it is simply a motion calling for a Bill to be introduced so it's not on today that we would make any final decision

MR COOK Mr Speaker I understood that of course and I think the matter should move forward if I may just finish what I was saying, I think it should move forward without any delay

MR NOBBS I move that the question be put

SPEAKER The question is that the question be put
QUESTION PUT
AGREED

Honourable Members the question before us is that the motion be agreed to
QUESTION PUT
AGREED

The ayes have it, that motion is agreed

REVISION OF TELECOM RENTAL AND SERVICE CHARGES

MR NOBBS Thank you Mr Speaker I move that the Telecom rental and service charges be revised as per the Schedule. I won't read out the

Schedule if you don't mind Mr Speaker unless you so direct but it was published in the Paper and it's also on the Notice Paper for the Sitting.

LINE CHARGES	EXISTING CHARGE	REVISED CHARGE
Business	\$220.00	\$250.00
Private	\$100.00	\$120.00
Eftpos	\$100.00	160.00
Parallel Service	\$40.00	\$80.00
Direct Circuits	\$20.00	\$40.00
Additional Socket	\$4.00	\$8.00
New Connection (non-intact)	\$50.00	\$80.00
New Connection (intact)	\$30.00	\$50.00
Public Telephone	\$500.00	\$600.00
Under road borer	\$90.00	\$200.00 (per under road crossing)
Trencher	\$45.00 p/h	\$60.00 p/h
Crane Truck	\$35.00 p/h	\$45.00 p/h
Telecom Labourer	\$15.00 + 30% p/h	\$25.00 p/h flat rate

Mr Speaker the proposed increase in charges were recommended by the Telecom and Finance Sections and when these were referred to the Assembly Members by myself for consideration and input I was requested to bring them formally before the Assembly. This I was happy to do and as a consequence is the motion which I've just read. The increases Mr Speaker may seem large in some areas however it is important that several facts are known and understood. The first fact as I understand it is the length of time between increases. Mr Speaker we've just been through an exercise with electricity charges with something like ten years I understand since the previous increases for electricity and I'm advised that most of the proposed Telecom increases were last made as long ago as 1986. By following such a long time lapse between the charge variation we see Manager's playing catch-up with consumers being hit by significant cost increases when increases occur or in fact are committed. There is also a danger of major impact on the RPI and the resultant implications. The practice of skirting around the required increases must change and I've asked the service to provide me with details of where we are at with formalising procedures for the indexation of charges. It should be noted that the increases Mr Speaker are estimated to provide an additional revenue totaling in a year of some \$30,000. The business and private lines and EFTPOS and the like are costings for a year and I'm told that the business and private lines which account for the majority of the increases have not increased since 1986. The parallel services of two phones coupled in different parts of the Island just for the advise of Members, direct circuit as referred in the schedule to linking premises and not passing through the exchange, intact is say where a flat is vacated and requires only exchange work to reconnect it or consumers premises are vacated, the non intact is where the phone connections are disconnected and require work on the actual premises of the applicant. Under Road borer is obvious, trencher and crane are the equivalent of outside quotes I understand and the Telecom Labourer which sounds a lot is actually the same fee as was approved last year for use by the electricity and that was by Regulations in about September last year. I commend the motion to the House

SPEAKER

Thankyou. Debate Honourable Members

MR WALKER

Thank you Mr Speaker I would just like to ask the Minister if he could explain one particular charge which is there and is called EFTPOS. It's gone from \$100 to \$160. Could you just explain as to whether this is a dedicated EFTPOS line as distinct from a business line because I believe there are many premises

which use the ordinary telephone line as their EFTPOS line. Are we talking about a double whammy here or are we talking about a dedicated EFTPOS line

MR NOBBS Thank you Mr Speaker my understanding is that it's for a dedicated EFTPOS line

MR BATES Mr Speaker thank you. I don't intend to support this motion. I've seen nothing in it to justify the increases as being necessary because of the user pays situation. I would have thought that labourer's would have been charged at actual cost plus an on cost, I wouldn't have thought there would have to be a round rate cost however the reason why I don't intend to support it is that this Business Undertaking which I'll always regard as a revenue cow, has been consistently contributing over a million dollars into our revenue fund and that's a million dollars that we've been able to spend on whatever we like, education, our roads, anything that comes out of the revenue fund, health, welfare, all those things. It's made a great contribution to the revenue of the Island. In this last budget we've seen, and I have no difficulty with the basic concept of it, and that's transferring the Radio Station to Telecom but if it's just a matter of shifting the cost of the Radio Station from one pocket to another and I believe that's basically all it is, then it could be seen that here we are putting up telephone rentals to pay for the cost of the Radio Station. I think we've only just heard this last week, that Telecom looks like having another windfall and I'm not quite sure of that but I think it's something to do with Telstra or some offshore connection or something or other but somewhere around \$100,000. We have immediately milked that to pay for wages in the Public Service I believe, looking at this budget. To me there is no real excuse to put up Telecom charges because it is a very profitable enterprise. I have been wondering if we should be reviewing our charges and I say charges for services rendered on a more regular basis and we shouldn't be letting them go on for a long time however, this to me just seems to be to be a bit of a grab of public funds, a bit of a hike and it certainly won't be going through with my support

MR McCOY Mr Speaker thankyou, I'm a little bit like Mr Bates, where it's not so clear of mind as to the benefits of increasing these charges. Sure it will give a \$30,000 revenue increase to Telecom but some of my areas of concern are with the private connections being increased and the fact that we appear to be increasing the Telecom charges simply because they have not been increased for such a long time. Electricity fell in the same bracket. Just reflecting on the electricity charge well increasing electricity actually increased the cost to the Government by 14.5% as well as the cost of every single private electricity consumer on the Island and also corporate consumers. But I note with interest that we have a \$4.00 per hour flat rate for the internet site and I also – I don't believe it's on the paper that I have in front of me – but I'm interested to learn that Telecom subsidises internet connections for both Administration and education so that is a figure that doesn't seem to appear anywhere. Not in the budget or if it's a subsidy from Telecom directly to those two areas. So I tend to be like Mr Bates, I couldn't really support this on the basis that it's an increase purely just to have an increase. I would imagine that these increases would have occurred or be triggered by the RPI but an increase of this nature and I believe it's the same with the electricity increases that we've just had, it will actually trigger the RPI rather than it being a reverse. Maybe some of the more experienced Members will correct me if I'm wrong. Thank you Mr Speaker

SPEAKER Thankyou. Further debate. Further contributions Mr Smith

MR SMITH Mr Speaker I would like to make some comment on these charges. I've heard what's been said around the table and I'm speaking from the fact that I was Minister responsible for Telecom in the last three years and it needs to be

realised that when you do increase charges, sometimes it's done for cash purposes but often and as is the case here in this new schedule, costs do go up, for example, a new connection which has been set at \$50 for some years, to get a new telephone connected to say a new house the cost of that is probably a few more than the proposed \$80 these days depending on how far the house is from the road etc, it's not unreasonable to expect that there should be an extra charge, and it's the same with the other things that are in there. In the line charges that you get you get a telephone supplied if yours breaks down which they do inevitably. You can get another to replace and that's part of your rental fee. They don't get any cheaper so I don't see any difficulty in that sense where there have been not large increases but there's large percentage increases I guess when you do it by percentage but I don't have a lot of difficulty with the proposal as it makes a lot of economic sense rather than waiting for nine or ten years and then having a look at them then and having to do like we have to do with everything else when they've been left too long and then you have to put them up by massive amounts just to cover the cost of providing a service

SPEAKER Thank you. Further debate. No further debate.

MR NOBBS Thank you Mr Speaker just on the RPI business, really if you look at it over the years that's probably in line with the RPI increases, or it would probably be a bit less. I haven't looked at it at that rate but I mean it's a bit of a catch up. I agree with Mr Smith in relation to this, that we should keep our charges basically, if we are making too much out of Telecom we drop our overseas call rates. That's another way. I mean there are plenty of ways to put money back into the consumers pockets if you so desire from these services but I mean the proposal is that we increase these charges in line with the operating arrangements and I support them Mr Speaker

MR BATES Mr Speaker thank you. I would just like to make one comment on something the Chief Minister just mentioned, and that is if we want to give some money back drop the overseas call rate. I think that many people on the Island would now regard the fact of having a telephone as almost a necessity, almost like having a motor car or having electricity. I think the bottom line is that nobody has to ring overseas on a regular basis, nobody has to go on internet, nobody has to send faxes, we probably all do it but it is something that we have control over. If we are staying on the phone too long overseas, we can get off it. That part of the charges is something the consumer has some personal control over it and he uses it to the extent that he can afford it or the extent that he wishes or whatever his reasons are. The straight out rental and you almost regard the phone as a necessity, it's something which he has no choice over. The only choice is not to have the phone so you are taking the choice out of the hands of the consumer I believe if you make statements likes the Chief Minister just said where you reduce something else and you put the rental up. One's voluntary and one isn't. Thank you

MR SPEAKER Thank you. Further debate. if debate is concluded Honourable Members the question before us is that the motion be agreed to

QUESTION PUT

Would the Clerk please call the House

MR BUFFETT	NO
MR NOBBS	AYE
MR BATES	NO
MR COOK	AYE
MR McCOY	NO

MR GARDNER	AYE
MR WALKER	AYE
MR SMITH	AYE
MR BROWN	ABSTAIN

The result of voting Honourable Members is the ayes 5 the noes 3 with one abstention, the ayes have it. The Motion is agreed

MOTION BY LEAVE - NORFOLK ISLAND NATIONAL PARK AND NORFOLK ISLAND BOTANIC GARDEN PLANS OF MANAGEMENT

Mr Gardner, I think you wanted to seek leave in respect of a motion

MR GARDNER Thank you Mr Speaker I seek leave to move a motion as foreshadowed by me on the Programme

MR SPEAKER Is leave granted. Leave is granted

MR GARDNER Thank you Mr Speaker, I move that this House for the purposes of Regulations 2 and 3 of the Norfolk Island National park and Norfolk Island Botanic Garden Regulations 1988 resolves that the Norfolk Island National park and Norfolk Island Botanic Garden Plans of Management are approved. Mr Speaker as Members are aware I was absent from the April 19th Meeting where Mr Cook on my behalf had sought approval by the Assembly of the Plans of Management and at that meeting there was an amendment made to the motion at that time seeking to delete the word "approved" and inserting "supported" subject to recognition of some concerns that Members had. On my return from Canberra I undertook to try and make sure that both Members of the Legislative Assembly and Environment Australia or the Officers who assist in the day to day management of the Parks were able to exchange information so to alleviate the concerns of Members of the Legislative Assembly that had arisen and to ensure that those matters that had been raised as areas of concern were properly registered by the Parks staff and certainly proper consideration given to those concerns. I circulated to Members a week or so ago, a document from Environment Australia signed by Peter Cochran, the Director of the National parks and Wildlife Environment Australia's responses to those concerns and we discussed as Members of the Legislative Assembly on Monday's meeting I guess the content of that document and I indicated to Members at that time that I would be seeking leave at this Sitting to have those Plans of Management approved so we could put that one behind us and get on with other matters. Certainly one of those other matters to the forefront of Members minds is our desire, our keen desire somewhere down the track at some time in the future to actually have title to and full management responsibility for both the park and KAVHA area and I think that by approving these Plans which I have said since day one, I believe to be a responsible course of action, will ensure that we have a steady move along the road towards achieving that goal and I commend the motion to the House

SPEAKER Thank you. Debate Honourable Members

MR McCOY Mr Speaker thank you. I was one of the people who had a bit of difficulty with the draft Plan of Management that were tabled in Mr Gardner's absence but I have been given the opportunity by the Parks Superintendent, Mr Fred Howe, to discuss with him my difficulties with the Plans of Management. Some he did alleviate others he couldn't. One main area which Mr Fred Howe advises me can be overcome is my difficulty with only having Australian eucalyptus grown in the Forestry zone apart from the only non native species that were to be allowed under the Plans of Management but I have been lead to believe that that can be changed because I believe hat the Forestry Section of the Norfolk Island Administration would be in a better position

if they were able to plant such trees as Australian Red Cedar otherwise known Tuna Australis. I did have difficulty where in the Plans of Management they indicated that National Parks or Environment Australia may wish to construct their own accommodation or housing within the National park. That evidently is something that's not on the immediate plan and understanding that the Norfolk Island National Park have to be managed under Plans of Management as set out in the Norfolk Island National park and Norfolk Island Botanic Gardens Act, I really am like Mr Gardner, I believe, well not like Mr Gardner, he didn't say it would be irresponsible, but I have now come to the conclusion that if someone like myself were not to support these Plans of Management so therefore I will be supporting them, thank you

MR NOBBS Thank you Mr Speaker there were concerns at the April meeting and I haven't been able to dig out the Hansard in relation to that in the last couple of days, but I know there were five or six issues that were of concern to Members. They were put quite properly I believe and we have response from the Department of Environment and Heritage in some of the areas where I had concerns and they've been put on the table, we have got answers, they understand our position and it's all been brought out in the open and it's not whispers behind the back and all that, and accusations and the like that could have occurred I believe if we hadn't brought it all out in the open. There's no disrespect to Mr Gardner who wasn't here at the time, or to Mr Cook who put it up. There were concerns and we've got a response now from Parks Australia and I've got no problem in supporting the proposal that the Legislative Assembly actually approved the Plans of Management

SPEAKER Any further debate. No further debate. The question Honourable Members is that the motion that leave was granted to be brought forward, is agreed to

QUESTION PUT
AGREED

The ayes have it, that motion is agreed

MOTION BY LEAVE –

Mr Brown you also made mentioned that you would seek leave for a matter to be considered today

MR BROWN Mr Speaker I seek leave to move a motion in relation to Immigration and perhaps if I indicate the terms of the motion Members will understand

SPEAKER Thank you

MR BROWN Mr Speaker it's a motion that has been circulated to Members and it's to the effect that this House directs the responsible Executive Member to urgently introduce a Bill to amend the Immigration Act 1980 as follows –

- 1) by amending Section 16 to provide that a Temporary Entry Permit may be renewed on up to nine occasions so as to allow a continuous stay of up to ten years but such that there will be no presumption of de facto residence and the holding of a Temporary Entry Permit shall not create any right to obtain a General Entry Permit or to be declared a resident
- 2) by amending Section 29(2) to restrict calculation of a period of residence to residence whilst holding a General Entry Permit
- 3) by amending Section 29(1)© to increase the period of being ordinarily resident to ten years out of the previous fourteen years

through from the community to enable that aspect of the matter to be carefully considered and for material to be available for some action to be taken without delay if it is necessary in relation to matters such as that. Quite apart from that, when I came to this Assembly very shortly after there became available quite an extensive documentation in the form of a review and proposed possible legislative changes and in fact a whole new Act of quite considerable size with Regulations attached to it. That's been circulated to Members, it's gone out to the Immigration Committee, it has been tabled in this House so that Members of the community can inform themselves of the extent and nature of the matters raised in that review. I believe it would be appropriate for there to be a total and complete review without as it were temporary patching up of matters. I appreciate in some circumstances there may be a very considerable degree of urgency arising that requires amendments to the Act even as it stands at the moment and before we consider the possibility of completely changing the format of the Act. In fact one matter which arises and it seems to be a very considerable concern of the Australian Government and I seem to be getting information coming through nearly every day of what's happening in other Pacific Island, and there seems to be a clear problem emerging about attempted entry from countries right around the Pacific rim into those Islands with bogus passports and without proper visas, all sorts of matters which require urgent consideration and it might be that it is essential for this House to consider very urgent amendment to our law if that situation is made so clear that it needs immediate attention. I have taken steps with conjunction with Minister Ruddock in the Australian Government and also Minister Macdonald for the Territories to ensure that a working party will be operating with officers in this Government and the Australian Government within the next three weeks and tomorrow a meeting time and place will be fixed for such a meeting to take place and very urgent considerations to take place on the worries of both our Government and the Australian Government to be discussed at officer level so that those matters can receive proper and urgent attention. I will be meeting tomorrow and it is proposed that this meeting take place with representatives of Senator Macdonald's Department, senior officers who are here on the Island at the present time, they apparently have instructions to raise different matters. I don't want to actually pre-empt the actual agenda of matters that will be discussed. I haven't had the opportunity to see the finalised agenda but I have been informed that it is considered that one of the urgent things that should take place are discussions, which of course at this stage are only discussions, nothing will be decided, it will be brought before this House, that relate to the questions of the installation of computer equipment at the entry point up at the terminal which would appear to give out access as far as I can understand it, to movement alert systems within Australia. At the moment we have access to material on such a list but we have to take about 24 hours to get it. If we have this availability of computerisation that would instantly enable it to be shown up if any real problem emerged and we have to take the appropriate action before the attempted entry into Norfolk Island of somebody who is not appropriate to have come onto the Island. I only mention these matters to try to indicate that no delay is being occasioned in any way in treating this whole matter as extremely urgent and requiring our very close attention. I would certainly be looking for the utmost input from the House and Members and I'm sure I would receive that in due course and also in every aspect of this matter I will be looking for input from the community because I regard the immigration situation and the necessity for review and reform as being a matter on which the whole community is vitally concerned and interested and should not only have the opportunity to provide such an input but should almost feel the obligation to be involved to come forward in the appropriate fashion in due course and make clear what the concerns and considerations are and to suggest possible changes which can be only to the advantage of Norfolk Island. Mr Brown I thank you for your consideration in deciding that you would accept if other Members do not wish to move this matter to its conclusion today or discussion today to accept the option of simply adjourning the matter and therefore there wouldn't be any likely of any pre-empting of full and total discussions about this matter and I assure you as I did privately and I assure the House that your suggestions in this

General Entry Permit, the thing they wouldn't be able to do is say, Hey, I've been here for ten years and now you've got to give me a General Entry Permit. That's all that that gets. A General Entry Permit comes from making an application and from the application being considered in the normal course but it wouldn't come from being able to say well I've been here ten years so you've got to give me one. The reference to Section 29 subsection 2 Mr Speaker, Section 29 is the section that deals with residency by declaration and it says that a person who has a General Entry Permit is ordinarily resident on the Island and has been for over five of the last seven years and during the last five years hasn't been ordinarily resident elsewhere and wants to continue to live on the Island can make an application to be declared a resident but it goes on in Subsection 2 to say that for the purpose of that paragraph a period of residence on visitors permit or a Temporary Entry Permit shall be disregarded. Now what I'm saying is that the other period of residence that should be disregarded is the period when a person has no permit at all. It is a loophole in the present system which was discovered several years ago, I in fact asked that a Bill be drafted at that stage to correct it. That Bill was never drafted during my time with executive responsibility, it hasn't seen the light of day since and for that reason that I thought a motion should be put in again to ask for it to be drafted. The only difference from the existing legislation is that it would provide also that a period of residence while a person has no permit at all wouldn't count towards a period of residency

SPEAKER

Thankyou. Further debate

MR WALKER

Thank you Mr Speaker. Firstly let me address the current Temporary Entry Permit maximum term of three years. There is some merit in the notion that in a number of special cases an extended temporary residential status may be advantageous to both the Norfolk Island employer and the Temporary Entry Permit holder. In most instances these would be employees with special skills, not normally available on the Island and where the termination of the employees contract is simply because they have reached the maximum of three years. Again in most cases the employer would be put to the expense of repatriation to the mainland and the cost of re-employing another employee with similar skills to replace the departing employee, however, I am more inclined to support some different form of permit for continued residence at this point that involves the application and the issue of a new permit. In this manner it does not become automatic to extend the current tep arrangement. An obligation could be placed on both the employer and the employee to satisfy the executive member that not only has every effort been made to replace the employee locally but that it is a case of special work skills and not just another of receiving residency. It must be said that extension of the tep status must be accompanied by an understanding that this in no way is a move toward permanent residency. I agree with the notion. If the applicant is looking for permanent residency however, then the application must be counseled to make an application for a gep. In addressing the gep I would like to say that in relation tot he extension of time for qualification to full residency by the holder of the gep by definition a person who makes application for a gep is declaring their wish to reside permanently on Norfolk Island. In making this declaration there is an expectation on the part of the Norfolk Island authorities that the applicant will demonstrate their willingness to divest themselves of assets elsewhere in favour of a substantial investment on Norfolk Island. This expectation take the form of a purchase of a home, and or a viable business so as to prove livelihood in Norfolk Island. Therefore the applicant in return is seeking solidity of tenure on the Island in order to justify this extended expenditure of their capital here. In my opinion Mr Speaker the five and a half years currently required prior to our consideration of full residency is ample to complete the assessment process and have sufficient knowledge of the gep holder for us to grant full residency or not as the case may be. Again in my opinion it is unfair to have a person held in a temporary residency status for eleven years as is proposed. Mr Speaker there is a process to which all applications for gep immigration must pass prior

to the granting of entry to reside. If we have doubts about the applicants suitability to receive approval for their application then the process should reveal those doubts. If the process is not sufficiently methodical and exhaustive to reveal the insufficiencies then it is the application and approval process which requires addressing, not the number of years required prior to assessment for full residency. I have often expressed my concerns that in many cases the process does not allow for a face to face interview of applicants with the Immigration Committee to allow both parties to fully explore the detail contained in their application. Mr Speaker if a comprehensive appraisal is carried out to the satisfaction of those responsible then there is little that can be gained from a prolonged length of temporary residential status past the current five and a half years required. Mr Speaker I will not be supporting the motion if it is left in the form in which it is currently presented to us

MR BROWN Mr Speaker that's no problem

SPEAKER Thankyou. Further debate

MR McCOY Mr Speaker I have a query on the ability for people who apply for geps or who are divesting themselves of their investments offshore before they invest on Norfolk Island. I believe that every person has the ability or every General Entry Permit applicant has the ability to present themselves to the Immigration Committee if they so desire

SPEAKER Thankyou. Further debate. Have we exhausted debate for this afternoon on this matter. I think so. Mr Brown

MR BROWN Mr Speaker I move the adjournment

SPEAKER The question is that this motion be adjourned and made an Order of the Day for a subsequent day of Sitting

QUESTION PUT
AGREED

The ayes have it, that matter is so adjourned

MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 7

Honourable Members we are now about to commence Orders of the Day and as a prelude to that I report that I have received the following Message from the Office of the Administrator. It is Message No. 7 and relates to Order of the Day No 1. Appropriation Bill 2000. In accordance with the requirements of Section 25 of the Norfolk Island Act 1979 I recommend to the Legislative Assembly that the proposed law entitled "An Act to authorise expenditure from the Public Account for the year ending on the 30th June 2001 be amended as set out in the attachment to this message, dated 19th June 2000 and signed A J Messner, Administrator.

APPROPRIATION BILL 2000

Having conveyed that Honourable Members I call Order of the Day No 1 which is the Appropriation Bill 2000. We are resuming debate on the question that that Bill be agreed to in principle and Chief Minister you have the call to resume

MR NOBBS Thank you Mr Speaker. Mr Speaker at an appropriate time I will be moving the detail stage amendment as referred to in that

Message of the 19th June 2000. That amendment will change the schedule with variations as follows –

Salaries will be increased for \$4,835,300 to \$5,047,500

Recurrent expenditure will be increased from \$3,544,000 to \$3,868,500

Subsidies will be increased from \$1,308,500 to \$1,316,000

Capital from \$513,100 to \$603,100

Mr Speaker at the last meeting I introduced the budget and then Members went away and discussed this budget and the outcome of that is as I've just read. There have been variations in relation to the first budget and it is the rights of the Members as I've said before, it is their budget I believe and to change it as they see fit. The previous budget which I introduced was a balanced budget. The new one, this current one that is being proposed shows a deficit of \$336,000. What it means is that the reserves which are estimated to be at the 30th this month, that is the current financial year to be \$850,900 estimated reserves on the 30th June 2001 in the next financial year will be \$484,900. Mr Speaker it was proposed at the last meeting that an Infrastructure Fund be established of some \$140,000. The current budget does not include this item and whilst I accept Members views I still believe we need to revisit an Infrastructure Fund and this is on the list of projects for the upcoming financial year. The changes are as follows –

The salaries have been increased by \$212,200. It was discovered that there are three Programme Managers on the current establishment of the Administration. Two of those have been filled on a higher duties allowance from another position. The result is that we've discovered that we were \$80,000 short in fully funding those positions which I understood was a requirement under the new Act. This has been provided. There's \$80,000 in there and there have been variations to the Accounts and the Secretariat votes to take account of that. A Job Assessor who will review precise staffing levels in the Administration has been provided of \$20,000. There's additional relief funding for the Legislative Assembly of \$7,400. The increase in the teacher's salaries that were not included are now included of \$60,000. There's \$10,000 for Tanalith overtime, there's an increase to Grounds Maintenance of \$23,000, Forestry has been increased by \$15,000. Sorry, I've gone on from Salaries to Recurrent. The increase in the Recurrent was \$324,200. This increase takes into account the electricity increases which are spread over the whole Administration as Mr McCoy pointed out before. There's a revenue base investigation of \$20,000 which is now brought what was \$30,000 for the GST now to \$50,000. There's Crown Litigation increase of \$10,000 as it is felt that there's a need in that one. There was Health and Quarantine increase by \$91,900, Education in recurrent by \$35,000, Legislative Assembly by \$12,500, Forestry by \$15,000, Tanalith Plant by \$3,000, these are all in recurrent, Works by \$14,000 and Sport Promotion which is to clarify a particular hiccup as a result of the Masters Game last year I think of \$11,400 has been allocated in that area. These are all additional to the last budget. Subsidies has been an increase of \$7,500 which brought the Hospital Subsidy up to what they requested. On the Capitol side of things there's a \$90,000 increase which involves a Screenhouse for \$50,000 and a beagle dog for \$40,000. Mr Speaker at the appropriate time I will move that those amendments be put

SPEAKER

Thank you. The question before us is that the Bill be agreed to in principle. Mr Bates

MR BATES

Mr Speaker I intend to support this amended Supply Bill. It does in fact acknowledge some of my concerns which I've spoken about on many occasions in the past. It doesn't go the full way in acknowledging those concerns. I don't accept that it's my budget even though the Chief Minister says it belongs to us all. I've gone to some lengths to let Members know just how little backbenchers can do from the floor of this House at budget time. I certainly acknowledge that the Chief Minister has endeavoured to take on board some of my concerns and I commend him for that. I won't repeat my concerns. I think they are fairly well known around the place and I don't expect everybody to agree with my concerns but there are things that people can do.

capacity to ensure that we can properly administer those things. My biggest fear is that we are just about scraping the bottom of the barrel Mr speaker when it comes to the land proposal. I think we can achieve it, but if we want to go and put our hands out and want to try and achieve any more we aren't going to be able to do it with our current financial capacity and administrative capacity. That needs serious address. There have been attempts both by the previous Legislative Assembly with the passing of the Public Sector Management Bill. There have been as yet unclear reasons as to why we haven't been able to reach a position of fully implementing the Public Sector Management Act though we've seen this morning partial Regulations that will see the commencement or will coincide with the commencement of sections of that Act. Those are areas that really do need a great deal of attention and just as important as chasing land matters; just as important as chasing the responsibilities whether they be in education or those other things that we hope to eventually one day have full responsibility for. When I was talking about our cooperative role with the Commonwealth regarding the advancement of the land package and that's particularly important with this budget to myself being the Minister with responsible for land matters and most of the areas that are dealt with under the advancement of the land package, was unhelpful comments extended to some of the Membership of this Legislative Assembly from officers of the Commonwealth in regard to our capacity and I guess our real heartfelt feeling to want to advance those matters and it may be we hadn't placed enough emphasis on the dollar figure or emphasis on the staffing figure to really get through that process. I'm disappointed by those comments having come forward because they certainly hadn't been raised directly with myself and I would have expected that in the light of cooperation or the air of cooperation that seems to exist currently in that matter that people would have been a bit more forthcoming with their concerns in that area. However, we intend to proceed very strongly and we are committed to finalising the process of land transfer. Mr Speaker I'm not really wanting to get picky at all on dollar values. I don't believe that's necessary. We've been through in depth in some areas with officers of the Administration in their particular budget bids. My biggest concern is to ensure that we do make the right appropriation in the right areas to make sure that we can significantly advance those matters that we are keen to advance and not to just throw a couple of dollars in a direction and hope like hell that that's going to be enough. It really draws me to my only real area of concern with this 7th draft that we have and that's in relation to the executive members discretionary vote and in this document that's 50/2/10 which has a total amount of \$20,000 in it. We had discussed as the Membership the fact that there are a number of matters that are currently before us but it's virtually impossible to be able to adequately seek to appropriate funds to ensure that they are finalised in this next financial year. I refer to the Health Review that is currently under way. Though we certainly have in previous years appropriated the necessary funds to undertake the Review and get those things working, we are unable without the assistance of a crystal ball to be able to adequately identify as to whether we have the funds available to implement recommendations that may come from that Review and those are matters of serious concern to a lot of people in the community that we need to be able to position ourselves and make adequate funds available to be able to implement some of the outcomes of the Review. As too we see the escalation in proceedings before the Administrative Review Tribunal. I know in some areas of course in lands, that there have been supplementary appropriation sought since the 1st draft of this budget came through to provide in that area some extra monies to cater for the expense of the Administrative Review Tribunal. Again it's an area that without the assistance of a crystal ball it's very difficult to be able to determine just what sort of funds we would require. I've already touched on the land package matters. We have done the best that I think we can do at this stage in being able to determine the dollar value that is going to be needed to be able to complete the land package. Again without the use of a crystal ball we don't know what matters that might be associated with the advancement of the land package may come up that may require some substantial amount of funding in this next twelve months. I turn to waste management even though I'm not so greatly

SPEAKER Thankyou. Is there further debate in respect of the Appropriation Bill which is in front of us. If there isn't any further debate Honourable Members the question is that the detail stage amendments of the 19th June be agreed to

QUESTION PUT
AGREED

The ayes have it, that amendment is so agreed.

That being the case Honourable Members can I turn to the remainder of the Bill. We are at the detail stage in respect of this piece of legislation. Is the remainder of the Bill agreed to

QUESTION PUT
AGREED

The remainder of the Bill is agreed to. Therefore we have tidied that in the detail stage and I now look Minister to a motion that the Bill in its amended form be agreed to

MR NOBBS I so move Mr Speaker

SPEAKER Thank you Chief Minister. Is there any final debate?

MR SMITH Mr Speaker, it mightn't be anything at all but the Minister for Finance has quoted detail stage amendments dated 19th June and there's no date on my particular paper here, whether there is anything in that or whether it should have been or whether we should put a date on it. I look to you for clarification

MR NOBBS Through you Mr Speaker that's the right paper

SPEAKER I think for clarify we can ensure Chief Minister that your signature and the date, the 19th June, which is that date we have been talking about, is on that document and it will be seen in that clarified form, thank you.

We are at the final stage Honourable Members. The final motion before us is the Bill as amended be agreed

QUESTION PUT
AGREED

The ayes have it, the Bill as amended is agreed to thank you

FIRE CONTROL BILL 2000

Order of the Day No 2. Fire Control Bill 2000 and we are resuming debate on the question that that Bill be agreed to in principle and Mr Cook you have the call to resume

MR COOK Mr Speaker may it please you and Members of the Legislative Assembly, this Fire Control Bill has really been before the Assembly in virtually the same form now for just over five years. I think when it was first introduced it was not accepted and then I think Mr Brown at a later stage when he had the responsibility which I now have considered again to re introduce this Bill and the Bill didn't actually come forward at that time for some reasons but what I would like to point out Mr speaker is that this Bill in my view is a very important and significant piece of legislation so far as it provides for the situation of protecting those persons who are engaged actually in the fighting of fires on Norfolk Island. It sets up various systems

relating to the appointment of persons to advise and to actually take part in the control and extinction of fires. I'm foreshadowing a detail stage amendment which has been circulated to Members and insofar as I am concerned, I have had this Bill before the Legislative Assembly now for two meetings and there's been quite a deal of discussion upon it to date. On the last occasion when it came before the Assembly the questions arose as to the protection of persons who might be involved in assisting in the fighting of a fire and might be described in some way as volunteers who come forward or are directed or requested or in some way or other are asked to give assistance in the control of fires to protect them if they engage in that activity and under the control of a Chief Fire Control Officer, Fire Officer or authorised person under the Act, and this is quite an important matter to ensure that persons do have that satisfaction that if they so act then whatever their actions may be, carried out bona fide and reasonably and in accordance with those directions and requests made to them that they would receive appropriate and proper freedom from any form of action being taken against them in what one would imagine to be very substantially emergency situation. Now so far as the actual mechanism of an obligation to enter land, extinguish fires, to impose fire bans when they are considered to be appropriate in certain areas of the Island, all this has been the subject of previous discussion. I rather hope it'

s not going to be necessary for that to be gone into. In the foreshadowed detail stage amendment which I've circulated substantially what has occurred is that in the definition section there has been created a description of what is called a volunteer Fire Officer. Now under section 19 of this Act where a fire occurs on your land a Chief Fire Control Officer, a Fire Officer or an authorised person may enter land for the purpose of inspecting, checking or extinguishing the fire and may for the purposes of checking the fire or stopping its progress light other fires on land which would seem to be an appropriate way often of controlling a fire which may get out of hand and spread to other properties. Then section 20 says that an action or proceeding, civil or criminal shall not lie or continue against the Chief Fire Control Officer, the Fire Officer or an authorised person for or in respect of damage or person injury caused either directly or indirectly by any act or thing done in good faith by him or her in the exercise or performance or purported exercise or performance or power or function under this Act. That's intended to assist in the proper protection of persons in good faith carrying out in an obvious emergency, making decisions and endeavouring to correct a situation in some circumstances probably of extreme danger both to property and human life. Subsection 2 of section 20 if I might just refer to it very briefly provides in the Act that any damage referred to in subsection 1, that is the damage against which people are protected and so forth, shall be taken to be damage by fire within the meaning of policy of insurance against fire covering the property so damaged notwithstanding any clause or condition in the policy. When this matter was before the Legislative Assembly previously questions were asked as to whether or not that would be an appropriate provision to include seeing that it would appear to intrude very solidly to the situation of a contract of insurance drawn up between the person who had the policy of insurance and the insurer issuing it. I had the enquiries made through the Legislative Council to enquire throughout Australia and his instructions to me are that every State and Territory in Australia has an identical provision in their Acts relating to Fire Control and all insurance companies recognise that that is a special provision and he assures me that there is no problem about including such a provision in the Act and that as the majority of insurers on this Island who provide insurance of a fire which most properties have almost automatically, do recognise that as being a situation that they have to meet in their normal policy of insurance issued in relation to fire and as I understand there's no particular loading or increase in the premiums of insurance policies arising because of that special provision being in an Act because they experience it constantly in their normal operations in Australia. The foreshadowed amendment to protect a person who is a volunteer Fire Officer provides for the definition of such a person as being a person who is requested or directed or under the control of the Chief Fire Control Officer, the Fire Officer or an authorised person to engage and participate voluntarily in any function or act outlined in section 19

which I've already referred to, or for Norfolk Island's rather unusual circumstances, to a person who acts in a reasonable manner to protect persons or property or to ascertain the existence or the nature of a fire in circumstances of emergency or where a person mentioned in Section 19 could not reasonably be contacted or expected to attend within a reasonable time. It was intended really to cover the situation where a responsible member of the community sees a situation developing with apparently nobody in the immediate vicinity of maybe a fire breaking out either on land or near a home, then that person may take reasonable and bona fide action to endeavour to enter the land, to check the fire or find out what's going on, could not be expected in those circumstances to be able to find the Chief Fire Control Officer, the Fire Officer or an authorised person or to go and locate them and come back and do something about the fire so it's intended that the volunteer fire officer is the person who acts under the Chief Fire Control Officer, the Fire Officer or an authorised person or at their request or acts in a reasonable and bona fide manner to protect persons or property which would assist in the control of a fire. I really believe that this is a significant aspect of the matter that such a person should have basic protection, and I will be seeking to move that detail stage amendment in due course and I do ask the Legislative Assembly subject to them being prepared to accept that as being necessary to be added to the Act to otherwise agree in due course to the Fire Control Bill coming into the situation where it's an Act which will provide for the appropriate protection and control of fires in Norfolk Island which is long overdue and is clearly needed

MR BROWN Mr Speaker if we wish to be self governing we must be prepared to govern and in order to govern there are things that do have to be done from time to time which people might prefer to avoid doing and passing legislation of this nature fits into that category. People mightn't like individual parts of it and they might think that the right to have a barbeque somewhere might be infringed by legislation such as this but we cannot govern without having a proper framework of legislation and for that reason I'm going to support the Bill and I'm going to support the proposed amendment to it thank you

MR BATES Mr Speaker thank you,. I have raised with the Minister my concern. He touched on it today about the situation where adjoining properties receive damage in fighting a fire on another property and he mentioned that it's quite common to be covered by the insurance policy. I don't doubt that that's the case. I do know and it's no reflection on my own personal insurance adviser, they look after me extremely well, but I do know that insurance companies are funny people when it comes to claims and I just don't know that if my property is damaged through fighting my neighbours property whether I claim against my neighbours insurance, assuming he's got one or whether I claim against my own and if mine is a household or houseowners policy whether that covers my bearing palm seeds that 100 yards from the house and up my drive and got wiped out in the process. I'm just not clear in my own mind whether I would be properly covered by my own householders and houseowners policy or my neighbours householders and houseowners policy on the basis that he does indeed have one in the first instance. I wonder if the Minister could absolutely assure me that my palm trees would be replaced and I would be compensated. I would like assurance because I think it would be very unreasonable for people to be disadvantaged as much as they might want to assist their neighbour in putting out the Chief Fire Control Officer, the Fire Officer or an authorised person

MR COOK Mr Speaker through you in talking to Mr Bates, I don't think I'm prepared to give an unqualified assurance to make sure that whatever happens to his palm trees, somehow or other he's going to make sure that he gets cover for them. I referred the substance of subsection 2 to the Legislative Counsel in the Legal Services Section because obviously I wanted to be able to inform the House to the best and highest level of my understanding of what the situation is. As I read it and as I took it

The ayes have it, that amendment is so agreed.

That being the case Honourable Members can I turn to the clauses as amended by those amendments. Are the clauses as amended agreed to

QUESTION PUT
AGREED

Those clauses as amended are agreed. May I turn to the remainder of the Bill. Is the remainder of the Bill agreed to

QUESTION PUT
AGREED

The remainder of the Bill is agreed to. Therefore I now look to a motion that the Bill in its amended form be agreed to

MR COOK I so move Mr Speaker

SPEAKER Thank you . Is there any final debate on that question? We've concluded debate Honourable Members and I put the final question which is the Bill as amended be agreed

QUESTION PUT
AGREED

The ayes have it, the Bill as amended is agreed to thank you

SPEAKER We have concluded Orders of the Day Honourable Members.

FIXING OF THE NEXT SITTING DAY

If I might turn now to our next sitting day and Mr. Bates you have the call.

MR. BATES Thank you Mr. Speaker. I move that the House at its rising adjourn until Wednesday 19th July at 10 am.

MR. DEPUTY SPEAKER Thank you and the question is that that proposal be agreed to. I put that question to you.

QUESTION PUT
QUESTION AGREED

The ayes have it, we have set out next sitting date

ADJOURNMENT

MR. SPEAKER The adjournment. Mr. Brown

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

MR. SPEAKER Thank you. The question is that the House do now adjourn Honourable Members. Is there any adjournment debate?

MR BATES Mr Speaker thank you. I notice that possibly for the first time that I can remember in years I've spent on the Assembly that with the discharge of the two Bills on the Notice Paper today that we have no outstanding Bills in the House. I'm trying to come to grips with that as to whether it means that our executives are doing a darned good job and there's nothing to legislate for or whether they are absolutely doing nothing and they have no Bills to present but I leave that to your imagination thank you

MR. SPEAKER Thank you. Further participation Honourable Members in this adjournment debate

MR GARDNER Maybe just in response to that if I could Mr Speaker, I don't know in light of the open government that we're running with at the moment whether Mr Bates may have been in the situation of having received the Legislative Priority listing that has been developed and which is a guideline for the executive and the Legislative Assembly as a whole to work to but that certainly lists substantial numbers of pieces of legislation that are proposed to come before the House and I think Mr Cook earlier on today referred to that list on a couple of occasions about the upgrading of priorities of different pieces of legislation that are proposed so I can probably assure Mr Bates that if he hadn't seen it, that there is such a list about and it contains numerous pieces of legislation that are actively being worked upon not only by the executive but officials of the Administration as well as I might add, private Members and I think there's three or four listed on that list of private Members legislation to come before the House

SPEAKER Thank you. Any final debate? Honourable Members the question is that the House do now adjourn.

QUESTION PUT
AGREED.

This House stands adjourned until Wednesday the 19th July, 2000 at 10.00 am.

