

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

CONDOLENCES

MR McCOY Mr Speaker, it is with regret that we record the passing of Marie Lillian McCoy on Tuesday, 8th August 2000. Marie was born on Norfolk Island in on the 3rd of May 1924, the youngest of four children. Her sister Gwyneth and brother Harvey both have predeceased her. Sister Joan lives in Christchurch, New Zealand. Her father was Charles Bailey and her mother Flora, descendent of Emily Christian. As she grew she saw her father in the role of a master builder and shipwright who was in charge of the building of the ship "Resolution" which made her maiden voyage to New Zealand. In her younger life Marie loved to swim, fish and go dancing with Leo at the original Rawson Hall when it was located on the way to Bumboras. It was demolished during World War II for the construction of the airstrip. she loved playing tennis at the courts at the Cable Station at Anson Bay and she had a love of horse riding, particularly on her horse, Wendy. Marie's education was on Norfolk but at the age of 15 years she made her way to Sydney on the "Morinda" she entered Technical College to learn shorthand and typing. She was able to gain a job at Paper Products in Sydney working in the office. She worked there until the end of World War II. She returned home to Norfolk each Christmas. As teenagers Marie and Leo were sweethearts. They kept in touch during the war when Leo joined the Militia on Norfolk then joined the Australian Forces for seven years. After the war Marie returned home to Norfolk in 1946 and Leo returned when he was discharged in 1947. While in Sydney, Marie learned signing for three years and on her homecomings to Norfolk she and Leo were to sing many duets both in concerts and at the church where her father often played the cello. Marie worked at the Administration during which time she looked after Accounts and also occupied the role of Registrar. She became Secretary of the Whaling Company then went back to Administration part time. She also carried out the office work of Fletcher Christian Apartments. Marie and Leo were married in 1947 at St Barnabas chapel and have three daughters, Kaye Jill and Anne. The family has grown to include husbands and three grandchildren, Lisa, Austin and Sophia. Marie and Leo's first home was in Rooty Hill Road and then they lived in the family shared accommodation "Haeremai" in Queen Elizabeth Avenue whilst Leo and her father Charles built the house which was to become their home from 1957. In the early days of Tourism Leo had one taxi, then two and then a bus. Marie drove with Leo. Tourists were no longer coming by ship but on the DC4's landing on the airstrip built during World War II. Marie collected the tourists from the airport and delivered them to and from guesthouses and took them on picnics. Their taxes were part of the way of Norfolk Island until the 1980's. Marie was a lady and a gentlewoman. To Leo, Kaye, Jill, Anne and their families, this House extends its deepest sympathy

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

MR BUFFETT Honourable Members at the commencement of this August sitting I do draw your attention to the fact that August marks the 21st anniversary of the commencement of the Norfolk Island Legislative Assembly. Some of you may recall that elections were held on the 1st of August. The 10th of August saw the inauguration of the first Legislative Assembly and the first business sitting of the House was on the 15th. In 1979 we commenced governmental arrangements under the provisions of the then new Norfolk Island Act. The prime purpose of the Act was to

to enable a business to be conducted as is their right under the Act, as to whether or not the grant of any such a permit could possibly circumvent the quota situation and there have to be reasonably exceptional circumstances which in any way would justify such a situation. To the best of my immediate understanding, in answer to Mr McCoy and so that I do not mislead him or the House in my response I'm not aware of any businesses that have been sold actually to a Temporary Entry Permit holder but I will carry out an immediate request to the Immigration Officer to supply me with that information and I will certainly provide it to Mr McCoy without delay.

MR McCOY Thank you Mr Speaker. I have a supplementary question to that answer through you Mr Speaker. Does the Minister intend for this to become an accepted practice, as is already the case where Temporary Entry Permit holders and General Entry Permit holders are being employed in businesses that have not been established for 5 years.

MR COOK Well I certainly don't intend to, in answer to that Mr McCoy through you Mr Speaker to act in a way which would be contrary to the appropriate provisions of the Act and also the guidelines or policies, which have to be of course understood in the light of the Act and to ensure that they do in fact have effective weight. They should be given their fullest weight as they are determinations of this House as to how the Act should be administered, and I don't intend to go outside those parameters. However there are a number of instances, only just from yesterday where I've sought legal advice in respect of 3 particular matters which involve considerations of the kind that Mr McCoy has just touched upon and I can assure Mr McCoy that I have sought that legal advice and will not act in any of those matters until I receive the appropriate advice.

MR BATES Thank you Mr Speaker. My first question is to Mr Nobbs Minister for Finance. In response for requests for by the Royal Australian Mint to use the Norfolk Island Coat of Arms and the pinetree in conjunction with the issue of commemorative coins, did you respond in accordance with the wishes of Members or in accordance with your own personal views and what is the present status of this request.

MR NOBBS Thank you Mr Speaker. I responded as was requested by the Members of the Assembly when the issue was put before them about 3 or 4 weeks ago, I think from memory, and that was that the Members, as I understood from that meeting supported that the use of the pinetree and also placing of the Coat of Arms on coins, and I think from memory that that letter was sent about 2 or 3 weeks ago I think.

MR BATES Thank you Mr Speaker. Another question for Mr Nobbs Minister for Finance. Now that the Minister has shifted the responsibility for funding the Fire Service to the Airport and the Radio Station to Telecom, who is responsible in each of those business enterprises for the expenditure incurred by those 2 activities.

MR NOBBS Thank you Mr Speaker. Well the overall responsibility obviously rests with the responsible Minister, in this case is myself on financial matters, but we have put in place an arrangement which I believe to be adequate that each of the project operators, for want of a better word or section operators, or whatever you call them here I don't know but I see that the Airport is one particular project, I see the, in the context of it that the Fire Service is a project, sorry, that the entity of the Airport, that the Airport is an entity and that the projects within it are such that we have an Airport project operational which is run in one way and funded and the budget is prepared for that. We have another project within the Airport entity which is the Fire Service which is funded and that we have Managers operating those. The ultimate responsibility as I said rests with the Minister. As far as Telecom's concerned there is an entity there called Telecom and within it there are certain projects and one of

those projects are obviously the Radio and Broadcasting. Mr Smith has an interest and an expertise I believe in that particular area and I'm very pleased to say that he has accepted the responsibility in that area, but as for the ultimate responsibility in relation to financing, that's still must be retained by the Finance Minister under the current arrangements but Mr Smith has, as I said has obvious expertise in that area and he has retained that area of responsibility and I think he's doing a great job there.

MR WALKER Thank you Mr Speaker. A question to Mr Cook Minister for Immigration and Community Affairs. The Minister is no doubt aware that a local man fell from the rocks at Headstone yesterday morning and spent approximately one hour in the water before being rescued by boats. The circumstances of his rescue were exacerbated by the fact that it took the Headstone Attendant, in his words more than 3 to 4 minutes to unravel the....

MR GARDNER Point of Order Mr Speaker. I thought this was about questions rather than Statements.

MR SPEAKER Yes I accept what you say, but I think Mr Walker is endeavouring to paint a scene. I wonder if you could be more sketchy and conclude that part of it and come to the question itself please Mr Walker.

MR WALKER Yes Mr Speaker. My question is the matter of the deficiency of the lifebuoy to be deployed instantly prior to the man being washed some 300 metres offshore has been brought to the appropriate authorities before and no action has been taken. Will the Minister advise whether this situation can and will be rectified before another such accident occurs.

MR COOK Yes Mr Speaker through you to Mr Walker. I had become aware of course of this incident yesterday and I sought a report on it from the Sergeant in charge of Police and have received a report from him. I interviewed him this morning to make sure that I had not missed any matters of significance arising out of his very brief to me and I intended to make a Statement about this matter subsequently this morning. I had intended to congratulate Mr Smith on the efforts that he made and the obvious results of his efforts were to save the person who had fallen from the rocks and also the person who attended with his boat to effect the rescue because the size of these seas apparently on the rocks made it impossible to haul the person ashore. I did particularly raise with the Sergeant this question of the effectiveness of the rescue equipment was there at the tip because this event appears to have occurred several times in the not too distant past. He has assured me that the equipment appears such as it was there at the site to have functioned adequately and not to have been defective in any way, and he also assured me on my request that he would examine most carefully with others who are associated with him, and I understand there is going to be a meeting of the Emergency Services Committee which will take this matter up within the next fortnight and he assures me that they will examine the situation most carefully as to whether or not some more effective and appropriate equipment is necessary to be installed at that particular site. It appears of course, that fishermen are attracted to the area for the purposes of fishing and what I think the community has to endeavour to meet is a situation that people will fall or be washed from the rocks and we should have some very up to date and effective equipment. It seems to me in the circumstances that what was there, and what happened, the very best result of course came out of what could have been otherwise a rather horrifying instance of somebody again being overcome by local conditions of roughness of seas and so forth. I hope that answers Mr Walker's question Mr Speaker but certainly the question of more effective equipment and whether it's necessary and how it could be put in place and so forth is being immediately examined.

MR WALKER Thank you Mr Speaker. My next question has 3 parts and is addressed to Mr Gardner Minister for Gaming although he may wish to

pass the question to Mr Nobbs who is the Minister responsible for Telecommunications. The first part is, is the Minister aware of the amendments to the Commonwealth Telecommunications Consumer Protection and Service Standards Amendment Bill being introduced to the Senate and secondly is the Minister aware of the possible impact on Norfolk Island of the Gaming industry and Telecommunications powers in general that these amendments may bring about and has the Norfolk Island Government raised objections to the amendments and if not why not.

MR GARDNER Thank you Mr Speaker. I'll answer those 3 questions. The answer to the first question is yes. The answer to the second question is that advice has been received from Deputy Crown Counsel in relation to the implications of that particular legislation to Norfolk Island. The answer to the 3rd question is that following concerns that were raised with me by the matter and passed over the whole file to the Minister responsible who is the Chief Minister. Mr Walker has alluded that the Chief Minister may wish to comment further on that.

MR NOBBS Yes thank you Mr Speaker. As Mr Gardener said we've had advice from the Crown Counsel in relation to that and we are progressing the issue with the relevant people at this stage. It appears that the Act, whilst it extends to Norfolk Island, I mean we're talking about a Bill now to amend an Act, and the Act itself as I understand it extends to Norfolk Island but there is a need for a regulation to, may extend to Norfolk Island if a regulation is passed to state that it actually extends to the island. That's my understanding of it from advice we have had, and that this situation will continue with the amendment No. 2 Bill I think they call it and, but as I say we are progressing the issue with the relevant authorities in Canberra.

MR WALKER Thank you Mr Speaker. My next question is to the Chief Minister Mr Nobbs. Can the Minister advise what action has been taken in relation to the jobs position assessor approved in the 2000/2001 budget.

MR NOBBS Thank you Mr Walker. That was a position I think it was for an adviser to come in here and just have a look at the structure of the Administration. That is being progressed. I will be off the island next week and I intend to progress that sort of issue further at that time, and I will advise Members when I return as to the outcome of discussions I will have.

MR BATES May I ask a supplementary to that. I wonder if the Chief Minister could explain to Members that if normal processes for selection of a suitable person will be undertaken or will the Minister make a decision himself.

MR NOBBS I will bring some options back with me I think is the easiest way, to the Members and they can work it out for themselves really which way they wish to progress. Obviously you'll go from a fairly expensive one to a relatively inexpensive option and as I say I have to firm those up and I will be doing that in the next week.

MR WALKER Thank you Mr Speaker. A question for Mr Cook Minister for Immigration and Community Affairs. At our last sitting date in July I expressed my concern about the safety of Tour Operator drivers conducting a running commentary utilising..

MR BROWN Point of Order Mr Speaker. It would be helpful to all Members if questions were questions rather than statements.

MR SPEAKER Yes I need to give some reasonable latitude so that the context can be seen, but Mr Walker if you could pay heed to that please.

MR WALKER Thank you Mr Speaker. The Minister acknowledged my concern. The question is has it been investigated and if so what action has been taken to remedy the situation.

MR COOK Thank you. The situation as to the regards to the amendment to the Motor Traffic Act in quite a number of aspects of the matter is being presently attended to by the Legislative Counsel. Certainly this particular matter as to the operation of tourist buses and the requirement that there be microphones of a particular kind which will enable the driver to concentrate and operate the vehicle with total control over the vehicle rather than the situation that Mr Walker had brought forward as been occurring. It's certainly a matter which will be the subject of legislation and any appropriate changes will be brought forward for the Members to consider as soon as possible.

MR BATES Thank you Mr Speaker. A question for Mr Cook responsible for Workers Compensation. Given that anomalies exist under the scheme for self employed persons and those having more than one job, what is being done to fix them.

MR COOK Well through you Mr Speaker I find it a little bit difficult to answer the question which is being put. It seems to me a fairly general terms as to the matters relating to workers compensation. I had sought to have examined the whole situation in relation to the workers compensation. I think it's also a part of a general examination of the review of the Employment Act as the workers compensation provisions are part of that Employment Act. Clearly if there are these anomalies that Mr Bates has referred to, if he wishes to specify those to me in some form of a written memo to me I will take them up and ensure that those anomalies are considered together with any other appropriate changes to the legislation which might come forward.

MR BATES A further question for Mr Cook responsible for Emergency Services. What is being done to replace the ageing Airport fire vehicles and will the Airport undertaking have to fund them from its existing revenue sources.

MR COOK Well Mr Speaker I think that seeing that there is now the situation of the conduct of the Fire Services from the Airport, maybe my colleague the Chief Minister may be in a better position to answer this question Mr Bates and provide him with the information he now seeks and I'd invite the Chief Minister, if he is prepared to do so to furnish an answer which I'm not able to immediately furnish Mr Bates.

MR NOBBS Could I ask Mr Bates to repeat the question please. I was elsewhere at the time, if I may.

MR BATES Thank you Mr Speaker. The question was what is being done to replace the ageing existing Airport fire vehicles and will the Airport undertaking have to fund them from the existing revenue sources.

MR NOBBS Thank you very much. This is another question which I will have to leave you up in the air a bit Mr Bates I'm afraid but the situation is that we are looking at various means of funding all replacement vehicles within the Administration and that includes the fire vehicles, the forestry vehicles, the Works Depot machinery, the whole lot and at the moment this has not been, there's been no finalisation at all. We are looking at various options including a possible lease option and until that's finalised I can't tell you at this stage but we are.... I'm aware of the situation, we are looking also at direct purchase of secondhand vehicles and the costs and apparently there are not a lot of vehicles around that are at a reasonable expense and at reasonable cost, and also are in reasonable order, but we are looking, I can assure you we are looking at how we can actually fund and fund all the Government

vehicles because to tell you the truth I'm very concerned about the condition of some of our fleet and with the proposal for compulsory third party and all this, I mean the Administration will I believe have to take a lead and come up squeaky clean in any inspection regime that may go on. So until I have those full details and am able to put them before Members which we would hope to do in the not too distant future. I will have to leave it at that Mr Bates.

MR BATES Yes another question for Mr Nobbs. At our last meeting you promised to bring forward, and I think these were your words, within 2 weeks but in any event before this meeting your proposals to raise a further \$2m per annum in taxes. Do you always break your promises.

MR NOBBS Thank you Mr Bates for that. The proposal, just to clarify that, because it's quite misleading what Mr Bates has said. I believe that it was to raise up to \$2m for 3 years as a proposal, as an infrastructure fund, as a proposal to fund a \$6m upgrade of the roads and \$.5m for the particular wharf, so it's \$6.5m, so we're looking at approximately \$2m a year, raising those funds. I've spoken to the MLA's at a closed meeting in relation to this. The suggestion was that I come back with a number of options including the one that was seen to have some support, and I think it might have been put up by Mr Bates, that we look at the borrowing situation. I have then gone back and am developing an options paper, that went to the Finance Committee a week and a bit ago. The Finance Committee have come back, maybe 2 weeks ago I think it was, 2 weeks ago they came back with other proposals, we've been working those through. One of them in particular has taken a bit more time than I anticipated, and as I say I'll be off the island for the next week or so and I will have it, it should be finalised this paper, when I get back Mr Bates, but it has taken a little bit longer and I would endeavour to look at you to give us some sort of support, if I'm only 2 weeks late than my deadline that I'd put on myself at the last meeting, but it's just that we have now something like 7 options developed and hopefully we can then, the Members of the Assembly can then come to a decision as to whether they wish to proceed, and if they do wish to proceed how best to raise the necessary funds, but it's only the proposal, is for 3 years until 2003, it's not an ongoing grab for money, and that has to be very clear and it's for a specific, 2 specific projects.

MR BROWN Mr Speaker I direct this question to the Chief Minister. If the Chief Minister is proposing borrowings of \$6.5m and lease obligations of perhaps another \$1m for motor vehicles, is the Chief Minister aware that the budget deficit for the current year is something in the range of \$.5m and does the Chief Minister have any suggestions as to how such loans and leases would be funded.

MR NOBBS I thank Mr Brown for that question, he's jumped on it and twisted it around the wrong way..

MR BROWN Point of Order. Mr Speaker it is inappropriate for a Member to refer to another Member in the fashion in which Mr Nobbs has just referred to me. He has alleged that I have ceased on something and twisted it around.

MR SPEAKER Mr Brown I won't accept that as a Point of Order. What I will give you is the opportunity to make your view known immediately after Mr Nobbs has made his view known.

MR NOBBS Thank you Mr Speaker for that. The proposal, as I said was that I would bring back to the Members as requested an options paper. One of the proposals that was put up, that came from the Members meeting was that we borrow this amount of money. Obviously it has to be paid back and that will be one of the options, how it can be, or what the cost will be to the island if we go down that particular track. As far as the lease arrangements are concerned, as I say we have not finalised those but I'm fully aware of having borrowed money at times, that there is a

need to pay the money back and also I'm very aware that a lease arrangement that you have to pay the money for that as well, but the situation is this that we do have a requirement to go to the Commonwealth Government as far as the loans and that are concerned. I'm fully aware of those particular aspects and as I say I would, whether the Members accept the loan proposals or not is up to them and that's something that I don't wish to go beyond that at this stage anyhow Mr Speaker.

MR BROWN Mr Speaker I direct this question to the Minister for Immigration and Community Services. Can the Minister advise what action he has taken to review the question of whether and when a new General Entry Permit quota should be set.

MR COOK Mr Speaker through you. Before I had left the island for a couple of weeks recently I had endeavoured to obtain from the community it's views and expressions as to the former system of fixing the quota. The requirements of having viable infrastructure and business and so forth and also to ensure that the quality of life and the opportunities and so forth, people to live on this island that it becomes still and remains still their place in which they live and not a tourist destination. I have collated all that material. It is to be passed immediately in the forthcoming week to the Immigration Committee for their advice to me on how they receive those submissions and what they feel, the effects should we get those submissions. I've also asked the Committee already to formulate their approach to me as to what they consider an appropriate method of fixing the quota. As soon as those matters come to hand which I trust will be very soon I will prepare papers for the Assembly to consider, all the effect of the submissions made to me, the Committee's recommendations and any other matters which will be appropriate to go forward and fix a quota or deal with it in some appropriate fashion.

MR BROWN A supplementary question Mr Speaker. Can the Minister advise whether he is suggesting that the views of the 3 people who I think he has told us provided submissions to him, should override the views of the 9 elected Members who set the existing policy.

MR COOK Mr Speaker through you I do not for a moment presume to take that point of view, or take that stance. Obviously anything that is determined in relation to the Immigration Act, and the policies to be applied under that Act must come before this House. What I am endeavouring to do is to assist the House to be able to make its determination by collecting material from whatever appropriate sources and submitting of that to the House for its consideration in its determination of that really very important issue. I've simply made the observation that I have without intending to indicate that particular importance or significance will be given to any part of those submissions. It's a process of collecting information and endeavouring to have it available for Members so that they might make their determination of what's appropriate.

MR MCCOY Thank you Mr Speaker. I have a question I wish to direct to Mr Gardner the Minister with responsibility to Lands and Planning. There is an application in the Norfolk Island Gazette of the 3rd of August to construct a water tank on 3 portions of land. Does that mean that therefore that the buildings presently being constructed on those 3 portions are constructed on boundaries or are not the required 6 metres back from the boundaries.

MR GARDNER Without the benefit Mr Speaker of having viewed the application I'm unable to answer that question. As I think Mr McCoy would be aware the process that's followed when dealing with a planning application is that it's submitted to the Administrative Officer for Lands for her to prepare a submission to go before the Planning Board. It's not until the Planning Board have determined a recommendation to myself as Minister responsible for it that I actually see the file. So it

may be better that Mr McCoy address that to Mr Walker in his statutory role as Chairman of the Planning Board.

MR MCCOY Thank you Mr Speaker. I won't take that line. I have a further question I wish to ask of Mr Gardner with his responsibility to Lands and Planning. What is the present status of timber waiting to be treated by the Tanalith Plant.

MR GARDNER Thank you Mr Speaker. I understand just a verbal response that I had to that yesterday that the Tanalith Plant may be short on tanalith solution. I haven't yet been able to determine the exact reason for that. I was of the understanding as I think all Members were at budget time that there was sufficient solution at the Tanalith Plant to undertake the catch up that's currently being attempted in the tanalising of timber by working the longer hours at the Tanalith Plant. I'll certainly ask the Conservator to provide me a detailed response to that question so that I can pass it on to Mr McCoy.

MR MCCOY Thank you Mr Speaker. I have a further question I wish to ask of Mr Gardner. Is it correct that stated in the Norfolk Islander of the 5th August 2000 that the position of Conservator was created as a part-time position to draw up plans of management for the Norfolk Island Reserves.

MR GARDNER I just may need to clarify, if I can Mr Speaker exactly what that question contained. It seemed to indicate that there was a position of a Conservator being advertised on the 5th of August this year. Can I just check that with Mr McCoy.

MR MCCOY Thank you Mr Speaker. Maybe I should readdress that. The question was is it correct as stated in the Norfolk Islander of the 5th of August this year that the position of the Conservator was created 3 years ago as a part-time position to draw up plans of management for the Norfolk Island Reserves.

MR GARDNER I have a brief answer to that question Mr Speaker. Relating to the letter that was sent or printed in the Norfolk Islander on the 5th of August 2000 and basically this provides some of the facts. Obviously if one were to take on board these facts the facts that were alluded to in the paper would be incorrect, and I will read from a response to that provided to me by the Conservator. Mr Speaker an unsigned letter containing critical comments about the performance of the Conservator for Public Reserves was published in the Norfolk Islander on Saturday 5th of August, and it goes on to say that I may be as Minister responsible interested in some of the facts. Firstly the Public Reserves Act 1997 required that there be a Conservator of Public Reserves. That permanent position was established by the Public Service Board and advertised in 1997. Short listed applicants were interviewed in accordance with normal recruitment procedures and the successful candidate was appointed to that position on a 3 year renewable contract. Under the Administration's procedures and policies the renewal or extension of employee contracts is not subject to further recruitment procedures. There was also criticism in that letter Mr Speaker regarding the \$4,000 or thereabouts that the Conservator was supposedly picked up in the course of the 3 years. The only increase in pay for the Conservator for Public Reserves..

MR SPEAKER Order, order. Mr Gardner remind me of the document which your reading from please.

MR GARDNER This is a memo that was sent to me in response to the letter that was published in the Norfolk Islander on the 5th of August to which question, Mr McCoy's question relates.

MR SPEAKER Yes, o.k. I'm just relating both some part of the question and some part of your response to Standing Orders which is 72a as you would realise, and if we are straying into terms of conditions of individuals then I remind you that there is a procedure that we need to adopt if we are to do that. It seems in part maybe that that is happening so maybe I should ask you to be mindful of that and respond to the question in a way that would either not conflict with Standing Orders or if in fact you wish to enter that arena to ensure that you comply with Standing Orders.

MR GARDNER Thank you Mr Speaker. I certainly take on board those comments and I apologise if I was stepping over the mark as far as Standing Orders are concerned.

MR SPEAKER No we're just trying to clarify the matter.

MR GARDNER It may in the interest of Members of the House, may be best if I were to copy this to Members and make a copy of it available to the author of the unsigned letter published in that paper so that they could actually get their facts right and I'll certainly give a copy of this to Mr McCoy.

MR MCCOY Thank you Mr Speaker. Supplementary question to that. Why has the new part-time position been created by the Conservator to complete the plans of management for the Norfolk Island Reserves then.

MR GARDNER Thank you. There is also another memo that I have from the Conservator in relation to that that was sent to the Chief Minister. I'm still not sure as to exactly why that was done. Maybe that was in relation to the Chief Minister's role as the Minister responsible for the Public Service. However, presented by the Conservator back on the 29th of May this year was a bid for \$15,000 that was unanimously agreed by every Member of this House to hire an in-house Consultant for up to 6 months to assist with drafting plans of management for the Reserves and that went through the budgetary process. There was an advertisement placed in the Norfolk Islander and only one person responded to that notice in the Norfolk Islander. That person was appropriately qualified and able to demonstrate suitable skills and experience in drafting plans of management. There was an agreement as part of the land review by the Commonwealth that they would fund 50% of the cost of completing the plans of management and that is happening.

MR NOBBS Could I add something to what Mr Gardner has said. It was just to clarify Mr Speaker what Mr Gardner said. I actually requested the CEO, as I was mentioned in dispatches in the letter that Mr McCoy referred to, the CEO and I were mentioned in dispatches. I sent a memo to the CEO on Monday just to clarify my idea of what was actually happening and that's why the memo came back to me and it was copied to Mr Gardner as well, the response as well o.k.?

MR BATES Thank you Mr Speaker. I think this question is for Mr Smith, if not it will be to Mr Gardner but I think it's to Mr Smith. Has a figure yet been set for royalty on rock won from the Cascade Cliff and if not why not.

MR SMITH Mr Speaker the royalty figure has not been set for rock in the stockpile at Cascade at this point. It will be determined by the Cascade Cliff Management Board and they are meeting later this week to discuss that amongst other issues and we will definitely have a set royalty price before crushing resumes.

MR WALKER Thank you Mr Speaker. A question to Mr Smith Minister for Tourism. Could the Minister confirm that the services of the T.N.I New Zealand rep has been terminated and further advise what arrangements have been put in place to replace our representation in New Zealand.

MR SMITH Mr Speaker it is true that a long serving member of the marketing force in New Zealand Mr Bryce Henderson, his services have been discontinued and I would just make mention of Mr Bryce Henderson to say that he has done a lot of good work for Norfolk Island over the years. He's been involved with Norfolk Island tourism for a long time, not only working for us but in other ways and I'd like to say thank you to him for the services that he has provided and to answer the question more fully, a replacement for Mr Bryce Henderson has been taken on by T.N.I and that's Mrs Anna Urberkirk who resides in Auckland New Zealand. She was previously employed by Keith Prast as Sales and Marketing Manager and Hogan Associates as Sales Manager for assisting accounts within the travel industry and she comes highly recommended from many of our established agents and contact within the industry in New Zealand. She is on a contract with us for 12 months which is subject to a 6 monthly review. The financial arrangements are the same as the previous incumbent. The Board is confident this appointment will help them around what has been a declining market in New Zealand and the Board has implemented contractual arrangements and requires marketing plans for all the agents and wholesalers in New Zealand together with the sales proposal, the same as we have in operation in Australia.

MR MCCOY Thank you Mr Speaker. I have a question I wish to ask of Mr Gardner again, the Minister with responsibility for planning. Why was it necessary to send the particulars of the preferred tenders application to crush rock on the Whaling Station to Canberra for approval from the Australian Heritage Commission.

MR GARDNER Mr Speaker that was a requirement that was imposed by the Commonwealth for the use of the Whaling Station site for crushing. Simple as that.

MR MCCOY Supplementary to that question. Seen that the contract, the first contract is now closed and more tenderers have been called for will the second round of tender applications, or successful tenderer be sent again to Canberra for approval by the A.H.C.

MR GARDNER Thank you Mr Speaker. I would assume if there is any difference in the preferred tender line up, and there is any that haven't been, or there have been substantial changes to the original documentation, yes it would.

MR BATES Thank you Mr Speaker. A question for Mr Nobbs Minister for Finance. At our July meeting you said you had not committed any of the \$50,000 provided in the budget to review our present revenues stream. What progress, if any have you made since then.

MR NOBBS Thank you Mr Bates for that question. We've had with the GST or whatever the proposal is concerned a Consultant from New Zealand came over and provided a report, and the Chief Executive Officer has been in contact with that gentleman again and he is now developing a proposal for consideration to take that particular activity to the next step and the next step, as I understand it from our requirements was that we will then be in a position to either say yeah or nay to the particular proposal, and that's where it's at at the moment. He had provided some information to us when he was here earlier but this needs firming up and it's with the CEO who is liaising with the former Consultant as to a definite proposal but it's important that it be extended to get to the stage where we are able to make a decision, a firm decision as to whether we will proceed down that road or not.

MR WALKER Thank you Mr Speaker. A question to Mr Nobbs Chief Minister. Can the Minister advise what progress has been made over recent times on the review of the Liquor Act, promised some 5 months ago.

MR NOBBS There's not been a lot done with the Liquor Act. The draft Act is actually with the Liquor Licensing Board and we have intended to meet but we haven't been able to find a time that's suitable to everybody at this stage, but once that happens it's, and I get some details, it's then a case of looking at the other major stakeholders in the process and then obviously the public has a major say in it and it's intended that there will be a somewhat major public consultation stage.

MR BATES Thank you Mr Speaker. A question for Mr Nobbs responsible for Electricity. How is the installation of the new secondhand generators going and what is the final cost of them, that is the purchase price, transport, modification and installation.

MR NOBBS I haven't got a final cost other than the costs that were available when they landed here which I think I gave you at the last meeting. I haven't got an update on it. The installation I understand is progressing but what the final costs will be I'm not too sure, but they were confident that they would come in under the budget figure which I think was from memory \$800,000 all up. At this last stage that we were looking at I think they had expended from memory about \$500,000 of that figure. There are other bills still coming in in relation to sheds and concreting and the like that's going on.

MR BATES A further question for Mr Nobbs responsible for Electricity. How is the power factor correction factor installed at the Powerhouse working, and are the suppliers compensating us for any savings lost through not working as proposed in the first place.

MR NOBBS Thanks Mr Bates. I understand that the power factor correction system is working, or was working and I presume it's still working effectively. In relation to the costs and any recompense I understand that the previous Minister negotiated a figure but it's currently with the Finance people at this present time to see precisely whether this can be negotiated down or what, but I understand there was the previous Minister responsible in that area did undertake some negotiations with EnergyFirst and they came up with a final figure which was somewhat different to the previous arrangements. The arrangements were changed and at the moment we are proceeding with down the line that's been established by the previous Minister but as I say there are some negotiations going on at the present time.

MR WALKER Thank you Mr Speaker. A question to the Chief Minister Mr Nobbs. Can the Minister please advise in relation to a number of energy efficient lights purchased by the Administration what the total capital cost of these lights was, how many of the lights have been installed and over what timeframe will the savings generated cover the capital cost of installation.

MR NOBBS Thank you Mr Speaker and Mr Walker. There were quite a number of lights purchased by the Government of the time in relation to an energy saving exercise which I understand would have saved considerable amount of funds over time. These lights have been installed in the Government areas, the Admin building and also in these particular offices in this area, in most of them. Some people have objected to having fluoros in there and some offices have not been done but the majority of them have been done. There has also been an objection to the shape of some of these lights and they haven't been put in, but it's unfortunate that the understanding was that the KAVHA people and the EnergyFirst people who put the proposal up and sold the facilities, my understanding was and I wasn't the Minister at the time but I took a keen interest in it that there was an agreement reached that these particular lights would be o.k., but there was an objection lodged when the first ones were being put up and they are still sitting with us and there is a need for a resolution as to what will happen to those lights. The other set of lights that were purchased was for the Airport and these have not been put in place as yet and there is a need for a

resolution of what we're doing. The idea was that they would replace what are a rather expensive light switch to operate in the terminal building and would, so I'm led to believe provide a considerable saving in electricity for that particular building. I would suggest that as the units are phased out up there, that the answer would be to probably replace them then.

MR MCCOY Thank you Mr Speaker. I have a question I wish to ask Mr Gardner Minister with responsibility for Planning. Who is responsible for carrying out the review of the Norfolk Island Plan.

MR GARDNER At the end of the day that will be the responsibility of the Norfolk Island Legislative Assembly.

MR MCCOY Thank you Mr Speaker. With respect I believe the review has already commenced with very little input from the Norfolk Island Assembly. Is that correct.

MR SPEAKER Is there a question Mr McCoy.

MR MCCOY Yes. I'm asking if the review has started with very little input from the Norfolk Island Legislative Assembly. Is that correct.

MR GARDNER No that's not correct.

MR MCCOY Supplementary to that thank you Mr Speaker. Considering that the review was commenced some 12 months ago by your predecessor, in that case when might a draft copy of the review be available for public comment, and comment from the Legislative Assembly members.

MR GARDNER In due course of time Mr Speaker as the documentation becomes available.

QUESTIONS ON NOTICE

MR SPEAKER Question No. 9 is On Notice and if I might just enquire from the Minister for Immigration and Community Services as to whether there is a plan to respond to that.

MR COOK Yes there is Mr Speaker.

MR SPEAKER Thank you. Question No. 9

MR COOK For the purposes of the public being able to appreciate the answers I'll simply state the question and the answer. I've sought this information from the Social Services Department and I believe it answers the questions. Question 1, how many people are presently receiving Norfolk Island Social Services benefits in categories apart from aged and invalid benefits. The answer I provide is that under the Norfolk Island Social Services Act 1980 there are currently 6 different benefits available other than an aged or invalid benefit and they are as follows. Widowed Persons benefit, Special benefit, Orphans benefit, Handicapped Childrens benefit, Supplementary Childrens benefit and Long Term Care benefit. At present there are 6 people currently receiving a special benefit for varying reasons and 5 persons receiving a long term nursing care benefit. The second question that was put was if it is possible to separate those beneficiaries into categories will the Minister please do so. The answer that I am able to give is that special benefits given at present are in view of 3 for continuing illness, 1 as a result of an accident, 1 as unemployment/illness and 1 for domestic/illness reasons. The further question was how frequently is the entitlement to those benefits reviewed. The answer I provide is that the Social Services Board

determines at the time of recommending the granting of a benefit and in accordance with the nature of the benefit what period of time should be given for review. The aged beneficiaries are subject to yearly income reviews and those on special benefits vary as follows. 2 beneficiaries having a 6 weekly review from the time of commencement, 2 beneficiaries on a 3 monthly period of review, 1 beneficiary on a 6 monthly period of review and 1 beneficiary on a yearly period of review. At the time of the review all applicants review forms are reassessed by the Board and a recommendation to the Executive Member is made. The questions and those answers has been reduced to writing and is available and I will make it available to the, particularly the question and anyone else who wishes to have that information.

PRESENTATION OF PAPERS

MR NOBBS Thank you Mr Speaker. I present the Revenue Fund Financial Indicators for the month ending 31 July 2000 and I move that it be noted.

MR SPEAKER The question is that that paper be noted.

MR NOBBS Thank you. As Members are aware effective from 1 July 1999 the Revenue Fund adopted accrual accounting principles. All revenue and expenditure reported in the Financial Indicators as far as is possible is accrued. Accrual of substantial revenue, such as Customs Duty, F.I.L., Fuel Levy have been included albeit on a estimated assessment based on historic records. As an example, in respect of Customs Duty shipping imports received in July may not be fully assessed for duty until late August, early September. F.I.L and Fuel Levy receipts will not be known until late August. Overall at best that can be determined at 31 July Revenue Fund income is about 96% of budget which is normal. Overall expenditure for the 1st month of the financial year is 21% behind budget which is also the normal trend. Thank you Mr Speaker.

MR BATES Thank you Mr Speaker. I'm wondering if the Minister can comment on why the revenue from other charges seems to be down substantially on last year and is still down substantially on the estimated figure, and does it have anything to do with the well I'll call it a mix up, being polite in the validation of the Fees Act.

MR NOBBS Well in speaking to the Finance Manager Mr Speaker it appears that the first month of each financial year is as he says in this, which I read out to you is a bit of a estimation but I would assume that the other charges income could be due to what Mr Bates has said but the general feeling is that we shouldn't worry too much about fluctuations for this particular month and the next month will start firming things up a bit. Apart from that I can't tell you offhand why the particular item is low, although there was a mix up, by not introducing the fees and charges from last year until it was done this year by this Government.

MR SPEAKER The question is that that Paper be noted.

QUESTION PUT
QUESTION AGREED

MR NOBBS Thank you Mr Speaker. I wish to tender approval exemptions under the Customs Act 1913 and ask that the Paper be noted.

MR SPEAKER The question is that the Paper be noted.

MR NOBBS Thank you. Mr Speaker Section 2b(2) of the Customs Act 1913 make provision for the Executive member to exempt goods from duty where the duty payable is less than \$200. Section 2b(5) of the Act provides that where

the Executive member has exercised this power he shall lay a copy of the exemption on the table of the Legislative Assembly and I do table those exemptions. The particular duties waived is as follows. 1 is the sum of \$60-66 on the importation of hand held trunk radio telephone by St. John's Ambulance for use with St. John's Ambulance emergencies on the island. The second one is the sum of \$44-85 on the importation of football jerseys by Foodlands Supermarket for the Norfolk Island Junior Rugby League. 3 is the sum of \$30 for the importation of items by W.W. Sanders & Sons for the fundraising for the Norfolk Island Junior Rugby League. 4 is the sum of \$42-10 for the importation of badminton equipment by the Badminton Norfolk Island for school students. Number 5 is the sum of \$19-80 for the importation of trophies by the Norfolk Island Ballroom Dancers Association for junior dancers at the Bounty Ball. 6 the sum of \$17 on the importation of uniforms by St. Johns Ambulance Brigade Norfolk Island. 7 is the sum of \$198-90 for the importation of vacuum stretcher and parts by St. John's Ambulance Brigade Norfolk Island Division. All those particular organisations are covered by the current policy in relation to exemptions Mr Speaker.

MR SPEAKER
Paper be noted.

Any participation. The question is that that

QUESTION PUT
QUESTION AGREED

MR GARDNER
Thank you Mr Speaker. I'm required under Sections 46 of the Gaming Act 1998 and Section 48 of the Bookmakers 1998 to table in the House as soon as I am able a report relating to the activities of the Norfolk Island Gaming Authority for the period 1st January 2000 to 30th of June 2000. I so do and move that the report be noted.

MR SPEAKER
noted.

Thank you. The question is that that Paper be

MR GARDNER
Thank you Mr Speaker. This report has been approved by the Chairman of the Norfolk Island Gaming Authority and is now presented to me in accordance with the requirements of those sections of the Gaming and Bookmaking Act that I alluded to before. Attached to this report are also documents. The first one entitled exploring the Norfolk Island experience which was a paper presented by the Director of the Gaming Authority at a gaming exposition, detailing some of the history of Norfolk Island and also the history of Norfolk Island as it endeavoured to pursue the gaming experience so to speak. It also contains a standard form for conditions of an interactive home gaming licence, standard form for conditions of a bookmakers licence, a resume of administration marketing issues and actions over the period 1st January 2000 to 30th June 2000, a report on the ministerial counsel meetings held in Canberra on April 19th and a copy of a letter sent to Senator Richard Alston on the 22nd June 2000 in respect to the moratorium on interactive gambling. Thank you Mr Speaker.

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

Thank you Mr Gardner. Is there any

QUESTION PUT
QUESTION AGREED

MR GARDNER
Thank you Mr Speaker. I have pleasure in tabling as required under Section 14 of the Bookmakers Act 1998 and Section 13 of the Gaming Act 1998 2 licences issued to Australian Online Casino Ltd and move that that Paper be noted.

MR SPEAKER
noted.

Thank you. The question is that that Paper be

MR GARDNER

Thank you Mr Speaker. On the 6th of June 2000 the Norfolk Island Gaming Authority granted an interactive home gaming licence and a bookmakers licence to an Australian based company, the Australian Online Casino Ltd. The licences have been issued for a term of 8 years from the date the licences were issued. As you are aware prior to the Authority issuing any licences the applicants must undergo the investigative process and probity checks on the suitability of its applicants. The director of the Authority Mr Kevin Lechen carried out the investigations on the company and its directors and the Australian Federal Police conducted probity checks on the companies directors for their suitability. On the completion of the investigative process the Norfolk Island Gaming Authority has considered Australian Online Casino Ltd to be a suitable corporation to be granted an interactive home gaming licence and a bookmakers licence on Norfolk Island. Licences issued under the Bookmakers Act 1998 and the Gaming Act 1998 are subject to the conditions of licence. The licensee must accept and agree to be bound by the conditions of licence. The conditions of licence incorporates the legislation, the brief to applicants document, the technical functionality requirements standards document, and the internal control system outline documents. All of these documents form part of the conditions of licence. The conditions detail the scope of the licence, the administrative financial and operations conditions to apply, the duty and the administrative levy to apply, and the usual definitional and miscellaneous provisions concerning notices and dispute settlement procedures. An administrative levy of \$25,000 per licence is payable from the date of a licence being issued. These levy's are to be paid 12 months in advance. In addition Australian Online Casino Ltd is required to pay a gaming duty to the Authority each month in respect of gaming at the rate of 4% of the monthly gross gaming revenue and a duty of .5% of the monthly turnover for bookmaking operations. Thank you Mr Speaker.

MR SPEAKER
that Paper be noted.

Thank you. Participation. The question is that

QUESTION PUT
QUESTION AGREED

MR SPEAKER
presentation.

Thank you. Any further Papers for

MR SMITH

Thank you Mr Speaker. I'd like to table the Inbound Passenger Stats for July 2000 and move that they be noted.

MR SPEAKER
noted.

Thank you. The question is that that Paper be

MR SMITH

Thank you Mr Speaker. This Paper gives the results of the inbound passenger stats for the financial just commenced, in fact just July. In the month of July this year there was 2,983 passenger visitors to the island which is 700 more than in July last year and a little higher than it was in the previous year which was a boom year of 1998. I'd like to say that this as a result of the TNI's marketing campaign that they took up to keep the numbers up in July, August and maybe even September and it certainly has had an effect. I would also like to point out that the average night stay was 7.07 nights. The visitors market contribution, NSW is still up there with 38%, Qld about 30% and New Zealand down to 16% which has been a disappointing figure to all of us considering that the previous year was 24% and the year before was 21% but as I referred to earlier on in the meeting that we're taking action to arrest any further decline out of the New Zealand market. I'd also like to report that the statistics that we do have, the occupational records that we do have of people who are

visiting here and I might go through these this time, in numbers of occupations. In the first occupation area which is managerial or executive etc for the month of July we had 131 people that fitted that category. The second is clerical, public servants, banks etc 227. Three is primary production, farming, mining etc there was 125 people in those occupations. Four is secondary production and manufacturing etc was 579 people in July that are involved in those areas. Number 5 is in the service area with 349 visitors during July that fall into that occupation area. In number 6 which is students was 156 people who visited the island in July that were students. In the 7th category which is retired pensioners etc 715. Eight which is home duties is 402 and those that are other was 299. The reason I've read that out Mr Speaker is to indicate that we have a fair cross section of all occupations that visited Norfolk Island in July. There is sometimes comment made that perhaps at this time of the year many of our visitors are in the retired category but those figures obviously point out that not everybody is, in the July figures, and if I can each meeting I will do the same thing to give an idea just what the categories of occupation are. It's also interesting to note from the age groups too that the age groups have certainly dropped in this last period and from the age groups of 30-65 there was nearly 2000 visitors and for the 65 and over there was 741. That's all I have to report on those Mr Speaker.

MR SPEAKER

Thank you. Participation.

MR MCCOY

Thank you Mr Speaker. I'm just interested on the age group, a lot is made about marketing towards the supposedly person with the more expendable dollars or more money to spend for want of a better word and interestingly the 30-65 is roughly 2000 people and the 65 and over is 741 which is still somewhere around 26% of the visitors who came to the island through that month. I just thought it would be interesting for the listening public to know that breakdown.

MR BROWN

Thank you Mr Speaker. The July numbers are indeed good numbers. July is always a difficult month, but there are a few things that need to be borne in mind. The first one is that July had 5 weekends in it this year and the weekends are by far the major arrival period. Secondly we are having the benefit of perhaps unsustainable low airfares and I certainly have significant concerns as what will happen to our numbers if the fares go back to the more traditional levels that have existed in the past. Thirdly I again express my concern that at a time of record visitor numbers the finances of the Administration are such that we are in fact looking at a deficit budget this year while staring in the face the possible need, as suggested to us by the Chief Minister to generate \$6m or more for infrastructure, some of which the Chief Minister has told us may need to be borrowed. The possible need to lease motor vehicles because we can't afford to replace the Administration's motor vehicles in the traditional way which has always existed in the past. All of those things are disturbing Mr Speaker and I think that the Minister for Tourism has not got his head stuck in the sand, I'm sure that he understands all of those concerns but I certainly hope that we won't just sit back being perhaps foolishly confident of the future, we are actually in what good be the beginning of difficult times. Thank you.

MR SPEAKER

Thank you.

MR SMITH

Thank you Mr Speaker. I certainly agree with Mr Brown and I certainly wouldn't like to be foolishly complacent because he would certainly remind me if I was getting into that situation. He's quite right, the effect of increased numbers may not be having the effect, not only on the Administration's finances but also the revenue that's generated through the commercial sector. I've had discussions with a few people over the last few weeks, now that I have the knowledge of the age groups and the occupations, people that are coming here in a month which is traditionally hard to attract people to the island and some are saying that they are having difficulty getting people to buy, and if it's in the shops or areas like that and that's maybe something that we all need to assess. We're certainly getting the people here, we're

certainly getting as people often refer to as high yield people coming through here. If they're not spending their money, which is the wish for the commercial sector then maybe we need to review what is being done through the main street.

MR SPEAKER Thank you. Any further participation. The question is that that paper be noted.

QUESTION PUT
QUESTION AGREED

MR SPEAKER Thank you.

MR SMITH Thank you Mr Speaker. I would like to table a press release I've received from Fastbook Pacific Holidays and move that it be noted.

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

MR SMITH Thank you Mr Speaker. I would like to refer to this press release that has come from Fastbook Pacific Holidays which has been circulating around the island this morning. There has been a lot of concern in recent times that Fastbook Pacific Holidays was going to be swallowed up by a larger organisation, that is certainly doing that with other wholesalers out of Australia and New Zealand and in the Pacific. People that don't know about this already will be pleased to know that the press release reads, the eagle has what was landed has now been crossed out and put aborted. At midday today which was obviously yesterday the option to purchase Fastbook Pacific Holidays lapsed. The shareholders of Fastbook Pacific which comprises of 5 Lord Howe Island residents and Anne and Ian Menzies have determined to take the business off the market for at least the next 5 years. Over the past 4 months the management of Fastbook Pacific Holidays has been constrained by the conditions of the agreement for sale and purchase of shares. These restrictions have now been lifted. Accordingly it is with pleasure that we announce new management structure as a precursor to a significant shift in direction and one which heralds the arrival of a reinvigorated and enthusiastic team which is focused on profitable future growth. That is followed by an organisational chart which I won't go into but it does have Ian Menzies at the top of the chart as the Managing Director and I'm sure that's good news to people in the accommodation industry here. It's certainly good news to me that they will continue to grow their share of the market which in recent times has certainly become I think the second largest wholesaler out of Australia to Norfolk Island. I stand corrected if that's not right.

MR SPEAKER Thank you. Participation.

MR MCCOY Thank you Mr Speaker. Thank you Mr Smith for that press release and I'm sure it indicates quite clearly to the Norfolk Island tourism industry the strength that Lord Howe Island has by having to a large degree their own wholesaling arm as Mr Smith indicated there are 5 shareholders from Lord Howe Island who are involved in Fastbook Pacific Holidays and I congratulate them on their good effort.

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

QUESTION PUT
QUESTION AGREED

MR SMITH Thank you Mr Speaker. I have 2 or 3 Papers here. I think I'll table them and move that they all be noted so I can speak to them.

- MR SPEAKER Are they related.
- MR SMITH They are, yes.
- MR SPEAKER Would you identify them and then we'll seek a Motion that they be noted.
- MR SMITH Yes. The first one I wish to table is the Tourist Accommodation Amendment Regulations 2000. The second is the Tourist Accommodation stats that were gazetted last week and a draft working table of the conditional registrations valid at the 31st of July.
- MR SPEAKER My recommendation is that you table separately the regulations that you wish to table and maybe the other 2 together.
- MR SMITH Then I'll do the 2 separate ones together and I table those and move that they be noted.
- MR SPEAKER Thank you. The question is that those be noted.
- MR SMITH Mr Speaker the reason I'm tabling these is 1 for the Tourist Accommodations stats that were gazetted last week is purely to get it on the record in Hansard, that those have been tabled. It refers to current operating properties currently held conditional registrations and applications to be processed, current conditional registrations under construction and total registrations of all conditional registration were completed and available in the tourist accommodation area. To follow up with that is the names of the properties that have at this point conditional registration as of about last Wednesday.
- MR SPEAKER Thank you. Any participation on the motion that they be noted. The question is that those papers be noted.
- QUESTION PUT
QUESTION AGREED
- MR SMITH Thank you Mr Speaker. I'd also like to table the Tourist Accommodation Amendment Regulations and move that that be noted.
- MR SPEAKER Thank you. Could I just clarify this. They are being tabled, not in terms of a regulation in its normal sense, but as proposed regulation. Do I interpret that correctly.
- MR SMITH That's correct. Yes Mr Speaker it may be a little bit of an unusual step dealing with a regulation in this way but I feel that it's very important that where a regulation is going to be promoted by myself at Executive Counsel in a short as time as possible and that regulation and that regulation will then come back to the House to be tabled and allowed or disallowed but I wanted Members and also other interested parties to know what the regulation is before I take it to EXCO.
- MR SPEAKER Thank you. The question is that the Paper on the proposed regulations be noted.
- MR SMITH Thank you Mr Speaker. This regulation has come about through a series of events. Earlier this year this Assembly passed the Tourist Accommodation Moratorium Bill and amongst that Bill was a subsection I think it was that dealt with people who already held conditional registration. The moratorium

was put on any new applications for tourist accommodation and since that time, I think was the 22ⁿ^d of March we've accepted no further new applications for tourist accommodation. At the time of the moratorium debate it was suggested that we should keep people who have conditional registrations in the loop and we made that possible at the time under our moratorium legislation. However recently an issue was raised with us just recently by one of the property owners that they referred to the charges that we charge, which actually raised another issue. We found out we were correct in that area but it raised an anomaly that stood in the tourist accommodation legislation, and that meant that at the end of the 31st of July or the day after we weren't able to renew the conditional registrations as we had already proposed to do under the Moratorium Act. This regulation is to fix that anomaly by allowing a Motion of the House and an Act of the House to have effect with the intention that was intended at that particular time and this regulation picks up that so that we can carry on as intended, and I look forward to any comments Members may make. All Members are aware about it, all members are aware of what happened with the Moratorium Act earlier in the year.

MR SPEAKER

Thank you. Participation.

MR WALKER

Thank you Mr Speaker. Whilst I am fully aware of exactly what the Minister is saying there is quite some concern in the community about the number of conditional approvals that are sitting in the wings and the proliferation of tourist accommodation around the island outside of the accepted business area which is connected to both the mains power and the water assurance scheme. I would just draw to the Ministers attention that that concern is growing and I agree with the fact that we have through this House the intent of the Act to not exclude the renewal of these conditional registrations. I just bring your attention to the fact that there was growing concern about them.

MR SPEAKER

Thank you. Any further debate.

MR SMITH

Thank you Mr Speaker. It would be remiss of me if I didn't make comment. As Bruce has pointed out there has been community comment about the supposed proliferation of tourist accommodation around the island but I would like to reiterate that conditional registration as has been approved does not guarantee any of these property owners or proposed property owners that they will have tourist accommodation on their land. The first stage of an application is to get conditional registration under the Tourist Accommodation Act. Even though, and just looking through the list in front of me here there probably will be quite a few that will achieve that status that they are looking for having full registered accommodation. I can see also on the list there are some that won't make it in my own view because they have to go through the planning process, once they have got their conditional registration. That is the important part of the process. It's then up to the Planning Board to deal with the accommodation under the Planning Act and also under the Norfolk Island Plan. I'd also like to make comment about the communities concerns about this tourist accommodation thing. Now this has been going on since 1996 I think was then the market was deregulated. Hotels had a quota at that time, and that quota remained, there's 5 hotels under the Tourist Accommodation legislation. It was the apartments and guest houses that were deregulated at the time. I think Mr Brown made comment in the last sitting that it was originally intended that any new properties that get built be staggered over a period of years and that was certainly the intention of the Assembly in the first place and certainly of the Minister at the time. Why that has gone off the tracks I'm not able to find out at this point in time. However with these conditional registrations that we're facing now I'm quite sure that we can still stagger the conditional registrations with the consent of the Planning Board agreeing with that. We must not ever lose sight of what we do get involved in in the tourist industry for. It is to pay the bills, there's no doubt about that. Tourism is our primary industry, we can't sit back and say we don't need any more. When we do that we have an option, that's the only time we can do it. If we've got another option that Mr Nobbs might come up with some scheme that's going

to make us \$20m a year and we can do away with tourism, that's fine. If Mr Gardner has the success that we're expecting out of his gaming, we may be able to cut back on our tourism but at the moment it's Norfolk Island's primary funding vehicle and that was the intention, was to increase the amount of tourist accommodation to do 2 or 3 things. One, it was in the hope that that would give more revenue to the island and therefore to the Government. It would improve the quality of accommodation that already existed and has been around for some 30 years and it would also give young Norfolk Island people an opportunity to get into that industry, and I think it's achieving all 3 of those at this point in time. Thank you.

MR SPEAKER

Thank you. Any further debate.

MR MCCOY

Thank you Mr Speaker. I'm afraid I can't let that go by. The Minister for Tourism mentioned that it is providing more revenue for the island. We've already heard this morning that we've got record tourist figures yet the revenue is not showing any increase, so I wonder if the Minister has taken that into account.

MR SMITH

Thank you Mr Speaker. Even though Mr Brown and I have both referred to we're not making any further revenue out of the record number of visitors we most certainly are, in certain areas. They usually fall into the area of the Airport with the passenger landing tax and the revenue fund with departure fees. It's certainly a direct contribution from extra numbers. It does boost up those numbers there. I think the more area that we are concerned about is maybe in the customs duty area or F.I.L where there has been little movement over the last 6 months, but I certainly agree with what Mr McCoy has been saying.

MR SPEAKER

Thank you. Any further debate. The question is that that Paper be noted.

QUESTION PUT

QUESTION AGREED

MR SPEAKER

Thank you. Any further Papers. No further papers. Statements, are there any Statements to be made this morning.

STATEMENTS

MR NOBBS

Thank you Mr Speaker. I've got several Statements and I hope other Minister have got some as well so they can give me a bit of a break. The first one is on the satellite landing system and an update on the system. On Monday the 7th of August 2000 Flight West Airlines and Honeywell carried out engineering flight tests of the newly installed airborne equipment. This followed the completion of 3 weeks intensive installation work on the Fokker F100. This work was supported by 2 Honeywell personnel on sight continuously, one from the United States and the other one from Australia. The second Flight West Airlines F100 is now in the hanger at Flight West in Brisbane and having the same airborne system installed. The engineering flight carries the necessary check out of the aircraft and is part of the overall process of preparing for the certification test flight. It is carried out to verify both performance and human factors aspects of the installation. 11 approaches to runways 11/29/04 were flown. During these approaches the accuracy and continuity where it was assessed and the extensive recording made of data for post flight review. That data has now been transmitted to Honeywell in Minneapolis for analysis. The tests verified the accuracy and repeat ability of the system and also demonstrated that the system monitors on the aircraft are working correctly. During the tests there were some anomalies observed. On some approaches there was a momentary loss of signal that resulted in failure warnings on the aircraft. The data analysis currently underway is targeted to identify the cause of these momentary losses of signal and to rectify them.

The same process occurred in the United States and Canada and is a normal part of the fine tuning necessary in preparing the total system for revenue service. There was also an operational issue on the aircraft with respect to system enunciation. A minor change is being developed to improve the enunciation of system status to the flight crew. The next step in the process is verifying that all aspects of the system are working in accordance with the specifications. Flight West Airlines has indicated that the Fokker 100 aircraft is available for this in September. Mr Speaker Honeywell, Flight West and the Norfolk Island Airport management remain committed to the successful completion of this project. Thank you Mr Speaker.

MR SPEAKER

Thank you Chief Minister. Further Statements.

MR NOBBS

Thank you. Just in relation to the Norfolk Island Retail Price Index. It's normal practice that the price indexes be reviewed at approximately 5 yearly intervals to ensure that they are still pricing relevant items and operating as designated. The review is now due and can be undertaken by Australian Bureau of Statistics Officer in the later part of the calendar year. I understand that that will be occurring in November Mr Speaker.

MR SPEAKER

Thank you.

MR NOBBS

Thank you. Just a Statement on the offshore finance centre proposal. The proposal to establish an offshore finance centre on Norfolk Island was first proposed I believe in the mid 1980's. Since that time considerable work has been undertaken in an attempt to firm up a proposal and for a variety of reasons the proposal has not progressed and I don't intend to go into each individual case at this stage. The last Assembly decided that they would reactivate the proposal and in the initial stages Consultant Main Marketing were involved. Members of the current Assembly are aware that at the commencement of our term we were provided with a report from a New Zealand Consultant Mr Bill Gloyne. A concept plan was developed and it was suggested the island look specifically at something different, a boutique model it was classified as, something that is new for this type of facility and it was suggested that there would be limited clients thus a limitation on returns. However it was agreed that such a proposal must suit the expectation of the island which was specifically to ensure such a development would have minimal environmental impact. In other words, there would not be a bank on every corner or a new town to cater for the 100's of workers. Mr Gloyne was charged with the task of developing the concept to a stage where we would either accept and proceed, or can the idea once and for all. Mr Gloyne is currently on the island, is firming up a suggestion as to how we may proceed. However this suggestion requires additional work and is not at the stage where a decision can be taken as to whether, as I said earlier we proceed or can it. I would expect that at the next Assembly meeting I'll be able to furnish a more definitive report.

MR SPEAKER

Thank you.

MR NOBBS

Thank you. Mr Speaker at the last meeting, sorry it was in April Mr Brown asked can the Chief Minister please advise how much income was received this year from the sale of palm seeds from the Administration property and can the Chief Minister provide the figures on a property by property basis, and he realised and he was correct that the Chief Minister may know and have the information at his fingertips but if he doesn't have it could he provide it at our next meeting. Well I couldn't provide it at the next meeting but I'm providing it at the August meeting, and I apologise for the delay Mr Brown. The Finance Section has provided details of receipts of money from the palm seeds for the last financial year as follows. The Longridge property was \$96-25. The Administration Offices was \$140-00. The Government House was \$179-00 and there was another Government House lot for \$78-75. There was No. 9 Quality Row \$122-50. No. 8 Quality Row was \$280-00. The Norfolk Island Central School was \$755-05 and that money was credited to the actual

school, money as stated here is credited to the school account and used to purchase class requirements. It was stated that they were not aware of any other sources and the total received was \$1,651-95.

MR SPEAKER Thank you.

MR BROWN I move that the Statement be noted Mr Speaker.

MR SPEAKER The question is that the Statement be noted Mr Speaker.

MR BROWN Mr Speaker I wonder if the Chief Minister when he has the time to do so could ascertain whether there are any palms at the Airport, and in the event that there are whether the same information could be provided in relation to those trees.

MR NOBBS I certainly will Mr speaker. I understand that some of the palms have not got rat protection around so that might be the reason why if they are bearing palms in that particular area, that they may not be shown.

MR NOBBS Thank you Mr Speaker. In response which Mr Walker asked at the last meeting. Could the Chief Minister please advise why it was that 6 members of the Electricity Undertaking staff was seen to be spending the entire day yesterday, which was the day before the meeting perched on the ship during the discharge of general cargo when to my knowledge, that's Mr Walkers knowledge not only was it unnecessary for them to be there but I believe little if any of the generators or their associated equipment came ashore yesterday. The response to that is fairly long and I will try and reduce it. The Captain Cook V51 arrived on the 17th of July 2000 arriving in sea conditions that were not best for the unloading of the large plant and equipment for the Norfolk Island Electricity Powerhouse. The Lighterage Manager informed the Norfolk Island Electricity that they would be unloading general cargo first. When the Norfolk Island Electricity arrived they were told that due to the tides and the possibility of the sea deteriorating the Lighterage Undertaking would unload the generators as soon as possible. Two officers went on board the Captain Cook to check the cargo at that stage as the Captain Cook had gone to Noumea from Norfolk if you can recall they couldn't unload at the previous visit to Norfolk Island it had been diverted to Noumea and then Fiji and the cargo had been moved around on board, and also at one stage removed to shore when other cargo was being unloaded and fortunately they put it back on again. This left the generators in poor condition and for the trip ashore on Norfolk Island. After looking at the poor state the Norfolk Island Electricity people rang shore for tarps etc and then with the assistance of Stevedores tried to balance the lifting equipment so that the generators could be lifted safely and with minimal damage. You must remember that the Captain Cook was an extra 3.5 metres out of the water because it had already unloaded its wheat cargo in Fiji. The extra height made it very difficult in response time for the crane drivers to load the lighters, and to avoid crushing equipment against the ship, tyres were drilled and tied to the sides of the generators. The lifting strops had to be spread to stop them crushing equipment on the side of the generators also. By the time the load had been balanced and the generators suitably protected to prevent damage low tide was upon them and the Lighterage was reluctant to carry the 9.4 tonne pieces of equipment ashore. It was decided that very first thing next morning if sea conditions were favourable the generators would be unloaded. To the credit of the Stevedores, Lighterage, Norfolk Island Electricity, Crane drivers etc the equipment arrived in good condition to the Powerhouse. There were never at any time 6 of the Electricity staff on board the Captain Cook. There were 4 staff at one stage which was necessary to make the generators safe and to ensure that they be brought ashore in good condition. As to the day spent on the Cook, the work commenced on the Captain Cook at 10.00am and the staff of the Electricity Undertaking, the two that actually went

on board had been at their normal job for a number of hours before 10.00am and that is it Sir.

MR SPEAKER

Thank you.

MR NOBBS

There's a response to a question again from Mr Walker at the last meeting. He asked me the following question. In relation to the accumulation of recreational leave on members of the Public Service under Section 25 of the Public Service Act, is the Minister able to confirm whether a policy exists whereby any one Public Servant has accumulated in excess of the stated maximums can cash in the amount of excess entitlements in lieu of physically taking time off. Mr Walker also made a supplementary question. Would the Minister, assuming that there is no such policy in place would the Minister undertake to investigate any such breaches of the Act if these breaches have indeed occurred. Mr Speaker I replied to the first question and it was included, I would think no but I will have to confirm and the supplementary question in relation undertake to investigate any such breaches I most certainly will, was my response. Mr Speaker I might now respond to Mr Walkers question more fully. As I indicated in my brief answer in July in accordance with Section 25 of the Public Service Act 1979 recreational leave is to be taken as leave of absence on full pay for recreational purposes. There is no provision within the Act for the Chief Administrative Officer, or the Chief Executive Officer now, by the Public Service Board to authorise payment to an Officer of a lump sum in lieu of paid leave of absence on full pay for recreational purposes. This is set out in administrative policy and guidelines circular No. 39. In respect of any breaches of this provision I have referred the matter to the Chief Executive Officer to investigate and the Chief Executive Officer advised as follows. He has caused an investigation of the allegations by the internal Auditor and those reports were received on Friday the 11th of August last. The Chief Executive Officer advised that he is now considering the report and if he is of the view that a breach has been committed he will take the necessary disciplinary action provided for under the Act. Thank you Mr Speaker.

MR SPEAKER

Thank you. Any further Statements from

Ministers this morning.

MR SMITH

Thank you Mr Speaker. I'd like to make a brief Statement in relation to Education. Mr Speaker this is taken primarily from the School's Annual Report that has yet to come out, and I'd like to refer to some of the things that are in it. At the beginning of 1999 the student population at the School consists of 320 pupil, 200 primary and 120 secondary students. Enrolments have risen slightly from '98 with a 7% increase in the K-6 classes and a 10% increase in the secondary school. Education is fully funded by the Norfolk Island Government. The Government purchases the Education package from the NSW Department of Education and Training, pays all salaries on cost and removal recruitment expenses and for the 99/2000 financial year, expenditure on those items were \$1,476,200. The Norfolk Island Government provided a further \$154,000 for recurrent expenditure and \$15,000 for capital improvements. The P&C Association contributed a further \$18,000 to school programmes for the purchase of furniture, equipment and computers. Norfolk Island has made a unique multi-cultural heritage. A concerted effort is being made to sustain and promote awareness of its rich culture through the reintroduction of Norfolk Studies in the Secondary School, integration of Norfolk Studies K-6 and inclusion of Norfolk perspectives in year 7-12, and an investigation into the teaching of the Norfolk language in K-6 classes. Academic outcomes. Students attending NICS or Norfolk Island Central School, as in all Schools in NSW participate in the Year 3 and Year 5 basic skills tests, the English, language and literacy assessment which is the ELLA test in Year 7 and 8 and the School Certificate and the Higher School Certificate at the conclusion of Years 10 and 12 respectively. Analysis of the performance in these external examinations indicate the following Mr Speaker. Year 3 results for literacy indicate that students are performing slightly above State average, this differential from the State average has been steadily increasing over

the last year. 14% of Year 3 students were placed in the top 20% of the state in literacy and Year 3 results for numeracy indicate that the students are also performing at slightly above the state average. Year 5 basic skills results indicate that 80% of students were placed in the top 50% of NSW students in mathematics and 60% were in the top 40% in literacy. The growth in literacy and numeracy between Year 3 and 5 was 30% above average NSW students growth. Seventeen students sat for the School Certificate with 80% achieving very high grades in mathematics, 75% in English and 70% in science. Three students sat the Higher School Certificate with results well above the state average in mathematics, biology design and technology, English and physics. 31 students participated in the Australian maths competition with 13 receiving credit marks or better and one student reaching the top 2%. Students also competed in the primary research project for the first time and we were rewarded with one high distinction and 5 distinctions. The School continued its traditional link with the Hunter Valley Training Authority and the North Coast Institute of TAFE to deliver traineeships to students in hairdressing and graphic art. In student leadership, Students Representative Council continued as an important part of school governments. The SRC is made up of many of the years of the school and these kids get together regularly and discuss school issues with their Teachers. Students also in the last 12 months formed the Norfolk Island Youth Assembly to advise the Minister for Education on youth matters. 3 Year 11 students attended the youth camp conference in New York and as a result have formed their own environmental information and action group. 2 Year 10 students attended an environmental conference in Adelaide, one year 10 student has been chosen as Norfolk's youth envoy to represent the island at the Centenary of Australia's Federation celebrations. The two School Captains attended the School leadership programme in Sydney and met the Governor of NSW early this year. In sport, sport retains its high profile at the School with students participating in a wide variety of sports including squash, netball, tennis, golf, lawn bowls, karate, gymnastics, touch football, scuba diving, surfing and swimming. The swimming carnival at Emily Bay was one of the years highlights while competition at the cross-country and the athletics carnival was keenly contested. Nine students represented the Norfolk Island Central School at the Pacific School Games held at the Olympic Game site in Sydney earlier this year. Six students participated in the Oceania Amateur Athletics Championships in Guam. One student won entry into an international tennis school in Fiji. In technology 3 students are accessing on-line delivery for 2 courses in the preliminary HSC year. A second computer room was established bringing the number of networked computers in the school to 60. Year 9-10 Computing Studies won the Australia wide web page competition. Year 5 and 6 entered murder under the microscope in the Australian wide on-line environmental competition. Three out of the four teams solved the mystery. In other achievements the environment club won a highly commended award in the secondary school category of the National Readers Digest environment awards. One student was a NSW finalist in the Write Around Australia creative writing competition. One Year 6 student won 2nd place in NSW in the Australia My Country, essay writing competition. There was a visit by the acclaimed author John Marsden to conduct boys education programmes and parent workshops, and extensive community support for school in terms of financial assistance and participation in class, school and sporting programmes. And further to that Mr Speaker we've been successful in becoming one of the school's that is going to participate in, I think it's Australia wide or certainly NSW, no it is Australia wide programme that was initiated by Minister Kemp, which is called the Real Game. It's a Canadian based programme that focuses on what children will do when they leave school and we've been picked as one of the pilot schools, that is piloting the programme in this second semester, and we've had 2 Teachers go away to do the training on that, a one day training course and that will commence shortly, probably in about Year 8. It is hoped that this programme will commence as part of the curriculum next year and I'm really pleased to see that the Norfolk Island Central School is involved in that. Mr Speaker I just hope that helps people who aren't aware of what's happening at the School. There is certainly some great things happening there. They get my full support as Members will know because it's a very important investment in Norfolk Island's future. Thank you.

MR SPEAKER Thank you. Further Statements from Minister this morning. We've concluded Statements then.

MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR - MESSAGE NO 10 -

MR SPEAKER On the 25th of July 2000 pursuant to Section 21 of the Norfolk Island Act 1979 a) I declared my assent to the following legislation, the Cascade Cliff Loan Amendment Act 2000, which is Act No. 16 of 2000 and the Fees and Charges Validation Act 2000, Act No. 17 of 2000 and b) I reserve the following proposed law for the Governor General's pleasure, the Subdivision moratorium Bill 2000. The message is dated the 25th of July 2000 and signed Owen Walsh, Deputy Administrator.

FREEDOM OF INFORMATION LEGISLATION

MR BROWN Thank you Mr Speaker. I move that this House requests the responsible Executive Member to introduce a Bill as quickly as possible to provide for a freedom of information Act with minimal exceptions.

MR SPEAKER Thank you. The question is that that Motion be agreed to.

MR BROWN Thank you Mr Speaker. This is a Motion calling for a Bill to be introduced. Once a Bill is introduced of course it will be considered by the House in its normal fashion which would normally be for it to have a first reading and to then lay on the table and then have a final reading. So if this Motion were passed, and if the Bill was available at our next meeting it will still be quite some time before a final decision is made about it. Freedom of information Mr Speaker is something that is very much missing in Norfolk Island. It is a concept which has been in existence within Australia and much of the developed world for many years now, and it is aimed at ensuring that citizens can find what is written in Government files about them. It's a concept designed to enable people to check that their dealings with the Government have always been handled in a fair and proper way. There are always exceptions, some jurisdictions have more exceptions than others but for example most jurisdictions would not allow a person under the Freedom of Information Act to obtain details of the police workings on a criminal investigation. It's seen that's not an appropriate way to make use of such legislation. But I believe that it is time that Norfolk Island moved a step further with its transparency and accountability in Government and it is time that a Freedom of Information Act is available so that people can if they wish make their enquiries and satisfy themselves that they have been treated fairly and properly in their dealings with Government. Thank you.

MR SPEAKER Thank you. Any further debate.

MR NOBBS Thank you Mr Speaker. Mr Speaker I really question the reason for this particular Motion. It's not that I disagree with the concept. I agree entirely with the need for openness in Norfolk Island Government. Open government is something that I've called for and I would hope that this is happening to the best of our ability at the present time, and if people feel this is not so would they please let me know, because we're always open to suggestions. I was really interested Mr Speaker in one paper provided at the recent Speakers and Clerks conference held on the island over which you presided so well recently and the paper, particular paper commenced corruption of laws open government and that's something that really got my eye because it does. A lot of open government's something that's essential and corruption is one aspect, and there are heaps of others that don't like this, an open government situation. So I agree totally with the concept. What I'm worrying about really is that, and I would hope that this is not an attempt to put pressure on the tender

process and the present arrangements going on, and I would hope that this sort of issue can be dealt with quite sensibly and progressed to fruition, because it's freedom of information, the ombudsman proposal that Mr Brown has put up are something that are essential. But I thought we would deal with these in one of the particular projects that are listed, and there's 36 of them as we know, that the present Government is dealing with and also all Members are actually dealing with, and various committees and the like which they are involved in I think, and that was the review of the Legislative Assembly Act. In that process I envisaged that, which is in my area, that we would look not only at the Legislative Assembly Act but the Privileges Act, at the Norfolk Island Act where reference is made to membership of the Assembly and the Government in general and that we would have an open and frank look at, really at what the Assembly has responsibility for. There would be not only a look at this freedom of information, but there would be pecuniary interest on the whole gambit of problems that are perceived to occur with government on Norfolk Island. We need to definitely clean it up. Administrative arrangements following self government in 1979 Mr Speaker, and the introduction of the Norfolk Island Act, the Norfolk Island Government, that's the Ministers or Executives as they are formerly called, but we call them Ministers are in effect the administrative arm of the Legislative Assembly and consequently such issues such as freedom of information and tender issues, I said pecuniary interests are an integral part and a responsibility of this Assembly. As a consequence I would suggest that the Motion be noted and be included as a definitive component of the review of the project, which is classed as the review of the Legislative Assembly Act. That's where I would like to leave it. I agree in total that we need a freedom of information but we need to look at it very clearly, it's an expensive exercise. There have been some catastrophic problems with it elsewhere and we need to look at it very clearly to ensure that we don't mess things up when it comes in. Thank you Mr Speaker.

MR SPEAKER

Thank you. Any further debate.

MR COOK

Mr Speaker if I might just speak to the Motion very briefly indeed. I support totally the concept of freedom of information. I don't think any Government in this day and age can possibly function unless there is that greatest possible area of opportunity for people to be able to examine the workings of Government in all sorts of ways and I for one support it absolutely to the hilt. The only concern I have, and I won't repeat what the Chief Minister has said is the question of our resources to deal with this and the words "as quickly as possible" perhaps indicate some degree of advancement over pieces of legislation which are being prepared in accordance with legislative priorities. I don't feel that's going to be an easy question to resolve because obviously we would all want to have open government tomorrow, as quick as it can possibly come. On the other hand we have very limited resources so far as preparation of important legislation and we try to ensure that these things come forward in an appropriate fashion and there is no disruptions caused by pieces of legislation coming in in a way which pushes other matters back in their priority. It is a matter of considerable urgency that we are able to satisfy the community and ourselves that we have in place adequate and proper freedom of information legislation. I certainly would support the thrust of the Motion in every way. Again I just am concerned about the question of interruption to our legislative programme at the present time, but I don't think soon enough can be close enough so far as the bringing in of freedom of information.

MR SMITH

Thank you Mr Speaker. I agree with Mr Cook with the legislative programme that the Government works to, I'll defend any Members right to the death to introduce a Motion into the House on concerns that they have and I would do the same with Mr Brown in this case except for the words "as quickly as possible". Since we've been in, the Assembly since February we have our legislative programme getting pushed back further and further by Motions that do come into the House. They are all commendable Motions and this is a Parliament and that's the way it should work, but if Mr Brown was to re-look at his Motion to it not being done as quickly

as possible, but added to our programme I'm sure that I would be able to support it. I think Mr Brown had said in his earlier debate that he would like to see it come back at the next sitting. I would not support the Motion on that basis because we're having enough difficulty getting our legislation in place as it is, and as I said earlier the legislative programme keeps slipping back, slipping out of the hands of the Government. There's some very important legislation that needs to be done and one just in my area is the Broadcasting Act. We don't have a Broadcasting Act. That's something that I want to see introduced as quickly as possible. Whether it's as important as the freedom of information legislation, that's for Members to decide I guess in the end. But if Mr Brown was to consider his Motion in a different form I would quite support what he's talking about.

MR BROWN Thank you Mr Speaker. I wonder if it would help those Members who have spoken if I sought leave to make a small amendment, and that would be, after the words "as quickly as possible" to add the words "having appropriate regard to the Government's existing legislative programme". Then it's a matter for the responsible Executive Member to slot it into the programme in an appropriate place.

MR SPEAKER Thank you. I've just written those words Mr Brown. I'm sorry for the pause. Mr Brown's proposal is an amendment to include the words after the phrase "as quickly as possible" "having appropriate regard to the Government's existing legislative programme", and continue on to say "to provide for Freedom of Information Act with minimal exceptions". Did you want to formerly move that as a Motion.

MR BROWN Yes I seek leave to do that Mr Speaker.

MR SPEAKER Is leave granted. Leave is granted.

MR BROWN I so move Mr Speaker.

MR SPEAKER Thank you. We have an amendment to the original Motion. Would you care to address that further Mr Brown.

MR BROWN Thank you Mr Speaker. That amendment is aimed at taking account of the comments that have been made this morning and it is aimed at enabling the responsible Executive Member to, in conjunction with his Executive colleagues decide the appropriate place in the legislative programme to put this.

MR COOK As a person who has spoken and expressed my views I support the amended Motion.

MR BATES Thank you Mr Speaker. I support the Motion as amended. I think it's wise to take a little time over these things. I think we've seen in the life of this Assembly, to be flat out carrying them on one hand, I think you need at least two of the things that this Assembly has done that has been done quickly and it's not been done well. We've had to go back over our tracks and amend a number of pieces of legislation simply because we've rushed through them. I think this would probably take a lot of training in certain areas, we'd probably have some fair expense. I think the idea warrants support and I will support the Motion.

MR GARDNER Thank you Mr Speaker. I plan to speak very briefly on this Mr Speaker and probably leave debate to a later time, in more depth. I guess being supportive of the concept as I think everybody else around the table is, I guess it begs the question as to what's wrecked that needs fixing. If there were something, I guess substantial able to be demonstrated I think that somewhere down the

line our system that we have in place at the moment has caused some distress or is maybe not adequate I'd certainly like to know exactly what those concerns are so that maybe there is another way of dealing with it. I guess it also relates to, because it's somewhere else we should have it here on the island. As I said I'm supportive of the concept, I've got no difficulty with freedom of information. If we're going to go down this road and we want everything that everybody else has, as I think a couple of other Members have alluded to surely it would be I guess, like the second Motion would be just a matter simply of asking to have Commonwealth legislation extended to Norfolk Island. That way the burden's not so much on Norfolk Island, the resources aren't so much Norfolk Island's but somebody else's. Just a couple of issues to begin with. Maybe I'll come back to it and revisit it at a later date. Thank you.

MR SMITH Thank you Mr Speaker. I'm much happier with that now that Mr Brown has amended, or proposed an amendment to the Motion. However picking up what Mr Gardner has said, maybe Mr Brown at some stage could give us an indication of how somebody would use the Freedom of Information Act if it becomes one, and who would he see would be the people that would like to see a function such as this.

MR GARDNER Thank you Mr Speaker. Maybe if I could clarify what I was attempting to say before Mr Speaker. I can understand the need for freedom of information if we were dealing with issues that maybe were devoid of some sort of appeal mechanism or some mechanism to be able to find out information and I guess the case in point would be dealing with my portfolios would be in an area such as planning. We have an Administrative Review Tribunal in place that has the powers and certainly does call for any papers relating to any decision that's made in a planning area. So if somebody was aggrieved in some way or wanting to know information that they are readily able to access that type of information through the planning process. I have some concerns. I think the concern was raised, which sort of sparked this concern in my mind with a comment I think the Chief Minister made previously, was this an attempt to put pressure on the tender process. I don't know whether those words were well chosen. I think just because a Member brings a Motion to the House is not grounds for somebody to certainly start to jump to a suspicion that there's something more behind it. However the Chief Minister is certainly in a position that he's entitled to his opinion and I respect that. I would rather have thought that a proper analysis of the mechanisms that we have in place to ensure that we are providing as much possible information for people that may be in a position that they are aggrieved by a decision would be properly analysed before we went that one step further and put in something that may not be necessary. It may not be necessary in our case.

MR BROWN Thank you Mr Speaker. The Minister has just made reference to the Administrative Review Tribunal, and indeed that is one of the steps that's been taken to provide more accountability and better systems. However it doesn't help everyone because it only applies at present in the case of land matters. It doesn't yet apply to immigration and certainly doesn't to the best of my recollection apply to anything else. The second thing about it is even in relation to a land matter you've got to be able to show that you're an aggrieved person before you are able to make use of the Tribunal. The third thing is frankly, the Tribunal isn't working. The Tribunal at present has before it I understand about 3 different matters. The appeals in one of them were lodged prior to the end of May, and it has not been possible to get the Tribunal to sit even for the purposes of what is called a directions hearing right up until today, nor has it been possible to obtain from the Tribunal a date on which it can sit for that purpose and that type of sitting Mr Speaker is done by telephone. It's fairly simple. So I don't think that we can take a view that just because there's an Administrative Review Tribunal all the problems are solved. This is in my view an important part of open government. It might not be the very most important thing before the Government right now. It may be that the Government might slot it half way down their list of priorities or even further down the list of priorities, but in my view it should be on that list and the

community deserves to have the benefit of open government, to have the benefit of transparency in that open government and to be able to use this as one of a number of mechanisms to ensure that there is fairness and accountability at all times. Thank you.

MR SPEAKER

Thank you. Any further debate.

MR MCCOY

Thank you Mr Speaker. I've listened with interest and I am like most other Members I of course support freedom of information and open government and transparency of government but I am a bit like Mr Gardner I wonder if Mr Brown could point out where there are real difficulties that the Government is not so transparent and we have seen just last year a select committee formed by this Government to conduct an enquiry and I wonder if Mr Brown could provide me with some enlightenment as to why select committee's cannot fill the role that he is pursuing with this freedom of information.

MR BROWN

Thank you Mr Speaker. We're talking of two different things. Sure the Legislative Assembly can always set up a select committee, but where someone wants to go and look at, say his immigration file, I can tell you now he'll be pretty flat out getting the Legislative Assembly to agree to set up a select committee so that whatever number of members of the Assembly can investigate how that person is being treated by the immigration system and what is and isn't on his file and how he has been treated by the Public Service. They are two different things. You might find on occasions that as a result of information obtained under a Freedom of Information Act, there may be representations made to the Legislative Assembly that there are very big problems, that there is something rotten in the state of Denmark and that there should be a select committee set up to look into the particular problem, but that's the order that it happens in, not the other way around. I think you've only got to look at how this operates in other places to see that it is the simple cost effective mechanism for members of the public to obtain these sorts of information. Sure there are other ways. For example they could commence court proceedings and by way of discovery or subpoena they could cause these documents to be brought along, but your talking of massive time, trouble and expense, not only for the person that's after his bit of information but for the party that he decides to sue because that's the only way you get into court, there's got to be 2 parties. So it would really require someone to come along and take action against say, the Administration of Norfolk Island, bog the court system down, bog the Administration down, bog down the Crown Counsels office all because the Legislative Assembly was of a view that the existing mechanisms for obtaining information were adequate. So I'm trying to provide a simpler mechanism in bringing forward this Motion.

MR MCCOY

Thank you Mr Speaker. I thank Mr Brown for that little bit of education but on the problems with someone possibly getting their immigration file and reviewing it themselves. Is that correct that a person cannot review their own immigration file.

MR BROWN

Mr Speaker I'm not here to give legal advice and that's a legal matter.

MR SPEAKER

Thank you. Any further debate. No further debate. The question before us Honourable Members is that the amendment to the Motion be agreed to and if there is no further debate I'll put that to you. The amendment is, just to remind you after the words or phrase "quickly as possible" there are the words "having appropriate regard to the Government's existing legislative programme" and then it continues "to provide for a Freedom of Information Act with minimal exceptions". Those in favour of the amendment say aye.

QUESTION PUT
QUESTION AGREED

MR SPEAKER We have in front of us now a Motion as amended. Is there any further debate before I put that Motion to you. The question is that the Motion as amended be agreed to.

QUESTION PUT
QUESTION AGREED

FEASIBILITY OF AN OMBUDSMAN FOR NORFOLK ISLAND

MR BROWN Mr Speaker I move that this House requests the responsible Executive Member to prepare and table at the earliest possible date a white paper setting out the benefits disadvantages and likely costs in the event that legislation is passed to provide for an Ombudsman in Norfolk Island.

MR SPEAKER Thank you. Mr Brown.

MR BROWN Mr Speaker this is the final part of the, what you might call the accountability package. We have the Administrative Review Tribunal, we've passed a Motion in relation to freedom of information and the final part of the modern thinking in relation to accountability and dealing with bodies such as the Administration is to have a person in some concepts, in some areas there will be a number of people filling the role, such as in the area of the Commonwealth. In other places such as Norfolk Island it might be one part-time person, but it is a person to whom one can go when one is having difficulty in dealing with Government or the Administration and the Ombudsman has powers which are set out in his enabling legislation, there are some things that he can look into and try to resolve, there are other things that are outside of his power. For a long time Mr Speaker there has been concern about the fact that in dealing with the Administration there are really not very many avenues to redress concerns unless a person is wealthy enough and stubborn enough to resort to the court system. I'm suggesting that it is time that we at least investigate whether the introduction of an Ombudsman to Norfolk Island would be a good thing. This doesn't call for a Bill to be prepared. It simply calls for a white paper to be prepared setting out the benefits, disadvantages and likely costs and I commend that Motion to Members.

MR SPEAKER Thank you. The question is that this Motion be agreed to. Debate.

MR NOBBS Thank you Mr Speaker. My response Mr Speaker is the same as the first Notice actually. I think that this issue is part and parcel of the particular project looking at the Legislative Assembly, but Mr Speaker the issue of an Ombudsman is really interesting. The role of the Administrator in the past has been somewhat similar to the role of an Ombudsman here. If someone had a problem before when the Council at the time couldn't handle it, they went to the Administrator, and he was the main man. Then along came self government in 1979, or as I say it's a limited edition self government at this stage, with it the role and perception of the Administrator changed. Although some currently do utilise the Administrator and the position does retain specific functions in that area but there is a need to provide for a role similar to that perceived of an Ombudsman. It's something that I believe it's need has existed for years actually, probably since 1979 and it's a pity it hadn't been brought on a bit earlier but I support the Motion Mr Speaker, except that I would think that it should be taken in the totality of a look at the Legislative Assembly Act and those attendant Acts as I mentioned before when we dealt with the first notice, although preparation of a paper will be necessary I guess in relation to that particular project so I will support the motion.

MR SPEAKER Thank you. Any further debate. No further debate. The question is that the Motion be agreed to.

QUESTION PUT

MR SPEAKER

Did you want the House called Mr McCoy.

MR MCCOY

I don't think there is that necessity Mr Speaker.

MR SPEAKER

The ayes have it thank you.

Mr McCoy against, are there any abstentions.

TELECOM RENTAL AND SERVICES CHARGE

MR SPEAKER

bring on an unscheduled matter.

Chief Minister you wanted to seek leave to

MR NOBBS

Motion in relation to a revision of Telecom rental and service charges.

Yes Mr Speaker. I seek leave to move a

MR SPEAKER

granted. Thank you.

Thank you. Is leave granted. Leave is

MR NOBBS

Thank you Mr Speaker. I move that the Telecom rental and services charge be revised as per the following schedule and I'll just quickly read them out. They are line charges which is a new service of \$60 per annum, plant and equipment hire, another new service is \$5 per day plus \$200 deposit. Sub facilities, a new service here for CIL extension restrictions silent numbers, new service in that area of \$60 per annum each. The Internet web page hosting is a new service, it's free and the new service of private 5 meg and business 5 meg of \$20 per month and there was one that is actually an increase which was missed in the last, when we did this before and I'll speak of it shortly is a removal relocation of non intact service \$30 to \$50 and intact service of \$20 to \$30. That's those Mr Speaker. Mr Speaker this Motion results from an oversight when these Telecom rentals and service charges were introduced as a schedule at the meeting of the 21st of June last, as I said there is one oversight in relation to an increase in charges but the rest of them were new services which we understand had never been gazetted or placed in the schedule in the past. So it's really to clarify something that's been around for some little time. As I said at the time there has not been an increase in charges by Telecom and these were recommended by the Telecom and the Finance Section and apparently they haven't been, a lot of the charges that we talked about in June haven't been increased since 1986. That's where I'll leave it Mr Speaker.

MR SPEAKER

Thank you. Any further debate.

MR SMITH

Thank you Mr Speaker. I just ask the Chief Minister for a bit of clarification. Just with the CLI which is the line identification services do I read that that, like I realise that CLI receive \$60 a year or \$5 a month. If the other 2 mentions of it there, I take it that to have it silent, which means it's restricted is another \$60 and if you have an extension on your telephone system it will cost you another \$60. Would that mean it would be \$180 a year, is that what that really means.

MR NOBBS

No I think it's CIL, the figure I have here is CIL, a new service of \$60 and that's restriction silent number CIL will receive and enable as a new service of \$60.

MR SMITH

that's all.

Mr Speaker is just appears to be duplication,

MR NOBBS Yes they are 2 separate charges. I might have stuttered a bit there George. I understand Mr Speaker that these are currently being charged by Telecom and have been in place for some little time.

MR BATES Thank you Mr Speaker. I didn't support increases in telephone charges when they were first put in by this Assembly some meetings ago, so I don't intend to support any increase in charges here. I realise that the first 4 of these are new charges, on that basis it would be remiss of me not to support at least making a charge for new services but to the extent that the Motion proposes to increase existing charges I cannot support it. I do highlight again, as I've done earlier in this meeting that this seems to be another mix up of our Government and I'm getting very concerned about the number of mix ups and things that keep coming back to this House to be fixed. I just highlight it and I hope that sooner or later our Executives can get their act into gear and do things properly in the first place. Thank you Mr Speaker.

MR SPEAKER Thank you. Any further debate.

MR MCCOY Thank you Mr Speaker. I am like Mr Bates I didn't support the increase in Telecom charges when it was previously tabled in the House and I still will not support this one either because I am at a difficulty with continually biting the hand that feeds us and in saying that what we're doing is we're continually upping the cost for people, or residents to live on the island and I believe the Government should be pursuing different revenue streams rather than saying well we need more money, here's the people, we'll take it from them. So I won't be supporting this one either.

MR SPEAKER Thank you. Any further debate. No further debate.

MR SMITH Thank you Mr Speaker. I just might make comment. Maybe there's a misunderstanding just from what the last 2 speakers have said. The only revised charge is the removal and relocation of telephones non-intact or intact. I don't see this as a revenue raising thing, I think it's a reality of the cost of actually doing it as I understand from previous debate about that and the Chief Minister might confirm that. I hope that Members aren't thinking that we shouldn't recover the real costs of providing the services we do. If that is what that refers to. If a telephone has to be moved or relocated, whether it's intact or non-intact surely we should recover our costs from it.

MR NOBBS Thank you Mr Speaker. Mr Smith is perfectly right. That cost is a recovery of cost, I mean we've seen and continue to see, a classic example was when I circulated to the Members in the last few days. I think it's gone out to you, or it's on its way anyhow, in relation to the 5c stamp and where it's costing more to produce the stamp than we're getting in return let alone the handling of mail, so we might as well just give them, if we go down that road, we should be just giving them free mail service and we'll be saving money, so there you go. That's life but this is a cost involved in relocating those particular facilities and I mean we're a cost recovery economy I believe and that we have to look at it, and as I said I'm of the opinion, bearing in mind that I wasn't actually ordinarily resident on the island at the time that these fees haven't been increased since about 1986, so that's something that we have to do and it seems a massive increase but it's just covering the actual costs involved, or an estimate of the costs involved.

MR BROWN Mr Speaker frankly I doubt that \$50 and \$30 are anywhere near what it costs to remove or relocate a phone. It's always a shame when a cost has to go up but that seems to me to be the only cost that we're increasing here and bearing in mind that local phone calls are indeed free Mr Speaker I don't have

a difficulty in supporting that particular proposal. As to the remainder of it, if you want to have a silent number, that's your choice but you pay a bit extra if you want to have a silent number. Well I can understand that. If you want to hire a mobile phone to take with you to Australia, or I daresay you can take the same mobile phone to New Zealand then certainly you would pay something to hire it in Australia, whether you would pay the \$5 per day plus \$200 deposit I'm not sure but if you can get one any cheaper in Australia I very much doubt that you'll get it for less than \$3 per day and the benefit of getting it here is you know what your number is going to be before you leave, whereas if you pick it up at the airport in Sydney, it's only at that stage that you find out the number, and it probably costs you more than the difference of \$2 per day to then let everyone know what your number is. So I don't have a difficulty in supporting the Motion. I share Mr Bates' concerns about the seemingly constant need to repair muckups but whilst that is a cause for regret, it is not a reason to not join in repairing the problem. Thank you.

MR BATES Thank you Mr Speaker. I thought I made it fairly clear when I first spoke that I have no difficulty with establishing charges for services that don't already have one and I believe the first four may come under that category, it was the increase that makes me unable to support the Motion, I didn't support the increases originally. If the Motion was to fail and the Minister was to amend it to establish fees for services there I would be in support of that but I cannot support the Motion as it stands. I find it quite, well I don't know, I find it intriguing that the Chief Minister sees fit to relate it to the issue of postage stamps which is running at a loss as the need to increase Telecom charges when Telecom is making over \$1m profit per annum. I just find the comparison of those two things a little ridiculous and not really to the point, I don't think. If doing a service that's running at a loss, fair enough but nobody's been able to convince me that Telecom is anyway in that category with \$1m per annum profit. So I remain, I cannot support the Motion in its present form but I'm not opposed to establishing charges for services where no charge has been established.

MR SPEAKER Thank you. Any further debate.

MR MCCOY Thank you Mr Speaker. I didn't have any further debate but I just have a question on the silent number. If someone, like Mr Brown said, it's their choice to have a silent number so now we're saying well, and I believe if you have a silent number it doesn't get listed in the phone book, that's what it means.

MR SMITH Thank you Mr Speaker. I might be able to add a little bit to what Mr McCoy is asking there. As I understand it you can have a silent number and it doesn't get handed out to anybody and it also doesn't appear in the book but with the CLI which is the little thing you can now put onto your phone and it tells you who's ringing the restriction on the first charge here refers to that, as I understand it, because you might have a silent number but if you don't have this restriction on it when you dial somebody your number will show up on their CLI little thing. So it's not really a silent number if your making the call yourself. That's what I'm assuming that that restrict that, also an extension on your phone. If somebody dials from that, as I see it, there's a restriction there.

MR MCCOY So really this, the first one is a hire for the little gadget that Mr Smith was talking about. That's I believe what he has just said but the query is really that if someone chooses to have a silent number, it's not listed in the phone book, so what's the extent of the work that is required to justify the \$60 per annum charge, that's what I'm looking for.

MR SMITH Mr Speaker that's why I was asking for clarification from the Chief Minister before. I haven't got a silent number so it's of no interest to me but if somebody has a silent number, they do pay an extra charge for that. If they have it CLI restricted as well there's obviously another charge for that and then

there is the monthly charge that you pay to have CLI anyway which is the \$5 per month. There just seems to be too many charges but I mean I don't want to spend too much of our time trying to work out something that somebody could answer probably in 2 minutes from Telecom but...

MR NOBBS I'm not aware of them. They are existing charges at the moment, I'm not trying to differentiate between them. I mean they've been in for some time I understand. They are actually operating at this particular point in time and how long they've been going without it coming to this stage I'm not too sure, and I presume people are using them and that's it.

MR SPEAKER Thank you. Final debate. The question Honourable Members is that the Motion be agreed to.

QUESTION PUT

MR SPEAKER Do you wish to have the House called. Mr Bates, Mr McCoy.

MR BATES Yes please.

MR SPEAKER Would the Clerk please call the House.

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

MR SPEAKER Thank you. Result of voting Honourable Members, the Ayes 7 the No's 2, the Ayes have it. The Motion is agreed. Thank you. We've concluded Notices of Motion and we are commencing Orders of the Day.

ORDERS OF THE DAY

DEAD RAT LANE

MR SPEAKER Resumption on debate that the Motion be agreed to. Mr Walker you have the call to resume on this matter.

MR WALKER Thank you Mr Speaker. Due to the fact that the full consultation process has not been completed I would like to move that this matter be adjourned.

MR SPEAKER Thank you. The question is that this matter be adjourned and made an Order of the Day for a subsequent day of sitting.

QUESTION PUT
QUESTION AGREED

IMMIGRATION ACT 1980 – PROPOSED AMENDMENTS

MR SPEAKER We are resuming debate on the question that the Motion before us is agreed to and in this case Mr Brown you have the call to resume.

MR BROWN

Thank you Mr Speaker. I moved at an earlier time a Motion seeking to make certain amendments to the Immigration Act. The first was aimed at allowing a Temporary Entry Permit to be extended such that a person could be in Norfolk Island on that permit and its extensions for up to 10 years, but such that there would be no presumption of defacto residents and the holding of the TEP would not create a right to obtain a General Entry Permit or to be declared a resident. Mr Speaker at present the policy is that a TEP can only be held for 3 years and then a person has to spend some time away from the island. The result of that is that many people are forced to apply for GEP's in situations where they might not really wish to remain long term on the island but they want to remain longer than 3 years. We're seeing difficulties at present in the commercial sector with people unable to sell businesses because purchasers are unable to fit within the quota, and rather than react to that in the way that's occurred in the past by opening the flood gates again and saying we're never going to do this again but we'll do it on this occasion, or by introducing one in, one out it's my suggestion that we simply allow a longer period of time on which a person can reside on the island on a Temporary Entry Permit while providing those 2 protections that I mentioned, firstly that there be no presumption of defacto residents and secondly no right be obtained in relation to GEP or residency. The second suggestion was that Section 29 Subsection 2 of the Act be amended to require the time calculation be restricted to the period during which a person holds a General Entry Permit. At present Mr Speaker there's a bit of a loophole here and if a person is on the island as a Temporary Entry Permit holder, that time can't be counted towards residency, but if a person is on the island with no permit at all and this has happened in the past, a person on the island with no permit at all can count that time towards residency and that does not seem to me to be appropriate. I've believed for a long time that it should be fixed. At a time when I held Ministerial office in that area I asked for drafting to be done to fix it but that drafting didn't occur during my time and hasn't occurred since. The third amendment that I've suggested is to Section 29 (1c) of the Act by increasing the period of ordinary residence from 5 years out of the last 7 to 10 years out of the last 14 before a person seeks residency, and finally it was suggested that Section 20 Subsection 1 be amended so that the period during which a General Entry Permit can remain in force would increase from 5 years and 6 months to 11 years, so as to cope with the suggested lengthening of the period a person would live here before applying for residency. Mr Speaker it would no doubt be preferable for the very detailed immigration package which was prepared by Miss Paddick and which had been with the Minister for some months to be able to be finalised and to not have a need for any form of interim adjustments, but the package is thick. If my recollection is correct the Minister has told us that he's obtaining the benefit of the Immigration Committee's advice in relation to it. It will require some form of discussion with the Commonwealth and although I believe that the document is a very worthwhile document, notwithstanding the fact that it is lengthy it is clear that it will take time to finalise, and because of that I believe that there are some changes, including the changes that I have proposed which should be introduced now. Thank you.

MR SPEAKER

Thank you. Debate. Any debate.

MR BATES

Thank you Mr Speaker. From my experience on immigration matters the 3 year policy for TEP's and the 5 year policy for GEP's has caused many of the problems which Mr Brown has alluded to. I think that some people on TEP's are forced, after 3 years, to either leave the island or apply for a GEP when they may wish to stay a little longer without any real interest in applying for a GEP. I think also the fact that people can only remain virtually on a GEP for 5 years and then they are forced to apply for residency also creates difficulties when some of those people may not really wish to obtain residency and be quite happy to exist on a GEP. So our present policy forces people into situations moving further along the immigration scale which they may not necessarily wish to proceed with. It was certainly a concern of the previous committee that I served on and I will be supporting this because I think it is

a step forward in the interim. As Mr Brown say I think there's a lot of good stuff in the legislation that's been drafted, although it is lengthy. One of the big problems with our present immigration is that too many things are in policy and not in legislation and it's been my opinion for many years that if you want to beat our immigration system you can beat it because it hasn't got enough teeth in it. So I'll be supporting this as a step forward in the meantime. Thank you Mr Speaker.

MR SPEAKER

Thank you. Any further debate.

MR BROWN

Thank you Mr Speaker. Mr Bates has mentioned something quite important. This is deliberately being introduced as a request for a Bill to be introduced into the House rather than as an endeavour to amend our policy, and it's for the reason that Mr Bates said. If we've got something in our law, well that's the law but if it's sitting in our policy there is always the possibility that someone will successfully challenge the policy. Thank you.

MR SMITH

Mr Speaker I'd just wonder Mr Brown might be able to assist me with a question. I seem to recall at about 1983 when it used to be possible to do this, or prior to '83 I think it was, that a person could stay on a permit for almost forever in those days, I seem to recall that the Assembly of the time which I think John was part of changed that down to a period of 3 years as a maximum if I recall correctly. It might have even been less at that particular time and I thought that at the time it was because it was felt that if somebody had been on the island on a Temporary Entry Permit basis for a number of years that you could really count them as being accepted into the community after I think it was 5 or 6 years and so therefore they should get their residency. I just need some clarification on that point and maybe Mr Brown can recall from those times why it was changed.

MR BROWN

Thank you Mr Speaker. Yes indeed at an earlier time we experienced difficulties with losing appeals where people had been allowed to remain on the island for many year on TEP's and some of them were able to successfully suggest that they had really cut their ties in other places in that they had become defacto residents of Norfolk Island and that any refusal to further extend their Temporary Entry Permit should be overturned, and the reaction at the time was to change the policy and that is when, if my recollection is correct the policy of ordinarily not allowing a TEP to extend beyond 3 years was introduced. There were exceptions and a number of exceptions have been made over the years particularly for School Teachers, but part of the difficulty was that we couldn't find out just when it was that the relevant Federal Ministers felt that a person changed from being a TEP to being a defacto resident because they had been here a certain period of time, and it was felt that the 3 year limitation would at least overcome that problem, and I'd have to say Mr Speaker that has probably worked reasonably well but it has had the problems that Mr Bates referred to and to which I've referred, and it's my suggestion that the way to overcome that difficulty is to do it be legislation on this occasion and not by amending the policy. If we were to extend the policy out to 10 years I believe that we would leave ourselves open to further challenges at some stage down the track but I believe that making it clear in our legislation is the way to go and that acting in that way will maximise the probability of a challenge either not occurring or not being successful.

MR SPEAKER

Thank you. Any further debate.

MR MCCOY

Thank you Mr Speaker. I've heard with interest the concerns that a person on a Temporary Entry Permit after 3 years may have to leave the island to come back and reapply but a person on a Temporary Entry Permit is able to get an extension of another 12 months on their Temporary Entry Permit and if someone on a Temporary Entry Permit, after having an extension has to leave the island and come back and go through the whole process again I believe they really demonstrate their desire to be part of the community. There is also a question in my mind as to what

we're trying to do here because I've always thought the Assembly was to make life better for the residents and improve things for the residents as it is set out in the Norfolk Island Act of '79 and it states whereas the residents of Norfolk Island include the descendants of the settlers from Pitcairn Island, and this to me is a further way of eroding that very feeling that is there in the Norfolk Island Act. Also I feel that it would be somewhat a waste of time for the Assembly, as we are already wasting time debating this issue and also for the legal department of Administration to amend the Immigration Act as Mr Brown is proposing and it would also be again a waste of time for the Minister for Immigration Mr Cook. If we look at the consequence of making these amendments as proposed by Mr Brown we'll quite clearly see that by allowing a person to remain here for up to 10 years on a Temporary Entry Permit would create the situation which is already available to those people if they are here for I believe 290 days out of 5 years, whatever the time period is, but it would actually create the ability for persons who are supposedly here on a temporary basis to qualify more for enrolment on the electoral role and therefore vote without having any real commitment to Norfolk Island. It may seem appropriate to amend Section 29 (2) so as to restrict calculations of a period of residence to residents whilst holding a General Entry Permit but that does not alter the fact that it doesn't affect the electoral issue and as we've already heard there has been problems in the past where people here on a long term Temporary Entry Permit when they are told that your time is up you may have to depart, they can appeal to the Commonwealth and have the Norfolk Island ruling overruled. I believe that would happen simply, nor will it stop a Temporary Entry Permit holder doing the decade for want of better words, doing the decade on a Temporary Entry Permit and then appealing to the Commonwealth to be granted residency and winning that appeal by virtue of assimilation into the Norfolk Island community and Norfolk Island is now their home, and that I believe is not the purpose of the Temporary Entry Permit. The Temporary Entry Permit is designed for people who seek employment in Norfolk Island on a temporary basis. And also increasing the period of being ordinarily resident to 10 years out of the previous 14 years will allow persons on a General Entry Permit to qualify for elections. As it is clearly spelt out in Section 38 of the Norfolk Island Act 1979 and it reads as follows: Section 38. A person is qualified to be a candidate for the election as a member of the Legislative Assembly if at the date of nominations b) he has such qualifications relating to residents as are prescribed by enactment for the purposes of this paragraph or if no such enactment is in force he has been ordinarily resident within the territory for a period of 5 years immediately preceding the date of nomination. Mr Speaker the likely situation is a person or persons on a General Entry Permit status could theoretically become a member of the Legislative Assembly do a lot of mischief and leave the residents to try and tidy the mess and they could well have been voted in there by people who are here on a Temporary Entry Permit. I will leave it at that for the moment.

MR BROWN Mr Speaker I've just listened to the most outstanding exhibition of bias that I've heard for a long long time and perhaps it is to overcome bias such as that, which has just been expressed to the House that such changes should occur sooner rather than later. I was not suggesting that changes be made in terms of eligibility to vote, nor in terms of eligibility to stand for election but perhaps the time has come. Thank you.

MR COOK Mr Speaker I find it a bit difficult to be able to support the Motion. Obviously there is a very real need at the moment, and I'm certainly embarked on it and will continue to do so to the very best of my ability to overhaul the whole of the Immigration Act and the policies particularly. I'm very much alive to what Mr Bates and also Mr Brown have said about the fact that legislation is really the prime and important area from which you look at rights and obligations and so forth, particularly in this area and that policy often can grow like Topsy and get quite out of kilter and out of balance to what the actual legislation provides for and we have to be most careful about that, but I'm very concerned that we don't really take something like this out of its overall context with a complete and comprehensive review of the Act and

therefore if I was ultimately ever persuaded on a presentation of material this was the type of amendment that should go into a new Act and having in mind everything else that was sought be achieved by the Act then that might be a different situation to the one facing me now. I believe I can't support this Motion as it presently stands. I see quite a few difficulties arising out of it. Mr McCoy has pointed out a situation about the possible election of persons to the Legislative Assembly. As I see it if this imprimatur was given to Temporary Entry Permit holders to stay here for a specified period of time I see no reason why Section 39 (d) of the Act would not apply to a Temporary Entry Permit who has been ordinarily resident within the territory for a period of 5 years immediately preceding the date of nomination, so we really would be acknowledging a situation if we passed this that a Temporary Entry Permit holder might in due course stand for election to the Norfolk Island Assembly and that seems to me to be a situation which could be quite difficult to comprehend because it would be difficult then to consider on the question of extension whether he should be extended simply because of what he's doing in the community or whether he's a member of the Legislative Assembly having been elected to it at an earlier time in his holding of an extension of an original Temporary Entry Permit. I'm concerned that some of those matters. I think it requires most careful examination and I cannot, although I'm anxious to make sure that everything is brought up to date in the Immigration Act and is effective and proper for the island and its residents, people who come to it, everybody concerned with the operation of a proper and effective Immigration Act, I can't support the Motion.

MR SPEAKER Thank you. Could I just turn to a couple who may not have had an opportunity at this time Mr Brown.

MR WALKER Thank you Mr Speaker. I spoke at some length on this subject at the June sitting. However to refresh Members minds on the thrust of my opposition to this Motion I would repeat in brief that firstly the applicant in any GEP application they're expected to make a declaration of their intent to reside on Norfolk Island for the foreseeable future, and secondly to make a substantial commitment in dollar terms through the purchase of a home or in many cases a business. The applicant is therefore seeking some stability of tenure for their future residential status on the island. In my opinion the 5 and a half years currently required to achieve full residency is quite adequate to assess the applicants suitability to Norfolk Island. Again in my opinion it is unfair to have a person in a temporary residential status on a GEP for 11 years as is proposed. Mr Speaker there is an exhaust of process whereby every GEP application is assessed and evaluated prior to being approved. If this process is not sufficiently thorough to ascertain any deficiencies in the application then it is the process that requires addressing, not, and I repeat not, the length of temporary residency. Mr Speaker turning to the current TEP maximum term of 3 years there is some merit under special circumstances whereby an extended temporary residential status might be justified. These special circumstances invariably arise where special work skills are evident and those particular skills are not readily available on Norfolk Island. However I am more inclined to support some alternative form of permit for continued residential status associated with proof of the special skills and a desire to only reside on Norfolk Island in the short to medium term with no guarantee that this will lead to GEP status or full residency. Mr Speaker the Minister for Immigration Mr Cook has a review of General Entry Immigration permits and the associated quota system underway. I am aware that he has received submissions and is actively pursuing public comment on the matter. This review I believe is well down the track towards certain recommendations being presented to MLA's and the community. I believe this Motion is pre-emptive and unnecessary in light of the current Immigration Ministers ongoing review process and I cannot support the Motion.

MR BATES Thank you Mr Speaker. I just want to take the issue with John over something which I thinkHe may well be right on the electoral issues and I don't want to argue that. I think that electoral issues are different to immigration issues and if it creates a problem in the electoral area well then we should

fix it by the appropriate means. I think John said something about eroding our immigration and the Pitcairn Descendants and a few things like that and I share the same concerns that he does. Under our present situation the track for a TEP is basically 3 years as a TEP and then 5 years as a GEP and a resident after 8 years but process from a GEP to residents after 5 years is almost automatic. It's not completely automatic, there's got to be an application and it's got to be put in the gazette but I know of no GEP that has been refused residency after 5 years. So the present track is, in case of a TEP is about 8 years to full residency and for a GEP 5 years to full residency. This is I believe, not all those people want residency. I believe that this is a step that will allow people to stay on these permits without any expectation of residency. In other words a TEP might take under these things maybe 20 years to become a resident if he remains a TEP for 10 years and then a GEP for 11 years, it might be 20 years not 8 years. A GEP may be 10 years, 11 years before they become a resident. So I don't see how it's eroding anything. I believe it's a step in the right direction. I just wanted to point that out to John because I disagree with his statement that this is making it easier for people to become residents. To me it's making it harder and putting them in a much longer process. Thank you Mr Speaker.

MR NOBBS

Thank you Mr Speaker. I'm no expert on Immigration but I've spent a considerable time agitating for change in that particular area. I really can't support the proposal and I'll tell you why. I don't think we should be dealing with it piecemeal, I think Minister Cook is getting on with the review and I think we should be looking if there is a need for additional assistance in that area, apart from the committee, his committee which is doing a great job that we look to provide some assistance to get this thing really mobile and as quickly as possible because different people have obviously got different needs and under the immigration system as well as different ideas on how to do it and I've got a few myself. I believe that the TEP and GEP system should be thrown out the window and I think that we should go to a permit system myself and I've suggested this in my own submission that we go to a 4 permit system and one for employees which has 3 subsections in it, short term, long term and Public Service employees. We then go to a business permit, a business proprietor. Why does a business proprietor have to have residency. They may not need it, they may not require it. Why do we push them into after being here for 5 years that they have to have a GEP. Why have a GEP. The other one there, we have a permit for that, there's a requirement I understand for some expertise in business management here. So if they want business managers, top business managers, well provide for it and have a permit for them and make them come up to a particular standard of expertise that's required, and there's the other one there, there's a short term one which they call a bagman type operation which is Salesman, with all due respect to the two gentlemen here Lawyers who come over here and apply their trade for a few days on the island. I mean we should have a permit system for those type of people including our own Consultants that come over here and we've got one at the moment and other business. I think there's a continual need for a special relation permit and I think there is a visitor permit, we need a short term visitor permit, which is the one we've got and have an extended visitor permit beyond that date. Those are the areas, I look at those sort of improvements to the current system but as I say I'm no expert on this thing and other people may come out with different ideas. It's really interesting that Mr Smith brought up the 1980 changes or the early 80's changes and Mr McCoy actually who is now sitting in the Speakers Chair brought up about the impact on the electoral system. I understand that the major changes at that particular time in the early 80's related specifically to TEP's having the vote and that was my impression and although I wasn't here in the island at the time I was an ordinarily resident here as we know but I said from reading the papers and getting the drift I thought that was one of the main consideration at that particular point in time. So maybe you know I would suggest that we leave this to Senator, Senator I was going to call you Senator Mr Cook, in relation to this and we proceed but I reiterate if there is a need for additional support in that area we should look to get it so we can get this Immigration thing off and changed and running and accepted because the people have got grave concerns in the community at the present time and

whilst Mr Brown's Motion does go some way to relieving it's only a stop gap proposal and I think he realises that and I would suggest that we put more emphasis into the Immigration Review than we have done in the past and actually put some funds and people there to get the thing going. Thanks.

MR DEPUTY SPEAKER

Thank you.

MR SMITH

Thank you Mr Deputy Speaker. In listening to the debate around the table here I'm a bit worried that this might end up in a snafu or sanfu in Mr Bates' words. It's obvious we don't have the answers sitting around the table here today because there's a lot of questions that are in Members minds. There is no way that I could support this Motion today with Members not knowing all the facts and myself not knowing all the facts. We obviously haven't gone deep enough into what the effect of this Motion will do to this point so we would certainly be creating a snafu right here today I think if we agreed to this. Mr Brown might disagree with what I'm saying there but I would make a couple of suggestions. One is that maybe Mr Brown would like to propose these amendments to be part of the package that Mr Cook is developing, to review the whole of the Immigration Act or wait until the review of that comes along and then proposed amendments at the appropriate place in the Act, or, it's up to Mr Brown but maybe he'd just like to defer it and keep it on the Notice Paper until such time as the Act has been changed.

MR BUFFETT

Thank you Mr Deputy President. Immigration is very complex in Norfolk Island, it's always been complex. There is no likelihood that it will become less complex in this place. There are a whole host of issues that come into play when we talk about immigration and it has vexed us for decades, it has vexed us for generations in this island. At present there are 4 dot points in respect of this Motion and I don't necessarily want to labour each one of them but maybe just to refer to a couple of them and point out a couple of unremarkable things, probably. The first dot point which is about the matter of a continuous stay of up to 10 years for TEP people, but with the presumption of not inveigling yourself into the resident situation by that particular length of stay. We of course did have that before and others have rightly pointed out that when we tried to in fact prevent that from being used we were overturned on appeal and so it became difficult and it did lead us to what we are doing now. It may or may not be a method to enshrine it in the legislative process but we have been through this to some extent before. The matter of not accruing residency until you have a permanent sort of status such as a GEP we've equally endeavoured to do before on other occasions if I remember correctly. It's quite a while ago now but if my memory serves me correct I think we probably have been through that process and we struck similar difficulties with it than when compared with what I've just mentioned a moment ago. So I'm probably just trying to say that some of these things are factors that have been around before and in a sense may well be, to some extent being recycled. I am concerned, and this is probably my main concern that in lifting them out of the context of the review that we're on about now we may find unintended results and I don't think we should be lead into that situation. I am necessarily against some of these things that are mentioned here. I think that they may well provide solutions of those that have been identified but they need to dovetail with all of the other things that are happening in this very complex Immigration Review and I think we are wiser to just pause, and I'll come to that pause in a moment. One of the factors has been the electoral issue and it has been correctly pointed out that if some of these provisions did come into play it may well offer facilities for people who have only negotiated their way into the community on a temporary basis to be involved in the decision taking Legislative Assembly that has to have responsibility for the long term requirements in Norfolk Island. You will remember that we've just had a recent debate with the Commonwealth Government in which they wanted to put in their requirements for Australian citizenship before you could be a member of this legislature. We combated that by saying we didn't think that that was appropriate but what we did think was appropriate was that people needed to have a status that demonstrated their long term tenure in this place and what we're talking about now is a provision that may

provide people with a short term arrangement to enter that arena. We were rather saying that we would prefer to have residential status to be a criteria in lieu of Australian citizenship being a criteria. So we just need to turn our minds to ensure that we are consistent in how we are approaching some of those things. The remedy may not be in this piece of legislation I might say. The remedy may be in the Norfolk Island Legislative Assembly legislation or related pieces of legislation but I'm just pointing out the difficulty that if this alone was addressed and not some of the others then they are the things that may occur and indeed, we've just identified one, we have identified, there may be a number of others that we are not able to identify today. So I'm saying that some of these things may or may not be useful to us but they need to be seen in the context of other things that are happening. Therefore I think it unwise to lift it out, notwithstanding what Mr Brown has said, very accurately said that the longer it goes the more difficulties that maybe arise. So maybe we should try and give some more effort to a speedy delivery of the review. Having said those things I would like to make this suggestion. In a sense it has almost been mentioned in a pre-emptive way by Mr Smith a moment ago. I want to propose an amendment to this Motion, which doesn't mean that we throw it out, if that's what the numbers dictate and it doesn't mean that we pass it forthwith without knowing some of its ramifications, if that's the way it goes. The suggestion is this. That we ask the Executive Member particularly to take into account the views that are mentioned in this Motion, that is the 4 dot points, and that we ask him to be encouraged in the delivery, a speedy delivery of the review that he is on about. Now that means that we recognise that some of these points may be worthy of further examination and if that be the case we would like it to be done in a speediest context as we are able, but it does allow it be considered in the context and not outside the context of the review that we're about. So I would like to propose to you Mr Deputy Speaker that there be an amendment which, and I would need to seek your leave and the Houses leave to propose this, but the amendment would be this. That before the 4 dot points there be these words, "that the Executive Member particularly take into account the following views in his present Immigration Review:" and then to the 4 dot points that exist, and then after that add, "and the above review be encouraged to be speedily delivered". I don't mean that discourteously I might say to the appropriate Minister but it just gives emphasis that we see this as something that is important and he will understand the context in which it is mentioned. I know particularly Mr Bates, who has served a long time on the Immigration Committee will see some of the merits in these and I don't want to cut across where merits exist but I am trying to put it into a context.

MR DEPUTY SPEAKER

Thank you. Further debate.

MR BROWN

Mr Deputy Speaker if Mr Buffett would care to add just one further thing to his proposed amendment I would not have difficulty in supporting it and that is a request that the Executive Member report at each meeting of the House as to the progress which he has made.

MR DEPUTY SPEAKER

Thank you. Further debate.

MR BATES

Thank you Mr Deputy Speaker. Yes I haven't spoken to Mr Brown about this Motion outside the House at all but it seems to me that the Motion itself may have been brought about by some frustration of inactivity in the review that seems to have been going on forever and I do know that the Motion has been on the Notice Paper for I would say at least 3 meetings with still no signs of any activity in those 3 meetings and that Mr Brown has said he won't bring it on to give the Minister a chance to do something. He hasn't brought it on and still nothing that we can see has been done and I think that's the frustration as to why I feel I can support it is to try and kick the thing along, to try and give it a bit of a boost somehow. The amended Motion I think may be the right way to go but I think the whole thing has been brought on by the fact that we in the backbenchers can see absolutely nothing happening and this issue has been around for a long time. Mr Brown can speak for himself but it seems to

me that some of that is what has motivated this to be in the situation that" brought this Motion today.

MR DEPUTY SPEAKER

Thank you Mr Bates. Further debate.

MR NOBBS

Thank you. I would find myself by supporting the Motion or the amendment to the Motion that I don't support the Motion as is but the amendment to the Motion, it gives some sort of credence that I'm supporting these things. As I said I have different views in relation to how we fix things and I would not like my name to be attached to something which I think would be a quick fix if it was brought in now, of some description but it's not the ideal. Whilst I appreciate what Mr Brown was attempting to do I really can't see my way clear to support even the amendment because as I say I don't want to give any idea that I support these particular points, because as I say I've got different ideas and mine are maybe a little tougher than these, I don't know.

MR SPEAKER

Thank you. Any further debate.

MR MCCOY

Thank you Mr Speaker. I just have to labour back over a point that was mentioned by Mr Brown and that is I gave a biased opinion before, and I will give no apologies that I may be bias towards my constituents. Also it concerns me when a Member of the Norfolk Island Assembly with Mr Browns experience pulls a stunt like this Mr Speaker.

MR BROWN

Point of Order Mr Speaker.

MR BROWN

are inappropriate words.

I've been accused of pulling a stunt and those

MR SPEAKER

McCoy.

Yes I ask that you withdraw that please Mr

MR MCCOY

I will withdraw the words "pulling a stunt". Actually we've heard a bit of criticism about the present Minister for Immigration proceeding with the Bronwyn Paddick report and again not wishing to speak on the Minister's behalf I am a member of the Immigration Committee and we have had a number of meetings to review the Bronwyn Paddick report and I will admit that it's been a very hard task, not being a trained legal mind to read through and through the report and to envisage exactly what is intended with the new proposed Act and Regulations and also permit systems, and I note with interest that Mr Nobbs refers that why don't we have a permit system. Well to a large degree that's the whole basis of the Bronwyn Paddick report or review, that Norfolk Island introduces a new permit system for immigration. Also we are all quite aware that during the Federal Minister for Immigration The Honourable Phillip Ruddick's visit to Norfolk Island a draft copy of the new immigration system was passed on to Mr Ruddick by our Minister for Immigration and also the Chief Minister for his department's perusal and comments and I believe preliminary comments have only just been received by the Minister for Immigration. Also on the issue of the review of the Norfolk island system of immigration the review was commenced by I believe Mr Brown in his capacity as Minister for Immigration early in the life of the 8th Assembly and I stand corrected if I'm wrong and this review has cost the island some \$80,000. So I wonder why Mr Speaker that Mr Brown does not concentrate his efforts on seeing that review carried through and a new Immigration Act implemented where necessary. I don't support the Motion and I do not support the amended Motion as well.

MR SPEAKER

Thank you. Any further debate.

MR BROWN Mr Speaker I would love to see the Paddick review carried through, but I have the very concerns that Mr Bates outlined. From the point of view of a backbencher nothing is happening and we have heard the Minister express a view that it's too complex for Norfolk Island and he thinks he can devise a simpler way of doing it all. Mr McCoy is quite right, the Paddick Review started at a time when I held Executive responsibility for Immigration during the last Assembly. It had not been completed at the time when I ceased to hold that office and it hasn't been completed since and in my view it is unlikely to be ever completed under the present Minister because the present Minister has expressed a view that he doesn't support it and I would like to see something happening to sort the problems out rather than month after month to be told that we're waiting for someone to do something and eventually something will happen. That's not quite as precise as what we need and it's not quite the amount of action that we need.

MR GARDNER Thank you Mr Speaker. I didn't plan to get embroiled in heated debate over this issue. As I saw it the original Motion, I would have difficulty in supporting because I'm conscious of some of the difficulties that Members of the Assembly have with some of the perceived samfu examples that have been bandied around and conscious of a desire to try and avoid another samfu occurring. Mr Speaker I think at the end of the day I'm supportive of your amendment and I think indeed Mr Brown's proposed amendment to your amendment in an effort, I believe to see the problems and difficulties that have been evidenced with our immigration system addressed. I certainly sympathise with my colleague Mr Cook, it's not an easy process instigating and completing reviews. There are always issues that are appearing out of left field that we hadn't planned for. I think that probably the amendment and the amending amendment of Mr Brown's would ensure that some of the difficulties that some of the non-Executive's have with the flow of information relating to the review may be certainly more forth coming and certainly something that with some of the other reviews that are around at the moment, we've attempted to do to provide Members with all of the information required and I guess maybe if I draw a parallel with what we're attempting to do with the review of the Norfolk Island Plan and its attendant legislation that there has been a timetable developed and circulated to members in relation to that. We are endeavouring as best we can to remain on track. There has also been a full scope of the terms of the review for planning that's been circulated which provides I believe immense detail. There has been a request by a Member at MLA's just earlier this week that the time frame for comment of members be extended on the scope of the review so that all of their concerns may be built into that review. What I'm trying to example here I think Mr Acting Deputy Speaker is that it's a sensible way to progress. If there is a proper time table established I have no difficulty in that rather than us running off today with the Motion as it was originally tabled that may cause us some concern. It may actually end up falling under the samfu principle at a later date and I would prefer to see it be done responsibly as was proposed by Mr Buffett in his amendment and also having attached to it Mr Brown's amending amendment to that amendment.

MR ACTING DEPUTY SPEAKER Further debate.

MR BUFFETT Could I just clarify especially to Mr Brown, I'm very happy to make that amendment to mine so that the one amendment will cover the suggestion that Mr Brown made which was progress reports at each sitting, and that's the context of my present amendment before the House.

MR BROWN Thank you very much.

MR ACTING DEPUTY SPEAKER Thank you Mr Buffett. Is there any further debate on the amendment.

MR COOK Yes Mr Acting Deputy Speaker I suppose a person whom quite substantially obligations arise under this Motion particularly in

regards to a progress report being regularly made. I'm quite prepared to endeavour to have such progress reports available. I certainly refute any allegations or statements that absolutely nothing has been done or suggestions that persons of the Legislative Assembly have not been informed of progress. In different times I've informed the meetings of MLA's as to action that has been taken or what has been done. Whether that has been accepted as some obligation on me to come out with some immediate answer to the Paddick report or otherwise, the Paddick report has been submitted to the Minister for Immigration as Mr Brown pointed out and if necessary get some input from the Australian Government as to certain matters. That has only just come to hand and will be circulated to the MLA's almost immediately. There are elements of advice that I require to receive from the Immigration Committee and that also has been progressed to the position where all the public comments have been obtained as to the imposition of quotas and endeavour to have material to place before the House in due course for its full and adequate consideration. As far as I can see my role in preparing matters of review and suggestions for amendment of legislation is to gather all the possible material that can be gathered and present it to the Assembly in due course with such basic recommendations that I am able to make as will carry into effect what appears to be the appropriate regime for immigration for Norfolk Island and I can only do that when I'm satisfied that I have all the appropriate material, either certainly if it be the wish of the Assembly make some formal progress report and prepare such documents as necessary to enable that to go forward because it is my very clear determination and understanding of the need for it that the Immigration Act be reviewed most urgently and be changed in some quite fundamental and material ways.

MR ACTING DEPUTY SPEAKER Thank you Mr Cook. Is there any further debate. I'll just remind Members that the amendment reads "that this House requests the responsible Minister to take into account the following view in the present Immigration Review", namely and that's the 4 dot points that you have on your Notice Paper and it finishes off "and that the above Review be encouraged to be speedily delivered, and that he report progress at each meeting". There being no further debate then I put that amendment.

QUESTION PUT
QUESTION AGREED

MR ACTING DEPUTY SPEAKER The Ayes have it. Honourable Members the amendment now becomes a Motion. Is there any further debate on the Motion as amended. Then I put the Motion.

QUESTION PUT

MR ACTING DEPUTY SPEAKER Would the clerk please call the House.

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

MR ACTING DEPUTY SPEAKER Honourable Members there are 5 Ayes and 4 No's. The Motion as amended is agreed to.

THE IMMIGRATION AMENDMENT BILL 2000

400

16 August 2000

QUESTION PUT
QUESTION AGREED

MR ACTING DEPUTY SPEAKER
the 13th of September 2000 at 10.00am.

This House stands adjourned until Wednesday

