

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

Thank you Honourable Members. Please feel free to remove your coats if you would feel more comfortable this morning. Are there any Condolences

CONDOLENCES

MR McCOY Thank you Mr Speaker. It is with regret that we record the passing of Wayne George Adams; Agnes Macdonald Christian; David Campbell Dunsmere Buffett; Elizabeth May Menzies; Helen Caroline Christine Moore; and James Allan Wolferstan.

Wayne George Adams was born on Norfolk Island on the 31st July 1954. He was the second youngest child born to Bill and the late Clara Adams. Wayne, or Doggy as he was affectionately known, attended the Norfolk Island School and at the age of 16, on completion of year 10, he moved to Darwin to begin his apprenticeship as a plumber but homesickness brought him back to Norfolk where he continued his work with Pelly Evans. He later moved to Sydney to complete his apprenticeship but again, homesickness brought him back. Wayne then started a career with the Norfolk Island Customs. In 1977 he met Wendy Symonds who was holidaying on Norfolk Island. In 1979 they were married in Sydney. Their children, William, Leslie and Amy meant everything to Wayne. In 1989 the family moved to Brisbane where the children finished their schooling. In 1996 Wayne returned to Norfolk Island where he remained for the rest of his life. Wayne and Wendy remained friends throughout the years, always communicating to discuss the best interests of their children. Wayne missed his children very much and was overjoyed when they all joined him on Norfolk. On his return Wayne was employed with Pinetree tours and he thoroughly enjoyed his job. He enthusiastically shared his Island with many others and won the friendship and admiration of many who toured with him. He met and fell in love with Anne Dennis and they became engaged earlier this year. He missed his mother deeply and spoke of her often. Wayne was a staunch supporter of St George and was a member of the Club. He loved fishing and over the past twelve months he refurbished his father's boat and whenever possible, he and various members of his family would be out fishing. As I said earlier, Wayne dearly loved his children Willie, Leslie and Amy, his grandmother Nella, his father Bill, brother Joe, his sisters Phyllis and Joyce and all his nephews, nieces, uncles, aunts, cousins and friends. To these people, to Anne and to Wendy this House extends deepest sympathy

Agnes MacDonald Christian, wife of the late Holder and mother of Allison, Stephen, and Sarah, died at peace in her home at Buck's Point on the 24th December. Aggie was born in Fairfield Sydney on the 17th January 1937 to Agnes Short and George Crago. She had a step brother and sister, Keith and Bonnie, both living in Australia. Her mother still lives in Sydney. Aggie arrived in Norfolk Island on 24th March 1967. She originally came to work for six months but apart from a short absence in Sydney for about a year, Aggie lived here for the rest of her life. She first worked at the Hotel Paradise then went to work for B.J. Jewellers. From there, being a very competent cashier and book-keeper, she went to the Accounts Branch of the Administration.. Aggie then worked for Martins Agencies and finally for Colleen McCullough. Aggie and Holder were married in 1973. She was the proud mother of Allison, Stephen and Sarah and dearly loved her children. Aggie and Holder loved to entertain and their home was always open to locals and visitors. They entertained and hosted many people, among them Lions from all parts of the world, Holder having been President and always well known in Lionism. Aggie will be sadly missed by her family and friends and this House extends deepest sympathy to Allison, Stephen and Sarah, Damien, Adam and Eamonn.

Helen Caroline Christine Moore passed away at the Prince of Wales Hospital in Sydney on 7th January. Christine was born on Norfolk Island on the 23 September 1931 to Wesley Christian and Helen Adams. Her sisters were Marie, May and Judy and her brother Duncan. She attended the Norfolk Island Central School and on completion of her education she worked as a Nurse at the Hospital which was then situated at Bishops Court. She married Frank Moore and they moved to Sydney where she lived for the remainder of her life. Frank and Christine had no children but she enjoyed sharing the lives of her sisters and brother and took great delight in her nieces and nephews. She loved her garden, but her life was busy with her work at the company of Lee Marden and later at Prince Henry Hospital. Sadly, her husband predeceased her by fifteen years. Christine has visited her Island home and her family living here many times. She will be sadly missed by her family and friends. To Marie and Russ Beadman, May and Trevor Hayes, Judy and Ray Steed, to Duncan and Kim and their families this House extends its deepest sympathy.

David Campbell Dunsmere Buffett passed away at his home on Monday the 8th January. He was born at Steeles Point, Norfolk Island on the 11th December 1913 to David Christopher Buffett and Harriet Fairfax Sattie Robinson. He and his sister Hannah were direct descendants of John Buffett who arrived on Pitcairn Island in 1823. Hannah Elizabeth and David Campbell Dunsmere became known as "Girl" and "Boy" and through his mother's nickname of "Satte" David became known as "Boy Sat". Due to his father's early death Boy Satt's father figure became his uncle, Jack Robinson of Gallipoli fame. Together with his mother they lived in the Robinson family home at Kingston. Boy also lived with relatives Chris Nobbs and family at Cascade and with the Rossiters at the Melanesian Mission. When his mother remarried – marrying Frank Chase- Boy Satt lived in their new home called "Hollow Log" in Ferny Lane, eventually inheriting that property. He attended the school at Middlegate and Mr Winter's School in Taylors Road. He then proceeded to Hurlstone Agricultural High School at Glenfield, Sydney. Returning to Norfolk Island he became a farmer, raising cattle and horses and vegetable crops. He was one of the Police Officers for some years, he became a Whaling Inspector, a Stock Inspector and was a Justice of the Peace for 27 Years until his resignation in 1994. His last years of employment was spent with the Restoration Team working on the historic Kingston buildings. Boy Satt was a sportsman of note. He represented Hurlstone in the 1st XV Rugby Union team and Swimming. He played Rugby with the Longridge Club representing Norfolk Island as 5/8. When football changed to Rugby League he became President of the Longridge "Blues" and eventually President of the Norfolk Island Rugby League. Boy Buffett with Darky Douran was a founder of the Cheryl Tennis Club, named after his eldest daughter. he was a past President of the Club and was Patron until his death. Being an excellent horseman, Boy Satt was a horse racing enthusiast. He imported thoroughbreds and successfully trained and raced horses. Post war he was clerk of the course for over thirty years and set a high standard in dress and bearing. In 1940 he married Ruth Stephenson at the Chapel. They lived at "Hollow Log" until it was resumed and demolished to build the airport as a war measure. After the war they purchased a home at Steeles Point and lived there for the rest of their lives. They had five children – David, Cheryl, Noelene, Dianne and Boyd. With the outbreak of World War II Boy Satt joined the Norfolk Island Infantry Detachment. he was commissioned and sailed to Sydney joining the 2nd AIF. He was an original officer of the 2nd/7th Independent Commando Company, a unit which saw lengthy and fierce active service in New Guinea, operating behind enemy lines gathering vital intelligence information. In New Guinea Boy Satt suffered severe illnesses, including malaria and was eventually medically evacuated to Australia. At war's end he was serving at the Jungle Warfare Training School at Canungra, Queensland. Though encouraged to stay on in the army, Boy Satt's New Guinea war experience caused him to decline and Captain David Buffett returned to Norfolk Island on cessation of hostilities. He became a founding member of the post-war Norfolk Island RSL and was President of the sub branch for a record 23 years. Boy Satt's work and support for the RSL Sub-branch and Club was tireless. His generosity was immense, absorbing his time and

energies for much of his post war life. In 1947 Boy Satt was elected to the Norfolk Island Advisory council representing the Ball Bay ward. He became Council President in 1948. There are no remaining Presidents left now, so the passing of David Campbell Dunsmere Buffett, aged 87 years, signals that many past chapters of Norfolk Island's history are closing. To David and Margaret, Cheryl and Graeme, Noelene and Rod, Dianne and Alec, Boyd and Frances, to their families and many friends this House extends its deepest sympathy

Elizabeth May Menzies passed away at the Norfolk Island Hospital on 12th January after a long illness. Tag, as she was affectionately known, was born in Norfolk Island on the 2nd February 1929, the second youngest child of Ephraim and Ruth Adams. Tag had five brothers and two sisters and is survived by her brother Bill and sister Kath Adams-Friend. Tag attended the Norfolk Island School and on leaving school she looked after her mother who was suffering from ill health. Tag dearly loved dancing and she and Stephen Menzies were a familiar and highly talented couple at the Old Rawson Hall on dance nights. They fell in love and were married here on the Island and made their home at Steeles Point. They had five children, William, Henry, Rodney, Nancy and Julieanne. After raising her children Tag worked at Redleaf catering for the Qantas flights that then came into the Island. Later Tag worked as house caretaker for Adrian Cook at Paddock Wood. Tag was a beautiful, gentle Island lady with a warm and witty sense of humour. She was an avid supporter of the Blues Longridge Football Club for whom her husband had been a highly regarded member and player. Tag and Steve enjoyed the Island tradition of card playing and every Sunday evening would be set aside for a home-cooked Sunday dinner followed by a long evening of jarro. Sadly Steve predeceased her in September 1977. Tag, like many Island ladies, was a beautiful cook and enjoyed cooking. She was particularly known for her delicious passionfruit and lemon pies. Tag was a devoted mother and grandmother to her family. To William and Sue, Henry and Stella, Rodney and Christine, Nancy and Gerri, and Julieanne, to her seven grandchildren, Monica, Dylan, Robyn, Barry, Loretta, Kelsey and Dean and three great grandchildren James, Ruby and Tahlor, to her brother Bill and sister Kath, to their families and many friends this House extends its deepest sympathy

James Allan Wolferstan passed away on Sunday 14th January at the Norfolk Island Hospital after a courageous battle with lung cancer. Jim was born in Blemheim, New Zealand in February 1928. No-one can remember him having teeth so he was known as Gumby. In 1950 he married Joy and they had ten children, so Jim had 21 grandchildren and 15 great grandchildren. Jim followed many different career paths throughout his life. He was a hotel manager, a duck shooter and Buffalo Lodge Member. He loved to drive and so drove taxis, buses, he was a school bus driver and he drove a firetruck. Jim came to Norfolk Island in 1991 and worked for Irvines and then for Parks and Wildlife working there with his colleague and friend Norm Simpson. In 1992 Jim married Dot and through this union gained another four children, seven grandchildren and three great grandchildren. He was a gentle, caring man and to Dot, his children, grandchildren and great grandchildren, to his many friends this House extends its deepest sympathy. Thank you Mr Speaker

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

Honourable Members I ask if there are there any Petitions this morning

GIVING OF NOTICES

MR COOK Thank you Mr Speaker. I wish to give notice that it is my intention at the next Sitting of the House to move a motion, if I might read the motion with your leave. Thank you. It is That this House resolves as a matter of urgency in any event prior to any further general elections of the Member of the

Legislative Assembly all necessary legislation and regulations will be enacted and made to provide for and put in place changes to the structure and proceedings in the structure and proceedings of the Legislative Assembly as follows –

[a] an appropriate and suitable charter for Norfolk Island and a code of ethics for the Members of the Legislative Assembly to be established by legislation changeable only as a result of a referendum;

[b] the number of Members of the Legislative Assembly be reduced from nine to seven all of whom are to be appointed to be executive members;

[c] all such executive members to be paid an equal reasonable remuneration to be determined by the Remuneration Tribunal and be such as will fairly enable an executive member to work full time in the discharge of his or her duties and responsibilities of office;

[d] the questions on notice at any sittings of the Legislative Assembly to include questions from individuals whose anonymity is to be preserved if requested and organisations within the community to executive members in areas of their responsibility provided that all such written questions are delivered to the Clerk of the Legislative Assembly no later than seven days prior to such sitting; and

[e] all such other necessary or consequential amendments to legislation, regulations and standing orders which will best effect and carry into operation a consensus Government fully accountable and designed to meet the needs of the Norfolk Island community, thank you Mr Speaker

SPEAKER
this morning? Thank you

Thank you Mr Cook. Are there any further Notices

QUESTIONS WITHOUT NOTICE

Are there any Questions without Notice. Mr Bates

MR BATES
Thank you Mr Speaker my first question is to Mr Smith, Minister responsible for Works. Could the Minister elaborate on the situation at Cascade especially to the following three issues; 1. repairs to the jetty and its closure to the public 2. the storage of rock and dirt alongside the foreshore opposite the weigh bridge and 3. finalisation of the crushing contract and removal of the plant including the restoration of the site

MR SMITH
Thank you Mr Speaker yes I don't have any difficulty with those first two parts of the question Mr Speaker. As far as the jetty is concerned I have reported to Member that it is our intention that further repairs would be carried out to the jetty in the very near future. If that hasn't already commenced it must be imminent which will actually force the closure of the jetty for shipping for a period of time while the concrete cures, as I understand it. At a certain stage I think fishing boats will be able to use the jetty when the concrete is firm enough to accept boats on trailers. I'm advised that that will possibly happen. The direct that is piled up on the side of Cascade Road down at Cascade Bay, I think I might have mentioned that in the last sitting that certain materials were being extracted from the Cascade Cliff Safety Project stockpile of rock. it was found when the contractor was delving into the rock to crush that there appeared to be a lot of what is suggested as dirt, in amongst the rock. Since that time there has been people from SMEC over here to discuss that with the government and while that is being sorted out the dirt is actually being pulled out of the stock pile by the Administration and at first it was being stockpiled on the reserve at the top of Cascade where there is a lot of other rock that's come out of the Cascade Cliff. After complaints about that, there was little other option but to stockpile it down at Cascade Bay. It is not intended that that will be there for very long. The contractor who is doing the crushing is actually importing a piece of machinery if they haven't already that will sort out rock from the very fine material that is included in that stuff that is stockpiled down there. Once that arrived and the stuff is sorted then we will be able to dispose of the residue of that. The crushing question is really one for another Minister

unless the answer is simply that the crushing contract or the approval from the Commonwealth was I think for a six month period

MR McCOY Thank you Mr Speaker supplementary question to George's answer. Is it a fact that the Administration is pulling the dirt out of the rocks stockpile or is it the contractor

MR SMITH Thank you Mr Speaker that's a good question. I assumed that it was the Administration but it may be the contractor. Maybe another Minister could help me with that but whichever way I would expect that if it was the Administration it would be charged to the Cascade Cliff Safety Project

MR McCOY Thank you Mr Speaker supplementary question again. Minister Smith you indicated that with SMEC Engineers who had been back to the Island to observe the amount of soil in the rock stockpile. Have they indicated how much soil is in that stockpile

MR SMITH Mr Speaker I think at the last sitting I was asked a similar thing and I reported at that time that they suggested from what I recall and this is without any notes about this, that they said all the material in the stockpile, the small stuff that we are calling dirt is fines. Now there's some debate about that and I don't know what the answer to that is yet. As I understand it we are sending material away to have it tested to make sure we agree or disagree with SMEC

MR McCOY Supplementary question again. If it happens that much of the material is actually soil and not fines, or even if it is fines, and it reduces the stockpile that we have what comeback is there for the Island

MR SMITH Thank you Mr Speaker I think that in the contract – but I'm talking of the top of my head here – that there was always expected that there would be a certain amount of materials other than rock that would make up the stockpile but it's an interesting question because if it was said that at the end of the project we had I can't remember the exact figure, but lets say 163,000 tonnes of rock, if there's a tenth of that, that's dirt, what effect does that have, well there would be little effect on the contracting of the crushing except for the difficulty in getting the rock out of the dirt but it would make a difference certainly to the price of rock and possibly to the royalties as well which would be a shame because the royalty has been set on what has been estimated s the amount of rock that is in that stockpile

MR McCOY Thank you Mr Speaker further question on the same vein. Viewing the amount of material that has been piled up at Cascade, assuming that it has been sorted by Island Industries who are the rock crushing contractors, how much time has been lost in their crushing process

MR SMITH I don't think that is an answer that I can give. I don't know

SPEAKER Mr Smith earlier you had indicated that maybe one or other Minister may want to assist in the answering. Could I just look at any other Ministers to see if there was a want to enter the lists. No. thank you. Further questions

MR BATES Thank you Mr Speaker a question for Mr Gardner, Minister responsible for planning. A recent letter regarding a partly erected tourist accommodation establishment referred to administrative incompetency regarding the process. Is the Minister in agreeance with such claims

MR GARDNER Thank you Mr Speaker it's an interesting claim, administrative incompetency. The reply to that question and thank you Mr Bates for that

because obviously it's caused some concern in the community, if any of the planning applications have been dealt with under a legitimate regime they have been dealt with appropriately, they have been open to appeal if people have wished to appeal it but from where I sit I certainly support not only the decision that was taken by me in relation to that particular matter but also support the views and findings of the Board. It was done appropriately and in accordance with legislation and the plan that we have in place today

MR WALKER Thank you Mr Speaker a question addressed to the Chief Minister Mr Nobbs. Will the Minister please advise what progress has been made towards the issuing of plastic drivers licences with the imbedded photographs and when we might expect these to be available to the community

MR NOBBS Thank you Mr Speaker. Thank you Mr Walker for that. There has been no progress that I know of at this stage. I know that we have the facility available. Maybe it will come in when we place in the Burnt Pine area a receiver of public monies which is actually proposed to be located in the centenary block, which is the Bond and the Post Office location but at this stage I can't tell you exactly when it will be in place

MR McCOY Thank you Mr Speaker I have a question for Mr Smith regarding the Cascade Cliff Safety Project. Seeing that the safety fence that was erected at the base of the Cascade Cliff is half buried in dirt and the drainage pipe is obviously not substantial enough to remove the water that comes off the cliff, what does SMEC intend doing to rectify this problem

MR SMITH Thank you Mr Speaker it is quite ironic that this subject is raised. When that was being done it was suggested by some of the boys who were involved with lighterage or certainly with boats, it was suggested that what was being put in there was never going to work which turned out to be true. The first big sea that came up, half buried the fence and blocked up the drain. What has happened since then is that SMEC inspected it whilst they were here and we have just received some advice from them about how they are going to rectify it

MR McCOY Supplementary question can you elucidate on that advise at all

MR SMITH I can possibly slip down and get it but basically it was referring to the drain that is there and where the drain now is at the base of the cliff and it leads through a piped drain out almost into the sea and in amongst the rocks there. Of course when the sea came in it just filled that up with little rocks which blocked the drain off which meant that the water stayed up on the other side of the fence which half buried the fence in dirt. So what they are proposing, as I understand it, is a better exit for the water. I'm not exactly sure how they plan to do that but I expect it would be something like a cage which would prevent rocks falling in there to block the drain. I'm quite willing to copy Members with that information if they are interested

MR McCOY Thank you Mr Speaker a question I wish Mr Gardner to address. The fenced area on portion 44a seems insufficient to hold the amount of gravel that's been crushed. What are the intentions for storing the rest of the gravel once crushing is completed

MR GARDNER Thank you Mr Speaker in relation to that I understand that arrangements are being made and finalised. It was a matter dealt with during my leave period but I understand that arrangements are being finalised for the remainder of the crushed material to go to the airport site once that has been properly surveyed and everything else has occurred that's necessary for that to happen

MR McCOY Thank you Mr Speaker I have a question for the Chief Minister with responsibility as Minister for Finance. Can you tell us how much of the rock has been crushed and how that material is being paid for

MR NOBBS Thank you Mr Speaker. I'm not too sure of the exact amount that's been crushed as yet but I understand that something like 3,000 tonnes have been purchased. That's my understanding and I haven't the figures right before me. They will be paid for by cash I hope or some such method but at this stage Mr Gardner would probably have more of an insight into the amount of crushed rock as he is the Minister responsible in that partiucular area. My understanding is that something like 3,000 tonnes have been purchased by the public and also at Administration at this stage

SPEAKER Did you want to enter the lists further on that question Mr Gardner

MR GARDNER Thank you Mr Speaker just some supplementary advise. I had been waiting prior to this meeting to receive some advise on exactly that question from the supervisor of the contract. I haven't to date received that. Possibly later in the morning I might be able to report back accurately on those figures. However, just to add another part to that, I guess the question of crushing on the whaling station site was also tied to the requirement for materials to upgrade the Duncombe Bay Road and Mt Pitt Road. I discussed with the Parks Australia representative on the Island, Mr Fred Howe yesterday that issue and he assured me that their order for material is imminent, it just needed some finalisation with the Federal Minister for the Environment on a couple of contractual matters and should be forthcoming but as soon as that other advise is available I will report it to the House

MR BATES Thank you Mr Speaker a question for Mr Nobbs, the Chief Minister. It has been suggested that recent copies of the Sydney Morning Herald which allegedly contained an article not favorable to Norfolk Island were not allowed into Norfolk Island. Is there any truth in this and if so, who has the authority to stop the importation of such papers

MR NOBBS Thank you Mr Speaker. As far as I'm aware, and I only picked this up from the previous Minister, there were some articles published in the paper and there's been another one published in the Sydney Morning Herald I understand yesterday in relation to a partiucular court case here. My understanding is that the case was under a suppression order at the time and I understand that any action under that would not be proceeded with until the case was completed. At the present time I understand that the court is responsible for any action under that suppression order and that it will thus follow that it is up to the court to progress the matter. As far as stopping publication, it is claimed I think by the Sydney Morning Herald that it wasn't published on Norfolk Island on the Internet. It is interesting I understand also that the offending earlier article was withdrawn from the Internet later in the morning although it was actually printed out here on the Island and that's in relation to the suppression order and as I said Mr Bates, I believe - although I'm only picking this up second hand as I'm only acting in the role for the Minister responsible in that area - is that there is a suppression order and any enforcement's in relation to that rests with the court but it's a matter under review at the represent time I can assure you

MR WALKER Thank you Mr Speaker I direct this question to the Minister for Health Mr Gardner. could the Minister advise the number of health schemes outside of the Administration's Healthcare scheme that have been deemed to be approved schemes under the Healthcare Act

MR GARDNER Thank you Mr Speaker without that accurate information in front of me I could only really hazard a guess but that would be probably in the vicinity of six or seven health schemes that have been approved

MR WALKER Thank you Mr Speaker Supplementary question, is it true then that all those on Norfolk Island who have opted out of the Administration Healthcare Scheme to take up private Healthcare have done so under approved schemes as per the Act

MR GARDNER Thank you Mr Speaker they have made applications for their schemes to be considered as an approved scheme and every application that comes forward comes across my desk and if it carried with it the advise from the Healthcare Manager that it satisfies the provisions of the Act then in most instances that I'm aware of they are approved

MR BROWN Thank you Mr Speaker I direct this question to the Chief Minister and it relates to the proposed Mini Games at the end of this year. Can the Chief Minister advise whether the Mini Games budget will be balanced or in surplus and in the event that there is to be a shortfall can the Minister advise whether the Norfolk Island Government is being asked to satisfy that shortfall and finally, in the event that there is a shortfall to which the Norfolk Island Government is being asked to contribute will the Chief Minister please advise the amount of the anticipated shortfall

MR NOBBS Thank you Mr Speaker. Thank you Mr Brown. As also acting Spots Minister I'll attempt to answer it in this way. The Games Committee have not indicated that there will be a shortfall. In fact they are confident that the Games will not require Government financial support, bearing in mind that we've already given something like \$150,000 plus assistance on some sporting fields such as the oval and the like. But, and I say that with a big but, they have not as yet finalised their budget. I understand there's a meeting coming up of the Sports Association in a couple of weeks. The Ministers who were meeting week before last spoke of the Mini Games with some concern that they hadn't finalised their budget and we have requested that at their next meeting the CEO and another officer attend the meeting and clarify the situation in relation to precisely where their budget is and if there is now any indication that the Administration or the Government will be required to fund any shortfall. So at this stage there's been no direct request to fund any shortfall and on speaking with them in the last week or so, or with a sponsor, I understand that they've secured a major sponsor at this stage which may change their budgeting arrangements again but at this stage we have not been requested to backfill any shortfall in the budget that may occur

MR BROWN Supplementary question to the Chief Minister in relation to the same subject. Can the Chief Minister please advise what action the Norfolk Island Government will take in order to ensure that at the last minute the Norfolk Island Government is not asked to inject a significant sum of money in order to avoid a catastrophe for those Games

MR NOBBS Thank you Mr Brown. This is a concern of all the Ministers I can assure you Mr Brown that we don't get ourselves into that position but as I said, what has happened is that the CEO has been instructed to go to the next meeting and discuss it fully with the Sports Association and report back to us and then we will take action immediately

MR BROWN Further question to the Chief Minister thank you Mr Speaker and it relates to the millenium marquee. Can the Chief Minister advise whether or not a new marquee has been ordered and if so, can the Chief Minister advise by whom it was ordered and by whom that order was authorised and finally will the Government be expected to contribute to the cost of that marquee or to subsidise its use at future dates

MR NOBBS Thank you Mr Speaker. May I say that there has been a replacement tent ordered by a private individual on the Island for use at an upcoming activity in March, April and May which have been prebooked for the millenium tent that was. that has been done. We are still awaiting a finalisation of the claim in relation to the last tent. I would hope that now that the officer is back from leave that this can be progressed with some speed but as I say, from a briefing that I had this morning it has not been finalised. The other thing that Mr Brown should remember is that there is an outstanding amount owed to a private person in relation to the millenium tent and there is still a commitment made by the previous Government in relation to the purchase of that tent

MR BROWN Mr Speaker can the Chief Minister assure the House that the proceeds if any of the insurance claim will be used to satisfy the undertaking of the previous Government and not to subsidise the purchase of a further tent

MR NOBBS Thank you Mr Speaker. Well I really can't do that Mr Brown for the simple reason that the funds will be repaid to that aforementioned private individual and then I think in all probability they will be used to offset the cost of the new tent. We are not getting into a situation where the Government has problems again with this tent I don't believe. The proposal put forward by the private individual and the group of supporters, as I said at the last meeting was simply to provide in the long term for a permanent facility for Norfolk Island. A permanent community facility for Norfolk Island

MR BROWN Mr Speaker, a further question to the Chief Minister in relation to the same subject. Is it a fact that the Government has agreed to erect and take down the proposed new tent. In effect without charge, so that the whole of the rental fee of the tent can be applied towards paying for the purchase price and if so does the Chief Minister say that that is an appropriate use of Administration resources and further, can the Chief Minister advise the cost of each erection and taking down of the tent and the annual cost of storage management and insurance

MR NOBBS Thank you Mr Speaker. Mr Brown the arrangement that you have spoken of was the previous arrangement. Now until this insurance claim is finalised, and I mentioned this at the last Sitting, I am unclear as to where we are actually going with the facility in relation to the repayments. There are funds owing and there has been a commitment by the previous Government. We need to get the insurance organised and the funds back to the individual that they were actually loaned from and this is something that has to be finalised. I can't really give you any undertakings whatsoever until I'm fully conversant with what we actually receive from the insurance company. We understand that we'll be fully paid out but that hasn't happened yet

MR BROWN Mr Speaker one final question on the subject. Can the Chief Minister assure the House that in the event that the insurance company declines to meet the claim, the Norfolk Island Government will not be in a position where it is expected to pay for the old tent and also expected to pay for the new one

MR NOBBS Well I can assure you that that will be the case obviously but what I say to you is that until that claim is completed for the old tent I'm unclear as to where we are actually going with this. Everything might be cleared. I don't know at this stage. it depends totally on what funds will be generated from the insurance company

MR BROWN I direct this question to the Minister for Tourism and it relates to overseas ownership of tourist accommodation. Can the Minister advise

whether in situations where tourist accommodations partly owned in Norfolk Island and partly owned overseas whether the continuing percentages of ownership are monitored and whether in the event that an overseas owner comes to own more than 50% of the project by whatever means is action taken pursuant to the tourist accommodation Act in a similar way to that which is taken if an overseas owner wishes to purchase tourist accommodation

MR SMITH Thank you Mr Speaker I'm quite happy to answer that question. The tourist accommodation Ownership Act is one that I think John would be quite familiar with and there has been some question recently not from Mr Brown, but within the Government of what the Government can do to audit any tourist accommodation whether it is owned by an overseas owner. Maybe I should explain just a little further. there are really three types of owners of tourist accommodation. There are resident owners which doesn't require anything extra to be done on a transfer. There are non resident owners which refers to Australian or New Zealand owners of tourist accommodation and then there are foreign owners which are people who come from countries other than Australia or New Zealand. If there is an application made for somebody to build tourist accommodation or an application to transfer tourist accommodation that is the time that it can be audited, for want of a better word, by the Government to see whether a tourist accommodation has the appropriate ownership. If the controlling interest in the tourist accommodation is held by a resident it does not matter under the Act what the rest of the ownership is. That's being very brief on that issue. If the control of the tourist accommodation house is held by somebody other than from Norfolk Island then it fall into one of the other two categories. Now if that was to happen with a new tourist accommodation or if it happens in the future, the simple process is the Minister decides from the information given to him which is the fact hat really counts, if it becomes obvious that the ownership is not resident owned, then it needs to be a motion of the Legislative Assembly to see whether the Legislative Assembly would accept a non resident or a foreign owner in tourist accommodation. We are doing some investigations on whether we can do any auditing of any tourist accommodation and its ownership. Besides that in the very near future we will be making many amendments to the tourist accommodation Ownership Act, the tourist accommodation Act itself and the tourist accommodation Regulations in relation to the moratorium and a lot of the difficulties that have arisen from the legislation, particularly over the last six to eight months where there's been a lot of heartache or concern from the community. I think I've covered some of Mr Brown's concerns at the moment. If he is referring to a single property it would have to be on the application to register. A place couldn't be registered if it's a property that's being developed for example. Before they were registered we would have to go through that process of making sure that if it's a resident owner, they have the controlling interest in it. Also on the change of ownership, if somebody transfers, we have that ability then as I understand it.

MR WALKER Thank you Mr Speaker a question for Mr Nobbs with responsibly for GBE's. Can the Minister advise whether the current Liquor Bond Store Review has been completed and if not, when we might expect this review to be available

MR NOBBS Thank you Mr Speaker the Liquor Review has not been completed. It was an issue that was passed from the last Legislative Assembly. It's not actually listed on our 36 projects for reasons that it was overlooked at the time but I have added it as part of my responsibility. We have started discussions in relation to the whole review which includes the Liquor Bond and it will be continuing and the staff member responsible has I understand, contacted the various licensees which is the next stage in the process to ascertain their views in relation to the review and also seek obviously their input into it so at this stage it is progressing but as I said, it was not part of one of the 36 but it has been brought on line in the latter part of the year 2000 and I would say that one of the recommendations of the Substance Abuse Working Group that met over the last couple of weeks and of which Members have a paper with some

recommendations in relation to the progression of that issue, one of those issues that they suggested was getting the Liquor Review up and running again and some controls as suggested in the Review report. It is progressing thank you

MR WALKER Thank you Mr Speaker a Supplementary question. It is my understanding that the management in place at the Bond Store at the moment is in an acting capacity the manager having resigned at some time during the year 2000. Is it the Minister's intention to reappoint a permanent manager prior to that review being completed

MR NOBBS Thank you Mr Speaker just for the listening public, the Minister doesn't appoint anybody. Under the current arrangements, and until the Public Sector Management Act is brought into place, the Public Service Board has responsibility for the hiring and firing as they put it of staff members. After the new Public Sector Management Act comes into place the CEO will be responsible. I understand in relation to those particular positions there is an intention not to fill those positions on a permanent basis until the Executive Directors are appointed, which is part of the process, and it is the intention to appoint those before the end of the financial year but once those persons are in place then the whole structure will be addressed. As you know a very broad brush structure was put to the Members with the idea that this would be firmed up once the Executive Directors and the CEO are in place under the new arrangements and therefore I would assume that that position will not be filled but I will check it with the CEO but I would think that that is the particular arrangement. I've been a public servant for a number of years and I can tell you Gentlemen, that whether you are permanent or acting in a position it shouldn't make any difference to the performance in that position and that's what I would have thought that Members of the Legislative Assembly would be interested in and it is part and parcel of the system that from time to time you have to act in a position bearing in mind that by acting in a position you gain considerable experience in that position and if you are any good you would be pretty hard to knock off the perch once the position is finally advertised. I think it's fair to say that in some Public Services, and I don't say that it happens here but in some that I've come across that is used fairly extensively to get a particular person into a position and I will rest on that thank you if that is sufficient answer Mr Walker

SPEAKER Was yours a Supplementary question Mr McCoy

MR McCOY Thank you Mr Speaker mine is actually a Supplementary question to that Mr Brown asked of the Minister for Tourism

SPEAKER Well let's tackle that now

MR McCOY Thank you Mr Speaker the question is, is the Minister comfortable with the scenario or potential for 49% of Norfolk Island's tourist accommodation units to be owned by offshore investors and what does he intend doing to address this anomaly in the Act

MR SMITH Thank you Mr Speaker. I think that what John has just asked me for is an opinion whether I think it is a good thing or a bad thing. I don't think it's for me to say whether I think that's a good idea or not. It's a matter of what the Act says and the Act states that because of a controlling interest is where it really matters. I might have my own view about it but it's not whether I think it's a good or bad idea

MR McCOY Thank you Mr Speaker the second part of the question was what does the Minister intend doing to address that anomaly in the Act. 49% of the 700 tourist accommodation units being owned by offshore interests

MR SMITH Thank you Mr Speaker . In the development of the changes to all of the tourist accommodation legislation all Members will be given the opportunity to have their input into this and I welcome even at this point in time, any views that members have that will help in developing the changes to the legislation. I think that's a really important process. I wouldn't like to be proposing amendments myself without any input from Members of the Legislative Assembly and in fact from the wider community because I think it's a really important issue. It's a really important issue that we all must have input into and fix the difficulties that we see in it. If the majority of the Members of the Legislative Assembly feel that that is one thing that should be changed, then it will happen but I welcome the question and I welcome any input in changes to the Act

MR BROWN I direct this question to the Chief Minister. Is the Chief Minister aware of a press statement from an eminent local AC and former Minister in this Legislative Assembly which was printed in the Norfolk Islander on the 20th January and which states in part "it relates to my own very real concerns and the perceptions of many others that the Ninth Legislative Assembly has essentially lost the confidence of the community in its ability to govern effectively the Island's affairs". If the Chief Minister is aware of that article does the Chief Minister agree that the article accurately represents the situation and if so, what action does the Chief Minister propose to take in order to remedy it

MR NOBBS Thank you Mr Speaker. Any Member of the community is quite entitled to put whatever they so desire in the paper in relation to Government activities as long as it's not libelous of course and I welcome the views of any person who puts their view and I've done it myself on numerous occasions and I think it's a way of creating an openness in the Government. I actually didn't read the article I'm sorry Mr Brown because I was rather busy on the weekend and I didn't get around to reading the paper properly which is not a very good thing I guess but I don't know whether the community has lost confidence in the Government or not at this stage. I've got no indications that they have but statements like that do occur from time to time with various people. I know there's been a lot of hooaaa over the weekend which is probably why I didn't read a lot of the paper in relation to a recent court case and these things keep going on and on and so I can't tell you what the views of the people are. I haven't polled them in relation to that particular subject but I have not, apart from some concerns in relation to a recent court case which I'll probably deal with later. There are no other real issues I believe where people have said they've lost confidence in the Government. Bearing in mind that we've been in for nearly twelve months and the honeymoon season is well and truly over, that any Government may get criticised and usually does in this period. I welcome criticism, there's no worries about that. I can dish it out as well as take it, thank you

MR BATES Thank you Mr Speaker a question for Mr Nobbs and Minister responsible for Finance. Have all former arrangements for management including budgeting and expenditure for the Fire Emergency Services and also the Radio Station been finalised or are these still in the too hard basket

MR NOBBS Thank you Mr Speaker. It's really interesting that this has come up and I've just received a ministerial in the last day or so in relation to this partiucular subject and I understood that everything was in place, but apparently there is some concern in one or two partiucular areas that it may not be in place but in the ministerial there are proposals which will rectify this matter and in the discussions with the CEO and I haven't had a chance to discuss this particular issue with him since receiving the ministerial this morning, but in those discussions that will follow we will come to a final solution and Members will be advised. But it's really interesting that this ministerial has only just hit my desk

MR WALKER Thank you Mr Speaker a question to Mr Nobbs. Can the Minister advise whether a strategy is in place to provide the funding for the forecast blow out in expenditure required for the airport runway resealing programme in 2003

MR NOBBS Thank you Mr Speaker there are predictions that the cost of \$5.8m including the turning areas will be involved. We are in the process of fully assessing this and I don't think it's ever been done before, with this Bingle and Bean or whatever Pinky calls it, with the use of an Orion and measuring equipment which will give us a precise reading as to the actual quality I suppose of the over seal or the base of the airport at the present time. Once that's available then we will know more precisely how much it's going to cost. There may be a requirement to do less of an overlay and there may be a requirement to do more of an overlay so at this stage the figure is \$5.8m including those two turning areas and plus a significant figure in relation to contingencies but I can't say that that will be the final figure by any means at this stage bearing in mind that we need to undertake these tests, and as I said, we will then get a precise reading as to what the quality of the airport is and to what overlay we can put on it and as I said it could be less of an overlay than predicted at the present time or it could be more. As for the funding arrangements there is a budget in place now to look to that but we are only going at the present time on the \$5.8m and under current arrangements I can tell you that we won't have sufficient funds in the airport budget by a long shot to cover that amount but there will be funding in the incoming years from landing fees and there may be a need to fund from other sources. I've said it already and now repeat it, that figure of \$5.8m is at the present time but there could be major or minor changes either way following the beam test which I understand will be conducted in the first to second week of February and I would like to thank the RAAF for making that plane available to us. It is obviously in their interest to have Norfolk Island as a stable aircraft carrier that they can use from time to time. They are very appreciated by the Island I can assure you of that and we have had wonderful service from the RAAF over the years and I hope it continues into the future

MR WALKER Thank you Mr Speaker a Supplementary question. Is it the Minister's intention to go ahead for planning of a major road upgrading at the same time utilising the machinery here on the Island and if so what strategy is in place for the raising of funding for that upgrading

MR NOBBS Thank you Mr Speaker and Mr Walker for that. I think we talked about it before but I'll repeat it again in that the road proposed that would put up by an engineer a couple of months ago at an estimated \$10m has been handed to the Minister responsible for roads and he has carriage of that issue, that is Mr Smith, but I think the proposal was that really only a small amount of that \$10m would be expended at that particular point in time but Mr Smith may wish to expand on that answer

MR SMITH Thank you Mr Speaker I'm happy to take that on. The question related to what has been suggested as a proposal for quite some years. I think that in the early days of the airport upgrading in the past in 1983 I think it was there was apparently a proposal around at that time, or we heard about it afterwards, that while the contractors were here they made an offer to the Norfolk Island Government or the Legislative Assembly to do all the roads or \$1m. Now what truth is in that I certainly don't know but it's certainly been around for a long time. When the discussions started on upgrading the runway, its next upgrade is due in 2003/4, I think many of us have probably been involved in conversations where people have said it would probably be a good idea to resurrect the proposal to do the same thing when all the equipment is here to do the runway. The Airport Engineer who comes regularly to check the runway has discussed this. Now there are a lot of problems associated with using the same equipment that's used on the airport runway to do the roads. To start with the asphalt concrete is quite different to the system we use on the normal roads and as I understand

it you would actually have to have the road surface as good as you would have on the base of the runway for the asphalt concrete to apply. That is not insurmountable but I think using that material would be very very costly for Norfolk Island even though it would give us brilliant roads but I think the Engineer suggested that what we would be better doing is making sure we have the right equipment to do the roads in the normal fashion, make sure the guys have the right training, the right machinery to do it and a plan to do the roads in an ordered fashion and once again I refer Members to the Five Year Administration Works Capital Works Maintenance Programme which outlines which roads will be done and that will be progressing very soon. I know that is a different answer to what Mr Walker was looking for but I guess what I'm saying is that it didn't look like a very good option in the end purely from the cost and the types of material that were used on roads and runways was not an economical issue.

MR BATES Thank you Mr Speaker a question for Mr Nobbs as acting Minister for Immigration. How long can a business remain defunct and still be sold as a business to someone offshore to come in and recommence the operation

MR NOBBS Thank you Mr Speaker I can't answer that to tell the truth. I've only just taken on the poisoned chalice as they say of immigration, in the last few weeks and I'm not too sure actually. I haven't come across that one so I don't know. As far as I'm aware there hasn't been any business of that nature

MR BATES Thank you Mr Speaker I have a further question for Mr Gardner but I'm wondering if Mr Nobbs could find out the answer to that one for me sometime if he could. A question for Mr Gardner the Minister for the Environment. What is the present situation regarding the Water Conservation Strategy

MR GARDNER Thank you Mr Speaker I know this was the subject of fairly lengthy and in depth debate at the last Sitting of the House which I was absent from as Members would be aware but it certainly was indicated at that meeting I think by a number of the Members of the Legislative Assembly that they were fully aware that the Water Conservation Strategy are an integral part of the review of the Norfolk Island Plan and are being dealt with in conjunction with the Review of the Norfolk Island Plan and with some luck in the very near future, I'm talking of before the next sitting of the House, I certainly hope that Members will be given a draft copy of the new Norfolk Island Plan in which those issues will be dealt with. The degree to which they are dealt with is again a matter for the Members sitting around this table and the community as to whether those measures go far enough to address the community's concerns. I am unaware of what has been proposed at this stage. I have not as yet sighted a draft Norfolk Island Plan so it's really a wait and see at this stage but that is the current state. It is being dealt with by those officers in an appropriate fashion under the Review of the Norfolk Island Plan

MR WALKER Thank you Mr Speaker a question to Mr Nobbs, the Chief Minister could the Minister advise in relation to a question I asked him in the December sitting on the subject of the electoral issue. He ascertained that he was trying to ascertain the tactics of the Federal Committee prior to any submission being formulated by our Government. Has he obtained this information and when might we expect a draft submission to be made available to members for comment

MR NOBBS Thank you Mr Speaker I understand that the draft submission will be with us any day. It's being developed now and was actually due earlier this week but it will be with us very shortly because we've asked for an extension of time in relation to placing that submission before the committee and that has to come so I would expect it to be with us and should be available at MLA's on Monday I would hope at the very latest that we will be able to have some discussion on that, bearing in mind that Friday is a holiday. I haven't been able to ascertain the tactics. I have advise which I haven't had a chance to clarify at this stage that the committee intends coming to Norfolk Island in mid March but that has yet to be confirmed by the Service

MR WALKER Thank you Mr Speaker a question to Mr Smith, Minister for Tourism. Could the Minister advise whether a report pertaining to the impact of tourism on Norfolk Island as required by the Tourist Accommodation Moratorium Act 2000 has been completed and secondly, is it the intention of the Minister to table the Report in the House for public comment and if so, when

MR SMITH Thank you Mr Speaker, No, Yes and No and Yes. The Report is being developed, it is my intention to table it in the House, the Tourist Accommodation Moratorium will come to an end in March and you will have the information I hope well before then

MR BROWN Thank you Mr Speaker I direct this question to the Minister for Health. It relates to the Norfolk Island Plan. Can the Minister advise whether the Review of the Norfolk Island Plan will be finalised by a contracted officer from Canberra or will the review of the Norfolk Island Plan in fact be finalised by this House

MR GARDNER Thank you Mr Speaker. By this House

MR WALKER Thank you Mr Speaker a question to Mr Smith with responsibility for roads. would the Minister report progress with the removal of noxious and woody weeds from the sides of the roads

MR SMITH Thank you Mr Speaker I'm sure that the Government can give a report to the Member on noxious weeds on the roadside. I think that fall into another Minister's area of responsibility but I assume that that's all being done and I'm quite happy to encourage the Government to give a report to any Member if that's good enough for Mr Walker

MR NOBBS Could I just answer that Mr Speaker. A week or so ago a request was made when I was acting also as Mr Gardner, following a complaint in relation to Stockyard Road I requested the Service to look at cleaning up the roadsides as in my personal opinion, and I don't mind giving a personal opinion though it's not a legal opinion, that some of the roads are at the stage where they need some urgent attention otherwise they will get out of hand and I understand, though I have moved from that area now, that consideration has been given to progressing a clean up of the roads. Whether they've started or not now I'm not too sure

MR WALKER Thank you Mr Speaker a question to Mr Nobbs Chief Minister. Would the Minister give consideration to calling tenders for the supply of oil fuels to Norfolk Island

MR NOBBS Thank you Mr Speaker it's part of an ongoing proposal that we have. We need to settle on something that I think is legal and legitimate. Officers of the Public Service have spoken to representatives of Mobil, I've spoken to representatives of other suppliers and it's a need to now look at where we are going. As a matter of fact, there's a proposal being done at this time to review the purchasing policy of the Administration and that also will come on line, hopefully for the Finance Committee next Tuesday and once it's accepted by the Members as a Government policy then we can proceed to finalising a contract with a supplier of fuel. At the present time it's more or less a give and take arrangement and we need to firm this contract

SPEAKER Honourable Members time for Questions Without Notices has expired

There are no Questions on Notice at this Sitting

PAPERS

Are there any Presentation of Papers at today's Sitting

MR NOBBS Thank you Mr Speaker. At the last Sitting I tabled the draft printed form of the Norfolk Island Annual Report 1999/2000. I am now able to provide a final report but unfortunately there's been a glitch at the printers and this report will not be available until possibly the end of next week so I'm tabling it but I was to advise that it won't be available at this point. However, parts are coming for the machinery and it will be available shortly

I would like to table the travel expenditure for the Administration of Norfolk Island from the 1st July 2000 to the 31 December 2000. There is a total cost to the Administration including the Legislative Assembly of \$64,665 and there is an additional \$6,395 expenditure on travel by the Norfolk Island Hospital Enterprise

I would also table the Airport Landing Fee Exemptions for the period 1 July 2000 to 31 December 2000. They total something in the order of 1760 FOC landing fee exemptions provided. I won't go into the detail Mr Speaker as they are quite lengthy but they are available for perusal by Members

I table the Financial Indicators Mr Speaker and move that they be noted. As we know all revenue and expenditure reported in the Financial Indicators are as far as possible are accrued and accrual of the substantial revenue such as customs duty, shipping imports received in December may not be fully assessed for duty until late January, early February and FIL and fuel levy receipts will not be known until late January. Earnings from the GBE's are 17% behind budget. This result is due to the slow sales of crushed rock products from the Cascade Cliff. Overall at best it can be determined at 31st December is that the Revenue income is about 101% of the budget. Overall expenditure at the end of the 6th month of the financial year is 11% under budget. This result is partially due to capital expenditure being 31% under budget and Works Roads expenditure being 24% under budget. Administrative expenditure and Health and Quarantine expenditure are also both under budget by a combined amount of \$269,000. However Welfare expenditure is 110% of budget which is equal to \$53,000. Welfare expenditure compared to the same period last year is up \$102,000. A revision of the Revenue Funds income and expenditure budget is presently being carried out. Thank you Mr Speaker.

SPEAKER The question is that the Paper be noted

SPEAKER Final Debate? No final debate. The question Honourable Members is that that Paper be noted

**QUESTION PUT
AGREED**

That Paper is noted

MR GARDNER Thank you Mr Speaker I table the Stage 1 Waste Management Audit and Option Study Report a draft Report compiled by the Co-operative Research Centre for Waste Management and Pollution Control and Ann Prince Consulting and move that it be noted

SPEAKER The question is that the Paper be noted

MR GARDNER Thank you Mr Speaker as persons would be aware there have been a series of meetings held on the Island over the last few days, there have been radio interviews taking place with the people who have prepared this report,

would be the drop in the days of stay and the percentage which is 7.74% compared to 8.4% in 1999 and 8.35% in 1998 which does have an effect on the overall numbers when we do all the calculations. Another interesting factor which I try and raise each time when we talk about the tourist numbers is the age groups and in December from the age of zero to 24 we had 384, 25-59 which is really getting close to the target market that we aim for was 1886 and what's left over is the 60 plus and it appears to be about 1200. Now I realise that factors affect the month of December with school holidays and summer holidays and the age groups might change but I still think that they are interesting statistics that we should keep an eye on. Overall the results for December are good and I hope that we continue with Decembers like that

MR WALKER Thank you Mr Speaker its good to see that December didn't go into a slump after last years high however, I'm a little alarmed to see the numbers further dropping from 541 two years ago to 485 last year and 450 this year from New Zealand and I just wonder whether the Minister could make comment on the new initiatives that have been taken for New Zealand and don't seem to be reflected in these figures here before us

MR SMITH Thank you Mr Speaker I don't mind making a comment about that at all. New Zealand has been a concern for quite some months. Mr Walker is equally concerned and has been almost from the day he got into the Legislative Assembly and we are happy that he is concerned about what is happening with those numbers although it doesn't take much variation in numbers to change the percentages however, that doesn't mean that we shouldn't be addressing it and we are. The person who works for us in Auckland has been working in conjunction with Air New Zealand and certainly there are programmes being developed for that region. One of the things that I asked the Board to do in the past few months is to get some surveys done. I think its called a Market Research Survey. One was done with agents and we are getting the results of that shortly and I've also asked if we could get a more general public Market Research Programme done so that we can see where we stand in the eyes of travellers out of New Zealand. It certainly is a concern and I wouldn't like to see the numbers dropping any further but we are onto it and trying to do whatever is possible and in fact, we may need to put a bit more money into the New Zealand market area and I think the Tourist Bureau is actually asking for more funds to add to that and try some of the programmes that have been run in Australia in the last twelve months which have proved to be quite successful, but I do share Mr Walker's concerns about it

SPEAKER Final Debate? No final debate. The question Honourable Members is that that Paper be noted

QUESTION PUT
AGREED

That Paper is noted

MR GARDNER Thank you Mr Speaker in accordance with section 13 of the Gaming Act 1998 I am required to table a licence issued under that Act and the attached conditions before the Legislative Assembly and I table for all Members the licence issued to Christchurch Casino Online Gaming Limited

In accordance with section 14 of the Bookmakers Act 1998 I am also required to table to the Legislative Assembly the licence and attached conditions of a licence issued by the Norfolk Island Gaming Authority and therefore I table the licence issued to Newsbent Proprietary Limited

MR SMITH Thank you Mr Speaker I would like to table an editorial opinion from The Age in Australia and I would like to move that the Paper be noted

SPEAKER

The question is that the Paper be noted

MR SMITH

Thank you Mr Speaker. The relevance of this may not seem very high in importance except for the fact that it refers to universities. I would like to just read a little bit of this for the record from this article which was printed on the 10th January 2001. Before I do though, people in the community as well as Members around here would be well aware of the difficulties that Greenwich University has been going through over the past two years in trying to get some recognition in Australia and I don't want to talk about that issue as such but whilst that is going on this report says that "...while politicians [this is referring to Australia] of all persuasions talk of transforming Australia into a knowledgeable nation the electorate could be forgiven for thinking the higher education debate has done little more than highlight how little we know. [It goes on to say] Nor has the Government elucidated its strategy from improving research in Australian universities, meanwhile evidence is building to suggest that Australia's universities are beleaguered institutions underfunded and plagued by low staff morale. This week saw the release of a survey of 1000 academics conducted last year by the Australian Institute, a Canberra based think tank. The survey suggests that some academics were giving preference to full fee paying students, tweaking their exam results and even passing students who had previously failed. One academic claimed a university administration had lowered the pass mark in a subject from 50% to 40% to ensure that more full fee paying students would pass. It was also suggested that academics felt pressured to increase the numbers of fee paying students and that academics felt teachings had deteriorated in the past four years, [referring to Australia]. Some Vice Chancellors yesterday denied these allegations and it was announced that a Senate Inquiry would examine the claims. If they prove true they are cause for dismay for they throw into question the integrity of the universities involved. Further the claims appear to corroborate a view many academics have been putting for several years that inadequate funding and an increasingly commercial culture represent a grave risk to intellectual integrity and independence". The relevance of that Mr Speaker, no matter what, with Greenwich university, a Norfolk Island university, the rubbish that it has been through in the last two and probably three years, if this is a fact, why isn't it that these universities are being treated in the same way that Greenwich has been done by having a full review on these other universities. Now I don't have any personal knowledge of the universities nor do I suggest that there's anything going wrong there but if this reporting is correct, that really puts a big question mark over why is an institute which is Norfolk Island based, being treated in the way that they have been, right or wrong, over the last two to three years when it is suggested that this sort of stuff is happening in Australian universities when they are referring to Greenwich University in the same context in the review that is being done with the difficulties that are being experienced over there and I think it's shocking and I would like that to be read by somebody. That you Mr Deputy Speaker

DEPUTY SPEAKER

Final Debate? No final debate. The question Honourable Members is that that Paper be noted

QUESTION PUT
AGREED

That Paper is noted

MR GARDNER

Thank you Mr Deputy Speaker. I am required by section 38 of the Norfolk Island Hospital Act to table before the Legislative Assembly at my first opportunity upon receipt of the Annual Report of performance of the Norfolk Island Hospital and I so table that paper Mr Deputy Speaker

DEPUTY SPEAKER

Are there any further Papers for presentation. We have concluded Papers

STATEMENTS

MR NOBBS Thank you Mr Deputy Speaker I have several statements. Mr Walker asked a question in the December meeting as to whether or not a report had been submitted on the payroll theft at the Administration offices. The Report has been received and I will read it out. In relation to your request re the Administration payroll theft in 2000 I have the following report. As previously advised, [this is from Senior Sergeant Travers], a police report was compiled in relation to the theft. Forensic evidence obtained from the scene was sent to Canberra for analysis however no information leading to identifying the offenders was obtainable. At this point in time on the investigation has ceased unless further information comes to light in the future

MR BROWN I move that the Statement be noted

DEPUTY SPEAKER The question is that the House take note of the Statement

MR BROWN Mr Deputy Speaker the Chief Minister has told us the results of the police investigation which is zero. Can the Chief Minister advise what action will now be taken within the Public Service in relation to the matter because there are aspects of that which would appear to be different from the police aspects for example, will the Public Service continue to leave pays sitting on desks overnight

DEPUTY SPEAKER Do you wish to respond Mr Nobbs

MR NOBBS Thank you Mr Deputy Speaker, I'll respond no trouble at all. I understand there has been some enquiries done into it and provisions have been put in place which will overcome what was done at that particular point in time but I can't give you anything today but I will have something for you at the next meeting which spells those things out Mr Brown

DEPUTY SPEAKER The question Honourable Members is that the Statement be noted

QUESTION PUT
AGREED

MR NOBBS In relation to a question from Mr Walker to Mr Cook as Minister for Immigration and Social Welfare and he asked is the Minister able to give detail of the number of persons if any currently on unemployment or under employed benefit. the answer that I've received is this, there are no benefits being paid to persons classified as unemployed as the Social Services Board does not consider there to be an unemployment problem on Norfolk Island and no applications for a pure employment benefit has been received over the last five years or more. There are however, benefits that have been paid to persons unable to work due to sickness or injury and these benefits will cease on the expiration of their medical certificate. these sicknesses and injury type benefits are received at short intervals, normally monthly by the Board and or the authorised officer

Thank you. I was asked a question from Mr Bates in relation to a Capital Gains Tax and I wish to make the following statement. this is an interim response to a question from Mr Bates which in effect was a request to investigate a possible Capital Gains Tax on land sales to as he put it, assist in keeping land prices within the area of young people who wish to retain a stake in their homeland. I must say that this is an interim response as the matter is still under investigation. The issue is rather complex and it is my intention to discuss the matter further with Mr Bates to ascertain his precise thoughts on the matter. Mr Deputy Speaker land speculation has been around for some time and it will occur as long as there is a demand for land on Norfolk Island. There was recognition of

this in the 1970's with the result that the Landowners Levy Act was introduced and this Act does not appear to have been successful. Perception appears to be in one area that is the purchase by absentees in the house market. Since September last, that's four months I guess, only two of the total 48 recorded transfers fall into that area. The investigation again highlights the problems associated with the access of information within the Administration. For too long it appears that officers with statutory or other authority in one section, do not have the ready access to vital information which is the province of another section of Administration. I'm not referring specifically to land issues. All sections have the problem with the antiquated information systems. A perfect example is the difficulty in accessing Immigration information which is vital not only for lands but also for accounts, Healthcare etc. It is hoped that the current upgrade of information systems will overcome in the months ahead what from a management point of view is an intolerable situation. One factor that is extremely evident from just applying a Capital Gains Tax is that it will increase the take to the Government and that's applying just a straight Capital Gains Tax and I am doubtful if it will do anything other than increase the cost of land. There are other alternate proposals which could be considered. One suggested to me was to restrict sales by Immigration status however, as I stated I will discuss the issue further with Mr Bates so that we can progress the matter as he desires

DEPUTY SPEAKER
Statements

Thank you Mr Nobbs. Are there any further

MR NOBBS

Mr Deputy Speaker I have a statement on a very sensitive issue. I am making this statement because in the last few days I have had concerns in relation to the recent case and it has impacted not only on myself but I believe on other Members of the Legislative Assembly and my family. This statement is in relation to the concerns in the community as to the reputed role of the Legislative Assembly and the Norfolk Island Government in a recent case in the local courts related to paedophilia. Accusations have been made that the Legislative Assembly and the Norfolk Island Government have both played a role in supporting the defendant in the said case. May I say that the Legislative Assembly played no role in the case. Confusion may have arisen with one Legislative Assembly Member being involved with the defence team in his private capacity as a lawyer. Another Legislative Assembly Member Mr Buffett gave oral character reference of the defendant which is his right as a private citizen. Mr Buffett was not speaking for or on behalf of the Legislative Assembly. As to the role of the Norfolk Island Government the prosecution was commenced by the Legal Section of the Administration as are all prosecutions. Apart from this fact one letter originally emanating from the Administration and another from the Norfolk Island Hospital were tendered by the defence. These two letters related to the defendant's voluntary services. Neither letter was written specifically for the court proceedings. There was no other involvement by the Norfolk Island Government or any Minister. I believe it is essential that this statement be made as there have been some dreadful accusations made as to the role of some Legislative Assembly Members reputedly in support of the defendant. Apart from the two members identified earlier, no other Legislative Assembly Member was involved in providing testimonial or other similar support to the defendant during this case. Mr Deputy Speaker I apologise but I had to read it out.

MR BUFFETT

Mr Deputy Speaker could I move that the statement just made by the Chief Minister be noted

DEPUTY SPEAKER

The question is that the statement be noted

MR BUFFETT

Thank you. The Chief Minister correctly pointed out that this is a very sensitive matter. He has mentioned my name and he has mentioned it accurately and I think it deserves some clarification on my part and not just remain silent on the matter. Mr Deputy Speaker I was requested to appear in the court case that the

Chief Minister has referred to and to respond to questions, all with factual information about the defendant. I did not appear in my official capacity but it was clearly indicated that I held a post in the Legislative Assembly but that wasn't the capacity that I appeared there. The court appearance was after the court's judgement and before the court's sentencing. The type of information was confirmation of for example, service in the Norfolk Island Council, on the Hospital Board, a range of employment and businesses that the individual person had been about and that there had been contributions in the Norfolk Island community. I stress Mr Deputy Speaker, as I think the Chief Minister has also indicated that the presentation of this information is a normal part of the justice process and it is available to those who are before the courts. I wasn't asked to, nor did I and I stress that Mr Deputy Speaker, nor did I, in any way condone the actions for which he had been charged. I too have been angrily asked why I appeared in court especially given the nature of the charges and drawing the reference that I was an elected community representative and the Chief Minister has made this statement. And so as I have just said a moment ago it does deserve some personal explanation. Could I just say also that I clearly said that I did not appear in an official capacity as elected by the members around this table here but I am of course an elected representative and I've got to say Mr Deputy Speaker that I take this duty seriously. We will all know that our community is very diverse and there are good people and there are some not so good people in the community and if I'm a genuine representative I do represent them all, not just a chosen group or category. The good, the bad, the ugly to put it in blunt terms. Not to endorse and I stress this again, not to endorse any bad things that people would want to pursue but people of all categories are entitled to legal rights under our justice system. Others in the community in some instances may decline a call for help but a genuine community representative is in a different position if he or she genuinely represents everyone. could I say that there is some similarity of ethics with doctors and nurses who need to respond with treatment for all categories of people. Lawyers don't just accept cases of a certain character. They accept those that come across the board. could I also say that not turning your back in circumstances of say hunger and thirst is a very straightforward situation. It does become a bit more difficult when you are dealing with prisoners or those convicted of crime, but our Pitcairn Anthem exhorts us to be mindful of those situations and this matter before the court was of course in the difficult category. some of these difficulties. Significant community anger at the nature of the offence. Political difficulties. You know this sort of appearance is not electorally something that is helpful and of course in many instances there are attitudes about individuals but notwithstanding those difficulties, the guidelines of this representative is to try not to turn his back, although the circumstances are difficult, and although his motives may be seriously misunderstood and I judge that given what the Chief Minister has just said that I should explain that that is the reason for my court appearance. The matter does not end there. One of the more important matters is to come if I may continue to have your indulgence at the moment. It relates to the pain that my appearance has caused to the victims in this crime before the court. This of course was not intended on my part but without doubt this has happened and I do regret it very much. I do regret it very much and I am indeed sorry and I say so to them now. This is not an easy matter to explain but it has been raised and deserves the explanation that I have endeavoured, maybe inadequately, but endeavoured to give and Mr Deputy Speaker thank you for the courtesy in allowing me to present it.

DEPUTY SPEAKER Thank you Mr Buffett. The question Honourable Members is that the Statement be noted

QUESTION PUT
AGREED

MR NOBBS Thank you Mr Deputy Speaker. One in relation to the Working Group which I put together with agreement of the Minister for Health as we are both involved in the particular problem of substance abuse which this group was addressing and during his absence I would like to report that the group has put some

recommendations which I have placed with Members and basically they are that the Legislative Assembly agrees that the extent of substance abuse on Norfolk Island be quantified and that the community be surveyed to establish their views; the possibility of a Social Worker being employed for three months to assist in establishing a profile of community concerns and that records be kept of incidents related to substance abuse by the various courts, police, medical practitioners and the like bearing in mind the sensitivity of the issue and also the churches and that a community education programme be developed and that the working group be reduced to representatives from magistrates, police, hospital, rehabilitated persons such as those from the AA, drug related, ones from the churches, the Youth Advisory Council, a member of the Youth Assembly and an MLA. The Legislative Assembly look at percentage decrease increase in spirits, low alcohol products respectively and that the Liquor Manager be asked to provide a brief on those, that the cost of education rehabilitation programmes related to alcohol be used from funds from the Liquor Bond and finally very quickly, the 1999 Liquor Act Review Report be progressed as a priority. Those are the basic recommendations and as I said I would hope that the Members will deal with this next Monday at their MLA's meeting and we can progress the issue further, thank you

DEPUTY SPEAKER Thank you Mr Nobbs. Are there any further Statements. There being no further Statements we move on

NOTICES

APPOINTMENT TO EXECUTIVE OFFICE OF MINISTER FOR IMMIGRATION AND COMMUNITY SERVICES

MR NOBBS Thank you Mr Deputy Speaker. I move that Adrian George Hingston Cook QC, MLA be reappointed to the executive office of Minister for Immigration and Community Services and the Administrator be advised accordingly. I believe that the issue that came about was an oversight. It was relatively minor, it wasn't of a criminal nature of anything of that order and Mr Cook has been performing as Minister for Immigration and Community Services. I believe that the Government needs to be stable to proceed down the track that the Legislative Assembly has set us on. We have something like thirtyseven projects which we have to develop in this current financial year. Some will be completed and others will be progressed, that is part of the business, but we need to progress those. We need that stability in the Government and I support the reappointment of Mr Cook

MR WALKER Thank you Mr Deputy Speaker I would like to move the amendment which I have foreshadowed, is that in order

DEPUTY SPEAKER Mr Smith has indicated a desire to enter into the debate so it may be appropriate to allow other Members to speak

MR SMITH Thank you Mr Deputy Speaker I would prefer to do that before Mr Walker moves his motion because I might not get the opportunity to say the few words that I'm going to say in support of the Chief Minister's motion that Adrian be reappointed to the executive and Members are well aware of my views on that. In the past few weeks it has been discussed on occasion and I show my support for the Minister. If the Minister was in a situation as Mr Nobbs' has said, where he had done something wrong in a criminal sense or whatever it would be a different matter but because it was an issue that was discovered and I won't go into the details of that but it ended up having two legal opinions about what should happen. One suggested that Mr Cook had vacated his office, the other didn't. Now I'm not a lawyer, I can't add my piece to that but I believe that Mr Cook did the appropriate thing to sort that out which was to resign and he did immediately on getting those two advises and therefore vacated the office of the Minister for Immigration and Community Services. I fully realise that Adrian does no longer hold that position and therefore could be considered that the vacancy is

there for anybody to take up. In my view Adrian is an honest man, he's well known for his work in the community since the time he's been here. He may have faults as we all do. I had a discussion yesterday with a friend of mine who said, well why are you going to reappoint him, he talks too much. Now I know that gets said. Mr cook is probably aware of that himself and I said do you sack the Prime Minister because he talks too much. My God we would have a good case if that was the case but I said, what has he done wrong. Well he talks too much. Well if Members have the same view, and my apologies to Adrian if he gets insulted by that but I don't think he will because he knows what I'm talking about, but if that's a difficulty that Members have then they need to express it, as Members do from time to time. They let us know exactly what they think of us whether we like it or not. However, my observation within the Government is I feel that Adrian as certainly put his heart in what he is trying to do and to perform his role. He has had difficulty with the Immigration matters that have been before us over the past eleven months and that may be frustrating to some members and maybe that's enough of a reason for Members to say well, he shouldn't go back there, but if that was the case we should have raised that before and as Members do with me, if they are not happy with how I'm performing they certainly let me know so I therefore support the motion that Mr Nobbs' has proposed and we'll leave it at that and see what the result is

Mr Deputy Speaker

MR COOK

Thank you Mr Deputy Speaker. I would like the opportunity to say something and I'm probably going to surprise Mr Smith's friend by not saying very much at all at this stage but I do seek the opportunity to continue the initiatives that I had started to put into place and develop in the time that I had the privilege and honour of being a Minister of this Legislative Assembly. I think it is not unimportant to pass even beyond the concerns of an individual's aspirations or desires to function effectively in the Government to look at the overall situation of Government. I am quite satisfied in my own mind that what is essential and necessary in any Government which is going to function to the satisfaction of its electors and constituents is stability, is the opportunity to develop over an established period of time in which one is to hold office, leaving aside any situation of misconduct or wrong actions which justify removal from office, to be able to develop those policies and put into place initiatives, to be able to bring about changes with the concurrence of the other Members of the Legislative Assembly which seem to be very much in the interests of the community. Above all, and well above my own personal interests are the interests of the community in this whole situation. I respectfully request from the Legislative Assembly the opportunity to finalise and continue the matters which I have put forward so far to date and to be able to respond to matters which arise from time to time to bring into the House for consideration, other initiatives and I do not know nor have I been told of any other matter which would disqualify me from seeking reappointment then it has been suggested I believe in some of the MLA meetings that there has been some failure to implement almost at once as it were to overcome perceived problems in the Immigration area. I'm extremely aware of these matters. I have endeavoured to start in a logical sense with making a very necessary and appropriate protection of our entry situation into Norfolk Island so that all else can flow from that when there is a safe situation established which seems to be emerging over a number of years before I came into the Legislative Assembly about the relatively unsafe situation of Norfolk Island from the attentions of people who may use it illegally and improperly for Immigration purposes. I have endeavoured to make sure that as far as I could that those matters were put to rest and I had set out initiatives and had discussions and working parties established in other areas to develop the matters of urgent attention required under the Immigration Act. I'm fully aware of all those matters. But I would like to know if there is going to be any discussion about this from Members before I'm in effect prevented from having any opportunity to continue in the role that I formally had, just what it is that I have either failed to do or in what way I have brought about a situation in which it could be said that this House has lost confidence in my capacity to function as a Minister. As a matter of fairness and decency and justice I would like that opportunity so that I could have some opportunity to understand why I should be so prevented from continuing and I could

make some form of defence should I choose to in whatever is alleged in that situation. I simply say that it has been for me a great honour and privilege to respond to the trust put into me by the electors of Norfolk Island and to take up the role that was assigned to me at the beginning of this Legislative Assembly as a Minister. I have done everything that is possible for me to do to the best of my ability to function as a Minister and I would continue no matter whatever the outcome of these proceedings today to give my utmost commitment and effort to the service of the people of Norfolk Island who so clearly demonstrated that they trust me to operate on their behalf

MR BROWN Mr Deputy Speaker Mr Cook seems to be under a misunderstanding and it might be helpful to clear that. There is no motion here today to say that Mr Cook be sacked. The Norfolk Island Act deemed him to have vacated his office and his resignation of course would have had the same effect had the Norfolk Island Act not already done it. He has not been sacked. There is not a need for any Member to say why he proposes to vote in a particular way. The only requirement on each and every Member around this table when things eventually come to a vote is that they seek to appoint the best possible person for the job. It is not necessary to criticise anything that Mr Cook did. Certainly he could be criticised for talking for a long while. I think 52 minutes was the duration of one of his speeches. Certainly he could be criticised for the policies which he has sought to pursue. I think that some people are now realising that choosing to give the power to issue visa's to travel to Norfolk Island to the Australian Government is actually giving away some of our self Government. I think some would indeed say that Mr Cook has failed to promptly act on motions passed by the Legislative Assembly but that's not what he is here for. No-one is saying you've done something wrong. No-one is saying, dearie me, what happened was so significant that you should not be reappointed. Similarly, Mr Smith is wrong is saying well not much happened therefore Mr Cook should be reappointed. that's not the question. the question is how do we select the best possible person for the job. Now I'm aware that Mr Walker proposes to move an amendment and at a stage after that has been dealt with assuming the amendment is passed I propose to seek to nominate another candidate and I will then explain to Members the one thing that needs to be explained. Why it is that I think that particular candidate has qualities which we should all support by supporting him in the vote for this partiucular vacant ministerial office. I stress again, it is not a criticism of anyone. it's not a condemnation of anyone. it is purely the selection of the best person for the job in order to progress our governing of Norfolk Island and to progress the extension of our self governing powers

DEPUTY SPEAKER Thank you Mr Brown. Is there further debate
Gentlemen. Mr Walker

MR WALKER Thank you Mr Deputy Speaker I would like to move an amendment to the motion and the amendment reads that all words after "that" first occurring be deleted and the following substituted:

1. The Speaker call for nominations to fill the vacant executive office;
2. In the event that more than one nomination is received, the House proceed to ballot under Standing Order 234; and
3. The Administrator be so advised of the decision of the House

Mr Deputy Speaker my amendment to the motion does not prevent Mr Cook being nominated nor in fact to succeed in having his name put forward to the Administrator but it is my contention that the reappointment process should not take place without all Members having the opportunity to nominate and then choose as is laid out in Standing Order 234 the preferred Member of their choice

MR BATES Thank you Mr Deputy Speaker. I believe this is a wise move of Mr Walker's to move this amendment because in the event that the original motion is put forward and Mr Cook does not get five votes supporting him then we would still be without a Minister and he would really be out of the running to be considered

further if that motion had happened to be lost and I think he deserves the courtesy of contesting the position of even footage with anybody else who may be nominated

MR NOBBS Thank you Mr Deputy Speaker. I don't accept that this amendment is the way to go and I'm no expert on parliamentary procedure by any means but I would have thought that the procedure that's been put in place in relation to this motion can be amended and that another Member can be put in their in the place of Mr Cook and that was the way we should proceed and it will be clear, concise whereas the other issue you can have about six nominations and it just goes on and on and everybody will just vote for themselves so I have great difficulty with that situation and I would prefer that if you are standing for a position you put your hands up and we know precisely where we are standing so I don't support the amendment

MR WALKER Thank you Mr Deputy Speaker I would just like to say that if the motion was to go ahead and as the Chief Minister has just alluded to that we nominate another person would that not preclude your nominee and secondly in putting forward a motion in this fashion you have precluded any other nominations so therefore you wouldn't know if anybody has put their hand up or not. the way in which the motion reads to my thinking is that you are putting forward one specific person on the Legislative Assembly to take up this office and I hope that I get support for my amendment which allows any Member to nominate any of the available non executive officers to stand for the vacant executive office

MR NOBBS Thank you Mr Deputy Speaker I don't think Mr Walker really understands what I was on about. The situation is that if there is another candidate who Members wish to nominate that it be put in as an amendment, the vote be taken and obviously if one of those is successful and the other not, the person who wasn't successful will then drop off the list and if there are others who wish to nominate they can be a subsequent amendment and then we have a clear result whereas the other way I think we end up with drawing straws. That would be really good

DEPUTY SPEAKER thank you Mr Nobbs. Is there further debate. Being no further debate I put the question that the amendment be agreed to

QUESTION PUT

Would the Clerk please call the House.

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

DEPUTY SPEAKER The result of voting Honourable Members, the ayes five the noes 3 with one abstention the amendment as put is agreed to. I therefore call for nominations to fill the vacancy

MR BROWN Mr Deputy Speaker I nominate David Ernest Buffett
AM

MR SMITH Thank you Mr Deputy Speaker. I'm getting a signal from the Chief Minister here and I think it's appropriate that I nominate Adrian George Hingston Cook QC as the Chief Minister proposed in the original motion

MR NOBBS Thank you Mr Speaker one further nomination. I nominate Allan John McCoy

MR McCOY Seeing that I have been nominated I will have to vacate the Chair, so Mr Gardner will you please

ACTING DEPUTY SPEAKER Honourable Members if you will just bear with me for a minute. Prior to calling for further nominations I don't know whether it's appropriate at this time to ask if those persons who have been nominated, whether they are prepared to accept nomination and I turn to the first person nominated, Mr Buffett, are you prepared to accept nomination

MR BUFFETT Mr Acting Deputy Speaker I have said on other occasions that if there was a call from a majority of Members that I would take executive office and this will test that situation and I will accept nomination on that basis. May I additionally say that I do understand that Mr Cook is also nominated. His situation of withdrawing immediately his difficulty was known or offering to do so in the first instance and then doing so at a subsequent situation, I believe was an honourable course and I think he acted honourably in that situation and it deserves to be said so, so if I am also a nomination in this process it will be seen that I have an honourable colleague in the process

ACTING DEPUTY SPEAKER Mr Cook you did indicate in previous debate that you were prepared to continue and I take it from that that you are prepared to accept nomination. I would just like to confirm that if I could

MR COOK Yes I do accept nomination

DEPUTY SPEAKER Thank you. Mr McCoy I turn to you now. Are you prepared to accept nomination

MR McCOY Thank you Mr Acting Deputy Speaker. Briefly I would like to thank Mr Nobbs for the nomination and I have given this issue a lot of thought over the last few weeks. I have been advised by supporters in the community that now is the time that I should take an executive position. I've also been advised by other Members who support me in the community that now is not the right time. I rely on my own feelings and because of my recent move into leasing and managing a business, my private affairs unfortunately are at such a state where it needs my full attention and I therefore feel that I would not be able to take on the role as an executive member and give it my 100% attention and therefore, as much as I would like to take the nomination I will have to decline

ACTING DEPUTY SPEAKER Thank you Mr McCoy. Are there further nominations for the vacant executive officer of Minister for Immigration and Community Services. Any further nominations. Honourable Members I seek an indication from Members as to how you would like this to be dealt with. I understand as part of the motion that it be dealt with under ballot and I will just retire momentarily so that I can discuss this issue with Madam Clerk

Honourable Members the form of the ballot has been decided. Madam Deputy Clerk will pass to each Member of the Legislative Assembly a piece of paper and in accordance with Standing Orders it is required of each Member, there is a single vacancy, to only on that piece of paper put one name of either candidate and the two candidates are Mr David Buffett and Mr Adrian Cook QC

MR BUFFETT Mr Acting Deputy Speaker could I just make it clear and I should have done so in the earlier situation that given my participation and indeed

what I have said about other candidates, I will be abstaining from the vote and I will leave the decision taking to the Members of the Legislative Assembly

MR SMITH Thank you Mr Acting Deputy Speaker I'm just wondering, now that we have two candidates if there is an abstention and I'm assuming there is only one, it could very well end up in a tied vote and something would be lost. What would be lost because we don't know which candidate would be voted on first and that would be quite simple if that first one lost then you would move to the second one, by doing...

ACTING DEPUTY SPEAKER Mr Smith if I might just say that I think you are speculating at the moment. We will deal with that I think when the ballots have been recovered. Have all Members voted? Madam Clerk has recorded Mr Buffett's abstention

The result of the ballot Honourable Members Mr Buffett has been the successful candidate and has been appointed by this House as Minister for Immigration and Community Services and that advise in accordance with Mr Walker's motion will be conveyed to His Honour the Administrator.

Honourable Members that disposed of Notice No 2 and we move on

MR BUFFETT Thank you Mr Acting Deputy Speaker. May I say to Members that I appreciate the confidence that they have expressed in the result of that ballot

ACTING DEPUTY SPEAKER We move on to Notice No 2 and I have in my possession a handwritten note from Adrian Cook QC in regard to this notice appearing on the Notice Paper that he wishes to withdraw motion No 2 from the Programme of today's sitting and wishes that matter to be dealt with on another sitting day. That is still your intention Mr Cook

PUBLIC SECTOR MANAGEMENT ACT 2000 - APPOINTMENT OF MEMBERS OF THE PUBLIC SERVICE BOARD

MR NOBBS Thank you Mr Acting Deputy Speaker. I move that this House, in accordance with paragraph 10(1)(a) and subsection 11(1) of the Public Sector Management Act 2000, recommends that the responsible executive member appoint the following persons to the Public Service Board, and to the respective positions appearing beside their names –

Glenn Robinson – Presiding Member

Gisele Robyn Huxley – Member

Charles Brent Hattersley – Deputy Presiding Member

Philippa Anne Elizabeth Reeves – Deputy Member.

May I at the outset Mr Acting Deputy speaker thank the outgoing Public Service Board, Mrs Charisse Clark, Mr John Pearson and Mr Brian check. All have served with distinction as Members of the board under the previous Public Service Act and I thank them for their efforts and particularly I thank them personally for their support to me in continuing in the interim period, when we partially brought in the new Public Sector Management Act whilst maintaining the Board under the former Public Service Act. Their efforts are much appreciated, particularly in hanging in their whilst the new Act was being implemented and I wish to say that none of the previous Board Members nominated for the new Board when expressions were called in June last year. The new Board has a completely different role to the previous Board. Recruitment, previously the province of the Public Service Board is now under the new Act, resting with the Chief Executive Officer. The Board's role has changed to one of an appeal body with what may be called an ombudsman's function. All applicants for jobs within the Public Service now have an appeal ability. This is significant in two regards. The first is the ability to

appeal not previously available and the second is the appeal process is available to those applicants from outside as well as Members of the Service. This is unique but given the size of the community is very appropriate. The appeal process also extends to appeals against decisions of the CEO. This may appear onerous but I doubt that it will be so simply because there are steps along the way which is designed to diffuse issues of such nature. A prime example is the Staff Consultative Committee comprising six elected staff members and two executive directors which will be established under the new Public Sector Management Act . It is proposed that the incoming Public Service Board will receive assistance in understanding their role and function. Something that I believe Mr Deputy Speaker, should occur with all new board Members whatever Board it may be. Such assistance would be in the form of operational guidelines and assistance training. I think anyone who has served on a board on Norfolk Island if they cast their minds back will agree that such training would have been very valuable at the time of their initial appointment. I thank the Board Members nominated. They are young and enthusiastic and I commend the motion to the House

MR BATES Thank you Mr Acting Deputy Speaker. The Chief Minister tried to bring this motion forward at the previous meeting and I think it would be alright if I just explained to Members and to the community the reasons that I opposed it coming on at the previous meeting and in opposing it the Chief Minister tried to exclude me from the debate because I am part time employed in the Public Service, but that had nothing to do with it. The fact that these names were presented to me on the morning of the meeting and had not been before the public was my concern at the time. I had two concerns at the previous meeting. Similar concerns about matters not getting aired before the public or the public not having time to comment to the Member of their choice on issues coming before the House and that was the only reason why I did what I did at the last meeting. I have no difficulty with the names of these people. If Members think I shouldn't vote on it I'm happy not to vote but in the event that I do vote I will be voting in favour of it, it's just that as I have explained, I asked five public servants the next day if they knew who the Members were and one knew because he had seen a paper across his desk. The other four did not know and I don't think many people in the public at all knew and that was my only concern at the last meeting, thank you

MR BROWN Mr Acting Deputy Speaker, if we were being asked to appoint a Public Service Board under the old legislation I would have difficulty with the total lack of continuity. But in this situation the role of the board will be completely different to the role of the old Board. I think that that does do away with much of my concern about continuity although, nevertheless I think there may have been a benefit in at least continuing one Member of the old Board because then the new Board would have access to an amount of knowledge of what has gone on during the last twelve months or so while the reform process has got to this stage. Nevertheless the Chief Minister presently has carriage of the Public Sector Reform process. If he is saying to us that it is his considered view that the four people he is proposing to have appointed are the most appropriate four to appoint, then I have no difficulty with that. I certainly have no difficulty with any of the four people individually, thank you

SPEAKER Is there any final debate. The final question is that the motion be agreed to

QUESTION PUT
AGREED

The ayes have it. That Motion is agreed to thank you

MUSEUM TRUST ACT 1987 – APPOINTMENT OF TRUSTEES

MR NOBBS Thank you Mr Acting Deputy Speaker. I have been acting in the role, which I hope will be finalised tomorrow. I move that this House, for the

purposes of subsection 5(1) of the Museum Trust Act 1987, resolves that Albert Fletcher Buffett; and Janice Lyn Christian be appointed as trustees under the Act until 9 April 2001. following the resignation from the Museum Trust of two Member it is essential that replacements occur for the proper operation of the Trust. I would like at this stage to record an appreciation for the efforts of Mr Warren Langman and Mrs Rhonda Griffiths who have resigned. Both have contributed significantly to the Trust which is an extremely important but little hailed component of the Island's heritage. The role of the Trust relates to heritage objects and includes responsibilities in ensuring their safe custody in preventing physical damage, cataloguing, recording information as well as the display of the objects. As I stated an extremely important role. May I also record an appreciation of the ongoing work by current members, Peter Guile, Maugie Jowett, Trish Magri, Les Brown and Tom Lloyd. Mr Deputy Speaker the term of all trust members above, cease on the 9th April next. As is the policy of the present government expressions of interest will be sought prior to the appointment of the new Trust. The two nominations today have agreed to serve until 9th April. I thank them for this and hope that at the time they will both be interested in a new term. I commend the motion to the House

MR BUFFETT Thank you Mr Acting Deputy Speaker may I echo the words of the Chief Minister in terms of saying thank you to those who have served on the Board particularly the Chairman, but there are others who have equally made a very very sound contribution. I just wanted to ensure that they received additional thanks for their role. May I also say that I support the motion that's in front of us for Jan Christian and Albert Buffett. Both well known and community minded people who have agreed to take up this particular task until later in the year and again hopefully beyond that. I support the motion

ACTING DPETUY SPEAKER Thank you Mr Buffett. Further debate. The final question is that the motion be agreed to

QUESTION PUT
AGREED

The ayes have it

EXECUTIVE POWERS (REMOVAL OF DOUBT) BILL 2001

MR NOBBS Thank you Mr Acting Deputy Speaker I present the Executive Powers (Removal Of Doubt) Bill 2001 and move that the Bill be agreed to in principle and I table the Explanatory Memorandum to the Bill and foreshadow that I will move to suspend so much of Standing Orders and would prevent the Bill being passed through all stages today. Mr Acting Deputy Speaker this Bill arises from the alleged employment of the Minister for Immigration and Community Services Adrian Hingston Cook QC as a temporary employer of the Public Service in contravention of section 13 of the Norfolk Island Act 1979 which provides that an executive member shall have vacated his office should he become so employed in the Public Service. Whilst there is a difference of legal opinion on the nature and effect of that employment this Bill makes provision to remove any doubt concerning the validity of actions taken by the Minister in those circumstances and validates such action should they have been performed at a time when he had vacated his office. mr Acting Deputy Speaker clause 1 and 2 are formal, clause 3 provides an interpretation of the terms used in the Bill and enlarges upon the definition of any action taken by the Minister as well as defining matters to which such actions can relate. The interpretation section excludes Commonwealth enactments from the operation of the bill. Clause 4 outlines the extent of the application of the Bill and extends to an executive action arising from a law made in Norfolk Island. clause 5 validates any action taken by the Minister taken during the term of his office. I

would like to add also Mr Acting deputy speaker if I may that the matter has been run before the Commonwealth and it is felt that this Removal of Doubts Bill will be adequate for the removal of any doubt in relation to Mr Cook's activities whilst acting in his ministerial role

MR BROWN I wonder if the Chief Minister could just let us know who provided the legal advise to the effect that this Bill will be adequate. I'm concerned at the possibility that we may also need to request the Commonwealth to pass similar legislation but if the Australian Government solicitor has given advise as to the effect that this would be adequate then I would be pleased to support the Bill and pleased to support dealing with it to finality today

MR NOBBS Thank you Mr Acting Deputy Speaker I have formal advise through the Administrator's Office that the Commonwealth has no problems. I didn't ask who gave the legal advise as I don't think that's my role but that's the advise I received Mr Brown so I think we can proceed with comfort on that

MR BUFFETT Thank you Mr Acting Deputy Speaker I wanted to just signal that I think this is an appropriate course for us to follow given all of the circumstances that we are confronted with. May I also say that it is just as well that we have had some Commonwealth discussions to see if indeed they were comfortable because it may well be that there are some areas we need to cover there in the removal of doubt situation but this must be our step in our bailiwick and it is an appropriate step to take. Just by way of interest, I'm trying to look at some tables and I've not been able to find what I'm looking for, but by way of interest we've not have to had this sort of legislation in the twenty two years of the life of the Legislative Assembly but I do recall that in the old Green Book there is a certain piece of legislation which in fact validated actions of another time and it was just interesting in a historical context to see that there have been other occasions where we have needed to move in this sort of direction, not we as an Assembly because we didn't exist as an Assembly but our predecessors need to do so to cover some sorts of situation that we similarly find ourselves now. I support this piece of legislation and I support that it be tidied today. it is important that we do it as promptly as we are able

MR BATES Thank you Mr Acting Deputy Speaker. I certainly support this Bill and I thank the Chief Minister for bringing it forward at this meeting. Some time there I was only hearing about filling the vacancy in the executive and I wasn't hearing anything about this Bill which I believe is the most important matter to be tidied in this total issue. I think it would be very neglectful of us as an Assembly not to do something like this, regardless of what may or may not have happened. I think it is a very necessary step and I certainly support it and I support it being passed through all stages today

MR NOBBS Thank you Mr Acting Deputy Speaker I move that so much of Standing Orders be suspended that would prevent the Bill being considered through all stages at this sitting today

ACTING DEPUTY SPEAKER Any debate Honourable Members

QUESTION PUT
AGREED

Honourable Members I put the question that the Bill be agreed to in principle

QUESTION PUT
AGREED

The Bill is agreed to in principle. Is it the wish of the House to dispense with the detail stage

MR NOBBS Thank you Mr Acting Deputy Speaker I move that the Bill be agreed to

ACTING DEPUTY SPEAKER Any debate Honourable Members

QUESTION PUT
AGREED

The Bill is agreed to.

SUSPENSION

Honourable Members being conscious of the time I look to Members support or otherwise to possibly suspending now that we have dispensed with Notices, for a lunch break. Maybe if we reconvene at 2.00 pm. This House is suspended until 2.00 pm

reconvene

SPEAKER We reconvene after suspending for lunch. We are at Orders of the Day and we commence with Order of the Day No 2 and we resume debate on the question that the House take note of that particular Paper. Mr Bates you have the call to resume

LEGAL OPINION FROM CROWN COUNSEL ON "PARTICIPATION OF ADRIAN COOK QC, MLA IN 'THE TRIAL OF FIFTEEN' "

MR BATES Thank you Mr Speaker. The words in the title of this may seem a bit odd. They certainly seem odd to me. Legal Opinion From Crown Counsel On "Participation Of Adrian Cook QC, MLA In 'The Trial Of Fifteen' " when the real matter before us is whether his seat had been vacated and whether we needed to validate certain actions which might be contested but this was one of the matters at the previous sitting which was a bit like the Public Sector Management Bill which was presented to me five minutes before the commencement of the meeting last month although it had been in the hands of the executives from the Monday afternoon preceding that but events have since overtaken my request for this matter to be brought forward for further discussion when we had time to absorb the contents of that legal advising and I have nothing further to say Mr Speaker

MR BROWN Mr Speaker I don't think anything is to be gained by debating the various legal views on all of this. I don't think anything is to be gained in pursuing the motion any further and like Mr Bates I don't see a point in adding anything.

SPEAKER Thank you Mr Brown. Honourable Members shall I then put the matter to the vote at this time. Yes. I put the question that the House take note of the Paper

QUESTION PUT
AGREED

The ayes have it thank you

AMENDMENT TO IMMIGRATION AMENDMENT (NO. 2) BILL 2000 IN RESPECT OF NEW ZEALAND VISAS

SPEAKER Resuming debate on the motion being agreed to and Mr Smith you have the call to resume

MR SMITH Thank you Mr Speaker. Before we go any further it is my intention to adjourn debate again on this particular motion in relation to one point that's been raised by the Chief Minister to me yesterday in relation to what my amendment is about but I would like to just remind Members of what the motion is. It is to amend the recently amended Immigration amendment to include where a person who needs a visa to travel to and enter Australia that that be amended to include or New Zealand in the Immigration Act. My reasons as I gave at the last Sitting, unless anybody else has anything to say on it today I move to adjourn the matter to the next sitting

SPEAKER Yes, could I just explore whether anyone wishes to say anything

MR BROWN Mr Speaker there's one thing that would be helpful for me in understanding this. The Minister previously as I recall it, quite strongly supported the Bill which had been introduced by the then Minister for Immigration and I'm just wondering whether the Minister for Tourism is telling us that some circumstance has changed to cause him to bring this Bill forward or whether he feels that he in fact acted a little hastily or may have even been wrong in supporting the Bill on the previous occasion. I don't have a great difficulty with the suggestion or I would not have had a great difficulty because the Minister will no doubt recall that I voted against the Bill on a previous occasion but having voted against it and having accepted the will of the majority of the House I'm not quite sure why I'm being asked to now tip all of that upside down

MR WALKER Thank you Mr Speaker I would just like to concur with Mr Brown in that I voted against the amendment being passed and like he, I was a little confused that I understood the whole thrust of that amendment was to do exactly what this amendment is now proposing to undo

MR SMITH Thank you Mr Speaker. When this amendment was introduced Mr Brown might actually recall that as we sit next to each other here, when we were debating this particular amendment, not my amendment but the previous one, that I had actually written in the words or n. When this amendment was introduced Mr Brown might actually recall that as we sit next to each other here, when we were debating this particular amendment, not my amendment but the previous one, that I had actually written in the words or New Zealand as an amendment to that. I think John kind of agreed that that may be a solution to the difficulty that some Members have with the fact that what we appear to have done, whether I supported it before, I don't know whether I would say I would support it as strongly but I realise that since that happened, it does actually leave out a lot of people who may want to come to Norfolk Island and that's what I was referring to in last months meeting where you have people who may be living in a foreign country like New Zealand who may have visas to live in New Zealand. Those people would then have to have another visa to come to Norfolk Island after what we've already passed so I suppose I could say, yes, at the time I might have voted too hastily but other factors have been brought in to make me reconsider too because after we had discussed the original amendment it was said that we were giving away part of our self Government process because we were giving away something that we already had previous to this amendment and I thought a lot about that and I think that now is reasonably true because previously a person didn't have to have a visa to come to Norfolk Island. The other thing was the suggestion that I had, I don't know if I talked about it in the House but I understand from an informal discussion I had with the Administrator that his concern was that people could use Norfolk Island as a back door into Australia and hence the need to do something like what had been proposed here. I suggested at the time and feel it is something that still could be done that instead of people having to have an Australian visa to come to Norfolk Island that they have to actually have an Australian visa to go from Norfolk Island to Australia which would seem appropriate seeing they have their own Immigration barrier and we have our own Immigration barrier. However in the last week I had also spoken to Adrian about my

amendment and the key to my amendment is in the words. Now I understand from the Immigration who came over here from Canberra, they said they see a difficulty for New Zealand being an entry port into Norfolk Island in that they have a visa free entry into New Zealand from other foreign countries but the key is in their having to have a New Zealand visa to come here. now that's different. That's different to somebody have visa free entry into New Zealand and therefore Norfolk Island. They would need to have a New Zealand visa as much as an Australian visa to come here and at the time Adrian said that that was something that needed to be considered. But referring again to those people who are in New Zealand who don't carry a New Zealand passport which is part of the amendment we have already done. They might not have a New Zealand passport, but they might have an Irish passport or UK passport for example but have a visa to live in New Zealand. We discount them with this amendment we've already made. They would have to apply for an Australian visa as I understand from my reading of the Bill or the previous amendment. I don't think that's fair because one of the other difficulties that has been raised throughout all of this is that we are always in danger of having somebody coming to the Island who we cannot send to another country because we don't have visa entry into that country. That has always been a strong argument put forward about our Immigration controls. Now if somebody does have a visa for entry into Australia or New Zealand that takes away those concerns. The issue that the Chief Minister raised with me yesterday was the fact that nobody at this stage had had any communications with the New Zealand authorities. Now I take his point because I quite agree with that. We've only had the Immigration people come over from Canberra and say that they have a difficulty at that end but we need to find that out ourselves. We have our own Immigration Act and our own Customs Act, our own Immigration and Customs people attend conferences around the Pacific which means that we are part of those groups and therefore we must be able to negotiate our position if we are to go down this track that I am proposing in my amendment. As far as any other issue as Mr Brown has raised I think I did say at some stage that I made a reference to the Joint Standing Committee into Electoral Affairs, that Inquiry that is going to come to Norfolk Island and I felt that at that time it was wrong of the Federal Minister for Territories to be raising issues like that when legislation had already been before the House and rejected and I felt there may have been some connection between this Immigration amendment going through and what Senator Macdonald's views were. Now I could be quite wrong about that but I think Members can make up their own minds about that but it is my intention to proceed with this amendment whether the Commonwealth will assent to it in the end or not I can't say but they should considering that was the situation previously anyway and it has been that way for quite some years so I'll say once again Mr speaker I'll adjourn the motion if nobody else has anything to say

MR COOK

Thank you Mr Speaker could I say something. My name has been mentioned in what the Minister has just said. This whole problem about the entry from New Zealand has obviously troubled deeply the Australian authorities and also should trouble us because a real problem can arise from people coming from quite a large number of countries throughout the world where it is almost impossible for us to get any information about their character before they come into our community. That doesn't mean to say that what Minister Smith has touched upon is unimportant. What I'm concerned about is whether there are sufficient number of people who are likely to be effected by this situation and is therefore necessary to have in place a proper and safe border control. Even the information today from the Pacific Forum which recommends that all the Pacific Nations have very serious concerns about the activities of illegal entries into quite a large number of Pacific countries by air and what measures the Pacific Forum intends to take about that. I mention that because the subject of proper border control is obviously a very serious consideration and one that shouldn't be taken lightly. If indeed there is some wording which would be appropriate to bring about a situation that a person who wants say the whole of the British passport but had chosen to reside in New Zealand and became entitled to what amounts to a New Zealand permanent resents visa or something of that nature might be able to be accommodated rather than somebody who just had a right of entry into New Zealand by virtue of their

free visa entry. One of the problems about that is that they enter New Zealand, they can go into there but as soon as they go out they don't have a visa so they can't really come to Norfolk Island from New Zealand because they no longer would have a New Zealand visa. They've left New Zealand and it's a question of right of entry and the time of departure. I think although I've very concerned and confused myself about the fact that after a deal of effort and time was spent in putting all these matters before the public and the House that it would appear that suddenly there was an about face taking place and something that was put in place after long and careful discussion is about to be overturned. Minister Smith's situation really deals with those people who have a right to complain because they had previous accepted opportunities to enter Norfolk Island without any great difficulty then obviously some thought may be needed to be given to it but I really believe that the matter must be drawn to its conclusion without any delay because it has in effect been around now for six years

MR NOBBS Thank you Mr Speaker Mr Smith is quite correct that I put to him yesterday after having a look at Immigration and having been acting as Immigration Minister for a few weeks now that I now have a real concern that we don't have an official contact at a governmental level with New Zealand. We have a buddy buddy relationship and fortunately I understand from some briefings that I had of late, that system has worked, but it is only purely a good buddy system and there's nothing formal in place and if we are to move in this direction with the New Zealand Immigration we must have far more contact with them at an official level and get information directly from them Government to Government and I don't believe this will create any concerns if we go about it the right way and let's go straight to them. A couple of years ago I was on a Parliamentary Association visit to New Zealand and I happened to be speaking to the then Foreign Minister McKinnon who took a real interest in the Pacific region which is the region that Norfolk Island should be in, not the Australian region and I keep harping on that and I think there is some agreement around this table, but anyhow, he had a real interest in the Pacific Region and I said well why don't you drop into Norfolk Island and visit and he said oh I can't do that and I said why not, and he said I've got to go through Canberra and I said You're joking. Anyhow that's the situation with that so he never came of course but it wasn't progressed on our behalf either so what we need to do is to get a Governmental measure and if we are to use their visa system we should hook into it. They are tied into Australia in other ways so really it's a three way talk that should go on in relation to this. I think we should have Government to Government discussions in relation to this

MR McCOY Thank you Mr Speaker one of the issues that was around when we were discussing the Australian visa or the amendment to the Norfolk Island Immigration Act was the fact that the Commonwealth had difficulty when Norfolk Island had a desire to implement its own visa system in managing a dual visa system for people to come to Norfolk Island and I think they would have the same difficulty again if someone in say some far away place in the world was applying for a New Zealand visa to travel to Norfolk Island the Australian authorities may not be so willing to accept it. also if someone came to Norfolk Island with a New Zealand visa and then the visa runs out and they decide well they are not going to go anywhere, where are they going to go? Will Australia accept them or will we be faced without another huge cost to remove that person from Norfolk Island so I just wondered if Mr Smith has walked through those couple of issues

MR BROWN Thank you Mr Speaker perhaps I could help the Chief Minister with a couple of ideas and that relates to the Foreign Affairs power Mr Speaker and that is a power which remains at this stage with the Commonwealth Government and its because of the Foreign Affairs power that we in fact don't go out making international Government to Government arrangements. Our international arrangements at this stage are quite properly made through the Australian Government and there is no derogation from self Government in recognising that but we can make awful fools of ourselves if we don't know about it. but there is a way of Norfolk Island

participating in such issues with other countries and in the case of Immigration there is an Immigration Officers Association involving Australia, New Zealand and numerous other countries of the South Pacific and we've managed to obtain membership of that but unfortunately the current Government at one stage decided they weren't prepared to continue funding our participation in it and so although the funding may eventually have come into place there is absolutely no doubt that the Government was not at all keen to do it at one stage

MR NOBBS Point of Order Mr Speaker. That is quite misleading Mr Speaker. I can't believe that. We funded that. it was in the budget. I can't believe it

SPEAKER Chief Minister I don't accept that as a Point of Order but I will give you the next call so that you may put your view about the matter

MR BROWN There are ways that we can have participation within all of the rules Mr Speaker but we've got to be prepared to fund them, we've got to be prepared to encourage them, we've got to be prepared to provide proper training to those we send there and that training has to include training how we wish to see Norfolk Island presented Mr McCoy has told us that the Australian Government might not be happy with someone coming in on a New Zealand visa. I'm not sure whether he meant coming to Norfolk Island or going to Australia but until the previous Minister for Immigration introduced a Bill which was passed by the House, it was none of Australia's business. If a person on a New Zealand visa who had the right to return to New Zealand wanted to come to Norfolk Island he was able to do so. he had to have the right to return to New Zealand but he had the ability to do so. If that person wanted to go on to Australia he was out of luck unless he had an Australia visa because quite rightly Australia controls its border. quite rightly New Zealand controls its border and I commend the Minister for Tourism in recognising that it is appropriate for Norfolk Island to control its own visa and not have it controlled by people in other places when Mr Speaker as you well know Immigration is in effect a local power. sure the Chief Minister will tell us it's schedule 3 but what schedule 3 means is we pay for it, we get in and run it and as long as we do a good job we win applause. If we muck it up, sure, we're in strife and we must be certain that we do better than we've done in the past and in the future we don't muck it up

SPEAKER Chief Minister I said I would give you the next call

MR NOBBS Thank you Mr Speaker I just say that I hope Mr Brown doesn't go up to Mr Mike King's there because he wants two bob each way on every horse in the place and a winner first, second and third result in every race because what he says is

MR BROWN Point of Order Mr Speaker. That is a personal reflection. What he is saying is that I'm an improper gambler

SPEAKER I did search your view Mr Brown but I'm not too sure that I accept it as a Point of Order on this occasion

MR NOBBS Thank you Mr Speaker that's fine but the situation is that we've heard that we can't do anything with Foreign Affairs because that's Australian but we can handle Immigration ourselves. The proposition I put to you is that we should be in consultation with the New Zealand Government on a number of issues. We are close to New Zealand and it's exactly the same as any other territory or Australian Government talking to their neighbors. that's what I put to you as a premise and it's something that hasn't been done and it must be done if we are to progress because we are in a situation here where we get heaps of stuff from New Zealand, we get tourists, one of our aircraft's comes out of there, a raft of things. Whether we like it

or not we are closely tied to New Zealand and I keep telling anybody who want to listen in the Australian Government that that is the position. We are closely tied to New Zealand whether they like it or not because economically we have close ties and I think from an Immigration point of view I think the sooner we start talking on an official level to them the better whether its an Australia visa in place or a New Zealand visa or whatever visa is in place. Australia talks to them, I can't see why at those conferences Norfolk Island couldn't be a representative and I think we should be moving down that track

MR COOK Thank you Mr Speaker, I have told the executives that they should be aware, during the time that I was Minister for Immigration that Minister Ruddock in the Australian Government in response to a request that we be permitted to at least have observer status in the discussions that involved New Zealand and Australia and all the states and territories on Immigration matters that we should have that opportunity and eventually that was agreed to not long before the end of last year so we do have that opportunity to participate and New Zealand was clearly engaged in those discussions and it's a forum where our point of view could be raised. While we have observer status we may not be able to vote but we certainly can speak

MR SMITH Thank you Mr Speaker I just pick up on some of the issues that people have raised. someone asked about the number of people who may be affected if my amendment was not there at all. I understand from the Official Secretary that he had mentioned a figure of 5% of our tourist numbers would be affected. Now I don't know what that is based on but it wouldn't only apply to New Zealanders. it would also apply to people who are travelling to Australia. If someone wanted to come to Norfolk Island currently and if they came through Australia and had an Australian visa for the time they are there and then travelled onto Norfolk Island because they did have an Australian visa, but once they leave the country they no longer have that visa. Now whether that's a fact or not that would need to be checked but the other thing that I was referring to with the New Zealand side of it, we had a person from Immigration come to us and sit here at the table, which was really great and listened and gave us a lot of information but it was those people who said that they have a difficulty at the New Zealand end. Now we don't accept everything that somebody comes along and says and I think this is one of those cases where we need to know what the other end think. the New Zealand authorities might quite agree but the fact is for many years we have been using that system where coming through New Zealand people have been checked and as far as I know and I haven't any evidence to the contrary any people who get through the New Zealand barrier they have to then get past our own barrier if they don't have a visa or the appropriate passport. I don't have any information on whether there has been people who have arrived here. Maybe somebody else would know if there has been but Adrian did mention re-entry into New Zealand. From my experience of having been at the airport for many years, when people arrived here with a visa they had to have a visa that gave them right of re- entry into New Zealand and I don't know whether it's in all cases where people have foreign passports that residency visa into New Zealand actually has a time on it when it specifies that they can reside in New Zealand. I agree that if people come from some countries they are granted a visa on arrival and that visa expires of course once they leave but I'm not talking about that. They have to have a New Zealand visa which is different. Now if there was any question about those, well that blows away the argument that was put to me by the Immigration people that these days it's easy if somebody was in say Holland and they want to come to Norfolk Island they just need to get an ETA which they go to their agency and get. Well that would be the same for New Zealand so there wouldn't be any difficulty because the argument was that, that way we would know if there were any terrorists who were wanting to come into Norfolk Island because they would be picked up but nobody who offers visa is going to give one to a person of the wrong character to come to Norfolk Island so I think that's quite safe. The other one which was the back door entry into Australia I'm sure that could be easily fixed. The buddy buddy system that the Chief Minister referred to has been working well for years. Maybe it just needs a formalisation of that and I would totally support that being done.

Mr McCoy asked about the visa period. Even as the amendment stands now Mr Speaker it has that a person has to have a visa for the time spent on Norfolk Island plus thirty days so that protection is already there

SPEAKER Thank you Mr Smith. Further participation. Mr Smith you spoke about prospective adjournment

MR SMITH Thank you Mr Speaker I move that this matter be adjourned and made an Order of the Day for the February sitting

SPEAKER The question is that this matter be adjourned and made an Order of the Day for the February sitting

QUESTION PUT
AGREED

That matter is so adjourned thank you

PUBLIC SECTOR MANAGEMENT ACT 2000 – APPROVAL OF HUMAN RESOURCES POLICY

Debate resumed on the question that the motion be agreed to and Mr Nobbs you have the floor

MR NOBBS Thank you Mr Speaker I would like to move an amendment to the motion that I put in at the last meeting and the amendment is that all words after "THAT this House –" be deleted and the following inserted "1. formally approves under Section 28 of the Public Sector Management Act 2000 Version 4 of the draft Human Resources Policy dated 22 September 2000 which was tabled on 15 November 2000, subject to the amendments agreed with the Legislative Assembly, the Public Service Association and staff and management representatives at meetings minuted between the parties on the 8th and 15th January 2001 and recognises that bandwidth for spread of hours (item 8.2), special leave without pay (item 11.10) and redundancy entitlements (item 13.4) are subject to further discussion and consultation between the parties; and 2. agrees that the current conditions and entitlements for items 8.2, 11.10 and 13.4 remain the same until further discussion and consultation on them is concluded." Mr Speaker since the introduction of the original meeting, a motion that stated that at the time there were a number of issues related to the Human Resources Policy which were yet to be resolved, since that time fairly extensive meetings have been held involving Legislative Assembly Members, management and public sector representatives. Such meetings resulted in a resolution to those difficulties other than those listed in the amendment proposed. In relation to those mentioned in the amendment further negotiations will occur. I seek Members support to continue the progress achieved to date in relation to implementing the Human Resources Policy and thus the proposed modernisation of the Public Service. I thus seek support for the amendment as proposed

MR GARDNER Thank you Mr Speaker just briefly in relation to the Human Resources Policy it's really just a comment on the process that we've gone through that I'm pleased to see that all parties involved have been able to sit down around the table and thrash out the issues and be free and frank in the discussions relating to the Human Resources Policy. That certainly is a very encouraging sign for Norfolk Island that that level of co operation can be achieved and I would like to commend everybody that's been involved in it. Certainly the Chief Minister who's been so active in pursuing it but also Members of the Service and the Working group who have been involved in it. I think it is vitally important for the provision of services by the Administration of Norfolk Island to have very clear and concise Human Resources Policy in place. That's all I wanted to say at this moment

MR NOBBS Thank you Mr Gardner for that. I feel exactly the same way but I didn't want to seem to be beating my breast or crowing or doing whatever you like but it was really enlightening over the last few weeks. There have been some considerable effort put in by all Members and we've had lengthy meetings in the January period which is supposed to be the holiday time I guess for the Legislative Assembly but I hope everybody is satisfied now that apart from those sections mentioned in the amendments are acceptable to those concerned and can I move the amendment

SPEAKER Yes. I've interpreted that the amendment is before us. That you had moved us in reading it out to us Chief Minister and the question before us is that the amendment be agreed to. Any further participation

MR BATES Thank you Mr Speaker. I don't want to say much about the content of this. I have had quite an input into the debate but mainly just to make sure that matters are understood and that they were properly consulted but I do again reiterate that this is not just a matter of adopting a Human Resources Policy and expecting it to work. It has a number of matters especially in the funding area which the Government or this Legislative Assembly now needs to stand up and if it's fair dinkum about it, not put the funding off and still expect it to work because hand in hand with this is quite a bit of expenditure and anticipated savings too, but unless that expenditure is made and unless those things are put forward this is really just a piece of paper and won't achieve the results without the proper funding put into it

MR SMITH Thank you Mr Speaker I just want to say that this process really brings to a close a lot of work that has gone into the Public Sector Management Act and the Human Resources Policy that goes with it and reiterate Mr Gardner's comments about participation by all the people who have been involved and that goes right across the Public Service from the early days when we were consulting with the Public Service and the amount of input that was given by all the people in the service, was excellent and has led up to getting this degree of the Human Resources Policy and recent discussions we've had with the Public Service people and the PSA. There are things that some people won't be happy with and there are things that some people will be very happy with but it's a whole new change and I also commend the Chief Minister for getting it this far in his time here too

SPEAKER Further debate. No further debate. Honourable Members I put the question that the amendment be agreed to

QUESTION PUT
AGREED

The amendment is agreed to. What we have in front of us now Honourable Members is a motion that is amended. Any debate in respect of that matter. The question is that the motion as amended be agreed to

QUESTION PUT
AGREED

The ayes have it. That motion as amended is agreed

CROWN LANDS ACT 1996

Debate resumed on the question that the motion be agreed to and Mr Nobbs you have the floor

MR NOBBS

Thank you Mr Speaker, Mr Gardner's motion in effect puts the Commonwealth's views as expressed at the IGM last and we've discussed this. The Norfolk Island view at the time was that the land be transferred to the Norfolk Island Government, any subsequent decision on the change of tenure would be other than at the present time would be at the decision of the people of Norfolk Island. The amendment proposed allows for this to be progressed. It also provides for a stringent safeguard as any action will be by referendum. I believe the legislation should also include a reference to the fact that the amendment to the relevant section would only follow a referendum. I have great concerns for the future of the Island's landscape and if the freeholding of large sections proceeds the implications are massive as to our future planning which must be dealt with the current Planning Review. It should be borne in mind that the current leasehold has specific controls. Freeholders control further planning and I repeat freeholding of leases will introduce a whole new ballgame for the Norfolk Island Plan. I was particularly concerned by some comments passed to me that some landholders had written to Canberra stating that they wished the land to remain as leasehold under Canberra's control as they did not trust the Legislative Assembly. I think I mentioned this at the last meeting. If this is correct and I've yet to confirm this, however, if it is correct I'm a bit ashamed and we have some real problems. I sincerely hope that this is incorrect. I cannot believe that anybody would wish for control by Canberra given the history today especially against the proposal which gives control directly to the people of Norfolk Island. Just look at the control by Canberra at present and I mention the whims and fancies. We saw the introduction of the possibility to extend leasehold to 99 years but not in the KAVHA area where we see leases held in a family for generations being offered five year extensions and I ask what sort of tenure is that. KAVHA was established only relatively recently and why cannot leases which have operated for years in the area not continue. Does it mean that the whims and fancies of Canberra those leases within the viewshed, and extension of the KAVHA area, will they also fall into the category of only a five year renewal. The danger is that there are other areas which may be classified as historical and so on it goes. Mr Speaker I believe that there can be firm controls. The basis of this proposal is simply this, whatever you do with leasehold land at the present time remains in place and I want to make that perfectly clear. That's the proposal. If you wish to change from a rural lease to a rural residential lease there are current procedures in place which allow that to happen. That type of thing would remain. Exactly what you can do now would be retained. However, if there is a proposal other than what people can do with their leases at the present time in relation to tenure then there would be a referendum and I believe that that section has to be spelt out very clearly in any Act and there will need to be I understand a new act to control Crown Land if the Crown Land is passed to the Island, that the current Act will not be sufficient. When that new Act is brought in there would need to be that section related to a referendum for a change, but there would also need to be a referendum to change that particular section itself so that it could not happen that an incoming Legislative Assembly could just amend that section and cut the referendum situation out. We need some very stringent controls in relation to this and I firmly believe that we should maintain the status quo. Thank you Mr Deputy Speaker

MR BROWN

Mr Deputy Speaker I do not agree with the Chief Minister. I believe that brief amendment can be made to the motion proposed by Mr Gardner so as to adequately take account of any valid concerns and I will in due course seek leave to move those amendments and let me tell you what they would be. I will hand them to you in a written form shortly. They would be to add a new section after 1. which would say any leasehold land so converted to freehold should not be able to be subdivided and that I would make clause 2. I would add a clause 3, should a lessee not wish to accept freehold then that land be transferred to the Norfolk Island Government and 4. perhaps rural leasehold be transferred to the Norfolk Island Government although I'm not too sure of that either but if the concern is that once freeholded large blocks of land might be subdivided it is a simply legislative task to prevent that. If a leaseholder does not wish to obtain freehold then he shouldn't be forced to but we must recognise that the Commonwealth did want to get out of this picture. It doesn't want to have five

or six blocks that are leasehold because a landholder says well we don't want to take freehold. The Commonwealth in that event is going to want to pass it across to the Norfolk Island Government and those leaseholders would need to accept that they then would be at the whim of the Norfolk Island Governments. I believe that those suggestions would cope with any valid concerns and would leave leaseholders able to make a reasoned decision as to whether they wish to convert the freehold or to remain as leaseholders under the Norfolk Island Government. Any conversion to freehold would involve a payment of money but in virtually every other place where this is done it has been possible to make that payment over time and there is no reason why that arrangement couldn't be made here thank you

MR GARDNER

Thank you Mr Deputy Speaker I think what we are trying to achieve here today is not to end up with a fait accompli that this is the way it's going to be if we get Crown Land handed over. What we are really trying to achieve today and I endorse what the Chief Minister said and echo his words in the previous Sitting and his earlier words today during debate that we need to have a position to take back to the Commonwealth to negotiate the transfer of Crown Land. The original motion that was mentioned earlier and I know has caused some confusion amongst my colleagues in the Legislative Assembly, the original motion I brought to the House was a reflection of a Commonwealth proposal to the Norfolk Island Government in light of a number of prerequisites being satisfied, that they may consider the transfer of Crown Land in the form that it was set out in my original motion that I brought to the House and during the debate on my original motion I did indicate at that time that it was clearly the Commonwealths position and not necessarily a position that was supported by myself or other Members of the Legislative Assembly. The purpose of bringing it to the House was to try and get a negotiating position by this Legislative Assembly to take back to the Commonwealth subject to satisfying the Commonwealths requirements and I will just remind Members what they were. Before the Commonwealth would go that one step further and consider the actual transfer of Crown Land. Firstly the Review of the Norfolk Island Plan. Secondly the implementation and requirements of the Heritage Act 1996 and this briefly touches on some of the issues that were raised by Brian in debate I think last month and when my original motion first came to the House in relation to a letter that had been circulated to all landholders regarding some of the issues surrounding this and philosophies of the transfer of Crown Land and what visual amenity meant and what were the impacts of Heritage and I might touch of those later but certainly those have been addressed as part of the review of the Norfolk Island Plan. As Members are aware there is an MOU that is about to be finalised so that we can advance the implementation of our own Heritage legislation here on the Island, There have been I might add and I think I need to add at this stage, some further developments in relation to Heritage legislation and the Commonwealth and Senator Hill I think prior to Christmas tabled and spoke to more Commonwealth legislation in relation to Heritage matters and really to cut a long story short that Heritage legislation that he was presenting the revisiting of those areas on the National Heritage Register of the National Estate that would be downsized and as Members would be aware there are some portions of land on Norfolk Island that are on the National Estate Register, and whether that's going to mean that those areas will no longer be part of that register or not is yet to be seen and that certainly is dependent on the passage of that legislation through the Commonwealth parliament. The other important point I think is with this negotiating position there is no guarantee whatsoever that the position that the Norfolk Island Government takes in the negotiating will be accepted by the Commonwealth. We don't know whether at this stage that is the only way that the Commonwealth would be prepared to hand over Crown Land to Norfolk Island or indeed freehold Crown Land to any of the current leaseholders however I need to emphasise the fact that we do need to negotiate a position as we are moving down this road and progress has been made in the Review of the Norfolk Island Plan and we are starting to achieve and finalise the preparation of all of the Plans of Management and other pre-requisites. The preparation of Road codes under the Roads Act and legal definition and physical examination of all roads, the preparation of codes under the Public Health Act, building codes under the Building Act

1996 and of course amendments to the Crown Land Act 1996 itself. Those are pre requisites. Those are required. They need to be walked through. We need to be as we are walking through that, in a position to know how we are going to consider, if at all, the transfer and the receipt of any Crown Land in any form or any fashion back to Norfolk Island. I think as I said when I introduced my original motion a couple of months ago that one of the corner stone for the advancement of self Government and the proprietorship of the Island and the ownership of it rests and vests in the land itself and we need to be very conscious of the fact that around the world most of the arguments about self determination hinge on the control of land and I agree in Norfolk Island 's case, that is the same thing. it seems a bit senseless having self Government when a substantial portion of the Island in the current case, more than 50% of it is not under the control of the Norfolk Island Government and the people of Norfolk Island. We must not be in a position where there is an impasse, nothing can be achieved, everybody throws up their hands in horror and says well that was an absolute waste of time. We would have the Review and the codes and that is a benefit anyway regardless of the outcome of the transfer of Crown Land but it is important that we pursue it. I'm looking for support for a negotiating position and I need to reiterate, this is not a fait accompli. Any position that is taken will be a matter for discussion only and from where I sit, that will enter into negotiations, that will be amended by negotiation. There will be give and take and before anything is fixed into place we are going to have to come back to this House to endorse a position that we are comfortable with and the Island is comfortable with. As far as Ron's motion is concerned, I'm supportive of it. I see no difficulty with it. It is a negotiating position. However there needs to be some clarification of the terminology that's been used and would need to be amended accordingly so that it sends a very clear message of what this is about. I didn't have a chance to speak to the Chief Minister about this but after consideration I seem to think that maybe the warning blinkers go up a little when you read the amendment that he is proposing here and that amendment is after the words should in point 2. It has upon transfer. Now some people have said to me that should upon transfer, that can be misleading and maybe indicate that maybe the Government has already decided on what they want to do with this land if it is transferred to them. I think it's more appropriate that that wording should be changed to reflect after transfer so that it's an indication that should anything be required following transfer of Crown Land in any form or fashion that there are a number of things that would have to be gone through before there is any change whatsoever and I guess the other thing is the status of it. Under the current Crown Lands Act there is the ability following consultation and bits and pieces to actually change the status of the piece of Crown Land that you have from rural to special purpose etc. I don't think under any regime that you really want to be going to a referendum to look at that because they would need to be dealt with on their merits and this ties into some of the Administrative Arrangements that would be required later on. However I think that the word status should probably be title because what we are talking about here is retaining the leasehold title as a leasehold title and if there were to be a change of that to freehold or whatever, in those circumstances yes I would support that being locked up in some fashion either as a plebiscite as I said in my debate a couple of months ago or by referendum. I've been approached by leaseholders on the Island,. Some very supportive of the concept of just passing the land over as it is. In other words the status quo retained. It's still administered in the same fashion, they still pay the same fees, the same bits and pieces. They are quite happy with that, to see the title shift from the Commonwealth to Norfolk Island and then in the years that follow working out exactly how the title is going to be disposed of or otherwise if that question is ever raised. There have been however, other leaseholders who are very concerned and I've heard the same thing first hand from leaseholders that there is this lack of trust. Maybe you get a rogue Minister in there who for some reason wants to have all of your noxious weeds removed and if you don't do that you are not going to have your lease renewed and then it's sold out from under you, or a rogue Government that runs around and says all this beautiful leasehold land out there if we can remove a few people from that land, freehold it ourselves and flog it off we can make a million, we can balance the books and we can put in some much needed infrastructure. Those are real concerns. I would have those

concerns if I was a leaseholder and the answers are being sought. Following approaches by those leaseholders and prior to my going on leave I drafted a letter to His Honour the Administrator trying to seek some confirmation and clarity on some of the issues that have been raised by Senator Macdonald's proposal. Unfortunately and I have to wear the blame for this, for some reason I didn't get a signature to that letter and our Research Assistant to Government actually reminded me of that on my return and so we quickly redrafted the letter to try and seek those areas of clarification from the Commonwealth. Some of the questions that I've raised deal with what is the price going to be? What is the equation for working out what the price would be for freeholding? What are the legislative pre-requisites that are going to be required by the Commonwealth before they would even consider the handing over in any form or fashion leasehold land or part thereof to the Norfolk Island Government? I also did raise the question, because I'm not privy to that information, I don't know what is in the back of the Commonwealth's mind or how they are going to work those equations out. Certainly I think only Minister Macdonald's Department would be the ones who might have answers to those questions and those queries and so I've sought that information so that we can continue with that. I have also suggested that maybe there is an opportune time during the IGM desk month for the officers of the Minister's Department to actually have some private face to face meetings and some public meetings on this issue of exactly what was intended and to try and provide some of those answers to what's proposed because people have feared that it might be exorbitant prices that the Commonwealth are asking. John Brown's given us some insight into what has happened elsewhere and apparently from that the prices aren't exorbitant they are asking but I don't know what those levels are and people really want to know the answers to those questions. They want to know some of the other things that John's brought up in relation to, if they didn't want to freehold leasehold land what would happen to it. Would they be forced off their lease? Certainly a lot of those are pretty commonsense questions. I don't think that the Commonwealth is so Draconian as to just send people packing however people want the answers to those questions, they have sought those answers to those questions and I in turn have sought those answers to those questions from the Commonwealth. However, that doesn't prevent us formulating a position to start negotiating on this. This is really the emphasis that I want to put on this. This isn't a fait accompli. If we decide this. This is not how it is going to be. This is simply a negotiating position. We need to know what the Commonwealth position is in relation to this proposal. In other words, retaining the status quo other than changing the title and also looking at what other legislative requirements and bits and pieces would be required prior to the transfer. I get back to some of Brian's queries in earlier debate last year in relation to it and get back to a letter that was received by Members that raised a whole lot of philosophical issues and bits and pieces. Much of what has been raised in here, it's impossible at this stage to give answers to because a lot of that will need to be determined by debate around this table subject to whatever the final outcome may be and I need to stress that. Maybe because the Commonwealth haven't said you are going to get it. We need to have a long close look at it. Some of the issues that are raised in this letter also deal with equity issues. Now certainly it's been made quite clear to me that the proposal put by the Commonwealth in a lot of instances is inequitable. In other words, a leasehold is a leasehold. Why are you only going to let some leaseholders freehold. That's an inequity straight up. It needs some justification for it. There are also inequities that are pointed out in that letter relating to administrative appeals. A decision gets made. And probably one of the failings of the current Crown Lands Act that will need amendment, no matter what happens and no matter what form that new legislation takes, will be a very long hard look at the appeals mechanisms that are available to people when decisions are made. Now whether those are decisions made by the executive Member or in this case by the Administrator when he is seeking to have people remove noxious weeds or not keeping properties tidy and things like that, in some areas through the Supreme Court there are the avenues there for appeal but quite clearly when you go through the Crown Lands Act those administrative reviews are not there in every instance to deal with decisions that are made under the Crown Lands Act and certainly I think people would be a lot more comfortable if they knew that there was

a fair and equitable appeals process in dealing with Crown Lands in the future or ex Crown Lands in the future upon the transfer of lands to Norfolk Island. some of the questions again that were raised in here had to do with what is the dollar figure that is going to be attached. I've already touched on that saying that I've sought that information from the Commonwealth and waiting for that information to come back and hopefully that might be able to be addressed in a public forum by officers of the Minister's Department during the IGM. Of course there are some of the issues relating to Heritage and I've already touched on those and what Senator Hill has done by introducing new Heritage legislation. That's beyond our control. That Heritage legislation extends to lands that are Commonwealth owned. There are also under the different Heritage legislation that's around at the moment questions that are raised about national significance and probably one of the areas that may cause some delay in the transfer of lands upon all those other prerequisites being met that the Commonwealth are seeking will be the issue of areas of national significance on Crown Lands and whether that in itself will prevent or delay even the freeholding of transferal of any land is a question that yet has to be answered and we are certainly endeavouring to try and get that information for people so that when the big question does come subject to the Commonwealth saying yes Norfolk Island you've demonstrated to us that you responsibility can administer land, you are fair, you have the legislative safeguards in place to ensure that there is equity, you have the legislative safeguards in place to ensure that roguishness that may occur in the future is prevented from occurring then I think that at the end of the day we probably need to be in a position that we can negotiate some of these with the Commonwealth and what we are seeking today is taking a position. I can't stress enough the fact that this in my mind is not a fait accompli, that this is really a negotiating position and any firm and final position I tend to think will probably need in itself to be a matter for plebescital referendum as to the final outcome of anything that may occur such as the transfer in any form or fashion of Crown Land to the Norfolk Island Government

MR COOK You've spoken for 55 minutes. You might lose your job if you're not careful

MR GARDNER I think it was about 23 minutes Mr Deputy Speaker

MR BROWN Point of Order Mr Deputy Speaker. Might it be noted that the former Minister raised his middle finger and raised it towards the ceiling

MR COOK Thank you Mr Deputy Speaker in fact I scratched my nose

MR SMITH Thank you Mr Deputy Speaker some comments on what was proposed here. I wonder if we are not standing far enough back from this to see what is actually being talked about here. We really have two motions and an amendment as well. Maybe what we should be doing because we don't really know what the Commonwealth's view really is on either of these motions, maybe we just need to combine the two as a position. Now that can be the first one or the second one, now think about that, we then have a couple of options to put up so we go into the Intergovernmental meeting and say well this is what we think, this is option one and here is option two, then the Commonwealth can give us a view and it may resolve what is being debated around the table. I put that forward and secondly for the benefit of other people perhaps the Minister could tell what areas of land we are talking about as there may be some confusion as to what pieces of land this would effect

MR GARDNER Thank you Mr Deputy Speaker I think it is quite clear in the body of the motion that this is all Crown leasehold land

MR BUFFETT Thank you Mr Deputy Speaker could we just put into context how this matter has come to us. Norfolk Island has for a long time now

been negotiating self governmental arrangements which has meant substantial movement of areas of authority from the Commonwealth of Australia to Norfolk Island. The package that is on our plate at the moment is the land package and it has in it obviously the sort of land that is being addressed in this motion here. In our latest rounds of discussions with the Commonwealth which includes this component they came forward with the view that they would like to handle land as is expressed in the first motion, that is Mr Gardner's motion as he mentioned it, and he has put it on the table for our reaction. Not necessarily promoting it as I understand it, but for our reaction so that we might know how to move forward in this. I would like to say that in the process I was rather disappointed in two factors, firstly that the Commonwealth did not show their hand to give us some notice about this matter so that we might give it mature consideration and secondly when it was given in the Executive quarter there was some reluctance to share it with the totality of the nine Members of the Legislative Assembly but that's water under the bridge to some extent now. We have the proposal in front of us but it really has come to us in that context and so in Mr Gardner exploring whether the original words put by the Commonwealth are appropriate it has drawn one written response and that is the Chief Minister's amendment to it. I'm not too sure whether we are going to settle this matter today to be quite frank because a whole host of factors have come out, most of which are very relevant but how they are going to be put together in this requires a bit more work than I think we in a formal session like this can put together but I could be wrong about that and I'm happy to be wrong about that but it may well be that we have to do more informal work before the next Intergovernmental meeting to try and put these factors together. Now what are the factors that are around at this motion. In respect of the original motion which says residential leasehold and rural residential leasehold be offered to leasees as freehold title on payment of an appropriate consideration and then rural leasehold which is quite separate from residential leasehold and rural residential leasehold, rural leasehold be transferred to the Norfolk Island Government. They are the two factors. A number of difficulties have been seen with that. Some pluses have been seen with that too of course. One of the difficulties is that present qualifications about people living here and holding land does coincide with leasehold arrangements. That isn't the case with freehold land in Norfolk Island and there is concern that vast quantities, or it doesn't have to be even vast, but some major quantities of land may be taken up by people external to the Island and that is a concern that many people have expressed. There is also the matter of maybe more subdivision than is able to be done now, because it is not as easy of course to be able to subdivide leasehold land, so there are some of the difficulties if it in fact converts to freehold it may draw some of these difficulties and people have expressed them. Now that is not an exhaustive explanation of difficulties. It is just being selective in pointing some of them out. Mr Brown made a couple of mentions that may address those of course. He mentioned the matter of those subdivisions and some other aspects. Another aspect in this of course is that you having the opportunity to freehold certain areas of Crown Land leasehold and not other areas so you are saying yes some may but others may not. There may be thought to be some inequality about that. In the proposal that is in front of us to amend it really says no, don't transfer freehold rural residential and rural leasehold to the holders, transfer it to the Norfolk Island Government. Now there is some question mark about that. Some people consider for example or have some hesitancy about whether the Norfolk Island Government would handle it well. There is also the hesitancy about losing what is a Crown Lease. There are certain attributes to Crown leasehold. It is unclear in this arrangement whether it means that you transfer the title to the Norfolk Island Government in a freehold form or whether in fact you are transfer the Crown in the right of Australia to the Crown in the right of Norfolk Island and the Crown component is important to some people one way or another. We probably could argue for a little time as to whether we use the word status that Mr Gardner has preferred not to use, whether we use the word title, whether we use the word tenure or maybe there could be some other words also. We probably need to walk through those which is probably one of the reasons why I'm saying that I'm not too sure whether this afternoon is when we are going to be able to solve all these things. Another factor that's been brought to my attention is that there is concern that maybe individual areas of leasehold

land may be subject to referendum not necessarily the policy matter but the collective matter and some people may feel threatened. In fact we go to referendum and its about their block of dirt so these are factors that may equally have to be walked through and clarified. I take the point that Mr Gardner has said about instead of it being upon transfer but after transfer. I'm just trying to demonstrate that there are a whole host of things that are around and I'm not too sure about the practicalities of being able to walk all of them through and know that we have properly addressed them all. I do have a preference that we identify all of the things that we have identified and certainly in the first instance that the Minister who had to walk the things through with the Commonwealth Government knows about all of these complexities and is able to pick them up and at least try and gain from the Commonwealth whether they are of a mind or whether they have a flexible mind about how they would want to handle it, because at the end of the day it means a meeting of minds between the Commonwealth and the Norfolk Island Governments to actually move this matter forward and I think all of the things that have been mentioned are real. I don't think they are imaginary at all. Where does that leave us. Well if somebody has a suggestion that they think we are all going to accept in the next ten minutes, that" fine but I doubt it

MR GARDNER Thank you Mr Deputy Speaker maybe if I could respond to that. maybe in my brief presentation that I made before I wasn't clear enough on my desire to see a position formulated and there's not that area of urgency to have this dealt with. what I'm trying to do is at least have some momentum going on getting this out into the community, getting discussion, I'm conscious that we haven't all the answers for leaseholders for people to be able to make an informed decision and obviously they are to lobby their membership. What I'm looking for is some support that we are able to go back and not just leave this hanging, but open up the discussion and maybe I would entertain any suggestions from Members around the table as to the most appropriate fashion in taking this forward. this is one way of doing it. Some of those other issues of residency requirements and subdivision, they are very real concerns. Certainly exactly the same fears have been raised with me and I'm sure with other Members around the table. What if it is freeholded does that mean that significant tracts of land could fall into offshore hands. Are we going to see those magnificent tracts of rural leasehold land subdivided into small blocks and split up and have houses placed all over them. Very real concerns and there are ways and means of dealing with those. I think John before mentioned something about very simple legislative and planning arrangements to be entered into to make sure that those things don't happen. They are concerns that we need to deal with and concerns that the community need to have real input into but what we are looking for at this stage is the support to go ahead and explore some of those avenues with the Commonwealth. We've already entered into that by seeking further information but we need to be able to discuss this frankly with the Commonwealth even if it is not finalised at this Intergovernmental meeting all those prerequisites aren't going to be finalised at this Intergovernmental meeting so it will still be some time off before we can realistically see any real transfer of any land in any fashion

MR WALKER Thank you Mr Deputy Speaker back in September October when this was first introduced to us the motion as it was then raised many many questions and quite some hesitancy on the part of leaseholders because there were many specifics that weren't spelt out however, I brought some of those forward at those sittings. I see that if you are looking for a point to negotiate from then certainly Mr Smith's suggestion that we take both motions certainly wouldn't give you a negotiating position as I see it because negotiating is about two sides. This is there side and we would be combining it with our side so if you are going to negotiate something I think you'll have to know all of the stakeholders concerned, and let's fact it, the leaseholders are very important stakeholders in this negotiation that is being planned at the Intergovernmental meeting. Those leaseholders who have approached me have demonstrated some support for the transfer of the land as a package to the Norfolk Island Government but they want to see that they as stakeholders have representation

with the Government, come to agreement as to what will happen and what is to be the conditions of those leases once they are transferred and if any are to be changed in their status in this instance or title arrangement as Mr Gardner has suggested, from leasehold to freehold, they want to know some of those questions that Mr Gardner raised. How is that going to be determined? Where is the funds raised from any sales going to go? The questions go on and on and I think a lot of their hesitancy or mistrust as the Chief Minister said is because they are unaware yet of what the Norfolk Island Legislative Assembly is actually proposing and so therefore they have not had time to consider that and come back to us other than what has been proposed in these two motions. I think that one of those pre requisites that you have mentioned Mr Gardner in the Planning Act Review could be jeopardised if it has to be completed and finalised prior to agreement on the transfer of this land because a lot of the new review is based on either endorsing or changing the zoning of all of the land on Norfolk Island. Part of the requirement for where it is proposed at the present time that we have rural land contains a lot of the large holdings of leasehold and that's why it is rural. If it is to be changed to freehold then the whole concept of that land could be changed and therefore your Plan would be out the window or could be and so I think that there are a lot of questions still to be discussed and answered so that we can give due consideration to this maybe at a later time

MR BROWN Mr Deputy Speaker I agree with the Minister for Immigration. I don't think this matter can be dealt with to finality today

MR COOK You can't call him the Minister for Immigration you haven't even appointed one yet. He hasn't even resigned from the public Service

MR BROWN Mr Deputy Speaker if the former Minister is grossly offended as to lifting his finger at an earlier stage in the meeting in a very rude gesture and have his nose out of joint now I will happily refer to the Member as the Speaker. I certainly believe that the Speaker's words were accurate and realistic. Even if we sought to reduce this motion to the question of whether or not leasehold land would be freeholded it would not be possible to come up with a meaningful answer unless we knew what the conditions were going to be. I believe that it should be freeholded. I accept that there should be conditions but even if we came down to saying well should it be able to be subdivided or not, I can accept a view that it should not be able to be subdivided. But what then happens when Aunt Mabel with fourteen nephews and nieces who don't have blocks of land wants to subdivide her fifty acre Crown Lease into enough blocks for all the nephews and nieces. Is the Legislative Assembly of the day going to be strong enough to resist that and say no, when all of this land was freeholded there was a condition in perpetuity that it would not be subdivided. Now I think that's the way it should be. I think that if such a condition is to be placed on it, it should be a condition that doesn't change and it should continue in perpetuity. Are we going to take a view that such property should only be able to be owned by people who have residential status notwithstanding that they are no longer leasehold. It's quite possible for example to place a covenant of some kind on the land that it is not to be sold within twenty years unless it is sold to a person holding residency under the Immigration Act who is presently in resident physically on the Island. Do you make that something for twenty years or in perpetuity or what do you do when someone is in ill health and wants to sell up and leave the Island. These are difficult things and I do think we need to address a lot of them before we start putting conditions on. My own preference is very much to give people the opportunity to have their land converted subject to such conditions as may be agreed in advance. I certainly do not support the concept of the land being transferred to the Norfolk Island Government because I believe that there is significant concern within the community that the Norfolk Island Government not so much is not to be trusted but that the Norfolk Island Government as different views come into successive Assembly's it is likely to take action in relation to the land in future that people might not anticipate or approve of today so I feel that the better course is to adjourn this perhaps make it the subject of one of our weekly meetings and that would probably provide

sufficient ideas for the Minister's to deal with the matter to its next stage of the Intergovernmental meeting but in the event that it's not, there should be a formal motion of the House to give the Minister's a little bit more oomph in that meeting well let's get our thinking right and then have a special meeting if need be and pass the motion, thank you

MR NOBBS Thank you Mr Deputy Speaker I just want to make a couple of comments. I don't know whether you want upon or after but I thought upon was exactly when it happened, upon transfer, that's when things took place but if you want it after well that's fine. I've got difficulty because the original motion really didn't include special purpose leases and the Minister Macdonald's discussion at the Intergovernmental meeting didn't consider special purpose leases. I'm also scratching my head about Mr Brown's proposal and it seems to me that we are going to have a leasehold title and we are going to have freehold title and we are going to have a Mr Brown title because it will be a different title again with all those provisions put in over the top of it and so when you start looking at that, the proposal put is that things come over as they are and if it needs to be changed at a later date then the community does the changing not the Government or the Legislative Assembly or the Minister of the moment and that's the proposal as put but if we have to adjourn it well that's find but I would really like us to settle down next week and start some solid discussion on this so that we can come up with something at least is a position that is reasonable and I know the Australian Governments position is not really reasonable at the present time because as Mr Gardner said, they haven't crossed the t's and crossed the l's as we would expect them to do but we will need to look at Norfolk Island 's position and come up with something we can put to them in the middle of next month when the Intergovernmental meeting is proposed, thank you

MR BROWN Mr Deputy Speaker if no other Member wishes to speak I would like to move the adjournment

DEPUTY SPEAKER Thank you Mr Brown. The question we have before us Gentlemen is that debate made an Order of the Day for a subsequent day of sitting

QUESTION PUT
AGREED

That matter is so adjourned thank you

EMPLOYMENT AMENDMENT (NO. 3) BILL 2000

Debate resumed on the question that the Bill be agreed to in principle and Mr Smith you have the call to Debate resumed on the question that the motion be agreed to and Mr Nobbs you have the floor

MR SMITH Thank you Mr Deputy Speaker the Employment Amendment No 3 Bill seeks to do certain things to the Employment Act including written contracts for all employees, it tidies up the overtime provisions and specifies the eight hour day and the forty hour week and sets as is required from time to time the minimum hourly rate. Mr Deputy Speaker I'm in no hurry to deal with this and I don't intend to push it to the end of the day because I'm still receiving public comment and there are further discussions to go on with myself and the Chamber of Commerce for example, however Mr Walker has some amendments he would like to talk today. I don't think he intends us to deal with them because they are detail stage amendments but I'm quite happy for him to raise the issues that he is talking about so that people are aware what his amendments will be

MR WALKER Thank you Mr Deputy Speaker I would like to table these detail stage amendments so that they can be discussed and we be given the

views of those who are affected by these amendments. The amendments I would like to state are in three divisions, in one overwhelming feedback that the Working Group and myself as an MLA have had in relation to the contracts in the new subsection 3 of 11.2 of the principle Act, I wish to insert an amendment which will in effect re establish that a resident living on the Island does not have to have a mandatory contract with his or her employer but can opt to have that if they wish and give them mechanism by which should they so desire to have a contract that the employer must comply with that so the employee is protected in the sense that they can have a contract although it will not be mandatory for residents to do so. In the second part there is a deletion and a substitution. It is the deletion of the word must and a substitute of the word may in section 14.2 of the principle Act and thereby give the Executive Member the means by which he can use his discretion should he feel that the automatic consideration of an increase in the minimum wage rate each year need not happen. In other words there has been concern that he automatic in the word must took any consideration of extenuating circumstances where by the RPI would move out of kilter with its normal movement and would immediately start to impact on the minimum wage under the Employment Act. The amendment that I have proposed in section 2 is simply to change that so there is a discretion by the Executive Member and that he may change it or I may not choose to change it. In section 3 we talk about the actual setting of the minimum wage rate. to speak to this I would like to go back to the very beginning. In December 1985 a Committee of Inquiry into Wages and Working Conditions the Committee consisting of Mr Ross Westwood, Mrs Judy Jarvis and Mr Ross Reynolds, was presented to the Legislative Assembly and in this was some thoughts on how they had come up with what they were recommending and there fore formed the basis by which the 1987 bill was put together and eventually it became the Employment Act 1988 which was commenced in 1992 so there was a long transitional period for this bill. It started with this report and I would like to read what it says under rates of remuneration. The Committee's inquiries revealed that in most areas of the private sector market forces dictated base rates and movement in the rates of remuneration resulting in a self regulatory adjustment pattern which is considered satisfactory. the advent of Tribunals or similar bodies to set wage rates and awards for the many different types of work undertaken within the Island by a relatively small workforce would be unwieldy and costly and it is not considered either necessary or appropriate to Norfolk Island conditions. Therefore legislation for rates of remuneration is not considered desirable or necessary. However to give protection against exploitation in the private sector of which there is some evidence in certain areas the Committee recommends the introduction of a minimum adult wage based on needs and this will be addressed under Terms of Reference No 19. Further the Committee recommends that an annual adjustment to the minimum wage based on 75% of the movement in the Norfolk Island Retail Price Index be introduced. Now effectively that was the beginning of how the minimum wage was set in the Act as we have it today. It was not meant to be an award rate. it was not meant to be a wage rate as in a weekly wage rate, it was meant to be protection against exploitation. I therefore would like to say that the amendments that we have before us in the No 3 Bill, are attempting to put into place not a minimum wage but an award wage and I have proposed under section 3 of my amendments that the award wage prescribed in the No 3 Bill be substituted with a minimum wage as is in the Act that has not been commenced, that is the Employment No 3 Act 2000. That's the basis of the three amendments that I am proposing. I am hopeful that in the cases of 1 and 2 that I will have full support in putting those in because they are the things that have been brought to us as a Working Group and to myself as an MLA and from the Chamber of Commerce, there are employees represented quite strongly on the Working Group and I emphasise that, that it is a balanced Committee put together and I commend the Minister on his balancing of the Committee with employees and employers. Those two I don't feel are in contention. Obviously there will be some contention under section 3 and that's why I would like them dealt with separately however, I can only refer you back to the basis of how the Act came into being in the first place, the intention behind the Act and the way in which we have now moved to shift that from a minimum wage to an award wage and I think I'll leave it there. I would like discussion on it if possible. I've

tabled it so that it can be put to those other parties in the community who would like to consult it and come back to us on it and at the appropriate time when we get to the detail stage I do foreshadow that I will move those amendments

MR SMITH

Thank you Mr Deputy Speaker I'm interested to see Mr Walker's amendment, particularly with the contracts because I think it was Mr Walker's idea that we put it in in the first place so that's good if he's seen the light on that particular section where a resident could be required to have a contract. Quite rightly there was some input from the community about that, as long as they have the right to have a contract and request one and will be given such a contract. I think that's really important. No 2, where it goes from must to may, that would be interesting and would depend on the Minister of the day. In the past we have had Ministers who haven't been very keen on making any increase or allowing for an increase in the minimum hourly rate and that's obvious from the original \$5 per hour that it was didn't change until 1995 and went up to \$7 at that time and hasn't changed since although Gary did propose that it move to \$7.70 or \$8 that he had wanted passed in the last Assembly. The matter of the minimum hourly rate is a matter with a lot of contention attached. Some employers think that \$10 is the least that somebody should be paid on Norfolk Island, particularly the way the cost of living has increased over the last few years however there's debate about that and that's why I haven't been in any rush to deal with the amendments I've proposed because we need all the input we can get and it's interesting from the things that have come out. For example very obviously there's a number of employers who don't know their liabilities under the Employment Act. Now I suppose I hadn't even really considered that. However some people have stood up in public and stated things that they are doing who believe that that is how it should be, and under the Act they aren't right and they don't realise this. However, there's been some interesting debate and the Chamber has taken a keen interest and has written me a letter as have other employers around the Island but I am really interested to hear the comments because the other side of the equation and I thank Bruce for commending me for including employees on the Working Group that we have because, when you listen to the other side, and I'm not just referring to the people who help us on the Working Group, but the employees themselves in some circumstances do get ripped off. Now unfortunately, it is often people who are employed here on a temporary basis. If it means that by having people coming into Norfolk Island to work for a minimum rate which I know some people do, that undermines the wage structure of the resident work force. Now that is a concern to me. I don't discount what has been said about market rates and wages and other such information as provided to me but I believe what has happened is we have created a two tier wage system here. Now often I would say that a local person will not work for the bare minimum hourly rate. Maybe some do but I don't know about that. But if somebody can't get people to work for the bare minimum hourly rate of \$7 and no other entitlements, it's very easy to just bring somebody in from another country that will. Now I can't give any specific details of that – oh yes I can but I'm not going to do it today – so we are actually undermining what could be the market rate or a minimum hourly rate. If people will work for less than what they should be getting, it undermines the market rate. On the other side of the coin I understand the employers situation, some of them. Some of our employers here pay very good money and really look after their staff and you know those ones because their staff stay on but there are some who don't and they have a high turnover and that's up to them really in that sense because if you have good long serving staff at your establishment it helps your own business so it's wise for a person to do that and most employers would agree with that but having said that and looking at the employers side I accept that I shouldn't sit here and say yes it should be \$10 per hour. I need to know all the facts. Where everything is going. What the employees generally think and we are getting those views. One thing I'm doing is I'm doing a simple publication to all employers that I know of and that I can through the media, just exactly what their liabilities are right now. Without Gary's amendment, without my proposed amendment and without Bruce's proposed amendment to my amendment so that people, employers and employees, can know their entitlements and liabilities. I think that's an important step in what I'm doing

here. That is why I haven't been in a really hurry to progress this. I want to get all the facts, thank you

MR BROWN Mr Deputy Speaker if no other Member wishes to speak may I move the adjournment

DEPUTY SPEAKER You may. The question we have before us Gentlemen is that this matter be adjourned and made an Order of the Day for a subsequent day of sitting

QUESTION PUT
AGREED

That matter is so adjourned thank you.

DISASTER AND EMERGENCY MANAGEMENT BILL 2000

Honourable Members we resume on the question that the Bill be agreed to in principle and Mr Cook you have the call to resume

MR COOK Thank you Mr Deputy Speaker. Arising out of the meeting on Monday when I indicated when the Business Paper was examined as usual by the MLA's I would prefer that the Minister responsible for the Disaster and Emergency Management Bill deal with this Bill thank you

DEPUTY SPEAKER Thank you Mr Cook. We look to Mr Nobbs being the Minister carrying that responsibility

MR NOBBS Thank you Mr Deputy Speaker. At the present time I am but I hope to hand it over to Mr Buffett as early as possible tomorrow. There was circulated some detail stage amendments. One is in relation to the year 2000 which would be replaced by the year 2001 in the Short Title and the other relates to amendments to clause 17 of the Bill and after clause 7 there would be four additions which would be 8, 9, 10 and 11. Now these relate to the Disaster and Emergency Relief Fund and the Management of that fund. Subsequent to that and in discussion I understand that these amendments arose from discussions between Mr Cook as the then Minister and Mr Bates. I've gone through them again with Mr Bates and there are two other issues that are of concern to him and also to myself and that one relates to the investments of funds under the Disaster Emergency Relief Fund and also the winding up of the funds, so would Members please note that it would be handed over to the new Minister tomorrow with the provisions that those should have some attention by the drafting people and I will leave it at that and I move that this matter be adjourned and made an Order of the Day for a subsequent day of sitting

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

QUESTION PUT
AGREED

That matter is so adjourned thank you and will be made an Order of the Day for a subsequent sitting.

The ayes have it thank you. We have therefore concluded Orders of the Day Honourable Members and we move on

FIXING OF THE NEXT SITTING DAY.

MR COOK Thank you Mr Deputy Speaker. I move that the House at it's rising adjourn until Wednesday 21ST February 2001 at 10.00 am

DEPUTY SPEAKER Thank you. Any debate Honourable Members. I put that question to you Honourable Members

QUESTION
AGREED

The ayes have it, we have determined our next Sitting day thank you

ADJOURNMENT

MR BROWN Mr Deputy Speaker, I move that the House do now adjourn.

MR DEPUTY SPEAKER The question is that the House do now adjourn. Any participation in adjournment debate

MR COOK Thank you Mr Deputy Speaker I would like to raise one matter. I had withdrawn from today's Notice Paper by notice placed before the Acting Deputy Speaker of the House, the motion that there be a dissolution of this House and that new elections be held. I have not in any way retreated from the position which I had touched upon in a Press Release in the local paper. What I wish to do on the notice of intended motion is to bring forward for the House's consideration at the next sitting a number of suggestions as to the restructuring of the House and the alterations of its procedures. I decided that the motion to dissolve the House should await until that restructuring is fully considered and able to be given the greatest degree of consideration by this House, but I wish to make it quite clear that I have every intention of continuing to press forward so that those matters may be fully, amply and properly considered by the House in a way which is satisfactory and not happen that a motion could go forward which would bring about the situation as it were of fresh elections and they would happen virtually in the same way as the House is presently structured so I make that clear and take this opportunity to do so

MR GARDNER Thank you Mr Deputy Speaker I undertook earlier this morning upon receipt of the quantities of crushed rock that have been crushed to date under the contract on the whaling station site, I am now in receipt of those quantities. The total crushed rock is a little under 10,000 so far, there's 9,774 tonnes. there's been 1050 tonnes removed from the stockpile site as rock that is classed as other than rock material which I take it is the material that is under dispute as to whether its fines or dirt or whatever the case may be, so that was just to draw that to Members attention, the totals that have been crushed to date

MR BUFFETT Thank you Mr Deputy Speaker. Maybe if I could just say this. At the conclusion of today's sitting Mr Deputy Speaker, in clarification of our earlier decisions, appointment to ministerial office is the role of the Administrator and there will be discussion at the conclusion here to see if there is a convenient time tomorrow but that will depend upon the Administration for him to pursue the recommendations that the Assembly has today decided in respect of ministerial office. In that context I will resign from the Public Service today so that I will be available for appointment at any time from tomorrow onwards and I just clarify that so that Members will see the sequence of activity and know that it is being handled in a proper way

MR DEPUTY SPEAKER Thank you Mr Buffett. Is there any further adjournment debate. Honourable Members there being no further debate on the question that the House now adjourn I put that question to you.

QUESTION
AGREED

Therefore this House stands adjourned until Wednesday 21ST February 2001 at 10am in the morning.

