

WELCOME

ACTING DEPUTY SPEAKER Honourable Members it is with pleasure that I welcome to the Public Gallery this morning firstly our newly appointed Chief Executive Officer of the Public Service Mrs Robyn Murdoch and wish her well as she takes up her new position

We also welcome to the Public Gallery Miss Jessica Shaw, a student in Year 10 at the Norfolk Island Central School who is presently on work experience at the Legislative Assembly. Jessica is interested in democracy, politics and protocol. We welcome you both to our sitting this morning

PRESENTATION OF PETITIONS

Honourable Members Presentation of Petitions. Are there any Petitions this morning. Mr Buffett

MR BUFFETT Thank you Mr Acting Deputy Speaker. I present a Petition from electors of Norfolk Island who pray that the House resolve to recommend to his Honour the Administrator that a new general election for the membership of the Legislative Assembly be held at the earliest possible date. Mr Acting Deputy Speaker there are 410 signatories to the Petition and Mr Acting Deputy Speaker the Standing Orders of the Legislative Assembly in particular Standing Order 86 precludes the discussion of the subject matter of the Petition at this point of the proceedings of the House but I foreshadow that immediately after this tabling I will seek the leave of the House to move a motion in respect of this particular Petition. I so present the Petition Mr Acting Deputy Speaker

LEAVE TO INTRODUCE MOTION

MR BUFFETT Following that, I seek leave of this House to move a motion and this is the motion – THAT This house by this motion discuss the petition today tabled in the Legislative Assembly and I seek leave to so move

ACTING DEPUTY SPEAKER Is leave granted. Leave is granted

MR BUFFETT Thank you Mr Acting Deputy Speaker. I so move that Motion and mention these things by way of introduction. I have particularly moved this Motion Mr Acting Deputy Speaker in an effort that the matter not just pass by, because I am sure both members in the community and Members of the House would want to acknowledge today that it has been placed on the table, and would want opportunity to make such acknowledgement and by making this motion and I thank you for your leave in doing so it provides that opportunity. It maybe useful to have some additional statistical information for the information of members in an overview sense there has been some homework done. There are at present or I should say it this way. When the petition was lodged which was yesterday it was lodged with me by Mrs Colleen Evans and Mr Reggie Quintal representing the petitioners. They called yesterday and they requested that I present the petition and this I have done and it is now upon the table. The number of electors at the time of lodgement was 1147. You will note my earlier report that there are f10 signatures upon the petition and overview indicates that it is likely that 370 of those might well be electors. If those figures are correct and they would bare checking, it is not a long time since it has been lodged and the time it has been placed. that means something like 32.6% of those who are upon the electoral roll. Just marginally less than 1/3 of the electors. I just mention those things as it may be useful in an overview sense for any comments at an early stage that Members might want to have an opportunity to make. Thank you Mr Acting Deputy Speaker.

also heard that there were concerns about government grinding to a halt for three or four months while we went to a general election their discussion that maybe there need s to be some solidarity in government and the assembly as we come up to the mini games theirs some important things in place . John certainly has got some very important stuff that he's trying to get on with and that we shouldn't go at this time, really I don't see that as a major problem they will discussion later on in the and I don't mean to pre-empt the notice paper Mr Acting Deputy Speaker but there will be discussion later on about the public sector management act and the recommendation to appoint executive directors theirs much talk about our lack of infrastructure that we are about to put in place. What I refer to is the super structure. If the super structure is as good as it claims to be there wouldn't even be a bump or a hiccup in the movement of government in the time it would take for a general election to happen. I certainly too have heard the comments that Mr Brown alluded to about a need possibly for some minor adjustment in the executive I too have also heard what Mr Walker's heard that maybe its not the assembly as a whole maybe its just personalities maybe it just needs a reshuffle in all likelihood a substantial number of this current assembly would probably be re-elected I don't doubt that because certainly there are some extremely valuable skills and valuable persons in this assembly. However, there too is also some very valuable work that's going on. Mr McCoy who took up my executive portfolio when I resigned from the government has done his very best and needs to be commended and his desire to want to further the waste management problems that we have and to try and overcome those problems, we've heard in just recent days his desire to try and address as best he can the problems associated with Medivac retrievals and he has actually sacrificed his own business in his own time outside the house because I think its dawned on him as I thinks it dawns on a lot of people that take up executive portfolios the fact that it is not a part time job it's a full time job and it absorbs better than 60 or 70 hours a week if you are really serious of doing the job and I commend John for doing that I know it's a terribly difficult decision to take but he has certainly got on with the job and I would personally like to commend him for that, he has done a great job in that area, I know David's been Mr Speaker has been trying to in his portfolio capacity trying to look at the family laws situation theirs difficulties, difficulties in that we don't have Legislative Council, has recently resigned really just reflects on the problems that we have in this assembly in this community as the lack of resources to be able to address everything that we want to and to be able to firmly put those things in place we have got a project list of 38 projects its been some time since I've seen a break down or an assessment of just how those 38 projects are going, I certainty would prefer to see that we concentrate on one or two as certainly I know John is, with waste and the Medivac situation he's concentrating his efforts on those because those are urgent priorities that need addressing and it would be better if the executive the legislative assembly were able to concentrate their efforts firmly just on a few issues rather than spreading our resources too thinly and that's really been a problem and will continue to be a problem. As far as the numbers on the petition are concerned, as I said its taken just a little over a week a lot of people have said to me where is it, they have been looking for it I know names have been put in the paper, look if you need some more numbers let it run another week I'm sure you are going to get another one or two hundred signatories to it. There is dissatisfaction in the community there has been dissatisfaction for quiet sometime in the Community. What the answer is possibly a general election, yes I've heard around the table this morning that we might end up with the same bunch, there might be others out there, I've certainly heard a lot of names that have started come forward now of people that want to put their hand up if theirs going to be a general election and stand, there got ideas like we've all had ideas in the past and we have all been elected to these positions to try and do the best we can for Norfolk I'm heartened in a way that there are other people out there that would like to put their hand up. I would have no difficulty in supporting a move to go to a general election, as I've said there are people around this table that has certainly put in the effort I'm not denying that by any means, and I think every body in there own way have contributed as best they can to the functioning of the Legislative Assembly on Norfolk Island. We stand, we stand to be judged by the

Community on that performance, I'm happy to do that and every other member in this Assembly should uphold the will of this Community and I certainly think that there is a substantial number in this Community that would like to that go to the polls. Thank you..

MR ACTING DEPUTY SPEAKER Thank you Mr Gardiner. Is there any further debate? There being no further debate. Mr Nobbs.

MR NOBBS Thank you Mr Acting Deputy Speaker , I was just very interested to listen to the contribution of members in relation to this particular petition. There's been a lot of reasons why a lot of people haven't signed the petition, but there's no mention of those who told them where to go or who actually were refused point blank to sign the petition. The situation is that we have 32, I think the Speaker said 32.6, point 32.26% of the electorate that voted , that signed the petition and there are 67.74% that did not. It is a good number, a third, just about a third of the electorate, but there are other issues they were talking of people being pressured into doing it, and that's why I believe that, that the system in effect has its problems. A petition in a small Island is quite difficult, its, people do get pressured, they sort of sign to get rid of people, and I've had instances where I have received petitions in the past in my present position and then people have rung up and said please ignore what I did, I was pressured into it. Now, I don't say, this the reason for this sort of thing but it does highlight the problem that we have and I believe, and I've said for some, that we should institute an electors review system where as you can petition and then you have a referendum and that would then be done in secrecy, there would be arguments for and against, instead of being brow beaten on the against vote by people carrying around a petition. These and others are particular issues that I believe that we should address, the review of the Legislative Assembly Act is one that is on the list of the projects that Mr Gardiner mentioned before, it was supposed to commence I guess in March this year, it did, it has commenced to a degree but it hasn't gone to the extent that I would hope it would do and I think that's a particular area we must progress from hence forth on, I guess that Public Service Act and those other issues related to it have taken us a bit of time. But I do believe that we need to look at the whole system of the Legislative Assembly and go from there, see what we are looking at. There have been reports done in the past and nothing has actually flowed from them that I can see. There has been a thought that we should reduce the Assembly to 7 we could even reduce it to 5 I guess but in that case you really need, and that's what I would be looking for, my belief is that we should look at a citizen review system where we can, the performance of the Legislative Assembly can be reviewed continually but it gives the opportunity for the Community to speak out not just write into the papers or chat to members to the Assembly but to really put their voices forward. I believe that we are half way through, we are just about at the half way mark of the three-year term that we were elected for. I believe that there's a lot of work that has been done by this Assembly and that there is a lot that has to be completed, we find a lot of the issues are still out there, they have been around for a long time, the review of the Public Service actually has been on since 1997, and its gradually, not to finalisation because with those sorts of things you never finalise them but to greater fruition than we have at the present time. I think that myself I would like to opportunity to continue for the full term, and I believe with the executive we have at the present time, and I take nothing away from the two-team members that has contributed significantly in the past and that's Mr Cook that's no longer with us and also Mr Gardiner, who both contributed very significantly to the government. I believe that we can progress matters. There are heaps of things that we need to clarify there are heaps of things going on that we need to progress, so I would suggest at this particular point and time I would not be supporting going to an election I take note of the 32.26% of the electorate who have suggested that we are not doing the right thing and I think that we need to be pulling together and getting on with the job. Thank you Mr Speaker.

ACTING DEPUTY SPEAKER Thank you Mr Nobbs. Any further debate on the

motion. Mr McCoy.

MR MCCOY Thank you Mr Acting Deputy Speaker I'm disappointed to a large degree by this particular petition and everyone who has signed it in you as well. I just read what this Assembly tries to do and what its here for and we read this every time we sit in the house and the final paragraph is very important, and that is that we direct and prosper our deliberation to the advancement of thy glory and the true welfare of the people of Norfolk Island. I ask any one who has signed the petition, and I welcome anyone who signed the petition to come and tell me what this Assembly is really doing wrong. I've heard that this Assembly is out of touch with the Community, well from my, If I remember correctly the Norfolk Island Plan that we are operating under, or the existing Norfolk island plan did not have a quarter of the public input that the present draft Norfolk Island plan is getting, there was not one public meeting held for the last Norfolk Island plan, we've got, we have already held the first public meeting and we have another, second public meeting once all the submission come in and the plan has been redrafted is yet to be held. Now I believe that going out and holding public meetings, talking to the people this Assembly has done that more than any other Assembly in the past, so where this notion that we have lost touch with the Community comes from, I am at a loss. I wrote to, as another example of trying to get feedback from the Community, I wrote to the Cascade residence and held a meeting with them at the Norfolk Island Central School to try and address the problem of not having a rock crushing site, a permanent rock crushing site on the Island but also to address the fact that we have a stockpile of rock at Cascade Bay and we would save if we put a rock crusher by that stockpile, we would save for the Community on road works alone 30% of the costs that we expend on crushed retail price of crushed product. We would save 30% on the retail price of the crushed product that we require for the upgrade of the Airport. That is a saving for the Community, but unfortunately I was not successful. When I first moved, and made quite clear that I would be taking those steps or that initiative I also had in the back of my mind that there would be problems, that this may lead to exactly what we have today, and that is that petition. No one can point to me why or what the Assembly is doing dramatically wrong as the Chief Minister mentioned the first Assembly conducted a review into electoral matters for Norfolk Island and made recommendations and a good number of those recommendations were adopted by that Assembly. To date the majority of those recommendations that were adopted have not been in acted. We also have employed a gentleman and we have spent many thousands of dollars trying to develop a Cyber Centre for Norfolk Island. Now the basis of being successful in getting that Cyber Centre up and running and also interactive gaming which we've spent another huge amount of money on is based on having a stable government. Now if we cannot demonstrate that we have a stable government those initiatives will go out the window and quite clearly activities around at the moment do point to Norfolk Island not having a stable government. We have heard mentioned of the fact that we have the Mini Games, South Pacific Mini Games at the end of the year, so how do we look in the Pacific to our Pacific neighbours. How do we look to the Australian Government. Or how does the Australian Government look on Norfolk Island or the Norfolk Island Government. I will repeat I await anyone who has signed that petition to come and tell me what it is that we are doing wrong and I thank Mr Gardiner for his support and congratulations that he has put to me in my effort, in my short time as Executive Member with responsibility to Planning, Waste Management. I have tried to pursue the waste management issue with vigour, I've run into a few huddles and one of the issues that's been put to me about waste management is for example, it that we shouldn't do anything, at a preferred site. I'll make it quiet clear that preferred site is on the environs of the Airport, we shouldn't do anything there, until we get any Airport Plan of Management, well we have been waiting since January for that Airport Plan of Management. The reason for that plan of management not coming forward is because we are waiting, we are told that we are waiting for the draft Norfolk Island Plan to be completed. We have been told that we are better off not to do anything at the airport, we are better off not to set up a waste management centre at the

airport because that maybe good land where the young residence of Norfolk Island may like to build there homes in the future. The Planner Darren Crombie said quiet clearly its not a good idea to build residential homes close to an Airport because when an aircraft goes wrong, it goes wrong badly. So I wonder where that's all coming from. There is also rejection against identifying sites on the Airport environs to the aerodrome for an industrial site, again I wonder where that is also coming from. But put that aside, Wast Management and the way that we treat our rubbish on Norfolk Island has been a bone of contention with me for many years, I believe we had a report done in 1994. I have never been happy with the way that we dispose of our rubbish so that's why I have tried to act so vigorously in the waste management area. We had a letter in this weekend Norfolk Islander criticising the way that we treat our rubbish. Funnily enough this is the ninth Legislative Assembly, what has previous Assemblies done to really and truly address our waste management on Norfolk Island. We also have a problem with Medivacs, in the past we relied on the Royal Australian Airforce to provide to that service. The Royal Australian Airforce has made it quite clear that we need to demonstrate (a) the family can't afford a private medivac (b) the Norfolk Island Government can't afford a private Medivac or (c) there is not a commercial option to uplift that person from Norfolk Island or the patient from Norfolk Island. and the final one which we can call on the Royal Australian Airforce for if it is a life threatening situation. I have just this week written and have not yet passed that letter on to the new Chief Executive Officer asking that all relative information to do with medivacs and also insurance statistics related to Norfolk Island from 1995 to 2001 if that information can be gathered and compiled so that this Assembly can put in place a secure and reliable Medivac Service for the Norfolk Island community. I also did mention the fact that we've got the draft Norfolk Island Plan but that was in a different vein. We also now have the Draft Norfolk Island Plan out there for public exhibition. We have just employed an assistant draft person to do all the draft up and amend legislation, attendant legislation to the Norfolk Island Plan, we have just put in place a new Chief Executive Officer. We are about to show up this morning to debate and vote on the employment of the three executive directors and that was all part and parcel of the development of a new Public Sector Management Act. and as the Chief Minister mentioned that development has been around since about 1997. We're finally getting there. We've had problems in the community with the sudden expansion of tourist accommodation and that expansion, sudden expansion was not a fault of the ninth Legislative Assembly I put the blame squarely on the eighth Legislative Assembly who agreed to an amendment to the Accommodation Act which rather than leave the accommodation development being spread over 10 years as it was originally planned it was all compacted into a very short two year time frame. That has caused major problems for the people who wanted to develop their tourist accommodation. It has caused major problems for some of the airlines because we didn't get it right. Was that the fault of the ninth Legislative Assembly. I don't believe so. The ninth Legislative Assembly had had to do the hard yards and put in place a quote, had to cut out, unfortunately cut out some of the people who had the expectation that they would one day be involved in the Tourist Accommodation industry. We have also had to take the hard measure and say to the people who believe that they need to have larger buses for their purposes in the Tourist Industry. We made the decision to inhibit those peoples growth, but that was all as a result of the knee jerk reaction to amend the Tourist Accommodation Act by the eighth Assembly, but we're the one copping the blame. We introduced, the eighth Legislative Assembly amended the Fees Act, so that fees became attached to the RPI so that every time the RPI increases the fees the Administration fees automatically increased but it was passed it was never commenced. When the ninth, when the Chief Minister for Finance he had no option but to put in place a Validation Act to commence the new fee charges that was put in place by the eighth or the system that was put in place by the eighth Legislative Assembly, but we're the ones that are wearing the blame for all that and if that's how the community see its which I don't believe and I don't believe the majority of the community see it like that we have 32% of the community who have signed a paper I have already seen a number of signatures on that paper and those

people don't even know what it was about. They've signed and they had no idea what they were signing. but for clarity of this issue rather than saying oh well lets go to a general election the next step in my mind is to go to a referendum and that gives the whole community a say not only 32% and of that 32% some of them did not know what they were signing. So I will not support this going or any move to go to a general election unless we've had a referendum and the majority of the Community have indicated to us what or there feelings of the ninth Assembly. Thanks Mr Acting Deputy Speaker.

MR ACTING DEPUTY SPEAKER Thank you Mr McCoy. The motion is that this house by this motion discuss the petition today lodged in the Legislative Assembly. Is there any further debate? Mr Brown.

MR BROWN Mr Acting Deputy Speaker we've been told that people had no idea what they were signing. I'm not sure how any member can say that. We've been told that people were pressured into signing, I don't know how any one can say that. I think all that we can say is, it is clear that a significant number of the population signed the form, and I don't think that we can ignore it. Mr McCoy has made a suggestion that a referendum would be appropriate, that might not be a bad idea. That certainly would put everyone around this table in a position where they would know precisely the community attitude. My view is that the only proper answer is a new election at a reasonably early date, but I have no difficulty with hearing what the community has to say about that, as long as members are happy that they would be establishing some sort of a precedent where every time people are upset we would be expected to have a referendum to see whether or not we should disappear or not, and there are occasions difficult decisions do need to be made. This petition doesn't relate to difficult decision. This petition if anything relates to silly decisions and failure to make decisions. Now let me give you one example of something I would call silly. Mr McCoy has told us he had a public meeting of residence of the Cascade area, and that he could save 30% on the retail price of crushed rock if it was crushed down at Cascade. Well, lets have a look at what rock is currently being sold for by the Norfolk Island Government after crushing it at Cascade. Is it noticeably cheaper that it was sold for previously? The answer is no. But worse still there is a substantial shortfall in the coffers, because we are selling it for less than its costing to produce. So I don't know where the 30% figure comes from. Let look at another of Mr McCoy's figures in relation to the same meeting of residence of the Cascade area. Mr McCoy told those residence that it was necessary to crush at Cascade because otherwise there would be 5 truck loads going up past the school for every one truck load of resulted crushed rock, now.

MR NOBBS Order Mr Acting Deputy Speaker I don't wish to cut Mr Brown off, but don't you think that this is one of the problems that we have in this Assembly and that pecuniary interest and I think that the carrying's on at the present time in relation, or the talk at the present time in relation to this issue is purely one of self interest and I would suggest the Mr Brown should be asked to confine himself to the subject matter which is not of personal interest to himself.

MR ACTING DEPUTY SPEAKER What's your Point of Order Mr Nobbs.

MR NOBBS I think that he's, on pecuniary interests I think. He's over stepped the mark Mr Speaker and I don't know the exact.

MR ACTING DEPUTY SPEAKER The Point of Order I think is in the hands of the House. If the House decides it's a pecuniary interest it's in the hands of the House. You may continue Mr Brown.

MR BROWN

Thank you. Now Mr McCoy told the people at that meeting, and he had from recollection made the same comment in the paper, that 5 truckloads of rock were required to get one truckload of crushed product. Now on the morning of the meeting I suggested to Mr McCoy that if he wanted to obtain precise detail from the Administration's own records he could obtain details of the weigh bridge totals of the numbers of truckloads that came out of the quarry and the numbers of truckloads of crushed product that were delivered, and the weights of each, and I suggested to him that he would probably find that they were roughly equal rather than five to one. And a thinking person would realise that if it was five to one then presumably there would be a million tonnes of bi-products stored somewhere in Stockyard Road because roughly 200,000 tonnes of rock had been crushed there over the previous 20 year period, at least, perhaps my figure should be higher because crushing went on there for more than 20 years, but roughly 200,000 tonnes was crushed over a 20 year period, and if five truckloads went in for every one truckload that went out there would have to be 800,000 tonnes of bi-product of some kind stored there, which is clearly not the case. Now this is not anything to do with pecuniary interest. This is talking of a subject that I happen to know a lot about, and I'm trying to demonstrate to Members that it is simply not appropriate for a Minister to make silly statements, believing them to be statements in fact where he doesn't bother to check the facts and relays them to the community knowing full well that some in the community will then take that to be true. I think these are just a couple of examples of the reason why it really is time for this Legislative Assembly to bring itself to an end. Many Assembly's have found that about 2 years down the track they don't become very productive and it may well be that one of the most appropriate results from this discussion might be to reduce the term of future Assembly's to 2 years, rather than 3 years and I think that a lot of problems would be overcome in that fashion, but as for the present discussion I would like to make it clear I believe there should be a new election at a reasonably early date. As long as that election takes place at sometime in perhaps late October or the very beginning of November it would be out of the road well and truly before the coming Games, but don't let it be said that you shouldn't consider this because it would show that Norfolk Island does not have a stable Government. To the contrary Mr Acting Deputy Speaker it would show that Norfolk Island does have a stable system of Government. Now there's a difference. What we need to have is a stable system of Government, one where if a particular Assembly has reached the end of its useful days, it politely fades off into the sunset and has a new election without bitterness, without problems, without refusal to co-operate in a handover, a new election is held, the new Assembly comes into power, the new Government is appointed and things simply go on smoothly. Now that is stable Government. Thank you.

MR SMITH

Thank you Mr Acting Deputy Speaker. I'd like to make a bit of an analysis of the situation. We have a Petition before us this morning. We do have Petitions that come to the House occasionally, it's usually when people feel strongly enough in the community about an issue. This one as somebody said earlier is the first one we've had that says they have a difficulty with the whole membership of the Assembly. When we analyse the numbers that Mr Buffett gave us a little earlier there are 1147 on the electoral role at that particular time it was checked which I guess was yesterday, 370 who signed the Petition are on the role and have a view. It does also leave 7 or 800 people that are on the electoral role who didn't sign the Petition. I have heard this morning, people are saying that there was a lot more that would have liked to have signed but never saw it, never got the chance, scared to. That doesn't make any difference to the House. The amount of signatures that arrive here on a Petition, like they did this morning is the one's that matter. I don't care what anybody says about how many people wanted to sign it, or didn't want to sign it. The fact is we have a Petition with 370 of the electorate making a statement. If we analyse the Petition it says something along the line of, and I'm doing this by memory that these people who signed this Petition don't have confidence in the membership of the Assembly. Normally a Petition would come and say we don't like what

is happening with the Roads, or Tourist Accommodation or whatever it is, a specific subject in that, and that's easier to deal with for the Assembly. They either make a decision to do something about it or they don't. The difficulty with a Petition like this is for us, and that's obvious for what's being said around the table is we really don't know exactly what it states. Now we all know what it states because we all have had our friends, perhaps in some cases our enemies or other people in the community who have told us. Now I've probably had different views to what Mr Nobbs has had, what Mr Brown's had, Mr Gardner's had, who knows. Maybe if just brought them all out and told everybody exactly what was said maybe we'd all be surprised. There's no doubt in my mind that the finger has been pointed at some of the Executive but likewise some of the non Executive. The thing about a Petition, it's everybody's democratic right to be able to get up a Petition and exercise that right by saying to the powers that are in place at the time, hey we don't like what your doing, and it's a great thing that the community has, a great tool that the community has to use at whatever time. Sometimes a Petition asks for a Referendum on an issue, which really makes everybody make a decision for the Assembly, and that's been suggested this morning. We're not quite half way through this term, less than 18 months ago we were elected by the people. We were put here to do a job. Now one could say yeah ok but we might not be doing it very well.. If we're not (tape goes blank).... that we are doing a good job. I have my own frustration's with the Assembly, with the Government, with some of the things that I have to deal with but that is part of the position of being elected to the Legislative Assembly. No matter what people think of us at the time, if we're being elected to the Legislative Assembly we're put here because we stood up and we've said we can do it. We don't say we can do it for half the term, after that I don't know what's going to happen. We all stand up at an election and say, choose me because I can stand up for this community and I can do it. So that brings me to the subject of leadership, leadership with the Assembly and the Government is very very important. It's very important for democracy. When we have a Petition put to us the leadership is taken in a different direction. The leadership is being taken by people in the community and that's ok, that's a democratic right. If you analyse all of the Assembly's and probably a lot of the Council's where they all really, I don't know what the right word is, were they good. I can't think of any Assembly, any Legislative Assembly that has been perfect or good in people's minds. They always are at the beginning but once you get through the term a bit, there's two things that happen. One is the personalities of Members come out, that other Members may not like or the Assembly makes decisions that the people don't like. We need to look at the role of the Legislative Assembly and the Norfolk Island Government. The Legislative Assembly is elected as a body, nine Members. The role of the Assembly is to create legislation, usually on the recommendation of the Government. In a normal Parliament as far as I understand it the Parliament is there to keep an eye on the Government besides passing the legislation. If a Government doesn't perform in the Norfolk Island context that should be addressed by the Legislative Assembly, the whole membership of the Assembly. The ideal situation is you'd have a strong Government and you would have a strong backbenchers as it's often called around the table here although it's not actually a backbench, it's a non-Executive role that is played. It's the non-Executive that makes the Government accountable. That's the way our system is designed and set up and the way we theoretically work to. Now sometimes that fails. I think it's failed in this Assembly on both sides. I think the Government has had problems in this first 18 months, the Assembly's had problems. One of the things that I believe we do and have lacked is that we don't have proper discussion on the issues that are being talked about here this morning. Any Member that has a difficulty with the Assembly or with the Government who hasn't raised them before shouldn't be in the Assembly. That's what we're here for, to make hard decisions, even is it means saying something across the table to somebody we work with that we don't like what your doing. If you don't say it, the community knows it. We have a very wise community politically. They know and feel what the Legislative Assembly's do and what they've done in the past. It's very easy to assess when there's problems within the Assembly. There was a lot of personality problems that have occurred

since 1979 within the Assembly but that's something that the assembly needs to sort out. The communities role in it is they put us in here to lead the community as a nine, not just the Speaker, not just the Chief Minister, not the Government, the whole 9 of us. If an Assembly gets to a point where they cannot lead, it's time to go to the polls and whether we're at that point right now or not I'm not sure, but I stress again the role of those that aren't in the Executive. The non-Executive is to make the people they appoint to the Government accountable. The Government is the full time body of the Assembly, the non-Executive is not quite so full time, although some Members do put a lot of time into it. The Government develops the policies that is based on what the Assembly generally wants to do. It makes all the decisions, the statutory decisions and it carries out the PR role with that. It fails in that, often. All Governments do but then does it get to the point where the non-Executive is not saying fix the Government, fix the problems. I'll just mention public relations. I think that's one of the real deficiencies every Assembly has had, us telling the community what is happening or what isn't happening. We do it occasionally but nowhere near like we should, nowhere near as often as we should. We do things through the Norfolk Islander and I thank them for always giving the Government space in their paper to put the things that we say and do. We currently have the Chief Minister who does a radio broadcast, and I've been critical of that as have other Members. Generally the way the Assembly seems to work with it's PR is that we'll have maybe a decision that I'll make in my Ministry and another Member might not like that. They might not tell me but they want to go and tell everybody else and that's the nature of the Assembly, that happens and I'm not saying it's a bad thing but it breaks down the leadership of the Legislative Assembly if we can't sort it all out here first and then is the time to go out and say to people, you know what Smith's doing, I don't like what he's doing. Then we have decisions that the Assembly or the Government or a Minister makes. Mr McCoy raised some of the issues this morning that some of them weren't popular. It depends who your talking to, what the issue is. I could probably quite easily name 15 people off the top of my head, which I won't that I've had to make decisions about who would be the first ones to stand up and say get rod of Smith because of that decision he made because that affects them personally, and that's ok, that's what you'd expect or if Ron Nobbs makes a decision or David Buffett makes a decision or John Brown makes a decision we always affect somebody, but the overriding rule with the whole thing is that we're here to suit all of the community. We're not here to try and make one person happy, it would be great if we could make every single person in the community happy but that's impossible because our role is Norfolk Island. Sometimes we forget, most of the time I think we forget just how small this place is, just how few people live here. I can't wait until we get Mt Pitt Road fixed up because I would like as many people who get dissatisfied with the island, or the community, or the Government or the Assembly to get in their car, drive up there have a look around, look at this little dot out in the Pacific, count the people in their mind, about 2000 of us and see how important we are to the rest of the world. We all think we're important to each other and we are, we're important to each other with unity, and that's not just a throwaway line. We as a community can really stick together a lot and we have done in the past, particularly with adversity with other place or somebody stirs us up enough we can all stick together and say, yeah we are one community here. How come we can't do it with an Assembly, it's a good question. I think that lies in what we each expect out of the Legislative Assembly. What do we expect. I sometimes probably find myself out on a limb with my colleagues around the table here, probably more often than most because I have a goal with what I'm doing and most of the time I'm achieving those things because I think that's for the betterment of the community, not always. Things sometimes have to be done that the community doesn't like but somebody's got to make those decisions. That's why people put us here so we make those hard decisions. If we left it to everybody to make the decisions it wouldn't happen. So what do we see as our role, that's a question that I would like Members around the table to ask themselves, members in the community, what do they really want. Do we want to go to an election and make it all go away. Now would that happen. If we're basing our discussion today on the Petition those 370 people said they

don't want any of us, so theoretically none of us should stand if there was an election. Mr Brown has just said that's not what they said and I agree with that but there's no specifics in the Petition to say what it is. So when we analyse more close to the bone with ourselves, with the Government, I've had difficulties with the Government. I've expressed that view to the Government and to the other Members. The Government has difficulties with me at times, I know that, so does the Legislative Assembly. In fact if we look around the table we probably all have problems with each other to a large degree. So where does that lead us to. There's an obvious feeling within the membership to do a couple of things. One is to have an election, the other is to go to the community and say well this is what you really want or should we be taking a first look at what we do ourselves as an Assembly. Would it be better to declare the positions of the Government vacant and re-elect. Is that going to make any difference. Now if we look at that and that doesn't succeed or that's not what's wanted do we then choose to go to Referendum and ask the people whether, the other people who didn't sign the Petition should we have an election or should we not. Or should we just say, yes let's bail out now, go to the polls it might get rid of some of us and that would happen, or should we be showing some leadership with this situation and saying, yes there's enough people here that said we need to look at what we're doing. We should arrange, possibly arrange to have an election, not straight away, we've got a bi-election just around the corner but let's look at shortening the term of this Assembly, and I don't have any difficulty doing that and saying we will have an election at a specific date, as Mr Brown proposed, some months down the track, maybe at the end of 2 years which is not that far away for this Assembly. Let's do it with a bit of leadership because that's what the community really needs. Let's not just throw our hands up in the air and say well everybody says they don't like us so we get out. If there's going to be an election or talk of election or support of one I have no difficulty in us going down that track as long as we do it in a leading way so we can show the community we can do it properly, we'll give them the opportunity, there's nothing wrong with going early to reassess where the community is going and where the Assembly is going or where the Government's been taking us rather than just throw our hands up in the air and say today, let's get out now. I would support us planning an election at a time down the track that we can set, we can set that today and show the people even with what we have here, we can lead. Thank you Mr Acting Deputy Speaker.

MR GARDNER

Just briefly thank you Mr Acting Deputy Speaker. I've listened with interest to what George has said and he certainly covered I think virtually every base that there is to be covered in relation to this. I've heard what other Members have said around the table and looking for stability, Government stability and we pride ourselves on being part of the Pacific. I mean you don't have to look too far into the Pacific to see just how unstable the remainder of the Pacific is. We just have to thank the good Lord that we don't have to revert to the force of arms like Vanuatu, New Caledonia, Fiji, the Solomons, New Guinea and now Niue wanting to throw away their self government all together and go and join up with New Zealand. I mean there's major instability in the rest of the Pacific. I think we pride ourselves on our stability. But really at the end of the day we've got to look at just how serious this Petition is in 22 years of self government now there hasn't been a Petition like this that's come to the House. There's certainly been grumbings about all sorts of Assembly's in the past. I think I've probably written to newspapers or signed other Petitions in the past that have shown dissatisfaction and things. We're all very concerned. I think it's pretty important (blank) changes to tourist accommodation and that happened, no qualms. I'm disappointed when I hear Members say that people don't know what they were signing. That's a bit like pointing the finger at the community and saying, as the Chief Minister did at the previous sitting, you know if your stupid enough to be listening to this you know, if there's anybody that's still around that's stupid enough to be listening to this. I take great offence to that because I've got my family and friends out there that are listening to this but to point the finger at them and say look they don't know what they were signing, I think points the finger to say, what, you shouldn't

be on the Electoral Role, you shouldn't be entitled to your opinion, you shouldn't be entitled to sign a piece of paper if you want to sign a piece of paper. Whether people were pressured or not, as George says, we've got the signatures on the piece of paper. We've got a significant proportion of this community that have signed that in just over a week, I think it started last Sunday, Sunday week ago down at the unloading of the Captain Cook at Cascade Pier, I think that was when I first heard about a Petition circulating. It's quite simple, I think that there is serious concern in the community. I have no hesitation on the weight of that concern that's been demonstrated in just a single week of going to the polls. We can all stand up and we can say what we think are the best things for Norfolk Island and the same group of people might be re-elected to the same positions, we don't know that. I doubt that that would happen but we don't know that and at the end of the day if you've got nothing to be scared about why not go to the polls, nothing to worry about. If you think your doing your job properly let this community decide. You will not find a more pure form of democracy anywhere in the Pacific, probably anywhere in the World than you'll find on Norfolk when the community can voice their opinion. Why go to a Referendum, why not go to election, their still going to voice their opinion, if your good enough they'll put you back in, they'll put you back in the same positions, they'll give you substantial support at the polls to make sure that you still retain those positions in the Assembly. That's all I've got Mr Acting Deputy Speaker.

MR MCCOY Thank you Mr Acting Deputy Speaker. Just briefly I need to explain why I believe we should go to a Referendum. It's simply if we're talking about democracy we've only got 32% of the community who have voiced their opinion or demonstrated their concern and if we're going to take that as being the majority of the people well we're forgetting the democratic principles, and that's why I believe we should go, if we are of the mind that we're not making correct decisions here. Excuse Me Mr Acting Deputy Speaker could you ask the other Members to wait their turn to speak.

MR ACTING DEPUTY SPEAKER You have the floor Mr McCoy.

MR MCCOY It gives the whole community the opportunity to say if they are happy with the present Assembly or if they believe we should go to an election, and the reason why I believe that we are not doing the community any favour by running out and saying well we're no good, or we want you to decide if you think you should give me your vote again. As we've heard this morning around the table there are many issues in the wind, there are many things happening, there are things that we are waiting to complete and really if we are thinking and acting for the community as a whole and for Norfolk as a whole we wouldn't be saying that we'll run and have a fresh election, that we would improve anything by having an election because in actual fact it will stall everything, and a lot of these issues that are being worked through at the moment may not get the same impetus as they are getting at present, and that is the important thing that people should keep clearly in their minds when we're talking about having another election, a general election. What will happen to some of the important issues that are being dealt with by this Assembly, by the Government at the moment. That's why I made mention of the electoral review that was carried out by the 7th Assembly. See those recommendations were made but nothing has happened. Is it because of a change in Assembly Members or a change in Government, but either way I still don't support going to a general election. We were put here for a 3 year term and the people who supported us knew that they were voting for people to be in government, in the Assembly for 3 years. Unfortunately the Government has seen 2 Government Members resign from the portfolios, one through necessity, well I guess both through necessity, one for personal reasons, and one for a slight oversight I a part time employment with the Public Service. Now we've heard talk about changing the Executive Members this morning, well are we going to put Mr Gardner for example who's for personal reasons had to give up his executive portfolio back in. I don't think Mr Gardner would like to be put in that position. Mr Brown has a pecuniary

interest with the Norfolk Island Government. He is presently has a contract with the Norfolk Island Government to produce x amount of crushed product. So he cannot become an Executive Member. So unless we wait for the bi-election and see who's the new Member at that time we have a choice of Mr Walker and Mr Bates, and I believe Mr Bates has said on a number of occasions that he has no intention to become an Executive Member half way through the life of the Assembly. So at the moment we have one person to replace or who can replace an Executive Member today. Just small thoughts for the Members and to continue or to keep the debate going a little longer. Thank you Mr Acting Deputy Speaker.

MR BROWN Mr Acting Deputy Speaker I'm not sure of the authority on which Mr McCoy relies in making his statement that I can't be an Executive Member. I'm certainly available for Executive office as I have been throughout the life of this Assembly, but I accept that there are not 5 Members in this Assembly who are likely to vote for me to have such office, but Mr McCoy's really hitting the nail on the head. This Assembly's to the stage where it has to start recycling old Executives if it's going to be able to replace the present Executives. There is no longer the range of choice in this Assembly to make sensible appointments to Executive office, and that's a very sound reason why there should be a new election, but I think that there is sense in Mr McCoy's suggestion that there be a Referendum and if there is to be a Referendum it should be at the earliest possible date and I would like to move that we now suspend debate on this Motion and that the debate be resumed at the conclusion of Orders of the Day at whatever stage we reach that today and that will give Members the opportunity to consider just what form of amending Motion should be put together in order to cause a Referendum to be held.

MR ACTING DEPUTY SPEAKER Thank you Mr Brown. I understand that you have moved the debate on this matter be suspended until a later time of this particular meeting and I need to put that question.

QUESTION PUT

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

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

MR ACTING DEPUTY SPEAKER Honourable Members the Ayes 6, the No's 2, this matter is suspended until the end of the programme.

QUESTIONS WITHOUT NOTICE

MR WALKER Thank you Mr Acting Deputy Speaker. A question to the Chief Minister. Can the Minister give some explanation as to why the recently completed trenching in Douglas Drive to lay Telecom services to approximately 6 new consumers did not at the same time contain any provision for electricity services to those properties nor any conduit through which electricity services could be drawn later.

MR NOBBS Thank you Mr Acting Deputy Speaker, and thank you Mr Walker. That has been an issues and I've had discussions subsequent with members neighbours of the particular activity that went on. My understanding was at the time that

there was nobody interested in paying for the actual electricity, bearing in mind that we've got two issues here. The first issue really is, and this is nothing new, it's been going on for some time that Telecommunications put in the services and then charge a rental etc to pay for those services afterwards whereas the Electricity actually charge for extension of their services and that's an up front payment and there have been a number of these that have gone on in the past couple of years at least anyhow, where a charge has been made. In the Douglas Drive area there was a price put on to connect a house and it wasn't accepted by the householder and therefore Electricity walked away from provision of service to that particular area, but I think there was a mistake that no other members of the neighbours were actually consulted in relation to possible use in the future of the area of their particular blocks in that area. So it was, as I said the Electricity requires an up front payment and Telecom does not. In discussions it was said that trenching is actually a minor cost in the whole operation of Electricity and I don't see that and it wasn't put as an excuse, it was just put in as a fact, and I don't see it as an excuse for any problems but in reality there is a need for an up front payment for equipment to connect electricity and this was not forthcoming and therefore no provisions were put in for the present or actual future use of electricity in that particular trench.

MR WALKER Thank you Mr Acting Deputy Speaker. Another question for the Chief Minister, Minister for the Airport. Has the Minister a strategy in place whereby he can guarantee sufficient rock will be crushed in time for the planned Airport upgrade next June and if so can he reveal where the rock crushing operation will be undertaken.

MR NOBBS Thank you Mr Acting Deputy Speaker. The first one is I'm very confident that rock crushing will be available on the actual location, that's more in the area of my colleague Mr McCoy. However he has been working assiduously as he mentioned earlier in relation to meeting with the Cascade residents and I know that there are other areas that are being looked at, at this particular point in time. There is also a ART decision, which we understand will be handed down sometime in September so I'm awaiting the outcome of those discussions in relation to the location, but I do believe that we will have adequate quantities crushed for the start of laying in I assume in early July by the time they have set up and what have you. We're looking at a mid-June start for the Airport as a tentative date at this stage, so that means that we'll need to commence the crushing towards the end of this year or very early in the new year.

MR WALKER Thank you Mr Acting Deputy Speaker. A question again to the Chief Minister, Minister for Finance. Can the Minister confirm as to whether he analysed and agreed with the consequences for accommodation proprietors on the cold bed tax when he supported the move to tie all levies and charges to the RPI.

MR NOBBS Thank you Mr Acting Deputy Speaker. I think people should be aware that the fees and charges issue went back to 1999 I think Mr McCoy pointed that fact out earlier, and fees and charges in 1999 were specified and they were never brought into being. It was in 2000 that those figures were brought into force and they were published in the Gazette at the time so that those sort of issues have been around for some particular point in time, as to the fees and charges Mr Walker. As to me analysing whether they should be in or they shouldn't be in, they were just part of the process which was picked up by the Service this year. As you know we looked at having these fees and charges organised before the 30th of June. The RPI was provided I understand in about April but they weren't completed until sometime in early July. They were then publicised and also put into the Gazette at this particular point in time. But as for the fees and charges they were established in about 1999 and I have continued on with those. It's a legislative requirement that we tie the fees and charges to the RPI at the end of the March

MR BATES Thank you Mr Speaker. My first question is to Mr McCoy and it's a question which I've asked at the last two meetings and I still haven't received an answer to it, so I trust that I do this time. The question is how many years or how many budgets have the Tanalith fork lift which I believe has now been replaced, but how many budgets had it been refused leading up to the present time.

MR MCCOY Thank you Mr Speaker, I apologise to Mr Bates I don't have an answer to that question. The fact is as Mr Bates has just indicated the Tanalith treatment has a new fork lift and with the other issues that have been around at the present time it hasn't allowed me the time to go and research all of the I guess the revenue budgets that were put into the House and then the financial statements relating to those budgets because you might understand to find an answer to that question there is quite a substantial amount of work involved. It appears that it is a very important issue for Mr Bates so I will continue to say that I will be able to provide that answer at some point in time.

MR BATES Thank you Mr Speaker a further question to Mr McCoy. Will Mr McCoy guarantee to answer the question at the next meeting because I don't believe there is a lot of work in it and criticisms have been leveled at certain persons over the Tanalith plant and I believe that the criticisms were unwarranted because it was not the fault of the person concerned that they were out of the equipment so I need to get the answer just to ease that situation.

MR MCCOY Thank you just I said in the answer to the first question that I would provide that information once time allows me to collect the information that Mr Bates is requiring.

MR BATES Third question to Mr McCoy Minister for Planning. Can the Minister explain earthworks on a piece of coastal land over which there are submissions to the ART and also some objections invited by the notice in the gazette and not yet responded to.

MR MCCOY Thank you Mr Speaker. Yes that issue has raised its head the fact of the matter is the person who purchased the property and with that property came an approved planning application a approved conditional application and the research I had to do yesterday when I discovered that they were carrying out earthworks up there clearly revealed that part of the conditional approval that exists with that property was an approval on the site plan to excavate 800 to 1200 millimeters deep up there and remove a substantial amount of soil. That approval was stamped and dated by not Mr Gardner but the Minister prior to Mr Gardner back in 1997, and that approval has been subject to a number of extensions which have been granted and the approval was still relevant until the end of this month and I am aware that there is an issue before the ART but that is an issue for the ART and the Legal people I don't believe that it is a issue for the Executive Member at this point. The answer is they have an approval to carry out that excavation work.

MR BATES Can the Minister guarantee that other works not approved will not proceed until the ART has made a decision on it and the objections to removal of more that 50 cubic metres are attended to.

MR MCCOY Thank you Mr Acting Deputy Speaker. My understanding again I say I am not providing legal advice or a legal expert. My understanding was there was a certain time frame for an application to be lodge in the ART in regard to a decision taken by the relevant Minister or Minister for Planning and as I did indicate the subject of earth works has approval and there's been no application lodged

against that decision at ART because it is an approval that came with the property. An approval that's dated 1997 so I'm at a bit of a loss exactly why the Executive Member is expected to do things when the time frame for lodging an appeal against that particular application passed many months ago. As to regards to the other application that's around for that particular property that's yet to be completed or yet to go through the full planning scrutiny and for that on that advice of the community and the members I have asked that that particular application be upgraded to a category 2 so that it does get the scrutiny of the planning regime. So keep clearly in mind that there is an approval in place at the moment and I have just been past some information and the answer is really the ART can only issue a stay on that particular works but still I will provide further information to the members or to the Assembly at the next sitting and that is on legal advice.

MR BATES

I have a question for yourself Mr Speaker.

MR BROWN

Mr Speaker this is a question for Mr McCoy that follows up Mr Bate's question. Has the Minister had the opportunity to look at whether there was a legal ability to extend the particular approvals or is it possible that the approval in fact lapsed one year after it was granted in 1997.

MR MCCOY

Thank you Mr Speaker . That's an interesting question. I have had some discussion with the Crown Council whether there is a provision in the Planning Act that allows the Member to extend a conditional planning approval. There is for my understanding no provision in the Act that allows that but there is a provision under the Interpretation Act that allows the Member to rescind, revoke or amend an instrument.

MR BROWN

Could I just ask if the Minister would further investigate the situation so he can satisfy himself that when the extensions were granted that they were in fact legal.

MR MCCOY

Thank you Mr Acting Deputy Speaker, that is something that I am doing and will be seeking a clarification, legal clarification it really leads to if its not legally correct to give extensions there, it opens up a lot of questions to other conditional planning approvals that have been granted extensions.

MR WALKER

Thank you Mr Speaker I have question to Mr McCoy minister for Health and the Environment. In an question put to the Minister in May he confirmed that the Health Services Review was being held up pending to the presentation of the Joint Standing Committee's report – Health Services on Norfolk Island. Can the Minister advise us to when we might now see the Health Service's Review completed with the arrival of the Joint Standing Committee's Report – "In the Pink or in the Red"

MR MCCOY

Thank you Mr Speaker and thank you Mr Walker. Just a slight correction, I've never said that we're going to wait until the Joint Standing Committee hands down their report, because I personally I don't believe that we need to wait for those reports to come down we are all aware that it took eighteen months for that report to be completed and the Norfolk island Government should be active in pursuing better health services for the community or where ever possible improving the health services, I don't believe that we need to rely and wait for a report from the Commonwealth to tell us where we have problems. We are all aware of problems and issues to do with health services on Norfolk island so during the eighteen months that the report we've been waiting for the report the previous Minister had put initiatives in place and done things which the report recommend we should be doing and in my short time as Executive Member I have also taken the same attitude and in particularly Members might

all recall my efforts to get the subsidy to the Hospital or a reasonable subsidy for the Norfolk Island Hospital so that they can replace essential equipment at the Hospital which was one of the points made in the report. The Medivac issue well as I mentioned this morning I have written but have not yet sent to the new CEO a memo asking that all relevant information relating to Medivacs be gathered so we can put in place a Medivac system for Norfolk Island and also during the budget debate I did have the funds that were put aside to continue with the Health Review that the previous Minister had been working on that those funds which had not been expended were then transferred into the current budget. I have made contact or had the Hospital Director make contact with Lyn Griffiths of Griffith's University to advise them that the funds were available and for them to make arrangements when they might be able to travel to Norfolk Island and continue that review. Unfortunately with airline situation that has inhibited their ability to get over to Norfolk Island or their ability to put in place some sort of strategy or plan for when they will come to the island but they are in continual contact now with the Director of the Norfolk Island Hospital so once everything settles down including talks about general elections and things they will be in a better position to decide when they can come to Norfolk island to continue the Health Review.

MR WALKER Thank you Mr Speaker I have a question to the Chief Minister. Can the Minister confirm that the recent census papers collected are delivered unopened to the statistician. That the information contained within those papers are subject to strict confidentiality

MR NOBBS Thank you Mr Speaker and thank you Mr Walker for this because it's a fairly topical question at this particular point in time in relation to confidentiality and also the collection of statistics and the like and what's in the census in general. The operation of a census is carried out under the Census and Statistics Act which provides for the collection of statistics and the appointment among other things of statisticians, field officers and as you know, Mr Walker appointed Mr Matthews and Mr French to these positions a few weeks ago, provides for the census forms to be distributed and it also provides requirements in relation for secrecy. There's a need for signing of forms which guarantee secrecy and there's penalties for divulging the contents of completed census forms. As to the current census I understand that the collection is almost complete and now that the next stage two persons will be involved in the removal of the cover sheet and the coding of each of the household returns and that coding will be utilized in the collation of data which is the major activity obviously that will follow and that there will be no link obviously other than by the statistician himself between the coding and the data and the naming of the household that was originally on that particular form there is no link only one person will know about it, I understand only one person will know about it I understand...there are two persons, one who is actually doing it at the particular point in time, ones checking the other. Just as a final on that if I may Mr Speaker just to carry its anticipated that we'll have preliminary figures in mid October and that the final report should be available from the statistician early to mid November.

MR WALKER Supplementary if I may Mr Speaker. Once the statistician has completed his task of collating the required census information are the census papers shredded and destroyed.

MR NOBBS You've got me there Mr Walker because there's talk no and it was on the Australian forms I understand to keep the forms and there was lengthy discussions in the last week or so that earlier figures, like a hundred years ago would be most useful now to revisit those forms, but unfortunately they've been shredded and now the proposal is that they be retained in a coded form so that you don't know the

actual names but there would be more information from a Historical value. But I'll get that information I assume that they will be shredded here but I'm not too sure what the final is.

MR SPEAKER Further questions without notice.

MR GARDNER Thank you Mr Speaker a question for the Minister for Health and the Environment in relation to his responsibilities for quarantine on Norfolk Island. I wonder if the Minister could explain to us what progress has been made in the establishment of a statutory based Phyto Sanitary Certificate mechanism for Norfolk island to enable exporters of plant material to export their material world wide.

MR MCCOY Thank you Mr Speaker and thanks Mr Gardner that's a very important question at this time and its and issue that really must be addresses. Unfortunately in my time in the port folio I have not picked this particular issue up with any great degree of vigor. I have had discussion with the previous Chief Executive Officer in regard to where this particular piece of Legislation is at and the Legislation and the development of some protocol and criteria some assistance was coming from AQUIS and the gentleman my understanding is the gentleman who was giving assistance to the Norfolk island Government had gone on holidays but that was back in May that I spoke to the previous CEO and then again in June and also in July but it was at that time in June that we learnt that, and I forget the gentleman's name from AQIS was on holidays but he was away for three weeks and July nothing had come back to the CEO at that point. I thank Mr Gardner for reminding of that because I think it is something we should pick up and put in place otherwise we could see a huge amount of revenue, well not a huge amount, but a good amount of revenue that comes from off shore in regards to Palm seeds and plant material unfortunately could be inhibited if we don't have in place these statutory documents for Phyto Sanitary purposes.

MR GARDNER `Could the Minister confirm whether or not Phyto Sanitary Certificates issued by a quarantine department have any statutory or legal base at all.

MR MCCOY My understanding Mr Speaker and thank you again Mr Gardner is that in the past the Australian Phyto Sanitary Certificates were used but they are not acceptable that Norfolk Island use the Phyto Sanitary Certificates and Norfolk Island my understanding is that until we do have some statutory substance to those Phyto Sanitary Certificates they may not be acceptable in other countries and that is why it is important that we do proceed and put in place that requirement because I would hate to see and I couldn't tell you the figures off the top of my head the ability to export plant material from Norfolk Island inhibited in any way.

MR WALKER Thank you Mr Speaker a question to Mr McCoy Minister for Health and Environment. Is the Minister able to confirm where a pension beneficiary is confined to hospital for medical treatment that their pension is not automatically stopped for the purposes of contribution towards the cost of their hospitalization.

MR MCCOY Thank you Mr Walker and Mr Speaker. No I cannot confirm and I do not intend to as I might be misleading the people. I don't have that information and I'm not 100% certain of the answer to that particular question. I guess really the question could be a social services question it's not really a matter for the Minister for Health.

MR WALKER The only other question I have Mr Speaker is for yourself.

MR SPEAKER

Mr Gardner do you have any other questions.

MR GARDNER

Just one other. Thank you Mr Speaker for the Minister for Health and Environment Minister a few weeks ago there was some excitement about and talk about the establishment of a fishing industry on Norfolk Island in fact some 12 months ago a local personality was interested in gaining an exploratory fishing license outside of the Norfolk Island box are you able to update us please on the current position of that application for an exploratory fishing license.

MR MCCOY

Thank you Mr Speaker and again that's another import question that needs addressing. I have been waiting with some anticipation to see if the proponents of that application were successful. Also I am aware that there is a gentleman as Mr Gardner said, some three weeks ago a bit of excitement was stirred up and we had a brief meeting with the fishing club and the issue of these exploratory license was mentioned and the fishing club thought they may be able to go out and explore one of the exploratory licenses but unfortunately the date for lodging applications passed some months ago. In regard to the local person who sort an exploratory license in conjunction with a New Zealand firm, I did have meeting with the local representative some weeks back well only last week because he was leaving Norfolk last Wednesday and I was again became rather concerned that their attempts to receive an exploratory license had been somewhat thwarted. My understanding is that this other license to be issued a number of applications were received and a number of applications were rejected because they didn't stand up to the scrutiny but the local proponents their application was not rejected at that point they had every thing correct and in place, there was a slight issue with their application which I'm still awaiting the documentation from the applicant so I can give a clear and correct answer to this. One of the issues that came out after they reduced the number of licenses to five from seven to five and which meant that the local person was still in the running for getting a license but then for some reason the number of licenses was reduced to four which to a large degree our local contender was no longer in a position where they could pursue a license. Now that issue is being taken legal action to sort out why and understand why their efforts to achieve a license and it's in particular that there was a Norfolk Island person or resident involved in trying to achieve one of those exploratory licenses and I'm very concerned and I haven't yet made contact with the Minister for Fisheries, I believe Mr Tuckey to see why our one person from Norfolk Island who is trying to get one of these exploratory licenses had been thwarted in their efforts.

MR SPEAKER

Thank you Mr McCoy. Mr Gardner would you be kind enough to take the chair so I can respond to a couple of questions.

MR WALKER

Thank you Mr Speaker. I have a question for Mr Buffett Minister for Immigration. Can the Minister advise if there are currently any temporary permit holders who have Flight West tickets for onward travel from Norfolk Island who are unable to now renew those tickets or afford to replace them with valid tickets from another airline and if so has the Immigration Department formed a strategy to deal with this situation.

MR BUFFETT

Thank you Mr Acting Deputy Speaker There are people at this stage who would no doubt still have Flight West ticketing. The position that they are in with respect of having them revalidated in someway or gaining reimbursement I am not really able to significantly respond to because I really don't know. The Immigration authorities at my request have been asked to try and examine the extent of this difficulty and to try and put in place a method whereby they're guaranteed onward travel is replaced by that which was earlier held in the Flight West situation. It is not easy for them or for us and we are endeavoring not to place people in a difficult situation but

certainly we are endeavoring to solve the predicament that we are all in. It is one of the on going difficulties that we have we the cessation of the Flight West Airline arrangement to Norfolk Island. It is not a ready solution available but the Immigration people are endeavoring to work through the strategy to find an eventual solution. I rather think it will be something that will have to take some time to be truly solved.

MR BATES Thank you Mr Deputy Speaker I have a question for Mr Buffett Minister responsible for Motor Vehicle Registration. Could the Minister advise where we are at with the introduction of personalized number plates.

MR BUFFETT Mr Acting Deputy Speaker. Personalized number plates have over a period of time been the subject of much research, significant negotiation and a lot of reports and arrangements to try and bring it in to place. The last recollection that I have had of it was that we were in the stage of having negotiations with a manufacturer and wee endeavoring to refine some of the legal details as to how we would put it together. That I think was with the draftsman before the one that has just concluded and I rather think that the workload at that time did not allow it to be brought to a satisfactory conclusion. I have and I might have foreshadowed this to one or two members that I would want to reinstate the personalized number plates arrangements and I have indeed this morning had a conversation about endeavoring to do that and so I think my current response to that would be, that it is something that has been longstanding it seems to have not reached any fruition and I am in the process of reinvigorating that project. It does have prospect of earning dollars for the Norfolk island Public purse as well as being a new and more innovative arrangement for license plates for Norfolk Island.

MR BATES Supplementary question. Probably in the life of one of the earlier Assembly, sample plates were demonstrated or shown to Members. Does the Minister what has happened to those sample plates, which could be quite a valuable collector's commodity.

MR BUFFETT I don't have a ready answer to that Mr Deputy Speaker, certainly I can find out. There are two prospective things. One that they might have been returned to the manufacturer who may have brought them or despatched them to the island for that physical explanation overview of the project or indeed they maybe within the final arrangements with the Administration, But I could endeavor to find out where they rest.

33MR BATES A similar question, which may be of interest to the Public Purse, Mr Buffett. Could the Minister elaborate on the progress being made with personalized or photographed drivers licenses and what availability to the community will be.

MR BUFFETT Yes Mr Acting Deputy Speaker in fact I had some preparation to make a statement on that at statement time.

MR ACTING DEPUTY SPEAKER Any further questions without notice.

MR NOBBS Its not a question without notice. If I may just respond to a question by Mr Walker. Supplementary response. It's in relation to the census forms just to advise that they are burnt by the statistician and supervised by the field supervisor and they do not shred them because the staples affect the shredder.

MR ACTING DEPUTY SPEAKER Any further questions without notice. No further questions without notice. Honorable Members we move on to Presentation of paper./

PRESENTATION OF PAPERS

MR SMITH Thank you Mr Acting Deputy Speaker. I have paper here the first one being the inbound passenger's statistics for July 2001. I would like to table those and move that they be noted.

MR ACTING DEPUTY SPEAKER Thank you Mr Smith.

MR SMITH Mr Acting Deputy Speaker the results for July proved to be interesting in many different ways. The total number of visitors for that period was 2,225. That is quite a large drop on July 2000 at which time there was 2,983, but it's almost exactly the same as what it was in 1999 when there was 2,232. So the current figure of 2,225 is for the July figure and that is of course thanks to the efforts of everybody involved with the airlines over that period after flight west demise heading into July and were able to maintain at least the figures for the previous year. An interesting statistic for July this year is that there was 338 locals away in July normally the figures usually start at 10% of the population is away at any one time, but this time it's heading towards 15-18% of the population was away in July. The 2001 average stay came out at 7.36 for this July compared with 7.07 in July last year. Visitor days were down by 15,331 compared to 19,640 in July last year, down about 4,200-I think it is on that period which is to be expected. But overall not a bad result considering the pressure the industry was under at that particular time. Thank you Mr Acting Deputy Speaker.

MR ACTING DEPUTY SPEAKER Mr Smith the question is, is the paper be noted with debate.

MR WALKER Thank you Mr Acting Deputy Speaker these figures that have been provided to us have been compiled literally from the movements to and from or from the particular destinations to Norfolk Island. We must understand that there are some distortion in these figures and maybe it would be wise for the members and public to note those distortions, particularly through domestic transfer of passengers within Australia and also the other unavoidable disruptions that have taken place though -out July they were regrettable we had disruptions of any kind what so ever however we did end up with disruptions so some people were arriving later than they anticipated and other were staying longer than they anticipated, they were also transferred domestically within Australia from destinations that they had not originally booked from, so , and I'm referring really number of figures out of N.S.W. As against Queensland I think there is some distortion there that we should note for future statistical comparisons. I would also like to note all members that we have been tracking the total passenger movement and I stress that it is the total passenger movement not a visitor movement over the weeks since the demise of flight west and at this stage they are indicating a presently a drop of some 22% in the number of passenger movements to the Island and that includes the Air New Zealand services out of New Zealand because we are aware that there are some passenger who are transferring through Auckland to get to Australia or visa-versa. So we are in a situation where the real figures of passenger movements to and from the Island are down in the vicinity of about 22%. It is hoped that we will get that back to some normal situation in the very near future. Thank you Mr Acting Deputy Speaker.

MR BATES Thank you Mr Acting Deputy Speaker. Yes I thank Mr Walker for those comments because I had similar comments, especially in relation to the Air New Zealand traffic. I notice that there were one hundred odd locals that used that service, 116. Just looking at the figures could it could give, there's a lot of heart that the New Zealand market was picking up and I think we really need to look at, people were more or less stranded, especially locals on the Australian service, used that service to go to Australia and that doesn't reflect in these figures so I think we should be cautious when

looking at these figures, whether we compare them to our previous performances, but Mr Walker's virtually covered most of those aspects. Thank you Mr Acting Deputy Speaker.

MR SMITH Mr Acting Deputy Speaker I might be mis-hearing what that recent debate was but as I understand it with this particular piece of paper that we get with these stats on it, there's 2 tables here, one is visitors average stay public accommodation it's called but under that it's got the place of residence and as I understand it that listing there is taken from where the person actually comes from, but below that is another box which has the point of embarkation. So if a passenger comes out of Sydney, out of Brisbane or Auckland that gives a different figure, but as I understand it and I've always worked on this assumption that those like NSW 651, VIC 329, QLD 275 is where the person resides. If I'm wrong about that I'd like somebody to point that out to me because I've been under that understanding that it's generally taken from postcodes except for New Zealand of course which has just given us one figure. You'll see that visitor numbers from New Zealand in that category there's 578 but passengers who come out of Auckland were 654 which I would assume would be either locals or from Australia coming through New Zealand and arriving on the island.

MR WALKER Thank you Mr Acting Deputy Speaker. The Minister is totally correct, however I was referring to the number of visitors chart where he is referring to the average stay public accommodation chart and I do concede that New Zealand does show an increase there and if they are specifically based on postcodes to achieve those figures then they are again showing that demise from last year, maybe over a 5 year period they would be showing that they are fairly average figures, and so I was just simply referring to the number of visitors in the first chart on the left hand side of the page which shows quite a marked increase through New Zealand and a huge demise in NSW and QLD particularly from 900 down to 284, that is a significant difference.

MR ACTING DEPUTY SPEAKER Further debate on the question that the Paper be noted. No further debate. I put the question Honourable Members.

QUESTION PUT
QUESTION AGREED

MR NOBBS Thank you Mr Acting Deputy Speaker. I just table two Regulations which were made Mr Acting Deputy Speaker. In accordance with the Section 41 of the Interpretation Act 1979 I table the Postal Services Local Rates Regulation 2001, that increases local postage to 10c. The second one Mr Acting Deputy Speaker is in accordance with Section 41 of the Interpretation Act 1979 I table the Public Sector Management Amendment No. 2 Regulations which provide for the election of a Consultative Committee.

MR SMITH Mr Acting Deputy Speaker in accordance with Section 41 of the Interpretation Act 1979 I table the Tourist Accommodation Ex-gratia Payments Regulations 2001. Mr Acting Deputy Speaker this is an amendment that has been a long time coming for the Tourist Accommodation Act. It puts a numerical limitation on ex-gratia payments on out of pocket expenses in relation to the Quota and Registration Act that was passed earlier this year.

MR BROWN Mr Acting Deputy Speaker I would simply ask the House to note that I do not propose to take part in debate on this question, nor do I propose to vote on it for 2 reasons. The first is that I have made a claim for an amount exceeding \$1m just on \$1.2m to be precise for compensation in relation to the

MR ACTING DEPUTY SPEAKER Sorry Mr Brown do you wish that the Paper be noted.

MR BROWN I'm sorry I thought that Mr Smith had moved that it be noted. Could I move that the Paper be noted.

MR ACTING DEPUTY SPEAKER Thank you Mr Brown.

MR BROWN And could I simply state that I do not propose to participate in the debate or to vote on the question because of the fact that firstly, I have my claim for \$1.2m of compensation and shortly I will be commencing proceeding seeking an order setting aside the legislation, but I feel it important that I say those things, but otherwise I don't propose to debate or vote.

MR WALKER Thank you Mr Acting Deputy Speaker. Could I just ask the Minister if he would to clarify as to how the amount of \$10,000 was reached. What was the criteria that was placed on coming to that figure.

MR SMITH Mr Acting Deputy Speaker at the time the Bill was introduced originally there was an amount I think which sat in there of \$2,500 which some Members expressed at the time that that was inadequate and the figure suggested at the time should be around \$10,000. That's what I had put into the Regulation and I take it the Executive had no difficulty with that and if Members feel that they have a difficulty with that they should say so.

MR ACTING DEPUTY SPEAKER Is there any further debate on the question that the Paper be noted. There being no further debate I put the question.

QUESTION PUT
QUESTION AGREED

MR ACTING DEPUTY SPEAKER I note your abstention Mr Brown. The Ayes have it. Are there any further Papers for presentation this morning Honourable Member.

MR NOBBS Thank you Mr Acting Deputy Speaker. As required by the Public Monies Act I lay before the House a direction I made in relation to funding, appropriation transfer from 2000/2001 to 20001/2002 pursuant to Section 32 a(2) of the Public Monies Act 1979.

It's a procedure that proceeds each year, there are funding transfers where commitments have been made and it includes in the administrative area for such things as office furniture, recruitment, revenue based investigations, self government advancement, etc of \$87,900. In the legal side there is legislative printing etc amounts to and relief of assistant legislative and drafting person \$30,000, customs \$1,800, information technology including the data base smart stream of \$128,000 which is a continuing project. Total for information technology of \$132,100. There's funding of \$15,000 for the census, there's the health strategy which was referred to by the Minister earlier of \$10,000, child immunization of \$5,000 and then we proceed with education, including the toilet block of \$103,000 has been revoked which is a total for education of \$125,200. Courts and Lands is \$1,700, Police \$500, Library \$1,700, Legislative Assembly \$400, Roads \$5,100, Forestry \$600, the Tanalith Plant and hand tools etc for that area \$1,100, building maintenance for School residence \$2,500 and then a variety of activities in the Works area which totals \$82,400 and then this Cultural Arts with the Liaison Officer for the Mini-Games \$16,900 and the Executive Members advance in relation to the health, which is the drug and alcohol activity that's going on \$10,300 for a total in that area of \$27,200. The total is \$530,200 and I lay that before the House Mr Acting Deputy Speaker.

MR NOBBS

Thank you Mr Acting Deputy Speaker. Just in relation to the Revenue Fund Financial Indicators for July 2001. As Members know we are on the accrual accounting principles at this time and estimates are difficult to make in relation to such issues as Customs Duty, FIL, Accommodation Levy, Telecom, Fuel Levy have been included also on an estimate assessment based on historical records. The indicators are based on approved budget and best can be determined at the 30th of July 2001 is that the Revenue Fund income is about 88% of budget and it's noted that July 2000 was something in the order of 96% of budget. The Liquor Bond is an indicator which we've used, an estimated net profit results in a \$27,000 under budget and sales for July 2001 were \$20,000 less than that of July 2000 and the customers were 450 less. As Mr Smith has indicated with the visitor numbers, there was a significant difference between last July and this July. The overall expenditure at the end of this of the first month of the financial year is about 27% under the approved budget and all expenditure categories other than for Welfare are under budget. Welfare expenditure is 110% of its budget which equates to a \$10,000 overspend. Based on the first 3 fortnights Social Benefits payment this financial year the projected results for 2001/2002 will be a \$50,000 overspend. In addition, based on the Hospital July accounts for welfare and medical expenses the projected results for 2001/2002 will be between \$50-\$100,000 overspend. Total income exceeds total expenditure by \$102,000.

STATEMENTS

MR BUFFETT

Yes I have a number of Statements which I'd like to bring forward or reports to bring forward Mr Acting Deputy Speaker. Firstly Mr Acting Deputy Speaker if I may make a Statement to respond in part to the earlier question that was raised with me about motor vehicle drivers licences. I have consulted with my Ministerial and Member colleagues about the issue of a Norfolk Island drivers licence in a plastic card form with a photographic image of the licence holder. This concept has been endorsed and Regulations under the Road Traffic Act of 1982 are being prepared to bring these licences into use. Existing licences will remain in use until they expire or of they want to have an availability of the new type of licence they can make an early renewal of the existing one. It's expected that we could be operational I would think within the next couple of months in terms of that arrangement and hopefully that will be helpful to the question earlier raised with me at question time. On a related matter which is the personalised Norfolk Island number plates I also mentioned and I repeat again that this was initiated some years ago but wasn't brought to finality, but this has the prospect of raising additional revenue for the Norfolk Island public purse and I have asked that there be renewed initiative on personalised number plates and I'll let you have a report on progress next month Mr Acting Deputy Speaker. The next I have is a report on the South Pacific Mini Games which are to be held in Norfolk Island in December 2001. Members and indeed the community will know that in Pago-Pago, American Samoa in May 1996 the South Pacific Games Counsel unanimously endorsed Norfolk Island's bid to host the South Pacific Mini Games in this year of 2001. We here established a Games organising committee, it was organised by the Amateur Sports Association and the Norfolk Island Assembly appointed Brian Bates as its representative on the committee. Additionally sub-committees were formed to organise and run each sport to organise the opening and closing ceremonies, accommodation, transport food and the like. The Games are scheduled to be held here from the 3-14th of December of this year, 3-14th of December, both of those dates inclusive. The South Pacific Games charter requires 6 countries to be entered in each sport before it can be contested. There will be 9 sports contested in Norfolk Island during the Games and these are Archery, Athletics, Bodybuilding, Clay Target Shooting, Golf, Lawn Bowls, Netball, Squash, Tennis and Triathlon. I just mention that the mascot for the Games is Miamiti. Members will remember that that is the Boo Book Owl in Norfolk Island and that was a suggestion by Anne Marie Judd. Tracey Yeager was commissioned to prepare a series of Miamiti designs for use in both correspondence and display signs for the Games.

Mr Acting Deputy Speaker a Trust Fund was established under the Public Monies Act in 1979 known as the Organising Committee of the South Pacific Games Trust Fund and the Assembly appropriated an amount of \$150,000 for the purpose of assisting with the cost of hosting the Games. The Oceania National Olympic Committee has provided a grant of United States Dollars \$25,000, donated a lap-top computer and colour printer and will establish and fund a medical commission. Also members of the community have volunteered their time to become team attaché's and volunteers to assist with the Games. The Norfolk Island Games Organising Committee has sought and indeed received sponsorship and grants totalling some \$52,500 to date and has confirmed further sponsorship in the vicinity of \$83,000. The major sponsor is Origin Energy, we will probably remember that as being titled Boral Gas. In December of 2000 the South Pacific Games Counsel met in Norfolk Island to look at the sporting facilities and the arrangements in place for the Games. In June of this year 2001 Doctor Segassi visited to meet with the Director and staff at the Norfolk Island Hospital in relation to the medical commission and both parties are pleased with the arrangements in place and the facilities available for the hosting of the Games here in Norfolk Island. In May of this year Glenn Robinson was appointed as the Administration's Liaison Officer to work with the Games organising committee to ensure that the resources of the Administration required for the Games is co-ordinated and to provide regular reports in conjunction with the organising committee to keep us here informed through myself as the Executive Member, with responsibility for Sport. In April of this year this House passed the South Pacific Games Bill 2001 to facilitate certain administrative and other requirements under specific Norfolk Island legislation to enable the management and the administration of the South Pacific Mini Games. The powers, functions and provisions of the Act are designed to apply from the 30th of November until the 18th of December, both of those days inclusive, and they obviously cover the period of the Games and pieces of periods on either end. There are temporary changes to 10 pieces of legislation covered by that that I have just mentioned and examples of these, tourist accommodation, medical practitioners registration, liquor, departure fee, sale of food, billboards, building and planning, public reserves, plant products, road traffic. That particular Bill Mr Acting Deputy Speaker awaits assent in the Commonwealth's sphere. The Australian Federal Police in its arrangements with the Norfolk Island Police have agreed to allow the Officers who were to depart Norfolk Island prior to the Games to remain on the island throughout the duration of the Games to assist the newly appointed Officers, and this together with local special Constables will ensure that normal policing and security during the Games will be enhanced. It's anticipated that some contingents will have members of their Police force in their sporting teams, and could be of assistance in the conduct of various visiting teams. I have been informed that in accordance with time frames which are really set down by the South Pacific Games Charter, accreditation forms have been sent to member countries and these are to be returned to the organisers by the end of this month, that is the 31st of August, and once we've got that information in terms of those countries responding we will know the athletes, officials and VIP's to be expected here, and of course confirmation of those numbers will greatly assist the organisation of the Games. The member countries who are eligible to participate may be of interest to Members and the wider community. American Samoa, the Cook Islands, the Federated States of Micronesia, Fiji, Guam, Kiribati, the Marshall Islands, Nauru, New Caledonia, Nuie, Norfolk Island of course, the Northern Marianas, Palau, Papua New Guinea, the Solomon's, Samoa, Tahiti, Tokelau, Tonga, Tuvalu, Vanuatu, and the Wallis and Futuna Islands. That's the range of people who we may well have participation from. Mr Acting Deputy Speaker the organisation for the Games moves on a pace now, next month I've been invited by the co-ordinators of food for example, Dennis Sterling and Paul Evans to inspect the growers vegetable crops and meet with the caterers to discuss progress in their respective areas, and this is one area that will be greatly assisted by the confirmation of numbers with the return of those accreditation forms that I mentioned earlier. Breakfast and dinner are planned to be prepared then served at Rawson Hall and vouchers will be provided for lunches to be obtained from food outlets

that the Commonwealth had queries about the Bill but as yet they've not advised any detail of the difficulties, so I'm not aware of the extent of that at this moment but I am pressing that we have some advice. When that legislation is tidy then we can introduce the guidelines into the Assembly, and it must be that sequence. In other words the enabling legislation first, followed by the guidelines themselves. I hope that that will all be tidied as soon as we are able to have assent from the Commonwealth's sphere. When that is complete I also foreshadow that the quota would need to be reviewed. You will remember that in February of this year we set a quota, we indicated that it would be a small quota at that time and we would review it once we had got to this first stage completion of the guidelines being done. We're just about there, and so I foreshadow the review there. Whilst all those things are going on I do plan to commence the second stage of this programme and stage 2 is to determine the direction for legislative change. There are a number of options, one of course is to amend the existing legislation, another is to pick up the Paddick Report legislation or parts thereof and indeed on closer examination there may be some mix of both of those two. A paper on options will be prepared for the benefit of Members to collate and overview the options that have been talked about at various times, and so that we will have a succinct statement of what they are and Members may give consideration and be in a position to make a decision upon them. The result of that will really be the drafting instructions, and drafting instructions will then take us onto the third stage. I would hope that by the end of this month, I'm sorry this is August, by the commencement of next month which is September that we might have achieved the drafting instructions stage, and then put that in the hands of the Draftsman so that we might have a Bill for tabling in December. Once we reach that stage, in other words we have a piece of legislation and it is publicly exhibited we will go through a further stage of consultation with people to see that final product, and if there are adjustments to be made to it then that can be made and finalised. Then we will need to go through the process again of tidying it in this Assembly, offering advice concerning its assent and provided the Commonwealth are prompt in its response there, we will be able to finalise that arrangement. That's rather long winded Mr Acting Deputy Speaker but I think it important to keep Members informed about how the review of this very important piece of legislation and policies in Norfolk Island are progressing. I thank you for your forbearance.

MR SMITH

Mr Acting Deputy Speaker just two or three short ones, more for Hansard than anything else. Firstly I'd like to just make a Statement on the Airlines. Our prime industry tourism has been through some turmoil over the past two months since the demise of Flight West Airline services to the island. In the weeks following that event Norfolk Jet and Air New Zealand responded quickly to enable many visitors to be carried to the island that may not have otherwise been able to come. Although Norfolk Jet itself was disadvantaged by the difficulties caused by Air Nauru aircraft engine problems they were still able to operate to the island in association with QANTAS using QANTAS aircraft over those first few weeks. I acknowledge again Greg Prechelt and his team at Norfolk Jet and also Air New Zealand for their efforts during that particularly tough time. I'd also like to mention all those who did their best to keep the visitors happy during that period, and particularly those in the front line in the Airline Agencies who must have had their patience tested many times over as much as what the passengers had to. I'm pleased to say that Norfolk Jet is now operating to their schedule which operates on the weekends and on Wednesday's. Ansett Australia has entered their initial service into their reservation system and I understand that their fare structure has been settled on and I think they are now available. Their first flight is on the 15th of September from Sydney arriving at 2.00 or thereabouts in the morning and departing Norfolk for Sydney around 4.45am to beat the curfew in Sydney. This service will be at that time for some weeks and will become a day time operation after some other arrangements are put in place. A service from Brisbane is being put together with an announcement on that expected soon and it is proposed that services will be introduced during the week when aircraft become available. With both Norfolk Jet and Ansett operating we should

have a good spread of the wholesalers selling Norfolk Island, similar to what was in place with Norfolk Jet, Flight West in the past years. Greg Precelt the Chief Executive Officer of Norfolk Jet and I had discussions during his visit here last week and that will continue as it should. All in all Mr Acting Deputy Speaker I believe that our future tourism wise looks quite bright considering the impact of losing Flight West such a short time ago. It has brought home again to many people just how fragile our industry is and how quickly things can change, but at the same time how quickly we can pick up again. Now I fully realise that this can be a foolish to say that everything is back to normal at this point but at least we can be positive about the future.

MR SMITH

Mr Acting Deputy Speaker I'd just like to make a Statement in relation to a Youth Centre. It's a report really. Mr Acting Deputy Speaker in the 1960's a group of us formed a Youth Group at the time was called the Younger Set which some of the younger members around the table here won't even remember at the time which consisted of many of the island's young people to basically keep ourselves entertained in an organised fashion. It was good fun and initially we used borrowed premises like the El Matador Restaurant, the Lions Club and other places for our special nights like dances or barbeques, but as a result of its success that lead to an application for a public building which resulted in us getting a place in the walls of convict ruins offered to us by the Administrator at the time I believe. Although it was really only 4 walls with no floor, roof or windows we were pleased to have something to start with. In the end the Administration provided much of what the building needed to get it into a useable state, and when it was finished became a popular spot for all of our young people. Eventually it was dedicated to the island's youth by His Royal Highness Prince Phillip, I think around 1974 and was used for many years, in fact until some time in the late 80's. Eventually I understand also it became unused and was taken as the Sirius Museum around 1989. So for many years there has been no dedicated place for our young people to call their own. The issue of a Youth Centre has recently become a priority with our young people, particularly since the introduction of the Norfolk Island Youth Assembly and the Youth Advisory Counsel over the last couple of years. Both of these groups have been very keen to have a facility once again and there have been proposals put to the Government for funding that in some way or other and Members will recall we've had some discussion about that in our informal meetings. But a meeting was called recently for the community to try and get some feedback on what could be done, what sort of venue is needed and at the first meeting there was an excellent role up of both adults and kids at the meeting which was very positive about getting a place as soon as possible. A working group was formed from that first meeting and they met again last week to do a closer analysis of what was available and what could be done. That group meets again tonight. Mr Acting Deputy Speaker I'd like to record my thanks to all the people who have offered to help in developing and running this project and also to thank the kids for being involved themselves and playing quite a large role at the meetings, it's very important. I believe the Government will need to be involved to a degree perhaps with funding, perhaps with land but it is my view that it should not be something that the Government is in the front line with, and I expressed that at the meeting that I Chaired. It is a community project and will work best with the young people taking ownership of it. Overall this is a very positive start towards re-establishing a youth Centre on the island once again. I would like to make special mention of the CEO and Graeme Donaldson who over the last couple of weeks have done a lot of work in this year and attended the meetings, and have played a good strong role in there. Thank you Mr Acting Deputy Speaker.

MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

MR ACTING DEPUTY SPEAKER Message No. 20 from the Office of the Administrator and I'll read that message Honourable Members. On the 26th of July 2001 pursuant to Section 21 of the Norfolk Island Act 1979 I reserved the following proposed law for the

made were made very early on in the selection processes, even before it commenced. They have been, I think significantly not taken into account and it leads us to where we are, almost predicably, hence my earlier comment that my comments here may well be predictable. This motion asks us for support of three candidates who are not identified, it does somewhat imply endorsement of a selection process that has the difficulties that I have described, it takes no account of the fact that the local applicant compliance has I think been significantly misunderstood and when all of that comes together the result is predictable, its unsatisfactory. My recommendation in this matter Mr Acting Deputy Speaker is

that this miss proposal be declined, and the CEO be requested to re-examine the positions, give equal processes to the applicants. Give proper regard to the local applicants with the view to gaining a more appropriate and a more suitable mix of local applicants to that executive team. This does not mean a total refusal of all of the proposal in front of us, but it asks for more appropriate mix to bring local knowledge and Corporate memory to the management team of which we speak.

ACTING DEPUTY SPEAKER Thank you Mr Buffett. Further debate honourable members? Any further debate. Mr Brown.

MR BROWN Mr Deputy Speaker I can fully understand the Chief Ministers reasoning, I can fully understand the Minister for Immigration and they are both saying different things. I'm sure that all of us would like to see a situation where we had people adequately trained who are residence of the Island and are able to fill these positions. Its somewhat of a tragedy really that where not at that stage, but what we have done here is, we have passed the public sector management act, we've agreed on the structure that's to apply with it, we've agreed on the way these senior people are going to be recruited and now we are a bit disappointed in the result, but that disappointment shouldn't cause us to not support the motion today. I think the proper course if for us to recognise that this whole reform process will only work if we give the Public Service the benefit of trained and experienced people in these positions. Now, those of us that are concerned that we are bringing in people from outside, need to recognise that we've clearly not provided adequate training systems in the past, notwithstanding that monies been put into budgets year after year, and we need now to say well, this is unfortunate but we've got to support it and what we are going to do to make sure that it doesn't happen again, it that we are going to encourage people to undertake appropriate training, we are going to encourage people to brief periods in other places obtaining experience in this type of work and we are going to encourage the people that are to be appointed by this motion, if it is passed, to ensure that they pass on their knowledge to local people while they are here. Now whether or not we can move to a situation where we have got local people with a four year period or whether its going to take ten years or twenty years, I don't know, and we need to bear in mind the dangers of appointing someone to one of these positions who is local and who thinks he then has a mortgage on that position for the rest of his working life, because without continuing education and without continuing fresh experience, that too would be a mistake. I am prepared to support this motion today, but I'm doing so on the basis that I'm calling on the government to ensure that there are proper training packages put in place, and that there are proper opportunities provided for local people to go away to obtain experience in other places, and that the knowledge held by these people who are to be appointed will wherever it is possible be transferred locally, while at the same time, as I just said recognising the danger at the other end of simply putting someone in the job for thirty years and saying go to it. Thank you.

ACTING DEPUTY SPEAKER Further debate Honourable Members. Mr Bates.

MR BATES

Thank you Mr Acting Deputy Speaker. This motion does ask members to recommend the appointment of three Executive Directors to the Public Service, and that in it self certainly creates a number of problems. So the number of problems associated with it, of which had best they have a thumb nail sketch, they don't know much more, including there names, and I have a lot of difficulty with that alone. If I'm going to recommend something I really want to know in my own mind what I'm recommending. So that creates one of the problems. I have been on selection panels in the past. I was on a selection panel for a CEO, way back, it was at the time when our Chief Minister was an applicant and he was an unsuccessful one in that. We got somebody who didn't turn out 100% and when the time came for renewal of that person I was the only one in the Assembly that didn't agree to his renewal. This is something that is not new, I ask myself, what does the word merit mean, and I believe this is merit selection is the current thing, I thinks it's a mainland thing and I think it's a thing that's creeping in and I ask myself what does it mean, and I come to the conclusion that it can really mean anything that you want it to mean. It has also been said that little opportunity was given at interview for applicants to expand on a natural criteria, I don't know if that's a fair statement or not but it does raise some doubts as Mr Buffett has alluded to. As you know much regard was taken of local. Sorry. As to how much regard of local understanding's of traditions and culture and our Immigration criteria I rather guess very little. Doubts have also been raised as to whether the eligibility criteria of the Public Service Act have been met. I should read out what the proposed Immigration guidelines say about local and imported employment, I say the proposed one, because the existing policy has similar, if not identical provisions. And right in the objectives on page one of the draft under discussion, we've decided to put right up top and in bold print to recognise and ensure that Norfolk Island remains principally as a home for the benefit of it's permanent residents, where such residents and there children may find appropriate employment sustain there families, retire and engage in new endeavors, and I don't think the motion is in a lot of conflict with that objection. But, I do move over to page seven where it deal with temporary entry permits and section 43 , is going to read something , parts are going to say , (b) the qualifications of the applicant , this is before determining an application for a temporary entry permit, or renewal of such a permit , the Executive Member or authorised office shall have regard to such matters as they consider to be relevant without eliminating the generality of that discretion leaves a lot of dot points. A move to dot point (b) And this is what our Executive Member , we as body are asking him to consider the qualifications of the applicant to engage the desired employment business or profession, now he might have a completely different emphasis on what the word merit means under that. (c) Is an interesting one and I wonder if our Ministry is going to call for this, I think he should (c) says whether a business or profession specified in the application is already proficiently provided for in Norfolk Island. I think I've missed the point there I think it was another part of that I didn't to read them all I think (a) Is really what I'm referring to and that reads: whether there is really available on Norfolk Island a person able to undertake the employment specified by the applicant, and whether the proposed employer is willing to engage that person. I thought there was something there also about providing a list of people that provided and reasons as to why they had not been given it, but I will leave that to the Minister when the time comes, I wont dwell on that any further. I think its extremely unfortunate and I mean unfortunate that this motion does in fact put into the public forum something that would probably be better if it hadn't come to the public forum. But in fact once it appears on the notice paper it does go right into the public forum, and that's where it lies and that's where it has to be dealt with. It was certainly because of pressures from outside the public service that I ended up writing to the association to seek their views. That response has been passed on to members and no doubt is well distributed by now. In fact one could say it's already fallen off the back of the truck, however, some of the points should be recorded in Hansard and so I will read that response. The response is to me and it says, Thank you for your letter regarding the Public Sector Management Act appointment of Executive Directors it is very difficult to gauge precisely the memberships views on the

control by the new Public Service Board and other consulting groups within the Administration. One of the things that came out very strong in our consultations around the service was that a lot of the people who weren't all that happy on how things progressed for themselves and I fully agree with what they were saying. We find it the same at this end often as a Government that sometimes we can't get the things done that we want to. Now I would never point the finger at any person and that's not what I'm intending to draw a picture about but sometimes we may possibly expect too much from people in between us and the public service with issues other than employment is the management of the public service. Often in the discussions that we had the finger was pointed upwards not literally it was pointed towards how things came right up to the Legislative Assembly to deal with and likewise the other way round. If things don't get done we blame the public service, we still do, that's part of how it all seems to work. We have recently appointed a new chief executive officer to the public service. The chief Executive Officer has made a recommendation after the processes of recruitment to the Legislative Assembly which is part of the role we do have to play in this of whether we accept this recommended names or not. Originally in the Public Service Management Act we would have been making the appointments Mr Acting Deputy Speaker. That was changed, the role we now play is the names are put up for us to say yes or no to. That was quite a major change to the way the Act was intended to work however we agreed with that change last year and that's now it is now. I've had discussions with some people who have been quite unhappy with the first news that the recommended people would be from off shore and I discussed with these people my reasons for wanting to support this motion today or whenever it came to the House. It is for those reasons that the Chief Minister did mention before like the training that the Public Service has been promised for years and years and years and many people from the service look forward to something that's actually going to happen in that area or where there are concerns which come up from whatever level of the service and nothing ever happens with it and I don't think that's anybody's fault it's just the way our levels of the structure have been when we have three new Executive Directors, whoever they are and wherever they come from they have a major job to do what we expecting to have happening under the Public Sector Management Act. We have had people acting in the positions of corporate community services and economic services over the past few years those people have got jobs as well trying to do programme managers work as well except for one, we do have one full time programme manager and there is the ones from the past, that I believe I could be wrong about this were appointed in a ad hoc sense never very successfully I don't think they ever really knew what their roll was supposed to be. This is a new ball game I believe that some of the people I have spoken to are quite keen to see what will happen and hope that this will work, we all hope it will work. It will be for the betterment of the work place the people in the service even I can probably hear somebody saying right now words I couldn't probably say over the air, would disagree with me, but if it doesn't work it can be changed. I believe that the CEO has made a recommendation to us that she believes that's what is going to give her the tools to get the team going in the Public Service and I really think she has already started doing that from my observation and we need to support the person we've appointed as our representative as head of the Public Service in doing what she believes she needs to do. She has put her own views forward to us about that and she's determined that she can get the Administration working as a team and I think there's a lot of people in the service welcome that. It's not a reflection on the people that are already there the Administration has got very very good people in there but everyone has a story to tell, the lack of direction at times, the goals that the Administration needs to have and I don't think there can be many that can disagree with that. There has been lack of morale in the Public Service we all know that we all get told that, we've all seen that and if this can make such a difference I'm very prepared to support it and defend that decision.

MR WALKER

Thank you Mr Acting Deputy Speaker this motion presents an essential part of an on going change process which has been fully endorsed by

this Assembly and also the service. If we are not to follow through with these appointments we might seriously jeopardize that change process. Mr Speaker the Chief Minister has alluded to the legislative and policy documents that have already been put in place in anticipation of the installation of an executive management regime. The Assembly recently appointed the new CEO and the new CEO was given a brief supported by the Public Sector Management Act 2000 to proceed through a selection process for the executive directors. That selection process has been completed and this motion is the culmination of the recommendations made to the MLA's by CEO for those appointments of the three executive directors. So Mr Acting Deputy Speaker I support those appointments and encourage my colleagues to also do so. So that this change process can proceed and we may in the future reach that point where we have those residents able to take up the positions when they become vacant once again. Thank you.

MR GARDNER

Thank you Mr Acting Deputy Speaker only a few brief comments I would like to make on this. First I'd like to start with my comments about being horrified by a couple of the things I've heard today which I was not privy to until they were spoken about in the House and one of those was no face to face discussion or interview with the successful candidates. That causes me some concern in that different candidates are being treated in different ways. That already has started to erode my confidence in the system. We are talking about professional change I don't question the professional abilities of those people who were involved in the selection process, I don't question at all the merits of the selection process and the outcome from that selection process. What really worries me and I believe this that by design the selection criteria would deliberately set at such a level that prevented local people from being successful in candidates. Now everybody is going to have a different view on that but that's just the way I feel and it's probably condemning the Assembly somewhat we all sat here and we all looked at the selection criteria but we didn't really sit long and hard enough and contemplate long and hard enough exactly what setting those criteria at that level was going to mean, and has proved to be so. As I said I just want to make it quite clear I'm not knocking the outcome of it I think it's all been done properly, it's all gone through the right process and we've endorsed that all the way along and lots of speakers today have spoken about that and Minister Smith certainly went into some detail about that. It's certainly been his baby for a number of years to bring this change in the Public Service about. Change is one of the problems, change is something I have noticed in my short time on Norfolk short time is only 20 odd years, but in my short time on Norfolk successful time on Norfolk is brought about in increments not in a tidal wave and this to me is a tidal wave, this is a real tidal wave that's swept through the place the way we've gone about this and I'm not knocking that, but it brings me back to the professionalism of it the interview process by not meeting all of the applicants face to face has put maybe arguably some at a disadvantage maybe at an advantage we don't know that. I mean how often have we picked up the phone and thought gee that person sounds really nice on the phone and you meet them face to face and it's probably the last person you want to be seen at dinner with or actually spending your time with and especially as part of a team. I don't know hopefully I'll be proved wrong on that but I guess when we get down to the professionalism of it I've been asked to endorse something that I've only received a very shaky thumb nail sketch of successful candidates I haven't seen a CV. We went through the CEO's selection process we were inundated with information CV's and everything else of the applicants and certainly the successful applicant and certainly not intending to in any way pick on the current CEO to use an expression down to the size of her underwear was included in her CV. We know a lot about the current CEO. These other positions I know nothing. I know their first name we were shown their first name I don't know what their second name is whether it was a G or a T or a P or a S there's something about that if you're asking me to assess whether that was a professional way of going about things causes me some concern is with the motion and the way it is presented that is inappropriate and less than professional and I think that David mentioned to it earlier as a mystery motion. Mystery motion it is I would have

preferred to see a more open and up front about what we're doing rather this secret hidden behind closed doors type attitude and come and say these are the people this is there names heres the C.V. guys make a informed decision on it. How can I make an informed decision when I know nothing about what I've been asked to provided an endorsement for. I respect the people that have been on the Selection Panel they've given the recommendation, the CEO recommended to us that these are the people, these are the right people. It probably should be argued that Mr Gardiner's you should take on board what you have been told as gospel, and that's the end of the story, well I don't work like that, if that had happened in the past there would have some enormous nightmares that we would still be trying to battle through. I like to make an inform decision, I like to know what the advise is, I like to know the background of the people rather than just a thumb nail sketch of it, however after all of that and I guess demonstrating my dissatisfaction I think a less than perfect process somewhere along there , not saying as I said before the selection process isn't floored, maybe the selection criteria were floored, maybe we just tried to push it through to quickly and we didn't think long and hard enough about it. But after all of that I'm not going to stand in the way of this, because I've supported the previous Chief Minister when he's looked to change in the Public Service and I believe incremental change in the Public Service I've argued for it strongly all the way through. I just hope that we don't in the future live to regret a decision that we are taking today, other speakers have said around the table today we have had the superman and the superwoman in before and that's certainly not to take anything away from our current CEO, she certainly has the good in my mind to put forward a very professional service, and lead a very professional service. I just hope that we don't in months, weeks, years to come live to regret the decision that we are making here today. I'm disappointed that we haven't got any successful local applicants. I tend to feel that we have a significant number of very skilled, very talented and very experienced people. on Norfolk Island, quiet capable of doing those jobs, I said to somebody the other day, if we are not going to, and I've used the debate in the house before, if we are not going to let someone on Norfolk have a crack at this, we what are the nine of us doing around this table, why don't we get somebody more skilled and more experienced to come in and do the job that we are asked to do. The answer to that, was something along the lines of what we just want to see what's best for our Island, Yes, we do what to see what's best for our Island, but does that necessarily make us have the skills and experience to do the job that we are doing. I'm concerned and I've had phone calls as I'm sure a lot of members have had phone calls from people but particularly disturbs by a father of a young family on the Island d who rang me almost in tears, to say is this true all these positions are going off-shore and I said yes, it is my understanding of it, that is correct, and there've been cornered by his children in the shed, and said well Dad, what's in it for us, I mean there's no future here for us, and I've heard endlessly about the on going training, and we need to do this and we need to do that. Hopefully I'm proved wrong and hopefully there will be proof in the pudding, and I have every confidence in the CEO, she's given her word and undertaking that that's exactly what will happen. I've heard those words and I've heard those undertakings given before, I heard them given 18 months ago, in the run up to the general election, and its taken 18 months and maybe we are getting a sniff of what's to come, maybe that's on the horizon, I don't know but really at the end of the day, I'm disappointed that there are young people on this Island that would really like to commit themselves to this Island but the outcome of the Selection Processes really thrown them back a step or two and its going to take some work to right there opinions. I hope that can be achieved.

ACTING DEPUTY SPEAKER
Mr McCoy.

Thank you Mr Gardner, is there any further debate.

MR McCOY

Thank you Mr Acting Deputy Speaker just a couple of words during the passing of the Public Sector Management Act, I proposed a detail stage management that would set it up, so that the CEO could only be employed as a maximum

of 5 years, a maximum of 5 years. Unfortunately, for some reason the members of the house at that particular time did not see it fit to support that motion, now we have a person that has been employed as Chief Executive Director, I believe, some people are seeing well, maybe we should've have done, we should have set it up so that the Chief Executive Director can only be employed for 5 years, and the reason I was driving at that was because I clearly see, and I said it back then, and I say it again now, I don't care if a person comes into the Service as working on the roads, now if that person has the desire and the drive to seek experience and qualifications and that one day can see they will be in the position where they can become the Chief Executive Officer. Mr Brown mentioned earlier on that people shouldn't feel that they go into the Service and they have a job for life and that I do agree with as well., but that was my main drive at that time so that when any person works in the service or takes a job in the service they can see clearly one day that they may become the Chief Executive Officer, but that motion was not supported, and here we are today, we are questioning if we did the right thing with the Public Sector Management Act. The facts are that we do have a Public Sectors Act that was set up so that we could have a management team in the Public Service, we have appointed Chief Executive Director who in my mind is the manager of the public service, and that manager under the public sector management act , if that manager does not performing as the government wishes the performance to be carried out well that person can be removed from that position. I believe, that we have put a professional person there and that person has gone out and made the selection to complete the team, to manage and run the public service. I don't see it as a huge problem, because I believe firmly and I will stand by it until the day I end up the road there, that we should all be working, every single member of the Legislative Assembly and every single member who puts there hand up to be a member of the public service, should all be working with a clear vision that we are working, all working for the betterment of Norfolk Island and for the Community of Norfolk Island, and I support the motion as put forward by the Chief Minister.

ACTING DEPUTY SPEAKER

Thank you Mr McCoy. Is there any further debate. Mr

Nobbs.

MR NOBBS

I just like to clarify couple of points if I may Mr Acting Deputy Speaker. The situation in relation to no names was the same as with the CEO because at the time we were when we discussed the CEO the appointment wasn't actually made and it was necessary the same as these people to keep the names confidential for their own particular benefit and that is that they may not become successful they may not wish to take up the position in the long run or something like that happens and it puts them in a bad position with their current employer. That's the basis of it. One member said that probably the selection process is flawed well I think it is flawed because in as much as whilst we changed it from what Minister said in the original to a situation where the CEO does the selection I think, and the original draft of the Bill was that the Executive Directors would be selected by the Assembly. It was changed to the CEO would do the selection and make a recommendation to the Assembly which has happened, but I still believe that the CEO is the one that by rights do the hiring and firing and I think there is a need for some change in relation to that in the future. As far as it coming into the Public Forum there was criticism that it was now in the Public forum and it should have been done elsewhere, it has to come before this House to have some sort of decision. The Managers managing Managers well we have leading hands supervising laborers and it goes right up the ranks from there, so I mean that's a part of the system and I think it's been proved in the last eighteen months or so that there's been continual complaints that we haven't got full time Program Managers which are now Executive Directors in place and that's been a hold up in the system. The political interference business that's been a criticism in the past maybe this sort of dealing in the open forum is not exactly the way to do it and the last point I wish to make is, one Member said that he hoped it would work I say it must work and we must make it work. Thank you.

MR SMITH Mr Acting Deputy Speaker just for clarification and just to make everybody around the table I wonder if its possible before we say 'yes' or 'no' that we actually have the names in front of us so there's no doubt what we are doing. Is that possible to do that?

MR NOBBS I haven't got them George. That's the problem. I don't have them. I've left it purely and the selection process and whether they've rung them or talked sideways to them or what questions they answered that's purely not a political situation, I believe, and I'm fairly experienced in the Public Service arena as you are probably aware and I left it to the Public Service to organise that side of it. And if they say to me that the names shouldn't be made public well that's fine, that's what I believe. But if you require them I will have the CEO finalize them, but I haven't got them here with me and I don't even know who they are, I know no more about them than you do, but I'm confident that the CEO and the selection process that we went through was not flawed.

MR SMITH Thank you Mr Acting Deputy Speaker I think the Chief Minister might have missed what I was saying, I wasn't saying that I'd like to see the names here so that we can read them out, that wasn't the intention he's already asked or said that until these appointments are final the names should be kept confidential but I'm just, and I'm not doubting that the names we were given on that particular day although as one member said we didn't have the whole name, just that we know that what we are doing here, I mean it would be quite easy if somebody in a different situation for someone to say that these were the names we said weren't you listening at the time Smith and it's somebody totally different. I know that's not going to happen now. Whether that is possible for us to have the names, its not enough to delay the motion but that's what I was asking for

MR ACTING DEPUTY SPEAKER Thank you Mr Smith. Is there any further debate. There being no further debate I PUT THE QUESTION THAT THE Motion be agreed to

QUESTION PUT

Would the Clerk please call the House

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

Honourable Members the result of voting is ayes five, the noes two with one abstention, the motion is agreed

PUBLIC SECTOR MANAGEMENT ACT 2000 APPOINTMENT OF PRESIDING MEMBER FOR THE PUBLIC SERVICE BOARD.

MR NOBBS Thank you Mr Actin Deputy Speaker I move that this House in accordance with paragraph 10 /1a of the Public Sector

Management Act 2000 recommends that the responsible Executive Member appoint John Edgar Christian as a presiding Member of the Public Service Board.

Thank you Mr Acting Deputy Speaker As members know John Christian is a young Norfolk Islander and it's really great to see that young members of the community are putting themselves forward for these positions or for such positions as these. John's qualifications is in the field of microbiology and he has worked in both the private and public sectors. I believe he will bring to the position experience gained in various fields and I commend his appointment to Members.

MR GARDNER Thank you Mr Acting Deputy Speaker I would just like to endorse the recommendation the Chief Minister has brought to the House in relation to John as Members would be aware as the previous Minister for Health and Environment I had the honour of working very closely with John Christian in his role as the previous Director of the Norfolk Island Hospital and I would just like to endorse previous comments by saying that I believe John is a particularly capable person and I think is a well chosen person to head the Public Service Board.

MR ACTING DEPUTY SPEAKER Thank you Mr Gardner. Is there any further debate. There being no further debate can I put the question.

QUESTION PUT
AGREED

MOTION BY LEAVE

MR WALKER Thank you Mr Acting Deputy Speaker I seek leave to move the Motion standing in my name on the programme

MR ACTING DEPUTY SPEAKER Is leave granted Honourable Members. Leave is Granted.

MEMBERSHIP OF SELECT COMMITTEE INTO IMPACT OF DEREGULATION OF TOURIST ACCOMMODATION

MR WALKER Thank you Mr Acting Deputy Speaker. I move that consequent of the resignation of Mr Andrew Cook QC as a member of the Legislative Assembly and in accordance with the provision of Standing Order 201 this House agrees that Membership of the Select Committee appointed by this House on the 18 July 2001 to enquire into the impact of deregulation of tourist accommodation registrations

- (a) be increased to four
- (b) and that Ronald Coane Nobbs and Allen John McCoy be elected to serve as members of the committee.

I commend the Motion to the House.

MR ACTING DEPUTY SPEAKER Thank you Mr Walker is there any further debate. There being no further debate I'll put the question

QUESTION PUT
AGREED.

HEALTHCARE ACT 1989 - MEMBERSHIP OF CLAIMS COMMITTEE

MR ACTING DEPUTY SPEAKER Have a further Motion by leave on the Healthcare Act 1989, Membership of claims Committee

MR MC COY Thank you Mr Acting Deputy Speaker. I seek leave to move the Motion standing in my name on the programme.

MR ACTING DEPUTY SPEAKER Is leave granted. Leave is granted

MR MC COY Thank you Mr Acting Deputy Speaker I move that consequent on the appointment to the Claims Committee of Alan John McCoy as Executive Member for the purposes of paragraph 22/2b of the Healthcare Act 1989 The Act. This House resolves to:

- (a) revoke the appointment of Alan John Mc Coy as Member of the Claims Committee for the purposes of paragraph 22/2c of the Act and
- (b) Choose Brian George Bates in his role of Member for Legislative Assembly to be a member of the Claims Committee for the purposes of paragraph 22/2c of the Act.

MR ACTING DEPUTY SPEAKER Thank you Mr McCoy is there any debate.

MR McCoy Thank you Mr Acting deputy Speaker this is a necessity that has resulted in me becoming an Executive Member and therefore the Claims Committee lacks a non executive Assembly Member, and that is the reason for this particular appointment, and I look forward to Members supporting the Motion.

MR ACTING DEPUTY SPEAKER Is there any further debate. There being no further debate I put the question

QUESTION PUT
AGREED

TOURIST ACCOMMODATION REGISTRATION QUOTA AMENDMENT NO 2 BILL 2001.

MR SMITH Thank you Mr Acting Deputy Speaker I seek leave to present the Tourist Accommodation Registration Quota Amendment No 2 Bill 2001.

MR ACTING DEPUTY SPEAKER Is leave granted Honourable Members. Leave is granted

MR SMITH Thank you Mr Acting Deputy Speaker this Bill was introduced to amend the tourist accommodation Registration Quota Amendment Act, which is the Principle Act to ensure that the savings provision in section 8 of the Principle Act include a category of tourist accommodation houses where owners have applied for and paid the fee for registration as a tourist accommodation house and where planning approval has been granted. This Bill is intended to be retrospective so that it can take effect at the same time as the commencement of the Principle Act. Mr Acting Deputy Speaker this is a simple amendment which relates back to the Registration Quota Bill when it was introduced in the House in February this year to provide the quota and during the discussion and debate on that which went over two or three sittings there was some tourist accommodation that had been included in our calculations but at the last minute I realised there was a technical hitch with two of the properties and at the time I could have moved an amendment at that time to include those two properties but I felt that it wasn't appropriate at that time and I said at that very meeting that I would bring forward an amendment at a later date and to include those

properties in. Now since that time which a few has lapsed since that time it was intended that we would bring back a revised Tourist Accommodation Act and Regulations that we would bring back to the House that would include this particular Motion as part of that. That never occurred and neither did the amendment at that particular time. I am now bringing that forward today because we have another Bill on the table and I would like this one to proceed that so that it would tidy up what I promised to do in the February sitting, and this has an effect on the quota it will raise the quota back to the amount that we proposed with the Registration Quota Bill in February of this year, and includes that extra category that picks up those properties that were to be included at that time and I did say that there was some debate about that Mr Acting Deputy Speaker and it has taken me a while but I have finally brought it to the House. Thank you.

MR ACTING DEPUTY SPEAKER Thank you Mr Smith. The question is that the Bill be agreed to in principle. Is there any further debate.

MR NOBBS I'm just looking for my details here of what's happening but I understood that there was a requirement that we passed that there were certain procedures that had to go through. I'm just trying to find it before you actually change the quota and that's just in the original Act not the one we are changing later on. I thought in the original one when we talked about originally that there was a procedure put in place there, but not withstanding that I think that this Motion should sit on the table for a month.

MR ACTING DEPUTY SPEAKER Thank you Mr Nobbs. Any further debate.

MR GARDNER Thank you Mr acting Deputy Speaker the Ministers brought this amendment to the House, The Chief Minister is quite right an Amendment shot in like this should really sit on the table for a month so that the consequences of it can properly assessed in the community and certainly be properly assessed by Members and the impact that it may have. I'm going to hesitate using the words sam phoo and explaining exactly what that is, this is another one. Back in February there was certainly some debate some heated debate from my quarter on exactly what we were trying to do with the Tourist Accommodation Registration Quota Act at that time. I wasn't too pleased where lines in the sand had been drawn. My original debate I had no qualms in including the category and I'd like to stick to just the word category in my debate to include this category in the quota at that time certainly I think my protestations at that time fell on deaf ears I know they fell on deaf ears at that time and it's interesting to note that we are coming back to the House now to include that category. That's not to say that the Minister back in February didn't indicate at that time that it was his intention his clear intention to come back to the House to tidy up a couple of the areas and maybe have another look at in particular this category of Tourist Accommodation Applications to try and tidy that up. He certainly did give that indication as best as my recollection serves me. But effectively to cut a long story short this increases the quota by 21, the quota that was set back in February, effectively increases the quota by 21 by its action and the way it's been worded and the direction it comes from, its intended to be almost retrospective in its application, and therefore precludes the concerns that the Chief Minister had about the process that you needed to go through for increasing the quota. That's all I have to say at this stage Mr Acting Deputy Speaker but I too share the Chief Ministers concern and would like to see this sit on the table I think it requires further public consultation rather than, I don't know whether it was the Minister's intention to try and railroad it through today, I doubt it was, but certainly to provide some comment on it because we talk about petitions, certainly this was subject of a petition back in February. The public were particularly concerned about the direction the Tourist Accommodation was taking, we moved I think responsibly back there in

February to at least set a line in the sand whether it was the right one or the wrong one, but to cap it and I think the community need to have a chance to absorb exactly what the content of this particular piece of legislation is all about and to let us as Members know whether they are in fact comfortable with it or not.

MR McCOY

Thank you Mr Acting Deputy Speaker. I too are like the previous two speakers I believe the Bill should sit on the table for a date to be set. I'll just read the explanatory note that came with the Tourist Accommodation Registration Quota Amendment Bill 2001, which we passed in February. The Quota Amendment Bill had two parts to it, one was that the Bill ensured that the responsible Executive Member may obtain all relative information concerning those who have the management of Tourist Accommodation Houses, and the other was that the Bill enables the Legislative Assembly to fix a quota in relation to the maximum number of tourist accommodation houses in any category. Previously this was only available to accommodation house which were not registered under section 7 of the Act e.g. Hotels. The Bill specifically targets tourist accommodation units but enables a quota to be imposed on any category. A guideline for the exercise of discretion when imposing a quota is contained in clause 6 of that Bill. The Assembly must take environmental and resource issues into account. The Bill sets a quota as a commencement quota enables a current application to subsist until a quota position becomes available and deals with compensation issues for those affected. My real concerns is that the Minister has done of that, and we are here talking about amending the quota already. Now, the Legislation that we passed quite clearly, and I'll read the Legislation we passed: The Executive Member shall refuse to register a tourist accommodation house where if he did so the maximum number of tourist accommodation houses fixed by resolution of the Legislative Assembly made for the purposes of this subsection and in force for the time being would be exceeded. So he cannot register a accommodation house. A resolution made for the purpose of subsection one may fix the maximum number of tourist accommodation houses in a category of tourist accommodation houses, which we did. We set the quota. In making resolution under this section the Legislative Assembly shall not fix a maximum number of Accommodation houses which would at the time of making the resolution be less than the sum of (1) the number of registered, constructed and operated tourist units. (2) The number of Registered Tourist Accommodation Units granted and in force under subsection 74a irrespective of which an application for planning approval under the Planning Act 1996 has been granted, is current and has not lapsed. That's the important one because we are here today talking about setting a quota where there was a quota of particular applications where they had lapsed, technical as it may be they had no place on the quota, in that category, it had lapsed under this legislation we passed. It goes on to say and shall have regard to the number of tourist accommodation units which are at that time, registered, constructed and in operation, registered under sub section 74a and not in operation for which planning approval has been obtained under the Planning Act, so in that case we are talking about all the accommodation units that were operating and we're talking about all the accommodation units who had conditional registration as well as planning approval, whether they had commenced their project or not if that they had conditional tourist accommodation registration and planning approval they were in the quota. Now the impact which those units mentioned in 2 and 4 may have on the environment, community infrastructure and resource, development and implementation of the Norfolk Island Plan under the Planning Act 1996 or any other matter which the Legislative Assembly considers relevant. So there we have it. We put in place what the Executive Member with responsibility for Tourism and I guess some degree for planning must do and also the Assembly must agree that those things have been carried out in the correct manner that they should be and that is to examine the environment community infrastructure that we have in place to support those units, before we go out and adjust the quota. Today we have an Amendment Bill before us which does exactly

that, it adjusts the quota without the footwork having been don, so I do not support this amendment that we have in front of us today.

MR WALKER Thank you Mr Acting Deputy Speaker I'll be very brief I would encourage the Minister to allow this to sit on the table for one month as it has only just been given to us whilst we have been in the sitting and I have not had time to research it.

MR SMITH Mr Acting Deputy Speaker I don't have any difficulty with that the only complication is when it comes to the Order of the Day I'm number two I would need to hold that over I don't think there's any difficulty in that because we don't want one contradicting the other and I have no difficulty in doing that I'm sure when Members understand what I'm doing with it they might feel a little more at ease with it. We are actually changing a category as I proposed I would do with no opposition at the time in February and I think its probably best if we discuss this over the period between now and I would expect make this for the next sitting if its to be brought on again I don't have any difficulty with that just with that proviso that I will have to hold off with Order of the Day No.2. to be able to do that.

MR ACTING DEPUTY SPEAKER Any further debate. If there is no further debate and it's the desire of the House to suspend I need a Motion to adjourn the debate. Mr Smith

MR SMITH Mr Acting deputy Speaker I move that the debate on this Bill be adjourned and made an Order of the Day for the next sitting.

MR ACTING DEPUTY SPEAKER Thank you Mr Smith. The question is that debate be adjourned and made and Order of the Day for the next sitting

QUESTION PUT
AGREED

That matter is so adjourned.

Honourable Members we move to Orders of the Day

ORDERS OF THE DAY

PLANNING TOURIST ACCOMMODATION TOURIST BILL 2001

On the Question that the Bill be agreed to Mr McCoy you have the call

MR MC COY Thank you Mr Acting Deputy Speaker. This Bill was introduced into the House at the previous sitting it was a consequence of a Motion put forward by Mr Walker and that Motion was agreed to by Members of the House. Mr Acting Deputy Speaker I have no further debate on this particular issue it was debated quite considerably at the previous sitting and it was allowed to sit on the table for public comment and discussion by Assembly Members.

MR ACTING DEPUTY SPEAKER Further debate on the Bill being agreed to in principle. There being no further debate then I put the question.

QUESTION PUT
AGREED

We move now to the detail stage and Mr Walker has indicated that he wishes to seek leave to move the detail stage Amendment dated 14.8.2001 and circulated yesterday.

MR WALKER Thank you Mr Acting Deputy Speaker I so seek your leave.

MR ACTING DEPUTY SPEAKER Leave is granted Mr Walker

MR WALKER Thank you Mr Acting Deputy Speaker I would like to move a deletion and substitution under a commencement in clause 2 – delete the words commences on the day of which notification of its assent is published in the Gazette and substitute the following “shall be deemed to have commenced on the 16 day of May 2001.

MR ACTING DEPUTY SPEAKER Is there any debate. Further debate on the proposed amendment. No. Then I put the question that the amendment be agreed to

QUESTION PUT
AGREED

The question is that the remainder of the Bill be agreed to

QUESTION PUT
AGREED

I seek a final motion, Mr McCoy that the Bill as amended be agreed

MR McCOY Thank you Mr Acting Deputy Speaker, I move that the Bill as amended be agreed to. Mr Acting Deputy Speaker I'll make a public apology on a slight oversight on my behalf. When I first tabled this Bill at the last Sitting the intention of Mr Walker's motion was that the Bill was to come in, in May and I overlooked that commencement period and I thank Mr Walker for bringing that up

MR ACTING DEPUTY SPEAKER Is there any further debate? No. Then I put the question

QUESTION PUT
AGREED
MR BROWN ABSTAINED

The Bill as amended is agreed to

TOURIST ACCOMMODATION (QUOTA ADMINISTRATION) BILL 2001

We resume debate on the question that the Bill be agreed to in principle and Mr Smith you have the call to resume

MR SMITH Mr Acting Deputy Speaker can I ask that that not be brought on in light of the previous Bill please

MR ACTING DEPUTY SPEAKER Well I think we just need to move that debate be adjourned

MR SMITH I so move

MR ACTING DEPUTY SPEAKER The question is that the debate be adjourned and made an Order of the Day for a subsequent day of Sitting

QUESTION PUT
AGREED

That matter is adjourned to another day

STATUTE AMENDMENT (GAMING FEES) BILL 2001-09-23

We resume debate on the question that the Bill be agreed to in principle and Mr McCoy you have the call to resume

MR McCOY Thank you Mr Acting Deputy Speaker there's very little point in debating this particular Bill. It's been debated extensively over the last two sittings of the House and I don't have any intention unless other Members intend to debate the issue further, to enter into any debate on the subject today. As I said, it has been debated quite extensively, this will be the third sitting since I introduced it, thank you Mr Acting Deputy Speaker

MR GARDNER Thank you Mr Acting Deputy Speaker I am of a like mind to my colleague, the Minister for Health and Environment. I've spoken at length on this subject in previous Sittings and I still remain vehemently opposed to it and that is my position. I have nothing further to add to my previous debate

ACTING DEPUTY SPEAKER The question is that the Bill be agreed to in principle. Is there further debate. No. Then I put the question

QUESTION PUT

Could the Clerk please call the House

MR BUFFETT	AYE
MR NOBBS	AYE
MR BATES	AYE
MR McCOY	AYE
MR GARDNER	NO
MR WALKER	NO

MR GARDNER Thank you Mr Acting Deputy Speaker I move that the hour glass be turned

MR ACTING DEPUTY SPEAKER We will wait until we find Mr Smith Honourable Members. Congratulation Mr Smith. I think that's the second time I've seen the hour glass turned in this House.

MR SMITH	NO
MR BROWN	NO

ACTING DEPUTY SPEAKER The result of voting Honourable Members the ayes four the noes, the Bill is not agreed to

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

Honourable Members we resume debate from the 21st February on the question that the motion be agreed to in principle and Mr Smith you have the call to resume

MR SMITH Thank you Mr Acting Deputy Speaker I know this one goes back a bit and it's been sitting in abeyance for quite some time. This was in relation to the Immigration Amendment No 2 Bill in respect of a proposal of mine to add in the two words "New Zealand" in the category where it requires visas into Norfolk Island and I've left it sitting for quite a long time in order that we might debate the issues that come out of it, and the three words "or New Zealand" is in the Act where someone has been granted a visa to travel to and enter Australia and it would say "or New Zealand" that is valid for no less than the time intended to spend on Norfolk Island etc. It's really up to Members to say whether they agree to that or not Mr Acting Deputy Speaker

MR BUFFETT Thank you Mr Acting Deputy Speaker. I would like to offer counsel to my colleague Members that there are implications in proceeding with agreement in this motion. Particularly in terms of the Norfolk Island Government's negotiated position with the Commonwealth and its relationship with immigration arrangements. This position was quite recently negotiated, not in my time as Minister but immediately preceding my time as Minister and it resulted in us making some amendments to our immigration legislation in concert with a number of agreements with the Commonwealth. I think you will remember that I didn't entirely agree with that particular process of things, but nevertheless it continued and it is how it is at this moment and it is an agreed position. This particular proposal in front of us, at present we have an arrangement whereby an Australian visa needs to be got in certain circumstances for non Australians and non New Zealanders to visit Norfolk Island. This particular proposal is to widen that to allow those who have a visa for entry into New Zealand as well as Australia. We have agreed arrangements in terms of those people who might come in having got an Australian visa and if it turns out for example to be well and people are in difficult circumstances, we have liaison arrangements and we have agreements in place for the repatriation in such circumstances. We do not have the same arrangements with the New Zealand authority in terms of the liaison nor in terms of the repatriation processes and I doubt if through the New Zealand concept whether the Australian people who do have such arrangements would wish to have that responsibility for those people. That's just one example of the situation and of course, they sound extreme but that's what these measures are in place to safeguard against, such situations. New Zealand regime is more flexible than the Australian regime and one might say therefore that given we don't have the same liaison and arrangements there and given that they are more flexible, it may be a more open book in terms of that than we experience with the Australian scheme. I need to point that out to you and I would recommend that we don't move in that direction in terms of the arrangement in front of us

MR BROWN Mr Acting Deputy Speaker with reluctance I hold a similar view as that of the Minister for Immigration. I think that if we do want to be seen as what one of our Ministers referred to earlier as a stable government and as having a stable parliament, we can't be seen to be frequently changing our minds about the same issue and a majority of us did decide that the requirement should be the holding of an Australian visa and on the basis of that as I understand it, the Australian authorities agreed to certain things and not the least of them was assistance in the event that it was necessary to remove someone from Norfolk Island. Now that being so really the situation would have to be quite exceptional for us to feel that we could justify changing our minds at this stage. Certainly if we want to consider changing our minds we would at the least, have further discussions with the Australian authorities first so that we can be sure that we know whether they have a difficulty with the proposal or they would see it as presenting a real problem to them, and in that it would be presenting a real problem to us. I can understand

the reason that the Minister for Tourism and Commerce has brought this to the House. I'm certainly sympathetic to it, but I do accept the words of the Minister for Immigration and I don't think we can be seen to be just changing it depending on the colour of our shirts or the amount of cloud in the sky so with some reluctance I'm going to oppose the motion for those reasons

MR NOBBS Thank you Mr Acting Deputy Speaker this issue is quite old really, I mean since last February was the last time it was discussed. At the time I had some concerns and I've still got them and I'm pleased that the Minister for Immigration put the facts on the table. We had negotiated last year a position with the Australian Government. It is the current position. The Australian Minister for Immigration at the time, Minister Ruddock came over here and our Minister of the time, Mr Cook had discussions and they eventually came to an arrangement and that hasn't changed. When it came up in February I made the comment that we have no arrangements with New Zealand at all and this hasn't changed, so we are in grave danger by not having any arrangements with New Zealand at all, of foundering as the Minister for Immigration says. I'm against it. I believe we've made a deal and until we negotiate something different, then we should stick with that deal

MR SMITH Thank you Mr Acting Deputy Speaker. This motion Members may not recall was brought forward at the time that the Immigration Amendment No 2 Bill was being dealt with and there was concern by a number of Members with the way that our Immigration Act was being adjusted to make it only Australian visas and it needs to be said also that there are other things that are required, like an Australian or New Zealand passport and this if you would recall is not about New Zealand citizens, its about other nationalities living in New Zealand who would need to go through the visa system, not visa free entry into New Zealand but they would need to have a New Zealand visa and there's quite a few people who have that from the experience that we've seen here, to travel to Norfolk Island. My point was that these people may have been coming here for years and suddenly have to have an Australian visa. There's not much difficulty in that, however, as the Minister for Immigration has explained things, views have changed, we've made arrangements with the Australian Government and I would be happy – I brought this on today to deal with it, one way or the other, but I would be quite happy to withdraw it

MR BUFFETT Could I propose to Members that this matter be discharged from the Notice Paper

MR ACTING DEPUTY SPEAKER Members, the motion is that the matter be discharged from the Notice Paper

QUESTION PUT
AGREED

That matter is so discharged

PETITION

Honourable Members we move back to the motion that was suspended earlier today, the motion that the House discuss the Petition lodged today in the Legislative Assembly and I think Mr Brown you have the call

MR BROWN Mr Acting Deputy Speaker the suspended discussion on this motion, after we had raised a number of possibilities. One was the possibility that there be a new election. Another was the possibility of resolving the referendum and other Members had suggested that there may be other ways of resolving the concerns that had

been expressed. I don't think any have sought to simply disregard those concerns. Some of us thought they were of more significance than others, but everyone acknowledged that there were concerns. I had proposed to move an amendment to the motion so as to call for a referendum to be held at a convenient date in October but during the luncheon adjournment, a number of members spoke with me and suggested that perhaps it would be appropriate for Members to discuss the whole issue informally during the next few days and only after conclusion of that informal discussion should we endeavour to finalise our consideration of the motion. I do not have a difficulty with that course if any of the Members wish to propose it and at this stage I will conclude my debate so that if any Member wishes to make that proposal it can be made

MR WALKER Thank you Mr Acting Deputy Speaker I move to suspend debate on this motion until next Wednesday the 22nd August at 10.00 am to enable the Members to discuss the issues and bring forward a proposal for action to address those concerns expressed by Members of the community in the Petition today

MR BROWN Mr Acting Deputy Speaker in the event that Mr Walker's amendment is passed could I indicate that I expect to be away from Norfolk Island next Wednesday. As I understand it we are to meet tomorrow in relation to another matter and I would like to suggest that we discuss this matter at such length as is required tomorrow and come back to this place on Friday of this week to finalise our consideration of it

MR NOBBS Thank you Mr Acting Deputy Speaker I believe and I said earlier that this is a perfect opportunity for a citizen's initiated referendum, the issue that was brought to us as I understand from the wording of the Legislative Assembly is whether we go to an election or we don't go to an election and I feel that if that is the question then we should answer it and I believe personally that with one third of the electorate thinking that way, or just under one third, there are still two thirds who have not indicated that way. There were issues raised this morning and I voted against putting it off until the second half of the meeting, as I felt that we were getting somewhere this morning, and issues that were raised by various speakers, such as Mr Brown who raised a number of issues as to why people did not sign it, others including myself raised questions as to why people did sign it and in reality the whole thing comes down to confidentiality and in a small community where you have people asking for a Petition to be signed, particularly relatives and the like, it's difficult to say no and I would believe that the fairest way would be to hold a referendum where the points for and against can be put up and people can then go into a confidential situation and cast their vote as they see fit and I believe that if we are to take note of the Petition we either deal with it now or go to a referendum situation and have the whole population give their view not just a percentage, be it 32 or whatever it is of the electorate and that would be my way of dealing with it. I think referendums are fairly simple to run here and they are not very costly and that's the way I would suggest we go

MR ACTING DEPUTY SPEAKER Yes, thank you. I just remind Members that we are dealing with the motion that says we suspend until the 22nd August at 10.00 am. Is there any further debate. There being no further debate

MR BROWN Mr Acting Deputy Speaker I would like to do one of two things. I would like to either move an amendment to the amendment to provide that we resume at 10.00 am on Friday or alternatively, if there is little support for the amendment I would like to move an amendment to the amendment to the effect that a referendum be called but perhaps the best course at the moment is for me, I understand that under the Standing Orders I don't need to give notice of an amendment to the amendment and so I seek to move that the amendment be amended by changing the date of the next meeting from Wednesday of next week to Friday of this week

MR ACTING DEPUTY SPEAKER Honourable Members we do have a motion from Mr Brown that we suspend until Friday the 17th August at 10.00 am and we need to deal with that first

MR GARDNER Thank you Mr Acting Deputy Speaker I'm not quite sure where we are but I think any debate that I enter into might pertain to whatever amendment there is that's running around at the moment. It's really just to address the subject matter of the Petition itself and the course of action that's being proposed in that I think it's valuable that the Members of the Legislative Assembly have discussed during the course of the day different options that are open. They have considered the different reasons that they've picked up for the Petition floating around. They are I believe prepared or a majority of the Legislative Assembly are prepared to look inward upon themselves to try and thrash out exactly what it is that the problems are they have picked up and the problems that they perceive to be within the membership of the Legislative Assembly and the reasons why it's not in quotation marks, not working. Whether we meet on Friday or whether we meet on Wednesday is of no great concern. As I said this morning the Petition was running for just over a week. The Petitioners may well wish to pick up that baton and continue to go with it if they are looking for more numbers to actually push home the point of the Petition itself. Certainly if that is to be the case I hope that people without fear or favour will look upon it as making an informed decision as best as they possibly can as to what they choose to do and not feel threatened or burdened by somebody to either sign or not sign something, it's entirely up to them if they feel dissatisfied with the current membership of the Legislative Assembly or the direction that the Legislative Assembly is going in or the Government is going in and so if that's to continue I would hope that people can make up their own minds about it and that if they wish to have their thoughts known that they certainly come out and make sure that they are known but I'm pleased in a lot of ways that at the luncheon break we were able to engender some discussion amongst Members as to the way forward. To me, I thought it was a sensible proposition for the Legislative Assembly rather than make a snap decision today that we'll dissolve or whatever it is, to really try and beat some of these issues about and find out exactly what it is. Now if we aren't going to resolve that as eight mature members of the Legislative Assembly well then I have absolutely no hesitation in coming back and I'll go to referendum if that's what we need to do to sort this issue out but if we have to go to a general election well so be it but I certainly think there's some wisdom in not making hasty decisions and sitting down as a group of mature individuals and try to thrash out the problems as we see it as we certainly perceive it from the information that we are gathering from the community and certainly it's been loudly cast upon us today by a third of the electorate within a week saying that they are not too happy with the way things are. We are to demonstrate to this community that we are not a bunch of fools and we can make a mature decision and hopefully come up with something that will please the majority of this community

MR WALKER Thank you Mr Acting Deputy Speaker the purpose of my amendment to the motion was not to pre-empt any decision that the Legislative Assembly might make, it was to allow time for us to carry out that discussion exactly as Mr Gardner has put forward and that I believe there is majority support for us to do that. I would also like to say to Mr Brown that I have no problem with Friday being the date inserted in the amendment but I would leave that to the members to decide

MR BUFFETT Thank you Mr Acting Deputy Speaker, today's Petition is of huge significance and magnitude and obviously it is of concern amongst us to make a proper and mature consideration of the factors that have been signalled to us and discussed around this table. I would be comfortable to set Friday the 17th for us to have some time for mature consideration as to how this matter should travel and there are a

number of options that already been mentioned as to what should be some options for response. I think it is important for all of the members to have the opportunity to participate in the discussions and if Mr Brown's availability is up to Friday the 17th we should provide opportunity for that participation. I would try that we aim for Friday the 17th in the first instance and hopefully that time frame will be sufficient

MR WALKER Thank you Mr Acting Deputy Speaker could I just ask if Mr Buffett is indicating that the meeting already scheduled for tomorrow morning could have an agenda change and that this take priority over the current agenda for that meeting tomorrow

MR NOBBS Could I just mention that in suggesting a referendum there was no suggestion that we shouldn't discuss the issue. What I'm suggesting is that we discuss the various issues that is perceived by one group or another group, and there are a variety of views on the Island as to where the Legislative Assembly is actually going. Not just the 32% who have said we should go to an election, and that's the real issue. That what we should do I believe is discuss this issue and you have then a for and against proposal that goes to a referendum and then you put it to the people from there. If we don't do that then we are short circuiting that I believe and we are taking away the rights of something like 60% of the population and that's the worry I have if we are putting so much credence into one third of it we are disenfranchising the other two thirds and that's why I believe the fairest way to go is by referendum following on this Petition and then put up the case for and against. Then it's directed at the Legislative Assembly and not an individual even though two members actually signed it. Its directed to the Legislative Assembly, against the Legislative Assembly as a whole and as a whole if we feel that we can justify our existence of this group and I firmly believe that we can as a group that we should put that up as a proposal to the community. That doesn't say that we can't meet tomorrow but I still believe that from that should be a yes or no vote at referendum. As far as tomorrow is concerned I've already spoken to the Speaker about being unavailable until after the Air New Zealand flight goes in the morning. I'm sorry about that but I take my family first and I will be unavailable until that time tomorrow so if you decide that way I won't be available until the plane leaves

MR BUFFETT Thank you Mr Acting Deputy Speaker I was just endeavouring to point out Mr Acting Deputy Speaker that the points that have just been mentioned particularly by the Chief Minister in my interpretation of the proposal in front of us, is that they are the sorts of things that we should maturely talk through and discuss amongst the eight of us to make a more formal collation of the direction to travel, so its not a matter of not considering those matters, it's a matter indeed of creating a forum where all of those things can be walked through and talked through

MR WALKER Thank you Mr Acting Deputy Speaker I would also like to say that in regard to what the Chief Minister has said, I think that if we were to pass some form of motion today which specifically said that we had to go to referendum then we've already pre-empted what the discussion would be amongst members because it would only then be about a referendum and the wording of a referendum. I believe there are other options that can be canvassed. I have suggested some of those to members and I would like to think that we can go into this meeting with an open discussion about how we might proceed and that we not be restricted by a motion that means we have to go to referendum

MR McCOY Thank you Mr Acting Deputy Speaker interesting. Very interesting this particular Petition. I just refer back to another Petition. We've heard that the Petitioners have done well or the people who organised the Petition, well the words done well were not used but in a week they've gotten about 32% of the electors to sign a

Petition. In one week. Interestingly last year we had a Petition put to the Legislative Assembly and that Petition was done in two days and in two days they got 483 signatures from electors. But there was no big deal made of it. It was just left. I tabled it in the House and it wasn't even discussed. Just forgotten about. The other side. 32% of the electors. We've got eight members sitting in the House. Normally we have nine. If we put a motion to the vote and only three of the people agree to that motion and the other six say no, it doesn't get a Guernsey. I don't think. We've seen this Petition. It was published on the front page of the Norfolk Islander. As Mr Gardner has indicated, maybe the organisers of that Petition will get more signatures if they were given the opportunity to go out and see if they could get more signatures. I'm thinking I would like to see them do that. Go out and see if they can get past the 50% mark. And then I believe we would then have a real Petition that has been signed by the majority of electors and not by the minority and then we will really know what the community wants of the Legislative Assembly. I'm fully aware that this Petition was as Mr Gardner said, down at the wharf. Not all of them signed it. Not all of the stevedores signed it. Not all of the lighterage workers signed it. They were in Foodlands at the front door lobbying people to sign yesterday. A lot of people didn't sign. So as I said, the amount of time and effort we have put into this Petition is very interesting when the other Petition that we had which did get nearly 50% of the electors to sign in two days, the members of the Legislative Assembly chose to disregard that particular Petition. Disregard it. This one here which has 32% of the voters we are making a big issue of it. So I'm not that fussed about rushing back here in the next couple of days to talk about it. The electors have not given me a clear indication that this Legislative Assembly is wrong nor that the Government is wrong. 32% of the electors have said that and as I indicated, if only 30% of the members of the Legislative Assembly agree with a motion and the other 70% don't, it doesn't get a Guernsey. I believe this Petition is in a similar vein. Unless the people who organise the Petition can go out and get above 50% of the voters to support their Petition I don't have much faith in it and it certainly has, with all the discussion and effort and time that's been given to that particular Petition it has certainly eroded the faith that I had in a lot of members of this Legislative Assembly. Thank you

MR ACTING DEPUTY SPEAKER Thank you Mr McCoy. I remind members that we are debating a suspension motion and not the Petition. I know it's a bit hard to keep it in place but I would ask members to confine their debate to the suspension

MR SMITH Thank you Mr Acting Deputy Speaker I'll try and avoid that. We as the Legislative Assembly have been given a kick in the pants and our way forward is as I said this morning, with leadership. The majority of members around here are saying let's meet and talk about it. Whatever happens.

MR SPEAKER Honourable Members any further debate. No further debate. Then I put the amendment to the motion that this House suspend until Friday the 17th August at 10.00 am

QUESTION PUT
AGREED

Honourable Members the motion as amended is agreed and this House stands suspended until Friday 17th August at 10.00 am