

PRAYER

Almighty God we humbly beseech Thee to vouchsafe Thy blessing upon this House, direct and prosper our deliberations to the advancement of Thy glory and the true welfare of the people of Norfolk Island, Amen

Thank you Honourable Members. If you would feel more comfortable gentlemen without your coats would you please feel free to remove them

CONDOLENCES

We move to condolences, are there any condolences this morning?

MS NICHOLAS Thank you Mr Speaker. It is with regret that this House records the death of Lillian May Ruth Barrett on Saturday the 12th October. Lil passed away in the Aged Care Unit of the Norfolk Island Hospital where she had spent the last few years. Lillian was born in Christchurch New Zealand Her mother died when Lil was nineteen years old and Lil became the caregiver for her father and two brothers, thus starting a role which was to repeat itself later in life. Lil was a champion sprinter in her early life in Christchurch and she later enjoyed several sports such as swimming and gold. She met Pat in 1942 and they married within six months starting a marriage that lasted 59 years and ending when Pat died last November. After the war Lil and Pat moved to Auckland and their three children were born in Tohunga Crescent, Parnell. Pat left the security of his long term career in the insurance industry and they moved to Norfolk Island. He had the full support of Lil in what was, on reflection, a courageous move. Some of the happiest times for Lil was spent in their home in Steels Point where Lil was able to express one of her major passions in life, gardening. Lil was a keen able and proud gardener in all her homes but this reached its pinnacle at Steels Point. Lillian Barrett was a gentlewoman and will be sadly missed. To Rex, John, Jan and their families, to Lil's many friends, this House extends it deepest sympathy

SPEAKER Ms Nicholas thank you. Honourable Members as a mark of respect I invite you to rise in your places for a period of silence. Thank you Honourable Members

WELCOME

Honourable Members in the Gallery this morning may I draw your attention that Mr Gilgareth from the Northern Territory, former Speaker there, former Australian Senator is presently visiting the Island and is looking at our proceedings this morning. Can I offer on your behalf a welcome to him, Mr Gilgareth

PETITIONS

Are there any petitions this morning?. There are no petitions.

GIVING OF NOTICES

There are no notices this morning.

QUESTIONS WITHOUT NOTICE

We move to questions without notice - Are there any questions without notice

MR SMITH Thank you Mr Speaker a question to the Chief Minister. Could the Chief Minister give us an update on the electoral issue and what action is being taken by the Norfolk Island Government as it is an issue which is of concern to many in the community

MR GARDNER Thank you Mr Speaker there's been quite some discussion on this matter over the last month or so and I'm pleased to advise that we have considered the taking on board again of our lobbyist in Canberra to ascertain a number of matters that the Government have identified are necessary in our defense of our situation of the electoral matter on Norfolk Island. We are gathering that information with the assistance of our lobbyist and we will be gathering as much information to defend our position on Norfolk Island as is required to fend off what is considered to be another attempt to override the authority of the Norfolk Island people on matters for want of a better word, is a matter that is very dear to them and really has in our view not a great deal to do with the Commonwealth Government of Australia. We are awaiting the gathering of that information and when we have collated it, which is expected to be in the next two weeks or so and we have been able to assess the views of the other parties in Australian, both democrats and labour party and the independents we will then be in a position to mount the defense of our case and we will mount it to the best of our ability and I have every confidence that we will be in a position to once again fend off these advances by the Commonwealth Government into our affairs

MR SMITH Thank you Mr Speaker and Chief Minister. On a similar line, in the Norfolk Islander last weekend there was an article on the front page in relation to Greenwich University. I know that we have had some discussion but I wonder if the Chief Minister could give an update on what action we might be taking in relation to what the Australian Parliament is proposing to do with our legislation in relation to Greenwich University and our Education Act

MR GARDNER Thank you Mr Speaker subsequent to discussions yesterday on this matter by the full membership of the Legislative Assembly it has been agreed that we will be inviting Dr Brendan Nelson, the Federal Minister for Education, Science and Training to make himself fully aware of the facts surrounding the establishment of Greenwich University on Norfolk Island because I think it is obvious to all members of the Legislative Assembly that there has been a lack of dissemination of information to the relevant Minister from obviously his Department and other Commonwealth Departments. We will be inviting him to make himself fully aware of that situation. We will be endeavouring to provide him with all of the relevant information but again, I need to stress that at this stage our position is that we fully support the establishment of Greenwich University on Norfolk Island. To date we haven't seen anything and haven't been presented with any facts that would support the Commonwealth Government's position that Greenwich University seems to have in some way damaged the credibility and integrity of Australia's education framework

MR NOBBS Thank you Mr Speaker a supplementary to the Chief Minister. If the Australia Government goes ahead with their proposal, who will be responsible for some recompense to Greenwich University. The Norfolk Island Government under its Act or the Australian Government under its Act

MR GARDNER Thank you Mr Speaker I guess the question of recompense is a matter for the Courts at the end of the day. Suffice to say that this is an initiative of the Commonwealth Government. It is not an initiative of the Norfolk Island Government. I have raised the question of compensation for any aggrieved parties in this matter with his Honour the Administrator in talks the other day, but as I said, at the end of the day that is a matter for the courts

MS NICHOLAS Thank you Mr Speaker. I'll address this to the Chief Minister, the Minister for Intergovernment Relations. Is any consideration given to Norfolk Island seeking participation in meetings of Minister of the States and Territories about which one frequently hears on news broadcasts and I speak in particular of legal liability insurance meetings and others which can be of vital concern to us on Norfolk Island

MR GARDNER Thank you Mr Speaker, yes consideration certainly has been given to Norfolk Island's participation in regard to many of the Ministerial Councils and as Ms Nicholas would be aware, my attendance at the SCAG meeting in Sydney, that is the Standing Committee of Attorney's General, I had approached officers of the Attorney General's Department asking that we be kept in the loop as far as paperwork was concerned and kept in the loop for information that might stem from the public liability issue and discussions that were taking place in Australia. I hadn't received anything from that Department but the Official Secretary from the Administrator's Office, Mr Owen Walsh was kind enough to provide me with background information which on that matter I have circulated to members but if Ms Nicholas hasn't got those papers I'm quite happy to make sure she is copied with them. On another note, during my discussions with the Administrator, I received a copy of a memo from the Prime Minister as the Chairman of the Council of Australian Governments to all of the Ministerial Councils in Australia seeking those Councils assistance in ensuring that Norfolk Island is involved in matters that may be of importance to them and asking them to extend an invitation to Norfolk Island to attend when matters are of relevance to them. As I mentioned before the Standing Committee of Attorney's General is to meet in Fremantle early next month and the matter of public liability and the introduction and enactment of legislation in difference jurisdictions is a matter that I understand still remains on the Agenda. Some of the states and territories have moved already to enact legislation and some of that legislation I understand has commenced, however, there are a number like Norfolk Island who are still considering the position they are going to take and as I've said, I have circulated to members a package of information on that and as indicated some five or six weeks ago to members of the Legislative Assembly that I propose to have a separate meeting of all members and the full memberships of the Legal Services Unit to discuss that and the implementation of our own legislation in regard to that matter

MR NOBBS Thank you Mr Speaker in relation to standing committees of the various states and territories is it correct that we have purely observer status on these committees and also, how many do we actually have observer status for

MR GARDNER I'll attempt to answer that as best I can. I believed that we are a full member in our own right at the Ministerial Council on Gaming; as far as the Standing Committee of Attorney Generals is concerned and the Ministerial Council on Corporations and Censorship and all those meetings are held together, we are technically an observer at those but my experience certainly has been full participants in that meeting. We are also an observer I understand of MCETYA, Ministerial Council on Education, Training and Youth Affairs, also observer status at the Ministerial council on Immigration and Multicultural Affairs and observer status at the Ministerial council on Tourism. I'm not sure when we last participated in that Ministerial Council as an observer but that just about exhausts our participation that I'm aware of. There could be more but that's all I can think of at the moment

MS NICHOLAS Thank you Mr Speaker. A bit of a wild card. I'll address this to the Minister for Jet Skis and I hope that the Minister for the Environment might take it on board. Is the Minister able to refresh my memory and inform the community what behavior we have a right to expect from users of jet skis in

Emily Bay, especially at peak summer usage time and I speak in particular of the use of skis within the confines of Emily Bay and the Lagoon rather than the moderately paced and direct movement from the beach to the entrance as I witnessed on Monday afternoon

MR I BUFFETT Thank you Mr Speaker I guess the short answer is responsible. My understand is that there is no formal rules that apply in respect of the use of jet skis in the Slaughter Bay Emily Bay area. Previous Ministers who have been responsible for that area have taken the opportunity to discuss the use of the Bay with the people how operate those apparatus and they had arrived at what might be called a gentleman's agreement in terms of the use of the area. That's the short answer. I'll see if there's been anything formal since my last observation of how they operated and let Ms Nicholas and the rest of the Assembly know

MR SMITH Thank you Mr Speaker a question to the Minister for Finance who has responsibility for the Airport in relation to the airport upgrade. It was said a couple of years ago that the airport runway needed upgrading in the year 2003 which was then further reduced to the year 2002. The project has been on the books for some time and I would like to know if we can get an update from the Minister for just where that stands at this particular time

MR DONALDSON Thank you Mr Speaker. The work stands that at the moment we've appointed consultants or project managers to manage the upgrade of the airport. We've also put in an application for funding to the Commonwealth Government for \$7m. that application went in on the 26th August and we've had a response from the Minister for Territories saying that he has passed that on to the Prime Minister's Department with his full support. We are still waiting for a response on that. As soon as we get a favourable response we can instruct the project management team to call for tenders for the upgrading of the airport. There was a recent airport pavement report done and that didn't identify any immediate problems. In fact the pavement report talked about the condition of the airport and in the same sentence talked about an upgrade early in the year 2003 so the suggestion there is that the airport is in good condition at least until the beginning of 2003. I expect to have some more news on that very shortly. As I said before, it is still waiting on the approval of our \$7m loan application

MRS JACK Mr Speaker could I ask a supplementary. Could I ask the Minister, how good is the supply of rock for that upgrade

MR DONALDSON Thank you Mr Speaker the supply of rock is a different issue altogether. There is a crusher site approved on the Island although I understand that there has been an application to the ART in the last week or so against the decision to approve that as a crusher site. I'm not sure what the grounds are and I'm not sure what the success of that ART application will be but provided that doesn't create an unforeseen obstacle the rock should be able to be crushed on an as needed basis for the use of the airport or alternatively crushed and stockpiled before the upgrading of the airport

MR NOBBS Thank you Mr Speaker I've some questions for the Minister for the Environment. Has the current tip contract been renewed and if so, for what period and at what price, and if not, under what arrangements and what price is the tip operating at the present time

MR I BUFFETT Thank you Mr Speaker it is my understanding that given the arrangements that have been put in place for the new Waste Transit Centre there's been no new contract let in respect of the tip operation. There's been an

extension to the existing contractual arrangements on a monthly basis until such time as an assessment is made as to how the new transit centre will operate and how it will operate. Whether it will be part of the Administration or whether there is a private tender contract arrangement put in place in respect of that issue. In terms of the specific amount I just don't recall off the top of my head in respect of the monthly payments that are due for that extension but I could find that out for Mr Nobbs

MR NOBBS Thank you Mr Speaker a supplementary to that. Has a cost benefit analysis been done of the proposed procedures of the Waste Transit Centre and the tip or whatever flows from where-ever the rubbish ends up from the Waste Transit Centre

MR I BUFFETT Thank you Mr Speaker I understand that that exercise is currently being done in terms of looking at the provision of the infrastructure there and examination of the number of people who would need to operate it, very much will be completed after the Centre has been completed and we have a final handle on the issues that arise once the practical application of that Centre arises

MR NOBBS Thank you Mr Speaker is it correct that machinery such as a bobcat has already been purchased and other equipment has been ordered and where does the funds come from to purchase this equipment

MR I BUFFETT Thank you Mr Speaker certainly a bobcat has been purchased. It is my understand that at least another truck for dedicated use of the Transit Centre has been purchased. That equipment has been purchased from the Coastal and Clean Seas Funding that was obtained from the Commonwealth for the purpose of Waste management

MR NOBBS Given that the cost benefit analysis will be undertaken, is it not possible that as a result of this analysis when it becomes available, and I assume that will be very shortly, that a contract could be developed or are we in the process of setting up another Administration Centre so to speak

MR I BUFFETT Thank you Mr Speaker those issues I thought I had touched on in my earlier answer to the question. There's been no firm decision as to whether it will be another GBE or Administration operation or whether we are going to put the Centre out for private contractual management

MR NOBBS Isn't the Waste Disposal already part of a GBE

MR I BUFFETT Waste disposal has a couple of strands in Norfolk Island at the moment. We have the Water Assurance Scheme which operates for accounting purposes in a form which is equivalent to a GBE. The current waste contract arrangement, that is not a GBE. They were in place until the 30th June. They were part of the Revenue Fund as an annual contract let for the purpose of operating those two tips and supervised by the Works Supervisor on a daily basis in terms of those contractors complying

MR NOBBS When is the Waste Transit Centre due to commence and when will a decision be made given that date, as to whether there will be a contract let or it will be just another Government entity

MR I BUFFETT Because of some hold ups it was anticipated that the Centre would be completed by the end of October. Present indications are that it will now be completed in November and as I mentioned earlier we are looking at those aspects in terms of whether to let a contract or not during this period and also,

after the Centre has been completed to see what practical difficulties if any are involved in that process. In short, we need to have the Centre completed, look at how it will operate physically and then decide whether we are going to let it privately or operated as an Administration business. I can't answer more than that at the moment

MR NOBBS Just one more supplementary to clarify things. Can the Minister explain then, that the Waste Transit Centre will be operating at the airport but the tip at Headstone will still be operating. Will that remain part of the current extended contract or will that be taken over and the contractor told where to go

MR I BUFFETT The ultimate aim is the tip at Headstone will not be operating. Waste will go through the Transit Centre and only waste that has been processed in accordance with the overall aim to minimize impact on the Coastal and Clean Seas area will be taken to, we anticipate, the bottom tip for disposal so the top tip will certainly cease to operate in that position once all this is in place and operating and there will be restricted access to the bottom tip area. All waste will be processed through the Transit Centre

MRS JACK Thank you Madam Deputy Speaker I would like to ask the Chief Minister where the compulsory Third Party Car Insurance is currently stalled

MR GARDNER Thank you Madam Deputy Speaker I have in my hot little hand a memo that I sent to members on the 28th August this year with a summary of the proposed amendments to the Road Traffic Act 1982 that would allow for the purposes of the establishment of compulsory third party for Norfolk Island. There are fourteen points on that. I can't today give an update of exactly where that legislation is or how far that drafting has progressed. Unfortunately as I think members would be aware, our Legislative Draftsperson is soon to leave Norfolk Island and we will be without the services of a Draftsman however I would be quite happy to follow up Mrs Jack's enquiry and provide her with an update of exactly where that legislation is, however it is based on that document circulated on the 28th August

MR BROWN I direct this question to the Minister for the Environment. It relates to the Waste Management project. Can the Minister advise what is intended to be done with the large quantity of tree branches, trunks and stumps which has presently been allowed to be dumped at the Waste management project the airport. Is it a fact that a condition of the approval for that project is that there be no burning carried out there and in the even that the Minister intends to close the top tip where does he propose to burn such of that material as does not end up being composted

MR I BUFFETT Thank you Madam Deputy Speaker there's probably a couple of strands to what Mr Brown is asking. At the moment there is certainly resulting from an application to the ART to vary the conditions of approval for the Waste Transit Centre there was an additional condition imposed to prevent burning at the Waste Transit Centre. What's happening at the moment is whilst the Waste Transit Centre is being constructed, material or green waste that has got to a stage where it can be burnt is being transferred to the top tip at Headstone and burnt there. What we hope to do once the Waste Transit Centre is completed is to identify an alternate place for the waste that needs to be burnt but the ultimate aim is to have the Waste Transit Centre developed to a situation where there is very little to be burnt except for the large stumps and they can not necessarily be burnt but to process that in the form of either chipping or looking at putting additional equipment at the Waste Transit Centre to process it for composting and for chip use in Norfolk Island. At the moment we have a difficulty because of the additional order of the ART and we are

trying to deal with it on the basis of taking it in small doses or burning it at the top tip at Headstone. The issue of when that becomes redundant in the scheme of waste is a matter that we are looking at, at the moment as a direct result of the additional condition that was imposed by the ART. It's not an easy one and it does involve the question of looking at the availability of material or the machinery to chip or process but certainly one of the aims of the Waste Transit Centre is to chip process and compost as much of that as possible and there is sufficient room at that centre to carry out that operation

MR BROWN On the same subject could it fairly be said Minister that two of the highlights of the Waste Transit Centre have been to create employment by allowing Administration staff to pick up material dumped at the Waste Transit Centre, transport that in the new truck to Headstone and have it burnt there when under the existing system the material could have been taken directly to Headstone in the first place and is the second achievement the provision of a bobcat for the use of the road staff and for the helpful use of all staff on the weekend if they need it at home

MR I BUFFETT Thank you Madam Deputy Speaker in respect of the first one, my understanding of material that was transferred from the Waste Transit Centre it resulted after the order of the Art was made and therefore we had to comply with the order and the material that was there was transferred to headstone and burnt. Subsequent material that had to be burnt my understanding was that there have been at least two projects where that material has gone direct to the headstone site so the answer to giving an exercise or providing work for the new truck by Administration is not quite correct. We had to do that to comply with the ART order firstly to make way for the Waste Transit Centre to be constructed and also to allow for the whole area to be put in a position where we can go on and put the strategy in place. In terms of the bobcat, it is not for the general use of the whole of Administration to run around on it was bought and dedicated for the use of the Waste Transit Centre to be used for the purpose of minimizing waste and handling of waste within that Centre

MR NOBBS Same subject if I may. I am wondering if the Minister could answer the question I asked at the last meeting as to the reasons given by the ART to stop burning at the airport site given that burning has been moved a little farther west

MR I BUFFETT Thank you Madam Deputy Speaker I will have to apologise. I haven't those reasons with me but I will certainly get them to Mr Nobbs. I understood it was an application made by a particular group or person representing groups in Norfolk Island and was added as a condition. The specific reason I can't answer right at the moment simply because I haven't the direct material in front of me

MR BROWN Thank you Madam Deputy Speaker, on the same subject. Is it a fact that the condition was applied to the approval by consent of each party as a result of the parties reaching agreement on a basis on which the application would not be pursued provided that that condition was included and in the event that that is correct has the Minister been inadvertently misleading the House by not making it clear that this was a consent order and not a totally unexpected order imposed at the whim of the ART

MR I BUFFETT Thank you Madam Deputy Speaker Mr Brown has refreshed my memory and if I have inadvertently mislead the House then I apologise but at the particular time there was a whole lot of issues going on in negotiations. I do recall that there were some discussions regarding consent orders in respect of that particular application and I will certainly get that information material to

this House but if I have inadvertently mislead the House then I certainly apologise to both the House and the community

MRS JACK Thank you Madam Deputy Speaker to the Minister for Finance in relation to the Post Office. I would just like to know why the community is not informed when outgoing seamaile is not sent for a period of some three months due to two rescheduling of voyages by the relevant shipping company. This is the second time that there has been a breakdown in communication between this GBE and the community and can some steps be put in place to keep the community informed

MR DONALDSON Thank you Madam Deputy Speaker yes, I've become aware of that and I thank Mrs Jack for bring this to my attention either at the last MLA's or the one before that. There will certainly be a regular announcement made if there is a delay in getting mail off the Island. The delay is often that the ship that takes the mail off the Island goes to Yamba which I'm told is not a port of entry for customs or quarantine so the mail has to be taken from here to Fiji and then from Fiji to Sydney or Brisbane. That caused the three month delay but I have spoken to the CEO and the Post Office Manager and if it happens again there will be announcements made so people will understand that the mail hasn't been lost it is still waiting for a ship

MR NOBBS Thank you Madam Deputy Speaker a question for the Minister for Health. What is the progress of the telemedicine project since the last meeting Minister

MR D BUFFETT Thank you Madam Deputy Speaker the last time I indicated to members that the room and equipment had been located at the hospital and that there was foreshadowed a visit from the senior office in the Queensland area who had oversight of these installations in that place and that she would visit and undertake a programme of training locally. that in fact happened last weekend and whilst I haven't had the opportunity since then and this morning to see if all things have been finalised I know that that training programme has been concluded and we are therefore very close to being able to switch on and utilize the arrangement

MR NOBBS Thank you Minister. What arrangements are in place for ongoing operation of the system. As an example, what particular medical organisation doctors can be accessed through the system and what are the costs involved

MR D BUFFETT Thank you Madam Deputy Speaker I'm quite happy to gain a list of that detail and provide the House with the information

MRS JACK Thank you Madam Deputy Speaker. Minister is it not true that the telemedicine installation was on an apple macintosh computer and when the training officer arrived she had never seen one before installed on apple and she herself needed retraining on how to work that piece of equipment. How has this training therefore been effective when it was undertaken

MR D BUFFETT Thank you Madam Deputy Speaker I mentioned that whilst that visit was scheduled I've not had an opportunity to have a fully report as to how it was run over the weekend. Certainly I will have that and be able to equip members with any information that might be useful about that and I'm sure that those things that may have been identified by Mrs Jack if they were the situation I would be able to tackle those

MR BROWN I direct this question to the Minister for Finance. It relates to the Postal Service. Is the Minister aware of a letter printed in a recent edition of the Norfolk Islander in which a visitor to the Island claimed that postcards sent while on the Island had not arrived in Australia some ten days later. Is it a fact that mail from Norfolk Island to Australia if it is fortunate enough to go by air goes via our southern friends in the Land of the Long White Cloud and is it a fact that some of that mail does not seem to have managed to transit through New Zealand at a pace which the public is entitled to expect and finally, what action has the Minister taken to arrange for mail to be sent directly to Australia on one of the numerous flights which operate each week directly from Norfolk Island to Sydney and or Brisbane

MR DONALDSON Thank you Madam Deputy Speaker I'll answer the first part of the question. No I haven't read that letter in the Norfolk Islander about the postcards taking longer to get back to Australia than the person who sent them. I can't comment on that at all. I am aware that the airmail for Australia does go via New Zealand because I think there was some contact signed with Air New Zealand at much more favourable terms than was offered by the direct routes to Sydney. Air New Zealand undertook to have it dispatched to Sydney the day after it arrived in Auckland, or the day it arrived. I haven't heard anything to the contrary about that. As for the rest of the question about delays, I haven't been informed of any delays of any magnitude at all. I will look into it and ask the Post Office what the current situation is

MR NOBBS Thank you Madam Deputy Speaker another question for the Minister for Health. Is it correct that the Hospital Board has not had sufficient members since the end of last month to operate formally as a Board

MR D BUFFETT Yes

MR NOBBS Supplementary. Without a board how is the Hospital operating given the requirements of the Hospital Act

MR D BUFFETT Thank you Madam Deputy Speaker. There are two strands of response to that. The first is that the daily operational arrangements are in practice, conducted by the Director of the hospital Enterprise. The second strand is that members will know that I have already shared with them some proposals for adjustment in the structuring of the Board and the thought is that such structuring will take place and that we should re-erect the Board under those arrangements, whatever members finally decide about it, in lieu of utilising the present structure which has been demonstrated to have some difficulties about it

MR NOBBS Can the Minister advise what the fate of that draft legislation which he tabled at the last meeting, when will it be brought forward

MR D BUFFETT Thank you Madam Deputy Speaker members will remember that in an informal meeting all members had the opportunity to examine the draft provisions of that legislation. There were a number of comments and suggestions which have been taken away by the Draftsman to make adjustments. I would have liked to have said that I would bring that piece of legislation in its amended form to the next sitting of the House but I have informally been made aware that maybe we might be short of a draftsman shortly so I am not really in a position to make that undertaking at this stage, except to say that as soon as I practically can bring it forward I will

MR NOBBS Minister there's some concern in the community that in placing the Hospital firmly with the Director may not be a good move but the majority of people are unaware of what precisely is involved in this new

Gulf War or what caused that particular blip but that increase to 72c was an abnormal and extraordinary item that wasn't passed on as a cost but slowly came back to what was a normal thing and if you look at the gradual progression of diesel prices between July 1999 and now you will see that it more than correlates with the price of electricity

MRS JACK Thank you Madam Deputy Speaker a supplementary to that. Can I ask the Minister, with the extra money then that the electricity undertaking has been making how much money has been repaid to the airport for the half million dollar loan that it took out to buy the generators

MR DONALDSON That half million dollar loan is still outstanding. There's been no repayments made on it at all. The actual increase in revenue came at about the same time as purchase of the generator. It is interesting to note that the net profit of the powerhouse plus appreciation is about what there has been in acquisitions over the last nine years so there's been no provision from other sources to fund those generators. They are really unfunded from the revenue of the electricity undertaking

MRS JACK Thank you Madam Deputy Speaker I would like to ask the Minister for roads, can the Minister please explain why potholes in roads are still being filled with dust and gravel only and no tar. Can he please explain to me and to the community the effectiveness of doing this, the cost of doing it inasmuch as the use of resources and the ramifications to the revenue fund of still taking this procedure

MR D BUFFETT Thank you Madam Deputy Speaker the matter of filling potholes is not a really effective way of looking after the roads. The reality is that we have not allocated funds to in fact do a greater job than that particular task so in some instances we are stuck in that, in many instances, unsatisfactory methodology. You will recall that I asked for a briefing to all members and that took place in terms of where we were going for our roads programme in this financial year and it was clearly explained that a) we have not allocated funds for major capital works and therefore there was no major undertaking of road works in this financial year. We were reduced to the more difficult situation of patching. You will also recall that we asked the officers to make some re-evaluation as to how we might handle it in this financial year and when that comes forward I will share that with members and we will look at how we will handle it from thereon

MRS JACK Can I point out to the Minister that if you are not using tar then you could theoretically fill the pothole seven days in one week and so if the department is asking for more funds are they using the funds they've been given, wisely

MR D BUFFETT Thank you Madam Deputy Speaker I am quite happy to have a conversation about the methodology there and if Mrs Jack has expertise in that area I am very pleased if she would accompany me

MR NOBBS Thank you. A question for the Minister for Health. What progress has been made in establishing the inquiry into the Hospital Enterprise as proposed by this Legislative Assembly

MR D BUFFETT Just repeat that for me please

MR NOBBS What progress has been made in establishing the inquiry into the Hospital Enterprise as proposed by this Legislative Assembly

MR D BUFFETT Thank you Madam Deputy Speaker. I'm pursuing two strands as I had earlier reported to members in terms of this inquiry. One is from independent consultants who might be able to undertake this task and there have been identified prospects for this and appropriate costs and I have reported that to members. The second strand to that is an approach to the NSW Governmental authorities which I continue to pursue and I'm not in a position to be able to respond there because I haven't got a fulsome response about that to share with you but when I have we can look at those two options and I will consult with members as to how we are to proceed with it

MR NOBBS Minister for Finance I ask again, what progress has been made for the finalisation of the proposed new Liquor Licensing Act

MR DONALDSON Thank you Madam Deputy Speaker. I advised last meeting that we would be having a meeting with the Liquor Licensing Board, the Legislative Draftsman and myself to discuss the new Act and problems or concerns I had with it. That meeting has been set down for 10 am this Friday

MRS JACK Thank you Madam Deputy Speaker I would just like to ask the Minister for Health and Community Services, the Social Welfare Review. Where is it and will the points laid out in it still be applicable and relevant given the time that it's taking to present this Review

MR D BUFFETT Thank you Madam Deputy Speaker I reported to members on an earlier occasion that a social welfare review was being pursued in two parts. Firstly the HMA component which are really policy considerations were endeavoured to be collated so that they might be in a cohesive document which they are not at this moment and I would bring that forward to members for their endorsement or otherwise so that we would have a basic document on which to work. That component has been progressing but I've got to acknowledge that it's progressed a bit more slowly than we would have liked. I think we've got to take into account that we do not always have the resources immediately available to be able to conclude that and whilst I say that I do want to acknowledge the very good work that officers have done when they have had the resources and time to be able to do that. I spoke with officers in this connection yesterday to try and move the matter on but resources continue to be a problem and I just report that to you at this moment. The other component relates to putting into some legislative form some of the adjustments that members have already talked about and this is a programme that is equally ongoing but equally has the difficulties of resources. I'm really not able to say much more than that at this moment, because that's all I've got except to say that it just can't go on not being concluded and I'm trying to give it some impetus so that I can come to members with some more concrete solutions

MR SMITH Thank you Madam Deputy Speaker a question to the Minister for Community Services and Tourism. At the last sitting I asked a question in relation to the Memorandum of Understanding between the Norfolk Island Government and the NSW Department of Education in relation to teachers tenure. I ask the Minister whether he has now had the opportunity to review the Memorandum of Understanding documents as he said he was going to have to do, has he now done that, does he agree with what's in it and has he now signed the Memorandum of Understanding between the Government and the NSW Department of Education

MR D BUFFETT Thank you Madam Deputy Speaker I have reviewed the Memorandum of Understanding document, I have endorsed its content because as far as I am able to ascertain it was as members had wanted it to be and I have signaled that to the Department of Education in NSW. They in fact are the body

who are preparing a formal document and when that is available it will be signed in that context

MR BROWN I direct this question to the Chief Minister. Could the Chief Minister advise the present status of the Government's endeavours to establish a cybercentre in Norfolk Island and can the Chief Minister assure the House that no senior public servant is endeavouring to derail the Government's endeavours in that regard

MR GARDNER Thank you. I'll deal with part two first if I may. I can't say for certain whether there are people out there whether they be members of the public service or the community at large who are endeavouring to derail our attempts to establish a cybercentre for Norfolk Island. Suffice to say that I certainly am pursuing the establishment of a cybercentre for Norfolk Island and in my absence the Acting Chief Minister circulated a fairly comprehensive package of documents to all members of the Legislative Assembly for consideration regarding the next step forward in the process. Those papers I have endorsed and my colleague the Minister for Minister for Community Services and Tourism who was absent at the same time I understand also endorsed that project. I have written to a number of people involved in the proposal for the establishment of a cybercentre and have communicated as I said both in writing and verbally with a number of people including the Office of the Administrator and people who have been identified as being part of the working group to pursue the cybercentre and also the proponents of the next step forward which is the preparation and presentation to this Legislative Assembly of a cabinet quality document for consideration by the Commonwealth Government in what would be I guess loosely terms a partnership type arrangement between the Norfolk Island Government and a number of other players and the Commonwealth Government. That to date hasn't been advanced at this stage but certainly I propose to do that in the forthcoming weeks so that we can either know if we are going to advance it or we are not. That decision needs to be made, certainly in light of Focus 2002 and certainly in light of budget constraints but a decision needs to be made one way or the other. I support the proposal that's been put up and I know that other members of the Legislative Assembly supports the proposal, it really just needs ticking off at this stage and I propose to bring the matter back to members as early as next week

MR BROWN thank you Madam Deputy Speaker. I ask a further question in relation to the same subject. Is it a fact that quite some weeks ago the Government decided to engage a consultant to take the cybercentre project to its next stage. If so, has that consultant actually been retained and if the consultant has not been retained is the Chief Minister able to tell us the reason for the delay in doing so

MR GARDNER Thank you Madam Deputy Speaker my request before my departure was that the Legislative Assembly endorse that and the consultant was made perfectly aware of the fact that I was seeking endorsement from the majority of members of the Legislative Assembly for that process to advance. I understand in my absence that that support wasn't forthcoming, that there was a need to discuss the matter further amongst members of the Legislative Assembly. I'm happy to do that so in other words to cut a long story short the consultant has not been engaged but is aware that the process is on hold at the moment until that endorsement from members of the Legislative Assembly is forthcoming

MR NOBBS Thank you Madam Deputy Speaker a question to the Minister responsible for gaming. Is it correct Minister that gaming apart from the local TAB which seems to be going fairly well particularly at this time of year, is a short

duck so to speak as far as the Norfolk Island Enterprise is concerned or will we be seeing some additional activity in that area

MR GARDNER Thank you Madam Deputy Speaker I have received in recent weeks, in fact, recent days, another proposal for the establishment of a gaming system on Norfolk Island which would at first assessment require some amendment to legislation or drafting of complete new legislation to be able to put it into place. Again, that is a proposal that has significant potential and again, a matter that I had agendad for discussion with the executive members last week but unfortunately time got away from us and is again agended for discussion with executive members later this week time permitting. As far as gaming itself is concerned Mr Nobbs would certainly be aware of my disappointment and disappointment of previous members for gaming that it hasn't advanced and been delivered. The results that we certainly had anticipated and there's been many reasons for that. Some of it certainly blamed on the intervention of the Commonwealth over its interactive gaming legislation, some of it because of uncertainty in world markets, some of it over uncertainty of facilities that Norfolk Island is able to provide and I don't need to go into detail with members about recent difficulties with communications that I experienced but certainly the communications side of things that we thought was reliable obviously from first hand experience is demonstrated to me that communications are not reliable from the rest of the world to Norfolk Island and has significant potential impact on anybody who is looking at establishing gaming and for that matter a cybercentre or offshore finance centre or whatever the term may be for Norfolk Island and that needs some serious address. Members would also be aware that when I reappointed members of the Gaming Authority I did so specifically until the 30th June next year which would see the expiration of this years budget and allocation for funding of the gaming authority and that serious consideration needed to be given to the termination of gaming on Norfolk Island if in this financial year there weren't significant advances for gaming for Norfolk Island and that is still the position as I take. As far as those currently existing, if Mr Nobbs ifs referring to the local TAB a decision or otherwise to proceed with gaming I believe would not affect the operations of that and with some minor amendments that very successful business would be able to continue just under a different regulatory regime and in a different form but that is a matter that this Legislative Assembly must decide on before the 30th June next year, before the passage of the next budget and allocation for funding continues and for the future of gaming on Norfolk Island. We have had another approach from an operator who is keen to pursue a different direction and that will be a matter for discussion with executives and subsequent to that, discussion with MLA's as to what we do about that proposal itself. It is significantly different to the internet gaming and bookmaking opportunities for which we have a legislative and regulatory regime in place for

DEPUTY SPEAKER Honourable Members the time for questions without notice has expired

MR NOBBS Another fifteen minutes

DEPUTY SPEAKER There is a motion that the time for questions without notice be extended by fifteen minutes

QUESTION PUT
AGREED

MR NOBBS Thank you Madam Deputy Speaker can I ask the Minister for Health what is the status of the recruitment of two full time doctors at the hospital as advertised in late July

MR D BUFFETT Thank you Madam Deputy Speaker I think I'd better do some research about that because Mr Nobbs referred to an advertisement back in another month and I would just need to be a bit more familiar about that and I will brief him according

MR NOBBS Thank you, another to the Minister for Health if I may. I asked at the last meeting for the actual cost of malpractice insurance cover to the Hospital and he was to provide detail. Can this be provided

MR D BUFFETT Yes. If the question is put on Notice in its appropriate form so that there is documentation I shall certainly provide it

MR NOBBS You don't know now

MR D BUFFETT I haven't that figure. If you would put it on Notice I will research it

MR NOBBS I'd rather keep asking it then

MR D BUFFETT Why don't you put it on Notice in the accepted form

MR NOBBS Just another one for the Minister for Health. What decisions have been referred to you by the Hospital Enterprise since the August Legislative Assembly meeting

DEPUTY SPEAKER Could you repeat the question Mr Nobbs

MR NOBBS What decisions have been referred to you by the Hospital Enterprise since the August Legislative Assembly meeting. If you recall Minister that was when the Legislative Assembly agreed that substantive decisions be referred to you

MR D BUFFETT Yes, and thanks Mr Nobbs for that question. The figures that have been provided to me are a) a draft set of figures for the financial year that has just concluded but they have not been audited at this moment and you will know that there is an official auditor in that context that undertakes that task. The Hospital Enterprise has also provided me with figures in terms of their monthly request for the monthly supply in terms of their subsidy. I think they are the main financial arrangements that they have provided to me in a documented form

MR NOBBS A supplementary to that. Have you had the opportunity to investigate a decision taken to advertise a new position at the Hospital, not part of the Hospital budget papers which was advertised well after the Legislative Assembly passed this motion requiring a referral of all decisions

MR D BUFFETT I think that was raised with me either at the last sitting or at an informal Meeting of Members and I think it was identified as an office position that Mr Nobbs might be referring to but if I'm not on the right track please correct me. In terms of my inquiry about that, whilst the recruitment process as recently undertaken the decision in terms of fulfilling that task has been made a number of months ago, in other words before the process that Mr Nobbs is referring to

MR NOBBS I just ask the Minister responsible for the public Service, I assume he's aware of the concept of the Staff Consultative Committee. Is it correct that the Staff Consultative Committee is meeting for hours each week and why

MR DONALDSON Thank you Madam Deputy Speaker I have two questions on Notice. Mr Brown asked what is the Administration policy in relation to damage caused to Administration vehicles during private use of those vehicles and is that policy applied to all staff. I've been advised by the Service that currently there is no written policy on who pays for damage to the vehicles when privately used, when it belongs to Admin although a policy is being developed.

A have a further Question on Notice. Mr Brown asked a question relating to a rubber tyred road roller. I can't give a full answer to the question because it contained about seven parts but the first two parts I can answer. One, the cost of the roller was \$18,515 and the cost of the freight to get it here was \$8152. There are other parts to that question relating to lighterage paid, how much, who inspected the roller prior to purchase, what was the tender process and pre purchase report on the roller, who prepared it. I'll have those for the next meeting

MR GARDNER Thank you Madam Deputy Speaker I have an answer to a Question on Notice, number 36 by Mr Brown and the question is, are all usual enquires made before temporary entry permit's are issued to Administration staff and the second part of the question, if a recent criminal record is revealed is an application always referred to the executive member before an Immigration permit is issued. My initial response to that is that whilst I have been the executive member with responsibility for Immigration I haven't had any applications as such that have been referred to me in that nature that deal with Administration staff however, I am able to report that the processes that are followed in the Immigration Department in response to this question is that all application for temporary entry permits are dealt with by the Immigration section on their own merits and only in exceptional circumstances or when an application fall outside of normal policy would the application be referred to the relevant Minister for comment

DEPUTY SPEAKER Thank you. Any further Questions on Notice this morning. No, so we'll move to Papers

PRESENTATION OF PAPERS

MR D BUFFETT Thank you Madam Deputy Speaker in accordance with section 41 of the Interpretation Act 1979 I table the Tourist Accommodation Amendment (Safety Compliance) Regulations 2002

MR DONALDSON Thank you Madam Deputy Speaker I table a paper detailing the virements that have been made during period 20 September 2002 and 9 October 2002. Section 32(b) of the Public Moneys Act require that I table in this House any virements made between votes. Such virements are an internal reallocation of appropriation approvals and do not increase or decrease the appropriation for the year. Accordingly I table the list of virements that have been made

MR DONALDSON Thank you. I table the Financial Indicators for the three months ended 30th September 2002. In tabling them I note that a total revenue for the year is 96% of budget although it is also 4% greater than this time last year so although below budget we are better than last year. Expenditure is running at 98% of budget

MRS JACK Thank you Madam Deputy Speaker could I ask that the paper be noted

DEPUTY SPEAKER The question is that the Paper be noted

MRS JACK Thank you Madam Deputy Speaker. Just when one looks at capital works and purchases, it's still plus 168% as a percentage of change. The previous month it was 208%. Given the constraints that have been placed on the Administration I'm just wondering why this 168% is still there. I see that roads has gone from 19% down to 14%. I'm assuming that's the lack of tar on the roads but I would like to know the 168%

MR DONALDSON Thank you Madam Deputy Speaker I don't have a straight answer for that. I assume that a lot of our capital expenditure is the building works that's going ahead at the school, that's \$129,000 in the budget for the building at the school. I'll have to get a breakdown of the balance of the rest of the capital expenditure to make some analysis of it and provide Mrs Jack with a copy of it

DEPUTY SPEAKER Thank you Mr Donaldson. Any further debate? Then I put the question that the Paper be noted

QUESTION PUT
AGREED

MR DONALDSON Thank you Madam Deputy Speaker. I table under Public Sector Remuneration Tribunal Act 1992 a Determination made by Mr T Morling relating to Norfolk Island Hospital Staff Association application for a pay increase. This document was handed to me as I came into the House this morning. I was unaware of its existence before then and I apologise to the Minister for Health if perhaps it should have been tabled by him. Before I table it, I will read out the contents of the actual determination itself. It's headed the Public Sector Remuneration Tribunal, Determination of Application by the Norfolk Island Hospital Staff Association application No 1 of 2002. The body of it reads, the Public Sector Remuneration Tribunal having been advised by the Norfolk Island Hospital Enterprise Staff Association and the Director of the Norfolk Island Hospital Enterprise that they have reached an agreement that there should be a wage adjustment of 3.5% backdated to the 1st September 2001 hereby gives effect to that agreement by determining that there should be a wage increase of 3.5% for the staff at the said Hospital backdated to the 1st September 2001. This determination should not be taken as either supportive or non supportive of the application lodged by the Norfolk Island Public Service Association which is currently under consideration by the Tribunal. That is dated the 15th day of October 2002 and signed by Mr Justice C R Morling, Public Sector Remuneration Tribunal

MR BROWN I move that Paper be noted

DEPUTY SPEAKER The question is that the Paper be noted

MR BROWN Madam Deputy Speaker, that's a somewhat astounding document. At a recent occasion I understood that an instruction was issued to the Director of the Hospital that he was to make no significant decisions without referring to the Minister and I would be grateful if the Minister can advise us as to whether or not that pay rise was cleared by him before the Director of the Hospital signed a letter purporting to agree to it. It's an astounding situation that we're not told of the Board having previously had a role. I realise that since the end of September the Board hasn't had a quorum but I wonder if the Minister can let us know whether this is something that he did know about, whether it's something that he did approve or whether it's something that's as big a surprise to him as it is to everyone else

MR D BUFFETT Thank you Madam Deputy Speaker I am aware of this matter. In fact it is a matter, and this is in terms of an agreement between

the two parties, almost even before I became a Minister, if not certainly in the very early days where there was an agreement then. In other words, that agreement was made prior to the time of direction that Mr Brown referred to and I've got to say that I too had no prior knowledge of the particular determination which I equally received this morning but it reflects information which I had been aware of in much earlier times

MR NOBBS Thank you Madam Deputy Speaker could I just ask the Minister if he could advise what the implications of that are for this financial year given that it goes back nine months into the last financial year

MR D BUFFETT Thank you Madam Deputy Speaker. When I've had an opportunity to examine that document and make the appropriate calculations I will be able to advise you of that. As I mentioned just a moment ago I too received that document this morning

MR NOBBS So the Director didn't give you an indication when he agreed to it, what the implications were to the Hospital

MR D BUFFETT No, No, No. Don't run off in the wrong direction about the wrong document. What we have this morning is the Tribunal's determination which has been delivered to us. There are some attachments to that but the Tribunal's determination has been provided to us. What I am saying is that the agreement between management and staff at the Hospital was a decision that had been reached at a much earlier time but has now been reflected now that the Tribunal has of recent times met with this in front of them

MR NOBBS So they had an indication of the actual implications to the Hospital budget for this financial year. We've got this plus the \$100,000 or so from the Foong exercise and on it goes

MR BROWN And a new position

DEPUTY SPEAKER Any further debate? Any further debate Honourable Members. Then I put the question that the Paper be noted

QUESTION PUT
AGREED

STATEMENTS

DEPUTY SPEAKER Honourable Members have we any Statements for this morning

MR GARDNER Thank you Madam Deputy Speaker I would like to make a Statement this morning condemning the tragedy and senseless terrorist attack that occurred on Saturday 12th October in the township of Coota on the Island of Bali in Indonesia. Madam Deputy Speaker we on Norfolk Island share the grief and extend our condolences and sympathies to the families and friends of victims of this attack. I don't think I need to inform members of the fact that many people on Norfolk Island have visited Bali over the years. It is very well known to many residents of Norfolk Island and certainly any persons on Norfolk Island who are proposing to visit Bali in the near future, certainly my advise to them is to check any warnings and reports from the Department of Foreign Affairs that may be circulated to their travel agents as far as the safety of travel to Indonesia is concerned. There were victims from more than a dozen countries that I am aware of. Upwards of 180 persons killed and over 300 injured with as many as over 130 persons still unaccounted for in Bali. I've written to

the Prime Minister extending Norfolk Island's condolences and sympathies to the Federal government and the people of Australia for the losses and injuries sustained and I've also sought his assistance in extending the same thoughts and feelings to the people of Indonesia

MR DONALDSON Thank you Madam Deputy Speaker I have a short statement to make on the Cable Station Centenary. I received notification of the organisers of the Cable Station Centenary Committee that there will be a function and I will read out the invitation is probably the best way. The Southport and the Cable Station Centenary Committee have much pleasure in inviting you to help celebrate the Centenary of the Pacific Cable at Southport on Thursday October 31st 2002 commencing at 10 am. It will be held in the Southport School of Music Department courtyard which just happens to be the original Cable Station. The Pacific Submarine Cable was laid under the Pacific Ocean in 1902 and ran from Southport Queensland to Ban field British Columbia. As this in the year 2002 is the hundredth anniversary of the Cable's completion the ceremonial event will be held at Southport to mark one of the most important commemorations of a significant piece of our national social and technical history. There will be displays of historical equipment, cable memorabilia, dramatic monologues and many other interesting exhibits. Persons who are interested in finding out more about this even are advised that details will be published in this week's Norfolk Islander

DEPUTY SPEAKER Thank you Mr Donaldson. Are there further Statements? There are no further Statements. Honourable Members there are no Messages today. We move to Notices

CONSTITUTION FOR NORFOLK ISLAND

MR NOBBS Thank you Madam Deputy Speaker . I move the motion in my name on the Notice Paper. The proposal is put by the motion requires the Assembly nominates three of its members to prepare a draft constitution and bring that draft constitution back to the Legislative Assembly before 1 August next year. A period of some nine months. The Legislative Assembly would then have the opportunity to debate and vote on the draft constitution prior to it being formalised. The only other requirement in the motion is that there is extensive consultation and whilst we could sit here and say who the select committee should consult, there may be those who would wish to provide a list of the who the select committee should not consult. The use of extensive consultation is deliberately broad, who is consulted is up to the Select Committee and I would hope that along the route the Select Committee may choose to travel, all players are consulted and comments sought on proposals before they are brought to the Legislative Assembly in the final draft. There may be a need to have input and discussion with other Governments. In such cases the Select Committee would request the Norfolk Island Government to undertake such consultation on a Government to Government basis. There is a fail safe mechanism available if a member feels there is a lack of consultation in some areas along the way, the member can advise the committee of their concern. Failing this, if a member or members still have concerns the draft is required to be placed before the Legislative Assembly by 1 August 2003 for ratification. All the Select Committee is doing is providing a draft. Madam Deputy Speaker you may ask why the time frame of 1 August 2003. My suggestion is that if there is to be extensive consultation and I would expect that this will occur then nine months will probably be only just enough time. The motion provides for the development of what will be an extremely important document for Norfolk Island. It is really interesting that a constitution is really a fairly common document. They are usually fairly simplistic and a constitution sets down how things should be run. It would be expected that most sporting clubs have a constitution, the Commonwealth of Australia has one, all Australian states have their own. Norfolk Island

however does not. The motion is to rectify this anomaly. It has been said that we already have a constitution. The Norfolk Island Act. My response is that this is a big deal. If we look at the Norfolk Island Act it will be seen that this is an Act of the Australian Parliament. Any changes must be made by the Australian parliament. Also it must be pointed out that changes can quite easily be made by the Australian parliament with no power of veto or even a basic requirement for consultation with the people of Norfolk Island. I ask, Madam Deputy Speaker, what sort of constitution is that? The Norfolk Island Act was enacted to set up self government on Norfolk Island as at 1979. It did however envisage change. The Norfolk Island Act states that Parliament and I quote "the parliament intends (and that's the Australian parliament) that within a period of five years after coming into operation of this Act consideration will be given to extending the powers conferred by or under this Act on the Legislative Assembly and other political and administrative institutions of Norfolk Island and that provisions be made in this Act to enable the results of such consideration to be implemented." The Act envisaged and I believe encouraged the extension of powers. There seems to have been little action in this arena. I would have thought that with the establishment of the entity, that is the Norfolk Island entity, by the Act in 1979 that the development of a constitution by the people of Norfolk Island given their new status as a self governing territory would have been of prime concern. Not forgetting of course that the Advisory Council of 1978 had developed a draft constitution immediately prior to self government in 1979, It appears in the rush to accept self government in 1979, a deal that was not in my opinion as advantageous to Norfolk Island as it possibly should have been. But there were other issues. The community had sought a return of local powers for over eighty years. Most I believe thought it something that they would never possibly see. The Royal Commission in 1976 did not support the proposal and then in 1979 here it was. I would accept that a constitution under those circumstances would not have been the major concern. What a constitution will provide is stability. Stability in a political sense. One of the complaints I have of the Norfolk Island system created by self government relates to the lack of political stability. We shudder from one confrontation with Australia to the next whilst the divide and rule mentality may suit some, and there are obvious reasons, it may be said that the Canberra bureaucrats can protect their patch. There is also unfortunately a segment, small but vocal in the Norfolk Island community who believe this confusion benefits Norfolk Island. My response to this, is to say, for those of that view must benefit for nobody else in the community does. In fact, the dollar cost to the community over the years in combating issues which are generated by Canberra usually, has been frightening. I would suggest that if the cost of the current electoral issue are quantified, I would estimate the figure at \$500,000 or half a million dollars at least. Some may question this but let's look at some costs. Legal advice, there's been a mountain of that; let's look at the cost associated with the discussion to develop relevant strategies, preparation approval of submission, preparation for attendance at hearings, we have contracted lobbyists to monitor the corridors of power in Canberra, we've had referenda and probably the odd petition thrown in. Communication be they phone, fax or email, all cost. There have been trips by delegates to Canberra and on it goes and this is all for one issue. It may be said that we can pick up a constitution and call it ours. Unfortunately they are not like something else that you may be able to pick up off the shelf. I remember that I was involved in a football club once by the name of Brothers in Darwin and it was decided that we had to have a constitution which is a bit foreign to the activity some thirty years ago. It was decided that we'd look at Brothers Brisbane and we received a copy of their constitution which was wonderful, but it was very different. Brisbane members were drawn from Christian Brothers and Darwin members were drawn from the Parap Hotel. Brisbane Brothers patent were stipulators of Monsigneur or somebody; the Darwin Brothers patent was the owner of the Parap Hotel. It was a guide. That's about it. It was summed up pretty well by one member who said, same name, same game, different country. And that's what we have to look at I believe. We have to develop our own constitution. We need to provide a stable basis for the future Government of this

Island. It is difficult enough for this community to provide for management of a small isolated community without the ongoing political instability that has been experienced. I believe that this motion will provide that stability if members agree to it. If not, we will have to look at some other means of doing it, but I would say that this is step one along the way and I commend the motion

DEPUTY SPEAKER Mr Nobbs before we proceed would you please read the motion formally to the House

MR NOBBS Thank you, certainly. I move that this House resolves that internal self-government, in association with Australia, remains the appropriate form of government for Norfolk Island and that in the progression of self-government a Select committee of three Members prepare, following extensive consultation, a draft Constitution for Norfolk Island and the draft be brought forward to this House for consideration by 1 August 2003

MR BROWN Thank you Madam Deputy Speaker. I'm not sure that a constitution would do any harm. But the home of democracy that is here in Norfolk Island, the UK, doesn't have one. Interesting, isn't it. The Commonwealth has one. At least some of the States of Australia has one although I don't recall whether the constitutions of those States predate Federation. When you look at them, there are all kinds of reasons for having a Commonwealth constitution because amongst other things, it is how the judiciary is set up. It is how the executive is set up. It is how the powers are split between Commonwealth and the States. For us, I've always thought in terms of our constitution being the Norfolk Island Act but I accept what Mr Nobbs has said. That's an Act of the Commonwealth parliament. I'm in some difficulty in deciding whether or not to support the motion. Little enough is happening during the life of this Legislative Assembly. Project after project is going absolutely nowhere or backwards and I'm not sure that I would like to see a committee set up in order to take more time away from the projects that are already proceeding at an unsatisfactory rate. I can understand Mr Nobbs desire to do this. I think at the moment that I'm leaning towards voting against it purely because of the manpower difficulties and if we do get to the stage of actually making some progress with the remainder of our projects then I would be quite happy to revisit it at that stage, thank you

MR I BUFFETT Thank you Madam Deputy Speaker I can appreciate what Mr Nobbs is trying to do but I find myself at a certain amount of difficulty in support the motion for a couple of reasons. The motion does not in its present form comprehend an input from the Australian Government. The intent is to have three members of this Legislative Assembly prepare a constitution. It has the real potential to resurrect some old discussions in respect of the Island's constitutional position rather than to having a constitution for Norfolk Island and in that respect I reiterate some of the resources issues that Mr Brown has already mentioned. The shelves at our records section must be bulging with considerable reports, advisings, musings and other papers on the constitutional position and I don't want this Select Committee to add to those. Madam Deputy Speaker those reports have cost this community and individuals, considerable amounts of money. It's cost through the Administration and this Government, heaps of money. I don't say that I don't support the motion, lightly. I say it for the reason that even if for the next ten months or so the Select Committee works diligently and brings the draft to this House in August of 2003, I really question will it go anywhere for the following reasons. I'm not too sure it would go anywhere if for example it is inconsistent with the Norfolk Island Act in the first place. I question whether it will go anywhere if it is inconsistent with other Commonwealth Acts and laws that extend and effect any aspect of what the constitution touches upon. When you think about a constitution you need to think about the aspects that it needs to cover. If it has not had Commonwealth input I again question whether it will go

anywhere. If after the Select Committee has reported to this House in August 2003 we arrive at the position where we have either a draft constitution, or may even be a Bill of Rights, the question is, how will it bind the Commonwealth. The real question is that. How will it bind the Commonwealth. I suggest that unless we have arrived at that position in consultation with the Commonwealth then it won't bind the Commonwealth, we've wasted the resources referred to by Mr Brown and I think there are other matters to be got on with

MR BROWN Thank you Madam Deputy Speaker, just to add to what I said earlier. I would certainly not like to throw out the first two lines of the motion because I think that having that placed in front of us we do need to address it, that is, that this House resolves that internal self-government, in association with Australia, remains the appropriate form of government for Norfolk Island. I would not like to vote against that and when we get to the stage of voting I will move that we amend the motion by deleting everything after Norfolk Island on the second line so that we only vote on the first two lines

MR NOBBS Thank you Madam Deputy Speaker. I'm a little disappointed by the two previous speakers but that's the way it goes. I thought it was fairly plain that this House resolves that internal self Government in association with Australia remains the appropriate form of government for Norfolk Island. I thought that embodied it. What would I have to say in the motion to say well yes, the three members can rush off to Canberra and talk to all the various Government ministers and the like. I thought I covered that in my talk when I said that really it's on a Government to Government basis, that type of thing and if we had authority, if the Select Committee had the authority of the Government to go off on that, well that's fine. All Australian states I understand do have a Constitution. They had one prior to Federation and that's been amended subsequently I understand. I wasn't envisaging that the Select Committee would include Ministers because of the reasons that they've stated that they need four Ministers full time and full on so I would have thought that the backbenchers would form this Select Committee. I think that it can be handled very well. There'll be a deal of consultation required to the community itself and that will take time but it won't be a full on exercise I wouldn't think because we would need to have written submissions and verbal discussions and the like. Mr Ivens Buffett said that it won't go anywhere. Well I don't think we're really going anywhere anyhow. I mean we're fighting them off at the pass as far as the electoral issue is concerned. Where are we going with that? I know that Mr Ivens Buffett gave an indication that we should roll over on that but I don't know. I don't think that's the will of the people as far as that particular issue is concerned. I think it can be worked through very well. I think that within the Australian Government there are Ministers and senior bureaucrats who appreciate the position of Norfolk Island and its role and where it came from. Norfolk Islanders had a constitution I understand in 1838 on Pitcairn. But it seems to have been lost along the way. That's not to bring up however because I know what'll happen now. There'll be some fidgeting and mutters that we are looking at independence and all that sort of guff. I don't believe that. This motion does not indicate that. It says in association with Australia. So I'm sitting and I would appreciate it if other members would give their views

MR I BUFFETT Thank you Madam Deputy Speaker I hope Mr Nobbs didn't misinterpret what I said. I haven't rolled over to the extent where I've had my tummy tickled either. What I'm saying is I'm looking for a more robust framework for Mr Nobbs to achieve what his aims are in this issue by pointing out some of the difficulties if we don't include it in the motion. At the moment that's a given. Self government in association with Australia. The Select Committee in this motion does not comprehend that we will look at the question of a constitution for Norfolk Island in conjunction with the Australian Government and for the very reasons that I think I've mentioned, the inconsistencies with the Norfolk Island Act, the inconsistencies that could arise with other Commonwealth laws that extend will certainly unless we make a

concerted effort to do it in conjunction, I believe, achieve what I've said. It will probably go nowhere and this will then become another matter for us to lock horns on similar to the electoral issue. I even go further to say that if we were to find ourselves in this position that we do it in concert with the Australian Government then matters such as the electoral issue I see no reasons why it couldn't be referred to as a joint constitutional committee

MR SMITH

Thank you Madam Deputy Speaker when I first saw this motion I thought oh goodness but in thinking about it, I thought maybe there is something in what Mr Nobbs is talking about. Particularly the stability factor. Some time ago there was a committee of the House that looked into the roles and responsibilities of the Legislative Assembly and its associated Government. In that there was a recommendation in some form that there should be a charter. I know charter and a constitution are quite different but in some ways they are the same. If there was some development of a constitution it would give the community the ability to have to agree to firstly agree a constitution but following that any changes to that constitution which I guess is one of the major factors that constitutions have over countries, that if certain things were laid out, though I just can't think of anything off the top of my head and I don't want to do that, where it would be applicable but when we were wanting to change the makeup of something, even if it came down to the self Government issue, it would be a requirement under the constitution that the community would have to agree by referendum to any change because I guess in a lot of ways the Legislative Assembly has the ability to change just about anything within our power even against what the community may agree or disagree with. The difficulty I have with the motion is saying that we should set up a Select Committee to bring back a constitution. Maybe it would be a wise move for a Select Committee to investigate whether we could actually come up with a constitution and in what form we would do that. I would be supportive of a move along those lines because that way we would be able to get the input from Australia and maybe it is worth looking at in that sense and to that degree I actually think the idea is quite good and I will probably support Mr Nobbs motion slightly amended

MR GARDNER

Thank you Madam Deputy Speaker I'm a little of two minds about this. It sort of snuck up and caught me unaware when I saw it on the Notice Paper late last week. I have been trying to get my mind around it since then. I commend Ron for bringing it to the House because obviously it's something that needs discussion amongst the community and later on towards the end of my presentation I would be proposing that the matter be adjourned so that wider community discussion can take place and community thought can be passed on to members. The reason I say that is there has been some concerns. Some have been espoused around the table this morning by members on this issue of the resources and our commitment as an Assembly to matters around at the moment and to more pressing issues at this time. There's a lot of truth in those words. We have a lot on our plate. Maybe if I throw in some thoughts for discussion and certainly for the listening public, maybe to make their thoughts known to the members of the Assembly on this issue. I'm not proposing that I'm covering everything that might have anything to do with the development of a constitution on Norfolk Island but I think Toon was right and I understand what Ron is trying to do with developing a constitution for Norfolk Island and that is to provide some sort of stability. I don't see, and would need to be convinced that a constitution as adopted by this House is going to take precedence over the Norfolk Island Act and provide that stability because a constitution on it's own as I think Toon has said, without the endorsement or agreement of the Commonwealth Government and some legislative amendments somewhere, and I don't know where that is yet, that is something the Select Committee would have to investigate, but without that support certainly the Norfolk Island Act would continue to have precedence and you are still going to have the Commonwealth whether we like it or not, wanting to look at electoral issues, the issue of Greenwich University, the things Norfolk Island does an make sure that they reflect the national interest and they will continue to do that with their arguments of the last twenty odd years. To say that Norfolk

Island hasn't since 1979 taken on more responsibilities is not quite correct. I'm unable to provide this morning the dates and times of transfer of powers amongst the schedules but that has certainly happened since 1979. Wilson Tuckey's statement that was printed in the Norfolk Islander two or three weeks ago was espousing his and the Federal Government's commitment to the advancement of self Government on Norfolk Island. Some people may say well they're just feel good words but it's in writing, it's there. They've indicated that they have a commitment to advancing self government and I don't need to remind Mr Nobbs as a previous Chief Minister that time and time again the Commonwealth through the offices of Minister Macdonald who was responsible for Territories at the time had agreed with the Norfolk Island Government of the time that there were a set of parameters or guidelines or rules if Norfolk Island was interested in pursuing more responsibilities. Set it out clearly. Fill in the boxes. Submit it and we will work through it. My understanding of that, is that hasn't been progressed at all. Now whether that's a failing of the Commonwealth or the Norfolk Island Government is a matter for debate but certainly that ability to pursue that is there and those guidelines or parameters have been agreed by both Government. The question of taking on more responsibilities or going any further I thought had been roundly discussed by members of this Assembly or their run ups to the general election in saying well hang on, before we go pursuing too much more we had better make sure that we are doing what we are doing now up to the standards that are expected by this community and I have to agree wholeheartedly with that. This morning during debate in question time we keep hearing the road potholes aren't being filled, or we have problems at the hospital or we haven't enough money to run the hospital or we are doing these things that we should be doing. My argument against pursuing anything further and against doing a constitution at this stage is don't go and add another straw to the camels back right at this stage until we can demonstrate that we can do what we are given the powers to do now and to do them properly. I tend to agree with Mr Brown that if push came to shove today and we are looking at having to decide this matter today I don't think that I could be supporting it. I don't believe that it would be appropriate to try and push this through today because the community need to give some consideration to this and to giving their elected representatives the free range to go out and start communicating with the Commonwealth and the added expense of doing that when at every corner at the moment we are shying we can't afford to do this, and we can't afford to do that, we are in the throes of Focus 2002 and basically everything's on hold until that process is finished. My view would be, I'm not going to throw it away but certainly if the vote came today I couldn't support it either simply because I believe there is wider community input that is required and I think that we need to be pretty certain that a constitution is going to deliver what Mr Nobbs claims it will deliver. I need to be convinced of that.

MR I BUFFETT

Thank you Madam Deputy Speaker I would just wish to make one further comment if we do get to the situation where we have a Select Committee. When we were elected we spent some considerable time deciding how we should manage our affairs in respect of the executives. We took what I thought were some fairly decisive steps and one was we sought to appoint a Chief Minister which also carried the title of Intergovernment relations. I see that if we are to form such a committee and whilst I appreciate the comments that Mr Nobbs has passed in respect of having three members who are not executives I think the Chief Minister carrying the title of Minister for Intergovernment relations would certainly form part of any such Select Committee if we get to that stage, for the reason that I think most of us have discussed which is we can arrive at something where we can agree the parameters of interference or non interference and that is a two way street. I also agree that this matter should be adjourned. I certainly have had some comments made to me by members of this community and some of those comments I have endeavoured to reflect this morning

MR NOBBS

Thank you Madam Deputy Speaker just a couple of comments in relation to the legislative base for the constitution I would expect that to

be an Act of this House and there would obviously be need under those arrangements for approval by the Commonwealth Government. I guess I should have spelt it out and shouldn't have gone on with the Parap Hotel and all these things but I thought people understood what a constitution is really all about. The intention was not to push it through today by any means and I would move at the appropriate time that it be made an Order of the Day for the next day of Sitting. Some other member may wish to speak

DEPUTY SPEAKER

Let us see Mr Nobbs. Is there further debate

MRS JACK

Thank you Madam Deputy Speaker. I would like to know why? Mr Nobbs has mentioned stability. I would like to know just what he means by that, extra stability to here. How would it improve our governing our place in the greater scheme of things. He mentioned that other states have them the Commonwealth has them, well does that necessarily mean that we must have one too. I honestly can't see the need for one. Resource wise it is poor timing. I agree with all the members who have mentioned that and I agree also that the community needs input here but at the same time members of the community are also getting very tire with the lack of results from various Orders of the Day being placed and being continued to be placed on subsequent Orders of the Day for further sittings and I also agree that I really can't see this getting anywhere and having a great impact. I really can't see the need at this point in time for it, thank you\

MR DONALDSON

Thank you Madam Deputy Speaker just a very brief comment because I think most of the thoughts I've had on the subject have been spoken by other people but I reiterate some of them. My first thoughts on it was oh no, another three man committee running for nine months, there'll be trips overseas, there'll be costs involved in it and no indication in the motion or backup papers as to limiting the costs or how we would fund it. I also see resource difficulties in manning this particularly Select Committee. I see resource difficulties at the political level and at the officer level of the Administration. I wonder what this constitution will actually achieve. It can't overrule the Norfolk Island Act and there must be some form of compatibility between it and the Norfolk Island Act it must be subservient to the Norfolk Island Act and would that not make it a toothless tiger. I see there's a danger that there could be railroaded in one direction by a pressure group on Norfolk Island who have a particular political goal that's not consistent with the whole of the Island. How would you know the constitution truly represented the wishes of the people. Maybe we should be putting our efforts into studying the Norfolk Island Act a bit better and lobbying the Australia Government to have that amended so that actually becomes our constitution and not what it is often referred to as a de facto constitution. At the moment as it stands I can't support the motion

MR BUFFETT

Thank you Madam Deputy Speaker. The reality is that the concept of this motion is important. The concept. But it does make some assumptions. It makes an assumption for example that a constitution will solve some of the issues of today and it will for example guard against difficulties of the future. Now it may do some of that. It may not do other things. This is not an issue that is in a sense new. I would say that some of the difficulties and issues in the relationship, the Commonwealth and the electoral issues for example, has engendered such an expression of this today but the reality is that whilst we have had an act since 1979 which we do loosely refer to as our constitution, and it is certainly the closest that we have that relates to that at this moment, but whilst we've had that since 1979 that particular piece of legislation also envisaged that we would progress along a certain route and that we would come to a certain destination. The initial time frame which was mentioned in that legislation was a five yearly evaluation period. We are now in our twenty-third year in this process so it's not unreasonable that we would want to spell out more clearly and distinctly and indeed succinctly where the end destination is to be. I know that there are

some with the view that leaving it a bit unclear has its advantages and from time to time that may be so. I'm not too sure in the long term that that is the best way for it to be. Really what we need is an agreed position. An agreed position between Norfolk Island and the Commonwealth of Australia as to how we should govern given the passage of time and the process that we've gone through to date and given that 1979 piece of legislation and the aims and aspirations set out in it and when that position is agreed that it is made in such a form, whether you call it a constitution, whether you call it something else, one can address from time to time, I don't think that's the most important point at this moment, but when you have that agreed position that you set in concrete you make that agreed position unassailable. For example, fireproofed against the constant stream of issues that we've been faced over the last number of years, the most recent one happens to be the electoral issue but there are others quite immediate before that and until we have that position settled and in place we will continually be vulnerable from time to time against some of the issues that I've just exemplified and others have exemplified. Now I don't say any of that to be aggressive about the matter but I think we need to come to grips with the fact that those factors I have mentioned are essential but whether or no you call them a constitution is another matter. If we look at how some of the other areas have progressed their self governmental arrangements, now I've got to acknowledge that in some of these instances it meant that they moved to a nation on their own and we are on about having a continuing relationship with Australia but nevertheless, some of the documentation in terms of teamwork has been important. For example, in the Australian sphere in its move to be more self governing in its relationship with the United Kingdom obviously erected legislation on their own account but equally had to negotiate that position with the imperial Government and they simultaneously in concert had legislation that was put into place so you had complementary positions agreed in both places. Now we've not reached that stage in our process of doing like and I'm not necessarily making that as a proposal, I'm just saying that that is one method used by some places to cement in what I term an unassailable position in terms of that progression or devolution of authority and that's what we are on about in the Norfolk Island Act, it's a devolution process. So having said all of that, I need to ask myself the question whether this particular motion meets those needs and I've got to say that I don't think it does in its entire sense at this moment. Certainly I agree with some parts of the expressions in the motion but whether it's just saying that we will have a constitution and that will provide all for those things, I just don't know at this moment but I think in terms of the debate it's important for me at least to express those thoughts in a conceptual sense because whether we do it today or next month, I don't mean this particular motion, but whether we do this matter of cementing in where we are going to travel for the next 100 years, whether we do it now or next week the fact remains that we will have to do it. That's what the Norfolk Island Act envisages and there will be a time when we will have to tackle that task and make a decision but to think that we can do it alone in this process, we are kidding ourselves. We have a relation with the Commonwealth of Australia and it must be done in concert there. Unless we are able to achieve that and walk through those issues satisfactorily it's a non event so therefore to just say that we will erect a constitution is not sufficiently having regard for the wider picture. I think that we should have regard for the wider picture because as I've said, we will have to tackle this matter one day or another. If you want to tackle it today I'm happy to do it. If you want to tackle it next month I'm happy to do it but the components will remain the same no matter what the time frame. I'm supportive of pausing on this so that all our thoughts can be given further maturity

MR NOBBS

Mr Buffett made reference to the Australian situation and living in concert with England. That is precisely what happened and it took them 85 years before the Australian Act was passed by the Federal parliament and the devolution of the last powers from England to Australia so I mean, this process we obviously, and I'm a pretty simple sort of a guy but I thought in association with Australia summed it up pretty well but if there is a need for some other form of wording there, well I

would be open to suggestions and I will move now if it is appropriate Madam Deputy Speaker that it be made an Order of the Day for the next day of sitting

DEPUTY SPEAKER Honourable Members I put the question

MR BROWN Point of Order. Is this intended to be an adjournment motion

DEPUTY SPEAKER I believe so

MR NOBBS Yes

MR BROWN Perhaps the motion should be to the effect I move debate be adjourned and the resumption of debate be made an Order of the Day for the next day of sitting

MR NOBBS I so move

DEPUTY SPEAKER Thank you Mr Nobbs. I put the question

QUESTION PUT
AGREED

That matter is so adjourned and made an Order of the Day for a subsequent day of sitting. Honourable Members it's twenty past twelve. What is your wish? Thank you. The House stands adjourned until two o'clock

Honourable Members we resume after lunch to Notice No 2.

NORFOLK ISLAND PLAN

We resume from the 19th June 2002 on the question that the amendment proposed at an earlier sitting by Mr Nobbs be agreed to in respect of the Norfolk Island Plan and Mr Ivens Buffett you have the call to resume

MR I BUFFETT Thank you Madam Deputy Speaker we resume on consideration of the Norfolk Island Plan. When this plan was first brought before this House in February of this year, it was again discussed in April and then again in June when Mr Nobbs moved that amendment of the deletion of all reference in the plan to community title be inserted at the end of the motion. We are asked by this amendment today to amend the draft revised Norfolk Island Plan of 2002 by deleting all reference in the plan to community title. I would ask the members to seriously consider this and not to agree to this amendment for the following reasons. The concept of community title was discussed long and hard by the planners and the community during the extensive period of the plans preparation and the inclusion of this concept was not included lightly or because the planners thought it was a good idea. It was included for the specific purpose that there were considerable approaches to the planners and to myself as the Minister responsible regarding ability of Islanders to make use of family land that could not be subdivided because of the proposed minimum areas and existing minimum areas at the time when the original 1996 plan was revised. It provides an opportunity for this Assembly to consider the representations that have been made to a number of the members of this House regarding cost of land on the Island and this is reflect quite clearly in the values recently struck for the absentee landowners valuations. To delete this concept in the draft plan in my view does not, and I emphasise not, mean immediate subdivision by stealth. It does not do this because we as the legislators have to set the rules and the parameters for this concept to become available. It would

be my intention to immediately prepare a set a guidelines for this particular concept in the plan once the plan is made. There is one other very important reason not to make such a substantial change to the plan during its passage through this particular House and that is this, it delays the plan and a proper consultative process has not been gone through that would allow those persons who discussed the concept of community title with the planners and myself to put their points o view forward in respect of Mr Nobbs proposal to remove totally from the plan the concept of community titling. The other important factor is to do these sorts of amendments on this particular plan would make it messy. I will stop there and give other members an opportunity to make comment on Mr Nobbs proposed amendment at this point

MS NICHOLAS Thank you Honourable Members. It may be helpful that the original motion reads that this House, in accordance with section 10(4) of the Planning Act 1996, resolves to approve the draft Plan as laid before it with the alterations made by the executive member. Now Mr Nobbs proposed amendment reads "and deletion of all reference in the Plan to community title" be inserted at the end of that motion. Further debate

MR NOBBS Thank you Madam Deputy Speaker I still believe that there is potential there for subdivision by stealth but I have received a letter from Mr Ivens Buffett asking me to withdraw this amendment and I don't intend to and I ask the members to support it for one specific reason. Reference is made in the letter to island families and the like being allowed to utilize this component for the handing down of land. The only problem is that regardless of whether they are Saddam Hussein, George Bush or Billy the Kid it doesn't really matter. They can still own land on Norfolk Island. This situation as it arises now, doesn't confine itself to Norfolk Islanders whether they be of Pitcairn descent or by residency. It's available to all landholders on the Island here who may wish to take heed of it. That's my first point. As far as the valuation is concerned I think it will be the same arrangement as a subdivision because there will be need for a titling arrangement if its to be sold and that's what I'm saying. I believe it is subdivision by stealth. While I appreciate that there are no guidelines in place and this is not a last minute amendment. I asked right at the outset that we set things in place. If there was to be community title in this Plan well then we should explain to the community what it's all about and lay down the ground rules then. Leaving it in here it looks as though it's passed and its just a matter of putting things together and maybe next meeting and all this sort of thing but bearing in mind that it's now October and the amendment was made in June and there is still nothing so I just want to say that community title as defined in the plan is the use and development of land for the purpose of community title residential development prepared in accordance with applicable strata title legislation and multi unit development codes and those are the things that we don't have at this particular time. What I'm saying is this. Leave it out of the plan and put it in when people really understand what all these codes and strata title legislation and the like, what is really involved in those. Put it in as one complete package. I saw actually with the old plan one of those problems that was really not thought through and that was the KAVHA viewshed area. It created some problems in the last plan. It was part of the plan and tabled in the Plan that was agreed in 1996. It was subsequently found to be not operational and therefore was not complied with. To start it off it was complied with then it was changed. Now it's not really legit this viewshed area so we'll just ignore it which was done and houses were put in the viewshed area without even going before the planning board and that's fine, that was the rules and that's what I don't want to see happen in this particular case. It's a simple thing. All I'm suggesting is this. That you take out reference to community title and at a future date if the Minister wants to carry on with it and these people who are supporting it wish to carry on with that type of title, well then bring it in with all the applicable legislation and the code. Don't leave it in the plan in limbo at this particular point in time but as I said, this community title, if anybody

owns land on the island here and this community title is in, it could apply to them whether they live here or not so it's not just for family land as we know it on this Island here. It goes well beyond that and we've seen some with the tourist developments that have created a bit of concern. They went through the planning process, they were being built and all hell broke loose and it seemed to put the death knell to the tourist accommodation at that point in time. We don't want something like that to happen with this. It's got to be well thought out. It's a new concept and is going to be very difficult for the Island. It's going to end up I believe with my greatest fear and that is that we won't have any green grass on the Island because it will be all under roofs and we will have a situation like Redfern or Paddington or some of these other areas where houses are just joined together because that's what the potential of what something like this is for and I think it needs to be well thought out. The concept is wonderful, the planner who brought it out did it in all good faith and there's no problems about that but we haven't seen the guidelines that are to go with it and that's what I worry about

MR BROWN I have a difficulty with the community title proposal because to me it's a recipe for slums of the future. To me it is as Mr Nobbs said, at least the first step towards subdivision by stealth because you can rest assured that somewhere down the track people will be wanting to get their separate unrestricted titles because they will be wanting to sell properties and they won't be wanting to sell them with whatever burden might apply by virtue of them being community title. We have a major difficulty in that there isn't enough area on Norfolk Island for people to do everything they wish to do. We've started to formulate this particular plan. We've realised there is a difficulty because many people wish to be able to subdivide initially so that land can be transferred to their families but frequently that land then gets sold and you can't stop someone selling and I think we are better off not starting the problem rather than creating the problem and then trying to control it. Now the minister has said to many of us, look this plan is not cast in stone. Let's pass it and if we find that something needs changing we can change it later. Well those same words apply to community title. Let's leave it out and if we find later that we need to change it to put it in, well the minister has told us, it's not cast in stone and it can be changed later. This isn't the only part of the plan that I'm uncomfortable with. I'm uncomfortable with the complete plan. Because I did not see a need to throw the old plan out and start a brand new one. The requirement was to review the plan every five years or whatever the period was, it was not to throw it out and invent a new one, and we invented a new one in my observation by grabbing a few public servants from Norfolk Island and Australia and saying look go away and give us a brand new plan. Sure there were some community meetings and there were some tables up in Foodlands and plans up on walls but really what we did was we gave the planning power to those few members of the Norfolk Island and Commonwealth public services. They are the ones who prepared it, they are the ones who after the public meetings made changes to it and I'm uncomfortable with all of that. I tend to support Mr Nobbs amendment in terms of the community title question thank you

MR BUFFETT Thank you Madam Deputy Speaker a brief comment in terms of the amendment itself and then I would like to propose some adjustment to that, that is, some amendment. It is not designed to change content but the structure of the motion and I will explain that when I come to it. I am prepared to support this amendment particularly in light of comments made at the public meeting which addressed this matter which said that we should move in this direction so I make that comment and indicate my support of it. The amendment that I would like to propose is this. I want to give these amendments a) b) so that there is prospect to look at a number of amendments if we want to do that. If you look at the motion itself which is on the Notice Paper it reads, that this House, in accordance with section 10(4) of the Planning Act 1996, resolves to approve the draft Plan as laid before it. There are some adjustments that I would like to propose to you about the structure but not the

substance of the motion. To continue in this vein, laid before it with the following alternations, a) alterations made by the executive member. That's already in it. That's just giving it an a) indicator, b) is then deletion of all reference in the plan to community title. In other words it segments those two arrangements. Now that means that if that is passed and I'm not trying to pre-empt what the decision will be of members in terms of that, it will give some structure and if there are amendments that are thought to be appropriate to add to that there is a flow on arrangement so that it flows smoothly. If not, you will have a not very cohesive package of words and that's the design of that particular amendment

DEPUTY SPEAKER Thank you. Is there further debate? No. There being no further debate I put that structural amendment to the amendment. I think indeed it would be more productive to put the amendment to the motion being "an deletion of all reference in the plan to community title" then come back if that is accepted and number that b).

MR BUFFETT Thank you Madam Deputy Speaker I have no difficulty with that methodology

DEPUTY SPEAKER Mr Buffett let me be clear. Are you suggesting that the draft plan as laid before us with the following alterations, a) alterations made by the executive member and b) deletion of all reference in the plan to community title. Right. In that case shall we first b) first

MR BUFFETT I have no difficulty with whatever order you put it in. My suggestion is only a structural one and it doesn't really matter whether you structure it before or after that is put

DEPUTY SPEAKER I think we need to put Mr Nobbs motion first which seeks to delete all reference in the plan to community title those words coming at the end of the motion as it stands before us. If that is passed we will then renumber it and put the structural amendment. We now put the amendment put forward by Mr Ron Nobbs

QUESTION PUT

Would the Clerk please call the House

MR BUFFETT	AYE
MR GARDNER	NO
MR DONALDSON	AYE
MRS JACK	NO
MR IVENS BUFFETT	NO
MR NOBBS	AYE
MS NICHOLAS	AYE
MR SMITH	NO
MR BROWN	AYE

The result of voting Honourable Members the ayes five the noes four, the amendment to the motion is carried.

We now come back to the structural amendment seeking the insertion of a) into the motion as it stands before us. It will read, that this House, in accordance with section 10(4) of the Planning Act 1996, resolves to approve the draft Plan as laid before it with the following alterations; a) alterations made by the executive member and then we will

renumber b) Mr Nobbs motion, deletion of all reference in the plan to community title. Right.

QUESTION PUT
AGREED

The ayes have it that is carried. We now renumber Mr Nobbs amendment to b)

MR BUFFETT Thank you Madam Deputy Speaker could I just point this out if I may, and I suppose in a sense it is a point of order. What is being done now is not what my proposal was. What I proposed was a structural arrangement. Not a revote-ing on the particular clauses again and that is what we have started to develop now. The words we have now are all agreed. I'm endeavouring to restructure them in a way so that part are numbered a) and b). That is all that my amendment is about. It is not an invitation to revisit

DEPUTY SPEAKER No. it is the insertion of the letter b). It is now suggested that I put in the structural amendment which inserts the letters a) and b)

QUESTION PUT

MR BROWN Point of Order Madam Deputy Speaker. Mr Buffett raised the issue a moment ago that we can't sit here and vote again on something we've already voted on. All we should be talking about is, do we want this to look grammatically tidy by having an a) and a b) there. We are not voting about whether the community title is in or out because we've already voted on that

MR I BUFFETT Thank you Madam Deputy Speaker you might need to clarify this point of order. I thought you just asked for a motion that the motion as amended be agreed to and there was a resounding yes to that, so is the effect of that, that we've made the plan effectively by passing the motion a) and b) as amended

MR BUFFETT I didn't understand it to do that

DEPUTY SPEAKER We have got as far as a). As a technical amendment. Purely and simply the insertion of the letter a) prior to the word "alterations" second appearing; that already stood. I would now like members to vote on putting the letter b) in front of the word "deletion"

MR I BUFFETT Thank you Madam Deputy Speaker I'm fully aware of that and I thought we had done that but there was another call

DEPUTY SPEAKER I still require your approval to insert the letter b)

MR BROWN Point of Order again Madam Deputy Speaker. Could I clarify whether or not we are still dealing with amendments to the motion which is my understanding of the situation or whether we have just purported to vote on the motion adopting the plan

MR I BUFFETT That's absolutely correct

MR BROWN Because this is a substantial issue. The relevant Minister is of the view that we've just adopted the whole plan. Others of us have been of a view that we are dealing with amendments and that we have not yet dealt with the motion itself. Can I suggest that should be clarified for the sake of the record

DEPUTY SPEAKER We have dealt only with the suggestion initially put by Mr Nobbs that there was a deletion of reference in the plan to community title and that was agreed five four. Mr Buffett suggested that as it is anticipated that we are moving to further amendments that certain markings be made at the head of these amendments so that we may more clearly follow the process and perhaps those listening may more clearly follow the process and we sort to break those amendments down into, if you will, dot points, numbered a) b) and probably c). I then put the question of whether it was acceptable to you to insert a) before the first dot point if you will and then I sought agreement to insert the letter b) under the second dot point

MR I BUFFETT Yes, and we agreed

MR BUFFETT That's where we are at

DEPUTY SPEAKER No. We hadn't got that far. You have agreed a). I am now seeking a technical adjustment to call the second dot point b), nothing more. Nothing to do with the text, purely to approve the insertion of the dot point b). May I again ask you acquiescence

QUESTION PUT

MR BROWN There seems to be a further confusion. Some of our members seem to feel that they are being asked to vote about the whole four lines that presently show as b) on our programme. Could I suggest it be made clear that's not what we are voting on

DEPUTY SPEAKER Thank you Mr Brown. Indeed. We have not yet reached that point. That in fact follows. It is on the blue paper and I can understand your confusion but no, we are not progressed to that stage. We are still dealing with the renumbering of the amendment put by Mr Nobbs and which you have already agreed. The renumbering

MR BROWN Might I say the renumbering of the amendment proposed by Mr Nobbs and passed a moment ago

MR GARDNER Thank you Madam Deputy Speaker for the clarification. I think it makes it much easier to all members and I think just to confirm that understanding the motion as proposed by Mr Nobbs has been agreed to, we are simply for the sake of structure and Mr Buffett's amendment, looking to insert the letter b) in front of that already agreed to amendment. If that is the case I have no hesitation in supporting that Madam Deputy Speaker

DEPUTY SPEAKER Indeed. That is the case Chief Minister. May I again put the question

QUESTION PUT

AGREED

The ayes have it. Thank you Honourable Members

Mr David Buffett, I think we return to you. You wish to move a further amendment

MR D BUFFETT Thank you Madam Deputy Speaker. If we are at the stage of considering further amendment. What we have is the original motion. Mr Nobbs foreshadowed the amendment that he has put before us. His amendment has been agreed. I have two further amendments that I would wish to propose in terms of

the Norfolk Island Plan. These are not new issues. They are issues which I have raised in this House at an earlier time. They are issues that have been referred to a public meeting with a significant roll up. Members of the community. And now we are coming to give substantial consideration to these proposals. The first one that I would like to tackle is the one that is on the Notice paper marked number one. Now I will need to adjust this given the sequential arrangements and this particular one whilst we have a) and b) already, though it took us a while to get there, but we've got a) and b). This is a proposal for c) for you to examine. So my proposal to you Honourable Members and Madam Deputy Speaker is this, that the following be inserted after b); "c) transfer of the appropriate objectives and protective provisions, proposed for the area of the coastal and cliff environment, to each of the zones which contain portions of coastal land, and consequent withdrawal of the Coastal and Cliff area from the planning map". Honourable Members will remember that the coastal area has been illustrated on the map that has been publicly available so that they will know where that is. You will know that in the plan itself it is covered in both its description and its objectives and the protective measures in paragraphs 111 to 114 of the Plan. It's not that easy to pick up if you are looking at the page references because the page reference as in the index doesn't seem to marry with the plan but there may have been some amendments to it that I've not been able to pick up at this time but if you look at the section numbers you will find it accurately contained and there it sets out the objectives and the protective measures and whilst I have earlier said that I do have difficulties with some of those arrangements, others may well be appropriate however, I again explain that there are some significant difficulties in terms of people who have and hold land in that environment and they have been identified in public submissions and I need to emphasise that. They have been identified in public submissions and they have been equally emphasised at the public meeting that was last held in terms of this matter. Four particular areas that I would like to mention. One is that there is the prospect of public encroachment and public encroachment in terms of areas of land without compensation, without compensation that is provided for in terms of the taking of land under the Norfolk Island Act and if you think that this is a figment of my imagination, let me point you to the making of the present plan, not the one that we are looking at now, the present plan when it was first introduced. There were measures that might be thought to be a progressive encroachment on the land and it was said to those who had that concern that oh no, that won't happen, that's not what this issue is about and trust us and all will be well. So that happened and the coastal and cliff environment was erected and what happened when the next plan came along which is the one that we are looking at. Well it said that there will be public access. In other words. Other people would have rights in terms of entering this land. Now it was then when this was pointed out, there was an effort to withdraw that particular component from the plan and we have found that it was partially withdrawn but then another effort had to be made to ensure that the balance of that reference was withdrawn. The point I am making in explaining that is this. That although it was said at an earlier time that this wouldn't happen, in fact it did happen and we have had to correct it this time round and I am saying that there needs to be a more significant measure to ensure that people who do have property in that environment do not find that there is a gradual encroachment and in due course they are divested of their land and that there is no proper compensatory arrangement. That's one point. The second is in terms of people maybe thinking that they have public access is the attendant factor of public liability. And that will visit upon those who are landholders in that context whether you like it or no. So you are then laying a responsibility on them by this particular plan if you undertake those arrangements. There are additional attendant problems of litter, fire and in some cases, vandalism and a range of associated difficulties. Those difficulties mainly come from the definition of the coastal strip of which the non land owning public commence expectations and I've endeavoured to describe to you those expectations and they have been real and they continue to be real and so the proposal is to actually remove the markings in terms of that on the map but to retain the protective measures, but they are

placed in another area and so that is what this amendment to the motion is about and it is the one marked c) Madam Deputy Speaker. I would encourage you to consider those who turned up at the public meeting and gave expression to their concerns. This is picking up their concerns and endeavoring to give effect to it in the Norfolk Island Plan that we are now considering

MR BROWN Madam Deputy Speaker could I firstly disclose that my family owns cliff top land. Secondly I would support every word which has just been said by Mr Buffett

MR GARDNER Thank you Madam Deputy Speaker in an earlier debate on this matter I too have supported Mr Buffett in this matter simply because I believe it's an easy task to be able to put the objectives and protective provisions of that coast and cliff area into the differing sections of the plan without too much difficulty. The second point that I did make in earlier debate was that the way the plan was structured at that time and maybe the Minister would like to confirm this, was that it prevented subdivision for example of blocks of land on the cliff face that would result in the subdivision creating a block of land that existed in two separate zones. I still believe that the plan says that. In other words, if this were to remain in place you are going to be facing that problem but it goes one step further in that I think that anywhere that is zoned a conservation zone, because this motion in itself doesn't move to remove the conservation zone from the plan, it is only those provisions relating to the coast and cliff area and redistributing them amongst the plan, but I think it is still going to remain and I look to the Minister to give us some confirmation on that

MR NOBBS Thank you Madam Deputy Speaker I have no problem with this amendment if it needs clarification because I was a bit concerned. One person who had cliff land spoke to me the other day and said oh you can still get access to it and all that sort of thing but it needed clarification and I think this is a reasonable amendment and I will be supporting it

MR I BUFFETT Thank you Madam Deputy Speaker in respect of that amendment referred to by Mr David Buffett earlier, 111, yes there was a further minor amendment to take out any reference to access to that cliff area in clause 111 and also the reference to community custodianship. They were removed. In light of the comments that have been made and being able to count I have now no difficulty with c) as proposed by Mr David Buffett. What we need to do is once these amendments have been passed, we would then need to look at how they have raised up in the Plan and effected itself

DEPUTY SPEAKER Further debate Honourable Members on point c). That being the case I put the question to you that c) transfer of the appropriate objectives and protective provisions proposed for the area of the coastal and cliff environment, to each of the zones which contain portions of coastal land, and consequent withdrawal of the Coastal and Cliff area from the planning map

QUESTION PUT
AGREED

That amendment is carried, thank you

We move now to a second amendment from Mr David Buffett

MR D BUFFETT Thank you Madam Deputy Speaker in light of the earlier amendments I have a proposal which I will now number d) and the proposal is that d) be added after c) of course, these words " (d) and by retention of the existing 2ha

and 8090 square metres subdivision minimum, in the existing Rural A and Rural B zones respectively of the 1996 Plan, to the extent this may be transposed to the proposed Plan. And it goes on to say that this shall not apply to areas which are – .i) proposed to be in the zones of a more compact and specialised nature eg. Residential zone, mixed zone; and .ii) presently Crown leasehold land, which prospectively may be converted to freehold. Such portions should create a third Rural zone, to be known as Rural C which has a minimum subdivision area of 4 hectares’ ” Madam Deputy Speaker having moved that particular amendment, members will recognise as you will recognise Madam Deputy Speaker that this amendment is designed to protect existing rights of landholders in rural areas. It is not designed to give more than these areas have as rights at this moment. It's a proposal to ensure that rights are not taken from them. The existing plan, which is the 1996 plan as has been explained to us over a period of time contained in its objectives that there was to be an effort to retain the rural environment, spaciousness, greenery and the like. The existing plan which I've just mentioned, has two rural areas, rural a and rural b and the sizes in terms of sub divisional criteria are these. Rural a) 2 hectares which is about five acres and rural b) which is 8090 sq metres which is about two acres. Other parts of the island of course have less subdivision requirements, for example the central area. Now if I can turn to the proposed plan. I have just talked about the 1996 plan. The one that is still in place at this very minute. But the proposed plan, the one that we are considering now, equally contains objectives about retaining the rural environment. It however, proposes a major rural area with four hectares to replace those minimums that I've just quoted to you in respect of rural a) and rural b). Now that you will see is significantly more demanding than the present. There is no minimum of course for the central area just to give you a spectrum but there is four hectares in terms of the particular areas that I am addressing which were two hectares and 8090 sq metres before. Now this means that what people can do at present in major part will be cancelled in rural a) and rural b) and so the rural areas are really asked to carry a significant burden in retaining the valuable character and environment of the Island. It's a significant burden. In some sense I think it is an unfair burden, not asked of others but the point I want to make out of this is, if that burden is to be carried then the land owners in those areas need to have greater long term surety as to what they can do with their land so I'm saying you can't just a couple of years ago say that you can have a 2 hectare and 8090 sq metres and this time around suddenly whack it up to four hectares. That is significantly difficult for people in that arrangement and I'm saying that we in fairness need to retain it. Not give them any more but that they retain the rights that they have at the moment. This amendment again I say, says that what subdivision rights are presently held should not be taken away. That's what this particular amendment is about. It is probably repetitive of a number of things I've said before but we are now at the stage of deciding upon it.

MR I BUFFETT

Thank you Madam Deputy Speaker. I'm sure the Honourable Minister wasn't trying to mislead this House or the community because what exists at the moment is absolutely this. There is no subdivision in those areas or 8090 or 1 hectare or 2 hectares minimum that the minister referred to because one of the very basis upon which the whole planning regime in Norfolk Island was revived and one of the main hue and cry of this community of Norfolk Island was the question of fragmentation of land. So what did the Assembly two years ago do, and mind you, that's two years back. They introduced a moratorium. They put a moratorium on any further subdivision of land so in fact people are not subdividing and have not subdivided and under the present arrangements and the law that exists at the moment, will not subdivide to those before July of next year because that is the current extended moratorium that have applied to I don't think it is correct to say that we are retaining their ability. However, if we are of a mind to revert back to those old areas, then we are certainly going to see a fragmentation because one of the key issues I think we as an Assembly need to be adult enough to comprehend, that we are dealing with planning issues, we are dealing with the development of Norfolk Island and we cannot keep proposing

moratoriums and then saying that we are retaining their right to do things because we are not. The simple fact is that it is in the plan as the minimum areas and then what did the Ninth Legislative Assembly do. They put a moratorium on it. The moratorium was continued. In fact it was extended twice. It is currently extended through and as I said, I think until March July of next year so there was never any intention to let the land be fragmented. What this new plan does, is it looks at that. It looks at the question of the fragmentation and it says well we think enough's enough in terms of the fragmentation and therefore propose the larger size areas for the rural zones in Norfolk Island and in that way did in effect go someway to protecting the so called rural atmosphere of Norfolk Island. I just wish to make those comments and I reserve the right to make a couple of other comments after some members have spoken just to put some of that in perspective

DEPUTY SPEAKER

Thank you. Further debate on point d)

MR D BUFFETT

Thank you Madam Deputy Speaker I will just make comment in terms of Mr Buffett's earlier participation. The comparison that we are making at this moment is existing plan against proposed plan and the comparisons that I have made are extremely accurate in terms of their comparison. That is the regime that is proposed and that is the regime that is laid down in the present plan to make the two comparisons. The fact that we have a moratorium which is very real I've got to say, does not mean that we have changed the existing plan at all. What it says is that we have put a hold on that particular plan until we go through the process of some evaluation. If in fact it was the aim when that moratorium was imposed to in fact take away significant rights and we just needed an opportunity of time to do it, then we should have identified that at the time that we did it and that was not so identified.

MR I BUFFETT

Thank you Madam Deputy Speaker I do not dispute the accuracy of what the Minister for Community Services and Tourism has said at all. What I am asking people to understand is whilst those descriptions are right the effect of what Assembly's have done is to not allow them to take advantage of that and that will continue because I suspect that if this got up then we are going to have another situation where somebody will bring on another moratorium to prevent subdivision again. Now I think we are at a stage where we cannot, simply cannot continue to do these things and then bung a moratorium on them and that is the whole proposition of this particular comment that I am making.

MR D BUFFETT

I think we also need to put into perspective what the moratorium has covered. The moratorium has covered all subdivisions. All subdivisions throughout the Island. I'm assuming that the moratorium once we have decided what will happen will not be operating for much longer. It will operate under the rules of whatever we decide but this particular arrangement is that whilst moratoriums have been across the board earlier, it is the rural a) and rural b) that is being asked to carry the weight on the way forward. Not the other areas. The others will be able to just go and do as they like so there is some selectivity in the areas that need to carry the burden of some major parts of the plan and I'm saying that if that be the case then people who have rights at present, should not have them diminished. Don't maybe give them any further rights in that context but the rights that they have now should not be diminished and that's what this motion is about

MR I BUFFETT

Thank you Madam Deputy Speaker with all due respect the rural areas always carried that burden. They've always carried that burden of carrying larger minimum areas for the very good reason of protecting or giving effect to the rural atmosphere. The current difference is that I think the community and the then Assembly in their wisdom understood they were carrying that burden and said this, we think that burden should be dealt with this way, that if we were to delay subdivision and you are going to subdivide then of course we wouldn't have a rural area in effect, it would

risk of not receiving assent because of not making provision for compensation or whether if the legislation is assented to we are at risk of compensation claims. Those things do concern me thank you

MR I BUFFETT

Thank you Madam Deputy Speaker. I'm not too sure whether we would be subjected to any claim for compensation because I am not convinced that we are taking a right away for this reason. For two years they have been effectively barred from exercising that right because of the moratorium and that statute bar to the right I am sure if there was to be a challenge would have occurred during the two years coming up three years we have had a moratorium. So that's that issue. I believe that in any planning regime that if such a right was being taken away from people then you would have seen more precedent cases in the courts. I don't believe, I really don't believe that the change of the planning regime and the rezoning of land whilst it is certainly in some jurisdiction if its individual blocks subjected to separate appeals provisions, to change the total planning regime for the whole of the area, for example if it's not the whole of Norfolk Island but the whole of New South Wales, in my experience is not appellable and I don't think they're taking a right away from them and I really cannot see where any claim for compensation is going to arise in that particular aspect.

MR NOBBS

Thank you Madam Deputy Speaker. I understand where this amendment is coming from but if we take a step back and look at a couple of things. The initial proposal in the plan was in the rural area for ten hectare or twenty hectare subdivision and that was put out to the public and I thought a compromise has been set on the ten acres or five hectares and I'm prepared to go along with that. I mean, there have been some complaints about the ability of leaseholders who transfer from leasehold to freehold immediately being able to subdivide that land and it will in particular areas probably start to really scar the area if it is subdivided into smaller blocks, but it is interesting that one of the main complaints I had was in relation to absentee landowners and I was attacked by one recipient of a bill over the phone in that how come you've valued the leaseholders in 1996 terms and you've belted us with the right up to date ones, what's happening. So I just throw that in as an aside but I guess as far as I'm concerned I won't support the amendment although I understand where the amendment is coming from. I'm not supporting it because on the other side of the coin there are people on the Island in general, and that's where it might be a bit difficult to say well the rural people are being dictated to by the rest of the community and obviously there's more of them and less of us, but I do believe that the general consensus of the population is that we need to look at a larger subdivision area if we are going for subdivisions at all and I thought that the ten acres was a compromise that was worked through by the planners and I'll support that although as I say there is considerable concern that we will be splitting and I think they're right, once a leasehold block becomes freehold I guess they can actually subdivide once this plan is in place and they've achieved their transfer, well to me that's their good luck I guess and I don't think we are in a position to penalize them although I think the ten hectare original subdivision proposal was designed to stop subdivision all bar one or two blocks in the rural area so that's my position and I can't support the amendment per se

MR GARDNER

Thank you Madam Deputy Speaker. The question of subdivision is always very emotional but I think I've said both in this forum and in our informal discussions at MLA's and certainly was very much aware of your concerns of the fragmentation of land on Norfolk Island but one important aspect that we must consider here is that under the provisions of this new proposed Norfolk Island Plan any subdivision must comply with the aims and objectives of the Norfolk Island Plan so in other words just because you have a block of land that can be subdivided doesn't mean that it will be, even if you apply because it depends on what it has been subdivided for as to whether there will be an approval forthcoming and it must comply with the aims and objectives of the plan so that in itself is somewhat of a safety net. However to return to

the Plan itself and how it's been handled and where we came to deciding upon what would be appropriate subdivision standards and Mr Nobbs has quite rightly pointed out that there was an initial proposal which was twenty acres I think in rural area, which seemed a little over the top but that was first reaction to concerns over subdivision on Norfolk Island and that's been modified and we've come back to what we are considering proposed by the Minister in the Plan but I need to say that fragmentation was one of the biggest concerns when it came to reviewing the Norfolk Island Plan, how we were going to go about addressing that and we've had the moratoriums imposed. There was a genuine desire to want to see things like tourist accommodation that seemed to be going on in a higgledy piggledy fashion all over the Island, more centralized. Provision of services more centralized and brought in line to where the sewerage scheme was a closer to services so that the Norfolk Island community weren't faced with excessive costs for the provision of services to the more outlying areas that had the potential to be significantly fragmented and we've dealt with that and when you go through a process like that there's winners and there's losers. Mr David Buffett in his amendments today is looking to have a slightly larger win for some or in his words to retain what rights are already there and more some others who don't currently have that right, not to be given the same rights that everybody else seems to enjoy in those areas and I have a certain amount of sympathy for those views however, I don't support the amendment. At the same time I would like to cover a couple of Mr Brown's concerns as far as technical breaches of the Norfolk Island might be concerned and claims for compensation. I guess my short answer to that, I'm no lawyer, but I believe we've already seen that tested. We saw it tested in 1996 with the making of the Norfolk Island plan which by the adoption at that time of that plan took away what could have probably been considered some existing rights at that time, but that legislation, attendant legislation to the plan received assent by the Commonwealth and I don't see that this would be any different

MRS JACK Thank you Madam Deputy Speaker. Very simply my views on the plan as a whole and the amendments as they've been issued have not changed in February, April and June with the presentation of the plan and amendments. My reason for not agreeing to this amendment is that as stated by just about everybody in this room, it's the fragmentation of the Island that has been of major concern to many of the people that live here and that this proposed amendment would actually see more blocks being able to be subdivided than the proposed plan would give and it is for that reason that I would not support the amendment.

DEPUTY SPEAKER Thank you. Further debate. No. There being no further debate I put the question that point d) be voted upon

QUESTION PUT

Would the Clerk please call the House

MR BUFFETT	AYE
MR GARDNER	NO
MR DONALDSON	NO
MRS JACK	NO
MR IVENS BUFFETT	NO
MR NOBBS	NO
MS NICHOLAS	NO
MR SMITH	NO
MR BROWN	ABSTAIN

The result of voting Honourable Members the ayes one, the noes seven, abstention one, the amendment is not carried.

We then come back to the original motion.

MR NOBBS Thank you Madam Deputy Speaker I have a concern and it is in relation to an issue which I've brought up for several months now and it relates to the definition of the Kingston and Arthurs Vale Conservation Area which I think the Minister accepted that there was a need for an amendment to bring it into line with the KAVHA Memorandum of Understanding because there's a line and a half actually missing out of the definition within the plan that I have. The Minister said that he was going to make a Speaker's amendment, well the Speaker just got rolled. I was just wondering what we by the Speaker's amendment

MR I BUFFETT Thank you Madam Deputy Speaker my recollection was that the September sitting and having this matter raised by Mr Nobbs on a number of occasions I in fact tabled the corrected amendment and asked at that time that that be included as part of the Speaker amendments so that what would happen is that when the plan is in place, that correct description is engrossed in the plan which fixes Mr Nobbs problem with the description including the line missing in the Plan. Now I did table that corrected description

DEPUTY SPEAKER Yes I do believe the Deputy clerk has gone to retrieve that document

MR NOBBS Thank you Madam Deputy Speaker my second concern is in relation to the Plan. I know that is a full page in the paper last week but the plan has been tabled and they are wrong in relation to this particular matter. Is that a problem

MR I BUFFETT Thank you Madam Deputy Speaker if I might explain that the actual coloured maps were tabled at the same time as the original written document in February. Madam Deputy Speaker it was foreshadowed in February that there were a number of minor amendments that needed to be made to those particular coloured plans. In respect of the one that Mr Nobbs has drawn to our attention if it is a view of the fellow members that we pass this plan today, two things will occur. We will embrace the speaker's amendments, the list of which I tabled back in April or June and we now have the ability in terms of that description which Mr Nobbs tells me is incorrect on the coloured plan, we will reprint that plan to reflect those amendments that have been caused by the alterations to the words but we couldn't keep changing the actual draft plan or the coloured maps until we had reached that finalisation. I can advise that if and when we do pass this plan this afternoon, shortly thereafter I will be able to produce a clean plan of the size you see there because of the things that the land initiative has done, during that interim period and listening to what the Members are calling for and the community are calling for. We have facilities now within the Registry Office to produce those plans and to produce other copies of the plans and the various sheets that make up the actual maps of the plan

MR NOBBS Thank you Madam Deputy Speaker I've just looked and it is the correct one I believe. My concern with the maps is this, in 1996 the issue had a serious mistake in it and we don't want to repeat that serious mistake and if it can be fixed without further ado I shall shut up

MR I BUFFETT Thank you Madam Deputy Speaker I certainly hope that that's what we will be able to do and we are fully aware of the piece of yellow that was missing off the 1996 map and the heartache it caused a number of people in respect of that particular issue and in that regard I certainly have spoken to staff and depending on what happens this afternoon and the following passage of legislation we

have put it through a great deal of scrutinisation and then hopefully we will get it correct this time

DEPUTY SPEAKER Further debate before we put the motion. Then I put the question to you that the motion as amended by points a) b) and c) be agreed

MR BROWN Point of Order. There are some further amendments as I understand, proposed by Mr Buffett is the first thing and the second thing is, are you intending to put an amendment to us as an amendment or are you intending to put the whole plan to us for agreement because if you use the words that the motion as amended be agreed that is approving the plan

DEPUTY SPEAKER My understanding is that we have passed point a), we have passed point b) and we have passed point c) but point d) was not supported

MR BROWN We are at the stage of deciding whether to agree to the Plan

DEPUTY SPEAKER We are at the stage of deciding whether or not to agree to the plan. The original motion as has been amended today by points a) b) and c)

MR NOBBS Thank you Madam Deputy Speaker could you read it. Is that appropriate

DEPUTY SPEAKER By all means. It is lengthy.

MR BROWN Madam Deputy Speaker could I clarify something for the sake of the Hansard. I abstained from voting on the last vote. At the time I didn't realise we were voting on what is on the second page of the blue paper but at the stage of the second page of the blue paper I had intended to disclose to members that my wife is the owner of leasehold land and that for that reason I would not be voting on that part either. As it happened no harm was done because I abstained

DEPUTY SPEAKER I understand Mr Brown. Thank you for your clarification. I have been requested to read the motion as it presently stands. We are talking about that this House, in accordance with section 10(4) of the Planning Act 1996, resolves to approve the draft Plan as laid before it with the following alternations, a) alterations made by the executive member; b) is then deletion of all reference in the plan to community title and c) transfer of the appropriate objectives and protective provisions, proposed for the area of the coastal and cliff environment, to each of the zones which contain portions of coastal land, and consequent withdrawal of the Coastal and Cliff area from the planning map

MR NOBBS Thank you Madam Deputy Speaker

MR GARDNER Thank you Madam Deputy Speaker just for the sake of clarification if I can. Mr Nobbs raised the question of the definition of the KAVHA boundaries and the definition as it appeared on the map. I just want to clarify that the Minister had given an undertaking the those issues would be dealt with. Are they being considered as the changes that are being referred to in this motion. Are they one of the changes that the executive member would have made in tabling his paper last month

DEPUTY SPEAKER They are indeed. They were included in that. The papers are here and Mr Nobbs was shown those papers when he raised his theory

MR GARDNER Thank you Madam Deputy Speaker

MR NOBBS Thank you Madam Deputy Speaker I thought there was an agreement to allow these to sit on the table because the Planning Bill has some amendments to it and also the Planning and Environment Bill which have not I believe, been made available to the public so I thought we were going to leave it for a month and if Mr Buffett's got nothing to do in the next few weeks well he can get started on the constitution

MR I BUFFETT Thank you Madam Deputy Speaker I would love to do that but I'm sure Mr Nobbs would want to be sitting with me

MR BROWN Madam Deputy Speaker I have a clear recollection of an agreement between members that some of these changes are reasonably substantial and the community should be able to have the opportunity to consider them, even if as we know, very few people are likely to actually do that. The opportunity must be there. Now I don't greatly care whether the sitting is on the 20th November or whether we bring the next meeting forward by a week to the 13th November, I have no difficulty with that

MRS JACK Thank you Madam Deputy Speaker I think Mr David Buffett just indicated that he has trouble with that date. I would like it brought forward to the 6th November to a clear meeting on its own and then go on with the meeting on the 20th November

MR I BUFFETT Thank you Madam Deputy Speaker perhaps we should have a head call to see which members are going to be here. Perhaps a vote or what members commitments are. I know at least one or two members have some commitments during this interim period and I'm happy to comply but what I would like to emphasise is, it seems to me the more we leave these things the more the week stretches. We revisit things over again and somebody has yet again come up with a new beaut idea for us to go on with yet another debate. I think we are at a stage where we need to finalise this package

MR GARDNER Thank you Madam Deputy Speaker may I suggest that rather than try and run around and decide on a date on the run that I think it's been fairly indicated that there's a desire by members if we can to come back earlier than the proposed date, that we deal with that in the normal fashion with three signatures of members when that has been decided upon and we are all aware that all members are going to be present

MR BROWN I think there is another procedure that may be open to us. I think that we have in the past adjourned to a date to be fixed by the speaker rather than adjourn to a specific date and perhaps in that fashion we can pick a date that can handle the November meeting but also achieve the Ministers aim to bring this on as quickly as possible and I think we should steer clear of holding additional meetings unless it's absolutely essential. It does involve a lot of work for staff

DEPUTY SPEAKER Given the date of the 13th November which was Mr Brown's original suggestion that does allow the papers to lie for a month if that meets with your approval. For the Speaker to make a decision, is that

consensus. Thank you. The matter rests in the Speaker's hands then. Mr Buffett I seek an appropriate motion in respect of the Bill

MR I BUFFETT Thank you Madam Deputy Speaker I so move that the package of Bills referred to on the Notice Paper being the Planning Bill, the Planning and Environment Board Bill, the Heritage Bill, the Subdivision Bill the Roads Bill, Trees Amendment Bill, Land Titles Amendment Bill and the Building Bill all of 2002 be adjourned and made an Order of the Day for a subsequent day of sitting

DEPUTY SPEAKER I put the question is that this matter be adjourned and made an Order of the Day for a subsequent day of sitting

QUESTION PUT
AGREED

Those matters are so adjourned

UPGRADING OF ROADS OTHER THAN PUBLIC ROADS

MR BROWN Madam Deputy Speaker we have dealt with this to some extent on an earlier occasion and members will recall that the purpose of the motion is to get started on resolving the situation in relation to those roads on the Island which are not presently accepted as public roads and maintained by the Administration but which nevertheless involve a reasonably substantial number of blocks of land and a reasonably substantial number of individual people which present the problem of funding of recurrent maintenance and funding of any necessary reconstruction and in the long term the funding of maintenance and without the funding of maintenance the reconstruction doesn't occur. I seek leave though Madam Deputy Speaker to amend my motion by deleting from lines five and six the words "pro rata according to the frontage of each such portion to the particular road" and inserting the words "on a basis to be determined". The motion would require a Bill to be brought to the House and the responsible Minister would need to come to a conclusion as to an appropriate basis for the funding to be determined on and the Minister can obtain such advise as may be appropriate in relation to that my main aim is to get the motion passed so that the Minister can decide precisely where in his list of legislative priorities the drafting of the Bill should be placed and get on with the task of working out the most appropriate mechanism to insert in that bill to provide for the necessary funding, thank you

DEPUTY SPEAKER Thank you Mr Brown. Leave for the amendment is granted. Debate Honourable Members

MR NOBBS Thank you Madam Deputy Speaker I still retain concern in relation to this motion. I gave the Minister responsible, Mr Ivens Buffett, a list of my concerns at the last meeting and I believe I can't support this until the following have been clarified. How many roads are there, who actually owns the roads, is it proposed that the title to portions on which the roads are located will transfer to the Administration on completion of the required works; what standard will be required; what is the proposed payment procedure by adjoining landholders; will there be a deposit required before work commences; how will the programme of private road upgrade be worked out; will there be a potential for considerable amount of Administration funding being tied up in such works and will the programme be equitable to both landholders and the Administration and is the proposal actually achievable. I would have thought that the executive member could be asked to bring back a proposal to achieve these things but I

have difficulty with the bill at this stage because it appears that we have a fait accompli situation. I think all those sort of issues need to be worked through and I appreciate that people have actually bought land and live on private roads which are not up to standard. I appreciate that people are unable to come to arrangements with their neighbours to upgrade the roads to a level acceptable to the Administration but I still believe that this issue should be gone through fairly stringently and there should be some considerable comment from those involved in the issue before the upgrade of such roads occurs and then the ongoing transfer of such roads to the Administration and at this stage until I have all these details I can't support the motion

MR BROWN I just wish to point out that the motion calls for the drafting of a bill for an Act to allow the Administration to do certain things, not to require the Administration to do certain things and it obviously would be within each years budget process to decide whether or not the upgrading of certain roads or the maintenance of certain roads could occur

MRS JACK Thank you Madam Deputy Speaker I will first declare my interest in that I have a house on a private road and I too have given the minister a list of my concerns over issues on private roads. A concern that does concern me greatly though is the fact that the private roads on the Island all have public access and it is the Administration's vulnerability if you will in the private roads that have public access and I suppose the financial liability that could occur if an accident was there, the ramifications of being seen to know that roads are in poor condition. It is a real powder keg I think Mr Nobbs and I agree with you but at the same time I am concerned for those not resident as well and the safety issue

MR NOBBS Thank you Madam Deputy Speaker I appreciate that. I don't want to keep looking towards Canberra out the window but I just wonder what the responsibility of the Australian Government is to actually approve the majority of these subdivisions in this particular activity and what the responsibility of the landholder is who owns that portion of land if people access it and whilst it is a difficult question and it's been around for years, I think one that I can recall was done in the '60's and I'll have to ask the Minister, he knows all about lands where the oldest ones are but I would suggest that they've been dumped for quite a few years and it should come to a head but we should, I believe, look at it with all the information that's available. How many roads are there, can anybody tell me

MR I BUFFETT Thank you Madam Deputy Speaker the list of seventeen topics that Mr Nobbs handed me at the last sitting, each one of them have topics. The simple point is that we haven't yet been able to put the big picture. There's bits of it coming together. I don't recall off the top of my head how many roads there are but I do recall that it was tabled in this house in answer to a question previously so it should be in Hansard somewhere and I will check with the office of the clerk to see where that sits. There's a couple of other things now coming out of the woodwork and that is the question we touched on of acquisition. Subdivisions, some of them go back to the '40's where people have actually drawn lines on plans and filed them and they became subdivisions. We went through the family subdivision period, we went through the period prior to '72/73 where we at least had a criteria for subdivision which was the old Coldham Plan and then we went through the period where the policy was introduced in conjunction with the then Council of the day and continued with the early Legislative Assembly where the subdivision creating two or more portions the access was deemed to be a public road and so there's a few combination of those quaint little issues that we have got to come to grips with when we are dealing with this situation that Mr Nobbs has raised and in particular Mr Brown. There are some other issues that fall within this category where subdivisions have been approved subject to portions of land or setbacks in terms of being able to build to allow people access by foot and to allow access – and these are some of

the other areas to discuss, so there's a range of issues that we need to look at when we unleash this concept and it is now a question of have we acquired or are we raising the question of acquisition or should be raising the question of conveyance because the approval was subject to all these sorts of issues. We touched on a couple of them a couple of times in this House early in the life of this Assembly but it is not an easy matter to sit down and tick off the answers one to seventeen because each time we pick one up we find there is yet another problem attached to it. I agree with Mr Brown as I think his motion is saying I think it's time we addressed these issues and brought forward legislation but in that process there will need to be quite a considerable package of decisions that arise out of this that this Legislative Assembly will need to make. So at the moment we are looking at dealing with each of the matters that have been touched on; then to identify and make policy decisions in respect of each one of them. When we've ticked off on that process we will then need to decide to legislate for that and the legislation will then develop along that line but there are certainly a number of interesting policy decisions that we as an Assembly will need to make. I'm sorry that was so long winded Mr Nobbs but that's the sort of can of worms that's been unleashed by this episode

MR NOBBS Thank you Madam Deputy Speaker I don't really want to vote against it. I would prefer it left on the Notice Paper and we start getting some information to us, that's my preference

MR BROWN I would be happy to seek leave to make one further amendment to accommodate Mr Nobbs' view and that would be to remove from the second line the word "introduce" and to insert in its place the words "prepare a white paper in relation to introducing a Bill" . Now that gets away from the need for the draftsman to get involved at this stage. It has the same requirement for policy input from within the service and perhaps achieves what Mr Nobbs is asking us to look at

MR NOBBS Thank you Madam Deputy Speaker I accept that, no worries

DEPUTY SPEAKER We have two amendments to that motion which I'll put in a moment. Further debate? Then I will put the first amendment which Mr Brown sought to delete the words "pro rata according to the frontage of each such portion to the particular road" and inserting the words "on a basis to be determined"

QUESTION PUT
AGREED

That amendment is agreed thank you.

The second proposed amendment is to remove from the second line the word "introduce" and to insert in its place the words "prepare a white paper in relation to introducing a Bill"

QUESTION PUT
AGREED

That amendment is agreed thank you

The motion now reads that this House requests the responsible executive member to urgently prepare a white paper in relation to introducing a Bill for an Act to allow the Administration in relation to roads other than public roads maintained by the Administration to upgrade such roads to a satisfactory standard and to make a charge to the owners of land serviced by such roads on a basis to be determined such charge

being the Administration's actual cost without markup being applied to any component of that cost and provided that the Administration shall thereafter maintain such road at the Administration's cost

QUESTION PUT
AGREED

The motion as amended is so agreed thank you

ORDER OF THE DAY NO 12

MOBILE PHONE PROPOSAL

Honourable Members we resume debate on the question that the amendment proposed by Mr Ivens Buffett be agreed to in principle and Mr Donaldson you have the call to resume

MR DONALDSON Thank you Madam Deputy Speaker at the September meeting I introduced a motion to give effect to the wishes of the people of Norfolk Island as expressed at a referendum on the 21st August 2002. Effectively if that motion, if passed in the form submitted will stop the current proposal to introduce mobile phones to Norfolk Island and limit the existing trunking system to the existing numbers. An amendment to my motion was proposed along the lines that should an alternative cellular system become available at a more acceptable cost, that alternative be examined and considered for introduction. Speaking to that amendment I note that it talks about an alternative cellular system and I don't see that that amendment changes the original motion in any substantial way. The original motion was only intended to apply to the proposal for cellular mobile phones that was in progress when the referendum was called. It is not my intention at the moment to proceed with an alternative mobile phone proposal in the immediate future as I believe we must be guided by the referendum results however I do note that there has been a lot of activity amongst various sectors of the community supporting the introduction of mobile phones. I will be supporting the amendment to my motion as I see it as emphasizing and perhaps clarifying part a) of the original motion

MR BROWN The community spoke and it did so quite clearly. I can't see any justification for us to even consider acting in any way other than in accordance with the result of that referendum so I do not have a difficulty with the Minister's motion and I don't have a difficulty with the proposed amendment save to say that I expect it is part of the consideration of any other proposal we would look to the question of whether that proposal should be submitted to referendum before it is proceeded with thank you

MR NOBBS Thank you Madam Deputy Speaker I won't be supporting the amendment. I believe as I said at the last meeting, the people spoke and it was 62% and that's it and if at some further track down the line something else comes along then it should be put to the people then but I don't think we should compromise it by the words should and ought. The referendum said no cellular phones so that's it for me and I won't be supporting the amendment thank you but I will be supporting the motion if that amendment is not included

MR GARDNER Thank you Madam Deputy Speaker as members will be aware I wasn't at the last sitting of the House and I guess that the motion surprised me somewhat when I came back and read Hansard and the proposed amendments from Mr Ivens Buffett. My view is not too dissimilar to Mr Nobbs view in that regard. The community have spoken. I've said around this table in the last couple of weeks on a number of occasions and certainly to people in the community that my view is for this House to go against the wishes of the people of Norfolk Island as far as the referendum is concerned leaves us open to immense criticism in relation to another matter that we are currently toying with at the moment, that is the electoral issue. One of our greatest arguments is the value of referenda that this community has decided on in rejecting the moves by the Commonwealth to seek changes to our electoral regime and for us to thumb our nose at the community over mobile phones would leave us in a precarious position and certainly open to significant criticism by the Commonwealth. I am perfectly aware of claims in the community that maybe the community weren't armed with the correct information and maybe if the question was put again today there might be a different outcome. Well so be it. It leaves it open at any time to go back to the people and provide them with the right information but I guess at the end of the day that's a failing on our behalf if we were confident that the Norfolk Island Government and Legislative Assembly as a whole wanted to pursue we should obviously have made a better job of the information we provided to the community. That aside I would support the first part of the motion. I tend to believe that decision has already been taken in this Legislative Assembly's view in remodeling our view to Networking the Nation seeking to expend those funds on other matters for upgrading communications on Norfolk Island in other words, connecting people who need to be connected on the Island and utilising those funds for that purpose. The second part of it b) I'm a little disappointed to it being attached to the motion that is, that no further upgrade be undertaken to extend the capacity of the existing trunking mobile phone system and that no further subscribers be connected because by tying it into the introductory remarks of the motion I believe that's terribly misleading because those introductory remarks having response to the wishes of the people of Norfolk Island as expressed in a referendum of 21 August 2002 this House resolves. Well the community as far as I am aware did not express any feeling one way or the other in response to the trunking mobile phone system on that day so I don't know if that was attached out of spite or something but that is just a nonsense to me and I certainly know that in the proposals in Networking the Nation there has been agreement or subject to the passage of this motion that that system be upgraded by doubling the number of channels in trucking mobile phone system under the new proposal to Networking the Nation and I understand that this is somewhere in the region of 900 phones that could potentially be connected to the trunking mobile phone system that operates at the moment with only 300 phones working through four channels which obviously causes some problems. As far as the proposal by Mr Ivens Buffett on the alternatives need be considered. Certainly if in the future there is an alternative to consider I'll consider it but I don't think it needs to be attached to a motion of this House and I won't support that at this stage, I would wait to see the content of any alternative but certainly not to consider the introduction of an alternative at this stage thank you

MRS JACK Thank you Madam Deputy Speaker I have no problems with the amendment or the amendment to the amendment. My problem lies with part b) that no further upgrade be undertaken. I was of the impression that there had been a change to the application to Networking the Nation actually applying for more equipment for the upgrade. Was that not the case. That they went away with a shopping list

MR DONALDSON Thank you Madam Deputy Speaker what's happened we had a grant offered to us of \$1.09m for use in installing a mobile phone system in Norfolk Island. That grant was tied to a mobile phone system. We are now in the process, and we haven't put in any application yet, to say if we decide today not to use those funds for the mobile phone system then we will be putting in an application saying that we will not be putting in those funds for a mobile phone system, we would like to use them for the infrastructure upgrade of the normal telecommunications system on the Island which had we gone ahead with mobile phones would not have needed the upgrade to such an extent because the mobile phones would have taken the pressure off the existing land line system. We have actually engaged a consultant firm called Gibson Cray and Co and an officer came and addressed us just last week on the proposal and how we should put it together. I don't really want to go into the proposal too much as it is really commercially confidential information at the moment. I don't think it is right for Networking the Nation to hear over the radio waves about a proposal that is about to come through to them. I think they should get it as an application from the Norfolk Island Government not hear rumours about what's going into it so I won't comment on the components of it or the upgrading of the mobile trunking system whether that's in it or not. The truth is it hasn't been decided yet what is in it and what is not in it. We are tactically preparing our best case possible using whatever resources we can from the consultants and he is also in consultation with the Networking the National officials and it has to be done within a week. That's just an answer to the question a couple of members have raised about whether the trunking system will go ahead or not. The Chief Minister was concerned about whether the second part of my resolution that keeps the trunking system limited to the size it is. I have no difficulty in doing that. In fact there has even been discussions handed around the MLA's table that perhaps the trunking system should be reduced to what was originally designed for an that was an emergency service system and not have commercial operators use them although that decision certainly hasn't been taken at the moment. Should we actually upgraded the trunking system and when the Chief Minister talks about dubbing a number of channels, it's going from four channels to eight channels, that means there will be eight conversations going on at the trunking system at any one time. Should that go ahead it effectively circumvents the wishes of the people as expressed by referendum and I think that is what we should listen to. What the people told us about mobile phones. Even though the referendum said do you support the installation of digital mobile telephone system on Norfolk Island and I think technically the trunking system is outside the digital range but I think we have to look into what was really said by the people on Norfolk Island and 62.6% of those who voted actually said no to a mobile phone proposal, we must sit up and take notice

MR GARDNER Thank you Madam Deputy Speaker yes just to clarify that my introductory remarks in debate I said over the upgrading of the

trunking mobile phone system that it was subject to this motion's passage as far as the funding to Networking the Nation. I'm a little bemused I guess by the Minister for Finance's words about upholding the views of the community as far as mobile phone systems is concerned but at the same time he is prepared to consider an alternative mobile phone proposal. I'm just a little confused by that

MR DONALDSON Thank you Madam Deputy Speaker if I could just clarify my considering a further mobile phone proposal. That would be as Mr Brown suggests, as a result of another referendum and it would be after a respectable period of time had lapsed between this proposal and the next one. I mean, the issue is not dead. There's a lot of activity out there. A lot of people are actually now coming out and saying we wish we had known more information we might have voted differently and convinced our friends to vote differently. I don't think the issue is dead but it's certainly dead for the next six to twelve months and then it's subject to the wishes of the people

MR D BUFFETT Thank you Madam Deputy Speaker. I think in a couple of the components of the motion that's in front of us there's an element of guesstimation. There's an element for example of guesstimation as to whether there may be an alternative cellular system. Whether the might be something available that is more acceptable. We are talking about alternatives now. There are still some question marks about the existing trunking mobile phone arrangement as to how well it can operate given its state of technology and capacity but the one constant thing that is very clear is the first part of the motion. Let me go back to the words of the referendum. The referendum question asks "Do you support the installation of a digital mobile telephone system in Norfolk Island " Yes or No. Most said No. the first part of this motion says this, that in response to the wishes of the people of Norfolk Island as expressed in the referendum of 21st August 2002 this House resolves not to proceed with the current proposal to introduce cellular phones to Norfolk Island. Now if you look at that part of the motion, that is the part of the motion that responds to the referendum question. My own comfort about this particular motion is to say just that. I'm not saying that you shouldn't address the other matters when you have all of the guesswork taken out of it or all of the estimates taken out of it. Some of it may be inevitable as to what might happen with the trunking telephone system but if in fact you want to demonstrate to the Norfolk Island community that there is a response to the referendum that's all I think we need to say. We are introducing other matters which is only adding further controversy. We need to focus on what this motion is about. If it is aimed to demonstrate a response then lets demonstrate the response. If you want to draw in half a dozen other matters to start to cloud the waters well I think that's just what it does. It clouds the waters. I would prefer we just have that first part of it and make that response to this referendum and I'm happy to move an amendment again to reflect that but, give that some thought

MR NOBBS Thank you Madam Deputy Speaker I was just about to move an amendment there to delete all words after "Island" the second time occurring. I think that is what you were saying

MR D BUFFETT That's exactly what I am saying

MR NOBBS That's what I believe too. You can delete "a)" as well if you like and forget about the rest of it

MR D BUFFETT You would tidy it but it means the same thing

MR NOBBS My concern is that other issues are coming up about the different phones and these sorts of things but they are a separate issue and if we pass a motion and it's defeated now, what implications does that have. I'm madly trying to look through Standing Orders – 119 Toon you must be right up to date with that – which allows a certain time after a motion is defeated that you can't reintroduce it

MR GARDNER Thank you Madam Deputy Speaker may I respectfully suggest that those Standing Orders do allow for that. I also understand that there is an ability to be able to rescind the motion and deal with it accordingly but for the information of members I certainly would support Mr David Buffett's proposed amendment as obviously supported by Mr Nobbs as well

MR D BUFFETT Thank you Madam Deputy Speaker if it would expedite matters I would formally move that, that all words after "Norfolk Island" second occurring are deleted and the previous part which is bracketed a) be equally deleted and therefore it would leave the motion in this form "that in response to the wishes of the people of Norfolk Island as expressed in a referendum on the 21st August 2002 this House resolves not to proceed with the current proposal to introduce cellular phones to Norfolk Island"

MR BROWN I move that the question be put

DEPUTY SPEAKER Mr Brown thank you. We have before us what amounts to two amendments

MR BROWN Once you have dealt with Mr Buffett's amendment you may have dealt with the whole issue

DEPUTY SPEAKER Mr Buffett you seek for us to deal with your amendment first

MR D BUFFETT I think it might be expeditious if members are comfortable with that approach

DEPUTY SPEAKER I put Mr Buffett's amendment first. In other words we disregard c) as it appears on our sheet and we proceed to the motion and we delete all words following Norfolk Island second appearing which is in the second line under dot point a) and we remove reference to dot point a) "that in response to the wishes of the people of Norfolk Island as expressed in a referendum on the 21st August 2002 this House resolves not to proceed with the current proposal to introduce cellular phones to Norfolk Island"

QUESTION PUT
AGREED

MR DONALDSON NO

Then I would imagine that there is no point in proceeding with ...

