

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

CONDOLENCES

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

MS NICHOLAS Mr Speaker, it is with regret that this House records the passing of Norman John Simpson on Friday 28th June 2002. Norm, born on the 27th May 1929, was a quiet, hard working man who loved to be outdoors. In his life in New Zealand he was a successful farmer where, together with Bev, he ran a top producing dairy herd. A man of habit and a stickler for being on time, Norm was a member of the school committee for many years; he had involvement with the A & H Society and was a poultry judge. He was also made an Honorary Member of the Hospital Auxiliary. Norm was a great provider for the family, his veggie garden was always full and the firewood is stacked ready for the years to come. Norm and Bev met here on Norfolk Island and were later married in New Zealand in March 1955, returning to Norfolk later in 1990 where Norm worked for many years with the Australian National Parks and Wildlife Service. To his wife Beverley, his children Lorraine, Ross, Peter and Robert, his grandchildren Chris, Carl, Kelly, Shaye, Scott and Taylor, and Norm's family, this House extends it's deepest sympathy.

MR SPEAKER Thank you Ms Nicholas. Honourable members as a mark of respect to the memory of the deceased, I ask that all members stand in silence please. Thank you Honourable members.

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

MRS JACK Mr Speaker I think this would be addressed to the Chief Minister in that he carried the legal portfolios. Regarding employment contracts within the Administration and GBE's, what procedures are in place to ensure that the original, that is the master contract and any and all copies made are true copies, that the employer and the employee each have true copies of that contract and is there a third copy stored as a safety measure

MR GARDNER Thank you Mr Speaker I'm not meaning to sidestep the question but I believe it would be a more appropriate matter addressed to the Minister responsible for the public service in that contractual arrangements and employment matters are matters under that minister's portfolio. However, I'm sure that I can get a definitive answer to that reply for Mrs Jack from our Legal Services Unit in conjunction with the Minister when the Minister is appointed

MR BROWN Mr Speaker I direct this question to the Minister for Finance. Can the Minister advise what progress is any has been made in relation to the introduction of compulsory third party motor vehicle insurance

MR DONALDSON Thank you Mr Speaker there has been progress made on the introduction of third party motor vehicle insurance although it hasn't reached the stage where it has materialized into any fixed requirement for persons owning motor vehicles to take out third party insurance. The way, the direction the matter is heading in at this moment is that the initial thrust will be for people to take out what is now available as third party insurance with the local agents and present that evidence with their registration although this is not yet a requirement. The second stage of the third party motor vehicle insurance scheme is to then increase the cover from what's being offered now and making it compulsory for all vehicles to have third party motor vehicle insurance but that has been a difficult area because of the difficulties in the insurance industry It's a costly area and it's also a resource hungry area but the matter is slowly being progressed

MR GARDNER Thank you Mr Speaker just in addition to that. I'm aware that the Registrar is preparing drafting instructions for the legal draftsman to prepare amendments to the necessary legislation to put into place what the Minister has reported to us this morning

MR NOBBS Thank you Mr Speaker a question for the Chief Minister. Public liability has proven to be of concern for some time. What progress have you made in relation to this as it applies to the Norfolk Island situation and is it proposed to legislate for a ceiling

MR GARDNER Thank you Mr Speaker in recent weeks I've circulated to members copies of both Queensland and New South Wales legislation that are now Acts in both of those States, seeking some comment from members on that so that we are able to advance our own case on Norfolk Island and set appropriate limits if that is the feeling of this House, or appropriate caps on public liability payouts. It is my proposal that we will as soon as we have a full complement in our Legal Services Unit hold more meaningful discussions between legal Services and members of the Legislative Assembly in relation to that to prepare our own legislation in that regard if it is felt necessary by members of this Legislative Assembly

MR NOBBS Thank you Mr Speaker I ask the Minister for the Environment, Minister is the policy of previous Governments to have a veterinary survey of Island stock each five years still in place as a policy of the current Government and if so, when is it proposed that the next survey will occur

MR I BUFFETT Thank you Mr Speaker I have not been aware of any particular change to that policy. On the prompting of Mr Nobbs' question I will certainly take that up with the Stock Inspector and the director responsible for the stock programme and see where we sit with that particular topic and perhaps more fully report to him at the next sitting or before then. Mr Speaker, just before we finish and I do understand that there is the annual muster taking place in the first week in September so in terms of achieving that we may be slightly late to do that but I will take that on board

MR NOBBS Thank you Mr Speaker a question for the Chief Minister. Has the proposed to provide for new arrival departure forms which allow scanning and thus reduce considerably the labour intensive requirement at present within the Immigration section of inputting data by hand, being progressed

MR GARDNER Thank you Mr Speaker I've issued a number of ministerial requests to the Service and in particular to the Executive Director Mr Luke Johnson who has responsibility for Immigration matters in the Service to I guess, for want of better words, bring all of the administrative matters including the forms and papers up to a standard that is more acceptable of today. As far as specifically dealing with scanning of forms, that is certainly something that I haven't considered, but I'm quite prepared to ensure that Mr Johnson is aware of that and to see whether in fact there would be any savings

MR NOBBS Thank you Mr Speaker if I could ask the Minister for Finance who I understand is responsible for liquor, what progress has been made with finalisation of the proposed new Liquor Licensing Act and when is it scheduled to introduce the bill into this House

MR DONALDSON Thank you Mr Speaker yes the Liquor Act has been reviewed and has been given to the Registry in the Administration for comment. They are the officials who administer the Liquor Act. I'm advised as recently as the 10th of this month, the 10th July that they are now awaiting comments from the Liquor Board. Once these comments have been received it will come to the House for consideration

MS NICHOLAS Thank you Mr Speaker. I'm not sure whether this is addressed to the Chief Minister or the Minister for Land and the Environment as it involves the KAVHA area and specifically the removal of the water hyacinth from the Kingston Common ground. My question. Is it the Minister's intention to leave the detritus as it is presently alongside the channels which have been dug clear and is the Minister aware that water hyacinth is good pig food and outstanding compost material and has any attempt been made to inform those who may have an interest that it is available and is the Minister aware that the movement of water through the cleared channels takes large quantities of mud into Emily Bay thus further contributing to the degradation of coral growth and the fouling with resultant health risks of the waters of the bay and what steps does he intend taking to minimize or prevent this occurring

MR GARDNER Thank you Mr Speaker yesterday I received an advance copy of this question and have been able to prepare some notes in response to this. A fairly comprehensive response and I'll deal with it question by question if Ms Nicholas would appreciate that method of attack. Firstly the material or detritus that Ms Nicholas referred to, removed from the drains has been left on site for a period to drain and dry out to reduce in volume and hence reduce the difficulty and cost of removal. Consideration was also had to the real likelihood that the activity of having in place the necessary machinery on site prior to drainage of the area and some drying would have added significantly to the degradation of an already boggy site and contributed to the mud flow that Ms Nicholas refers to, into the bay. This practice was successfully employed on the initiative of the KAVHA Project Manager Mr Puss Anderson on a part section of the drain at the foot of Government House and when the material was left to dry out it was easily removed and there was no cutting up of the surrounding bog site. The plant material was not considered as pig food mainly because the method of removal resulted in significant contamination by other plant material mud and silt. It's use as an excellent source of compost able material is acknowledged and that material will be moved to the site near the dam where similar material has been deposited in the past to compost and decompose for future use and/or use as backfill in the cemetery bay sand pits. Those options will require further discussion with the Conservator prior to any firm decision being made on future use of that material. It was put to the last KAVHA Board Meeting by the Consultant Engineer Mr Harry Golly who is the Consultant Structural and Civil Engineer that it was essential that the water level of the swamp was lowered immediately before it continued to siphon upwards to the point where it endangered KAVHA structures. The Board agreed with this following a site inspection and meeting on the 22 May this year. Subsequent to that a meeting was

held with the Conservator and Mr Puss Anderson and they discussed these points with the Australian Heritage Commission. It was decided to monitor the situation for one month and unless the situation improved then it was decided that the water had to be drained. There was in fact a continuing rise in the water levels during that month. The action taken is part of a longer term plan to re-establish the four filter barricades to allow natural filtration which had become clogged. The action taken was to clear the drains to encourage natural flow. Part of one of the filters had been removed to increase flow without success other than to an area around Government House. It was left to the winter which is now, to clear some water which was expected would contain some mud due to cattle and other disturbance in order to have the filters functioning again as they have for past years before the summer and the natural increased use of the Bay. Natural biological control has apparently been considered over many years but has proven to date to be ineffective in other environments. Options for maintenance of the site with respect to this are apparently still being considered and investigated by the Conservator

MS NICHOLAS In respect of biological controls is the Chief Minister aware of some perhaps more recent information available, if not, I would be happy to provide them

MR GARDNER As I said, that's subject to consideration by the Conservator but if Ms Nicholas has some information that she could furnish to the Conservator on that matter I'm sure he would appreciate it

MR NOBBS Thank you Mr Speaker as you've been involved with the KAVHA Board for five years now Chief Minister, has the KAVHA Board considered a alternate disposal point for the Town Drain as they call it

MR GARDNER That's been considered. I don't believe in any formal fashion but certainly informally on a number of occasions, usually in response to concerns of flood actions that have occurred as a result of inclement weather and the silting of the Bay. There has been informal discussion about rerouting the creek across the Golf Course I understand back out into Cemetery Bay which I understand was a natural watercourse prior to settlement of the Island but I understand the costs involved in doing that are absolutely prohibitive however, I'm sure it's something we could give further consideration too and I'm happy to promote further consideration of that at the KAVHA Board is Members so wish

MS NICHOLAS Thank you Mr Speaker. A question to the Minister for Finance Mr Donaldson in respect of mobile phones. Is the Minister able to inform the House of the present state of play in respect of funding for the proposed mobile phone service and based on current advise, how long before the project will be seen to be breaking even and how long after that will it be seen to be making a profit for Norfolk Island and its people rather than for offshore interests, and is it the intention of the Minister to proceed with the project anyway or will he be prepared to heed the opinion of Norfolk Island at referendum

MR DONALDSON Thank you Mr Speaker and thank you to Ms Nicholas for giving me notice of the question yesterday so that I could do a little research on it. Networking the Nation which is a Commonwealth initiative has provided \$1.09m to Norfolk Island to assist with the establishment of a mobile phone network on Norfolk Island. Our consultants looked into the possibility of putting in a mobile phone network, costed it to be about \$1.8m so that leaves about \$800,000 still to be funded by the Norfolk Island Government should the proposal proceed. Various funding options have been considered but not in any depth due to the forthcoming referendum. The funding options include buying from the Commonwealth the money required or taking in

a business partner who will provide the funds and share in the profits of mobile phones if in fact there are profits there. As to break even, Consultants who did the business plan for us have recommended that a payback period of \$1m or \$800,000 by the Norfolk Island Government is expected to be contributed would be three to four years depending on usage and in doing that they've made some assumptions in their business plan. The first assumption is that the number of subscribers over the first five years. In year 1 they expect 300 subscribers; year 2 500 subscribers, year 3, 600 subscribers, year 4, 650 subscribers and year 5, 700 subscribers. Another important assumption that they've made along the way is what would be the cost of a mobile phone call on Norfolk Island and there would be a cost. They've done their case study on local calls being 40cents per minute. They are timed calls so the longer you're on the phone the more it costs. Calls to Australia they've costed in a \$2 per minute and calls to elsewhere in the world they've costed in at \$2.50 per minute. On that basis they've calculated it as a three to four year pay back. After that we would be in clear water so to speak and our profits would be ours. As to what my proposal would be should the referendum indicate that the residents of Norfolk Island don't want mobile phones, I certainly would not be promoting it past that point but I would bring it back to MLA's so that they would have some input into it but my expectation is that if the referendum was a resounding no then the matter is dead, thank you Mr Speaker

MR NOBBS Thank you Mr Speaker could I have a supplementary to that. Minister, how many mobile phones are actually on Norfolk Island at the present time that are operating

MR DONALDSON Thank you Mr Speaker that figure has been quoted to me and I'll just have to refresh my memory on what it was, but if Mr Nobbs is referring to the current trunking type phones that are here I think there's about 200 of them. There's a substantial number and that's why in the first year they've expect 300 people to move over to mobile phones because that trunking system that's available now would then revert back to what was originally designed to do, it's an emergency phone system for emergency services

MR NOBBS Can I have a supplementary, in the event that there is a no vote at the referendum, I understand that there will be a charge put on the trunking system regardless

MR DONALDSON Thank you Mr Speaker. That's been discussed but no decision's been taken but on the policy of user pay I think there should be some charge put on trunking calls should the mobile phone issue not proceed

MRS JACK Mr Speaker my question is to the Minister for Land and Environment and I'm just wondering do we have a Waste Management Task Force and if we do how further on is this Taskforce in finding sustainable and cost effective forms of dealing with the Island's waste

MR I BUFFETT Thank you Mr Speaker my recollection was this question was asked at an earlier meeting and at that time I responded that the Taskforce has effectively disbanded after considering the UniMelb report and the Ann Prince report, looked at the recommendations Mr Speaker. There is not a functioning Waste Management Taskforce at the moment and I will undertake if that is the wish of this House to reform that Taskforce and I will take notice of that and do so accordingly but in the meantime I will discuss with Mrs Jack whatever recommendations or suggestions she might have in that respect

MR BROWN I direct this question to the Minister for Finance. Will the Minister please advise whether the Administration's insurance for the

2002/03 year are all in place. If so, can the Minister advise what tender process was followed in relation to the selection of the broker and the selection of the insurer and finally, does that insurance include third party property damage insurance on all of the Administration's motor vehicle fleet

MR DONALDSON Thank you Mr Speaker dealing with the last one first. I do understand that there is third party bodily injury on motor vehicles. I'm not sure about third party property. There's certainly not a cover for the Administration vehicle itself. I can't recall and I would have to take that part of the question on notice, dealing with what tender process was put in but I do have some recollection that the tendering process was waived and waiting for the official process to do it and if Mr Brown could remind me of the first part of the question which was

MR BROWN Are the insurances in place for the coming financial year\

MR DONALDSON I understand they are but I will follow it up because I they are of concern to me too

MR NOBBS Thank you Mr Speaker I ask the Minister for the Environment, has the Minister any further information on the proposal by the Commonwealth Government to establish a marine reserve in parts of the EEZ around Norfolk Island. I believe the Minister was to follow up on this matter from the last meeting

MR I BUFFETT Thank you Mr Speaker yes I did contact the Officer of the Administrator shortly after the meeting in June and received a response to that on the 15th. We've been advised that since the last communication with the Commonwealth that the Administrator's office has been in contact with Environment Australia for an update on the proposal and they advise as follows, and Mr Speaker I think it's appropriate if I just read what it says. Since the last communication the Commonwealth Scientific and Industrial Research Organisation the CSIRO have been contracted to undertake a conservation assessment for each of the areas nominated including the Norfolk Island sea mounts and the CSIRO is to compile relevant information on the nominated areas from published and unpublished scientific information with a view collate certain matters for each of the areas. Mr Speaker I emphasise that they are only doing research on published and unpublished work at this particular point. The aim of that would be that in respect of each of these areas they would arrive with a description of the physical environment, a description of the biological environment, details of the current and potential use and existing management regimes, the details of the current and potential impact on the natural values. Mr Speaker that particular exercise is expected to be completed by the end of this year 2002 at which time a decision will then be made on when to commence the conservation process for the nominated area and that is to the east of Norfolk Island. It is my understanding and it is also the understanding of the Administrator that the assessment process once commenced will involve consultation with the stakeholders and that includes Norfolk Island and that is the latest information I have had on this topic

MRS JACK Mr Speaker if I could ask a supplementary to that. There is at present a person on Island with a licence to fish on one of those sea mount areas, is that correct

MR I BUFFETT Thank you Mr Speaker I can't categorically say that the licence has been issued to fish on one of the sea mounts that's under consideration. All I can tell you is that the licensee has been notified of the proposed marine protected area that the Commonwealth are looking at

MR BROWN Mr Speaker I direct this question to the Chief Minister. Is the Chief Minister able to provide to the House either today or as soon as possible a copy of the Governments current legislative programme

MR GARDNER Thank you Mr Speaker I don't have it with me today. I usually carry a copy of it with me but I was of the understanding that it was distributed with the documentation circulated each month to each member of the Legislative Assembly with the papers of the joint executive management group and the Corporate Management Group the week prior to the sitting of the House now if that's not happening, please let me know and I'll make sure that members do get it. I'm certainly aware that two members normally are in attendance at those joint meetings but whether they are circulated with them I don't know. Some are, some are not Mr Speaker. I'll ensure that they are circulated to all members including the Legislative Programme

MR BROWN I direct this question to the Minister with responsibility for fishing. Is the Minister able to advise whether there has been any progress in the Norfolk Island Government obtaining control over the area known as the box, and if so, by what stage does the Minister expect that the Norfolk Island Government will be able to issue licences to local fishermen in respect of that box

MR I BUFFETT Thank you Mr Speaker the question of total control over the Norfolk Island fishing area called the box, has been an ongoing one for in excess of two years. That process has involved a number of issues, the most significant of recent times was the baseline study done by Professor Zahn. Now that report was received by the Norfolk Island Government at the end of February March and was circulated and I certainly asked for comments from the fisher people within this community and particularly the Norfolk Island Fishing Club. It was in the last month that I actually received their comments from that. The next process I understand Mr Speaker would be for this Assembly to decide what legislation we would need to put in effect in terms of the agreement that is currently on foot to control the fishery. Now that is the fishery on land. Mr Speaker there are two parts to this issue. One is the actual management and the sustainability of the box area and the second one is the undertaking and the discussions that are to take place that we need to now consider. There are a number of issues that have arisen since this matter was put forward for comment. Whether in fact the local fishing community really want to proceed with that in its present form because there are issues that raise their head when one talks about the agreement to put local legislation in place. There were some suggested what might be called paragraph topics that would need to be considered to produce a piece of legislation in Norfolk Island and that was a prerequisite from my reading of what the Commonwealth had agreed to with the Norfolk Island fishing. I'm at the position to receive those comments and some more recent comments from people who do not belong to the actual Fishing Club to prepare or have the appropriate officer within the Administration prepare some drafting instructions. At that point they would need to discuss with members of the Legislative Assembly the shape that the piece of legislation would take. In terms of the Norfolk Island Government being able to issue an actual fishing licence my understanding is that is not possible at the moment and that to fish within the water surrounding Norfolk Island an application would need to be made to the Australian authorities and their administrative arm, AFMA. Mr Speaker there are a number of issues in this area. I'm currently trying to put them all together, including coming to grips with some of the recommendations that have been made by the local Fishing Club. They are matters that will need to have the view of the whole Legislative Assembly if some of those recommendations are to be included in local legislation. Hopefully I'll be able to do that within the next month or so because I believe that it is part and parcel of this whole question of the environment and how we deal with issues in Norfolk Island and if that's been a long winded answer it needed to

be because I had intended at the next sitting to do a statement but that might be considered as part of that statement

MR NOBBS Thank you Mr Speaker I ask the Minister for Finance where is he at with the Norfolk Island Governments proposed debt policy given that an draft was discussed by members in March of this year

MR DONALDSON Thank you Mr Speaker, yes I do have a paper in my office on the debt policy and it relates to charging interest on debts. The matter is still in progress. I can't report any more than that. I would be glad to bring something back to the next meeting however on that matter

MR NOBBS Thank you Mr Speaker I ask the Environment Minister would the Minister please advise what has happened to the proposal he provided members in April in a paper which related to water supply and in particular the requirement that all tourist accommodation units and houses needed to comply with the requirements which have been placed on any new tourist accommodation built

MR I BUFFETT Thank you Mr Speaker the question of water resources in Norfolk Island and in particular the ones for tourist accommodation, the officers within the Administration asked if they could have a relook at the calculations that were included in the first paper that was circulated. That has been done. Whilst that process was in place consideration has been given to the question of water resources in Norfolk Island generally and at the request of at least one member and the officers we did not proceed with the unilateral introduction of the specific amount or formula on the tourist accommodation rather than to look at the question of water as an island wide resource. I'm happy to say that I received from the Administration last week a suggested water resource policy and in fact some recommendations for a water resource legislation. I just physically haven't had the time to circulate that. It includes a suggested draft legislation that we might be able to consider and that will be circulated to members along with what they believe or how they believe we should handle this issue within the week. As I said I only received that last Thursday or Friday and we just haven't had the time to circulate it. It's a considerable number of papers and if I can compress that or do a summary of that for members on the basis that they can view those substantive documents then I will do so

MR NOBBS Thank you Mr Speaker. I ask the Minister for Finance, Minister the fee unit is calculated annually and any variation of the fee unit shall apply from 1 July each year and the fee unit is required to be publicized at that time. As it's now the 17th July has there been a decision

MR DONALDSON Thank you Mr Speaker, yes it's a matter that I brought up with the Service just before the 30th June and I mentioned it again to them this morning. As far as I know the calculation of the revised fee unit which now stands at \$16.50 has not been calculated and the amounts have not been gazetted. I can advise that the Retail Price Index movement for the period was something in the vicinity of 3 1/2 %. Although it's only a small amount of revenue we should be kept on our toes and I have issued instructions this morning for it to be done

MR NOBBS Thank you Mr Speaker I ask the Chief Minister has there been any progress with the review of the Immigration Act. Is it correct that the works done at considerable cost to the Island, well over \$100,000 from memory, and the work done by Professor Crawford and a very comprehensive three volume report by Miss Paddick has been virtually sidelined and is it the intention to hire additional advise. Is it not correct that the main single cost in your proposed review is the hiring of additional advise and what are you doing to ascertain the views of the community of Norfolk Island as what they see as a proper immigration regime

MR GARDNER Thank you Mr Speaker. I'll try and combine all of those questions into one answer and say, yes there have been significant funds spent over a period of time in relation to an immigration review and in regard to that there had been a degree of consultation with the community both through members of this House and also the Immigration Committee and other players within the system as to try and work out the most appropriate Immigration Regime for Norfolk Island. Of course the Paddick report is a significant document both in size and in the matters that it addresses, and some of the recommendations that it makes. That did not progress to a great degree in previous Assembly's. It is one document of many that will be considered in determining what is the most appropriate regime for Norfolk Island. I am also aware that there are members in the community and certainly members in this Legislative Assembly that are of a view that maybe we should give away our responsibilities for Immigration. That too is a consideration that must be taken on board whilst we are reviewing Immigration as far as the costs that were proposed for the advancement of the review of Immigration as members are fully aware no funds were provided to advance that in the budget. What I have endeavoured to do and I allude to a question that I answered earlier in the House today, was that there had been a number of ministerial submissions and ministerial requests that had been made in relation to tidying up many of the administrative matters associated with Immigration on Norfolk Island which in my view will vastly improve the current regime that we have in place but it is also important Mr Speaker that what we had endeavoured to do at the outset of this Legislative Assembly was to try and encourage a far more meaningful and co-operative relationship with the various departments within the Commonwealth who at the end of the day hold the power of veto for want of a better word, over our immigration regime on Norfolk Island and to work co-operatively with them to resolve our Immigration issues and concerns on Norfolk Island. As Mr Nobbs would be aware in the very comprehensive paperwork that had been submitted to members that set out the time frames it also included in that significant timeframes allowed for community consultation on the various proposals that were brought forward. It does not rule out consideration of the Paddick report or any other reports whether it be previous Royal Commission Reports dealing with Immigration whether it be the Grants Commission Report dealing with Immigration it doesn't rule out any of those and in fact allows for all of that to be considered. Now nobody is proposing to pay any consultants to be involved in that. Simply the costs involved were the costs involved with travel, with the Norfolk Island part of the Immigration taskforce to attend meetings with Commonwealth counterparts and the cost involved with printing of legislation, the cost involved with printing forms and other administrative matters

MR NOBBS Thank you Mr Speaker I ask a question of the Minister for Finance. Has the Minister had the opportunity to further concerns expressed in questions asked at the last meeting in relation to the Millennium tent (1) Has the Administration paid the outstanding funds from the insurance to and also thanked Ms Hain for her generous support to the millennium tent project? And (2) what are management arrangements for the replacement tent and small tents now that they are a community asset held by the Administration? For instance has the previous management committee been now bypassed?

MR DONALDSON Thank you Mr Speaker. I did field that question at the last meeting. I cannot add any more to what I said then on the matter. I haven't researched it at all. I would have expected that if the question was going to come back to me at this meeting it would have been put on notice and I would have had some time to research it but I've made notes as Mr Nobbs has asked the question so I'm quite happy to independently pursue the matter and report back either through the House or privately to Mr Nobbs

MR NOBBS Thank you Mr Speaker just another one for the Minister for Finance. Can he explain why in the gazettal of the Budget 2002/03 on 5 July last there was no reference to the remuneration of Legislative Assembly members as has occurred in previous budgets which were publicized and can he advise the actual cost of this item and on what authority does the Finance Section actually pay the Ministers and sprinkle a little bit back to backbenchers?

MR DONALDSON Thank you Mr Speaker I'll attempt to answer that. What was published in the Gazette last week or the week before was a copy of the Appropriation Bill that came before this House. What the Appropriation Bill does is provide supply or approval for expenditure to be made in the following year. That approval of expenditure is required by the Public Moneys Act which says that expenditure shall not be made unless approved by an enactment. The actual funds required to run this House, that is the salaries of members are actually permanently approved by the Norfolk Island Legislative Assembly Ordinance. Had they been included in that Schedule that was published in the Gazette there would have been a doubling up of approvals and hence the possibility of overspending by that amount.

MR NOBBS Thank you Mr Speaker I must have missed that. I asked what authority the Finance Section in Admin have to actually pay Ministers and backbenchers if it's not included officially in the budget

MR DONALDSON Thank you Mr Speaker. It's not included in the Appropriation Act that goes before the House but it is included in the budget. It was included in the budget, it was considered by this House and taken out of the budget papers to develop the Appropriation Act and that's simply because as I said a minute ago the Norfolk Island Legislative Assembly Act authorizes payment for the members of this House and the Appropriation Act that we passed last week authorises all other expenditure out of the Revenue Fund so there's two sources authorizing expenditure from the Revenue Fund

MRS JACK Mr Speaker again I direct a question to Mr Buffett, Minister for Lands and Environment. Just to get back onto the Waste Management, we were supposedly going to be in receipt of a grant I think for the Clean Seas Act. Whatever happened to that money. Has it been lost and what is happening in regard to waste management on Norfolk Island. It was a big issue with the last Legislative Assembly and it was at the beginning of this one. What is happening or was I away

MR I BUFFETT Thank you Mr Speaker in answer to the first part. Yes. Funding was received from the Coastal and Clean Seas Project. That fund is held in trust here in the finances of this Administration. That fund has a use by date that is currently indicated to be the end of September/October. For those who read the Norfolk Island Government Gazette they will see that the Green Waste Transit Centre was advertised some two weeks ago. My understanding is that will go to the Norfolk Island Planning Board next Friday or whenever they next meet and will then follow the process to myself as Executive member for approval or otherwise. Upon that event happening we would then be able to access the Coastal and Clean Seas Funds that sit there

MR NOBBS Thank you Mr Speaker has the Norfolk Island Governments purchasing policy been amended by the current Government and if so, what amendments have been made

MR DONALDSON Thank you Mr Speaker the Purchasing and Procurement Policy of the Norfolk Island Government has not to my knowledge been amended by this current Government

MR NOBBS Thank you Mr Speaker was a tender called for surveying services recently undertaken at the Norfolk Island Airport and if not, how were these services arranged and what was the cost of these services

MR DONALDSON Thank you Mr Speaker it is my understanding that the survey done at the Airport was actually employed by the Project Managers for the Airport Gutteridge, Hatchins and Davey and it was a sub contract. They provided as part of their brief that had been given to them. It was not Norfolk Island Government funds being used directly for that purpose

MR NOBBS Thank you Mr Speaker a question for the Minister for the Environment. Do you propose to amend the draft Norfolk Island Plan which currently sits on the table of this House awaiting finalisation and if so, what amendments are proposed

MR I BUFFETT Thank you Mr Speaker the Plan sits on the table of this House unamended at this moment. Members will be aware that when the plan was presented there were certain amendments moved or proposed by Mr Nobbs and yourself Mr Speaker, and the result of those proposed amendments was that the issue of the making of that plan was adjourned. When the making of that Plan is brought on as a substantive matter at the next sitting there are probably two options to be taken. This Legislative Assembly can make the plan in its present form on the clear understanding that when there are processes in legislation for the amendment of the plan and deal with the proposed amendments as separate issues or this House can on the run do the amendments that have been proposed. It would not be my personal preference to amend the plan on the floor of this House but to give it the wider and more robust consideration that those amendments propose pursuant to the provisions that are in the Act for those amendments to occur. Members will also be aware that there were some publication of the proposed amendments in the Norfolk Islander newspaper circulating in this community and members will also be aware that a public meeting was held in respect of those proposed amendments. It is hoped that within the next two weeks, and having noticing on the agenda and notice paper for today that the proposed next sitting of this House is not to be until the end of August, that we as an Assembly might consider either a special sitting in terms of the making of the plan and other matters surrounding that, namely there is some ten or thirteen pieces of legislation that accompany all of that and hopefully we will be in a position to arrive at a view as to how we as the Legislative Assembly may wish to deal with the proposed amendments. My personal preference if I may be permitted to have one, is not to change the plan on the run but to do it in a proper fashion which puts in place a more robust community consultation and for the people proposing amendments and those who are opposing it, and there are a number in the community, to have their say so that we can reach a balanced view before rushing into those amendments

MR NOBBS Thank you Mr Speaker and I understand from that and I question, why wouldn't you propose to amend the statement at 97 2 of the Norfolk Island Plan and I quote "KAVHA is the area so described in the Register of the National Estate and included in Schedule 1" being schedule 1 of the Plan, which is clearly different from the boundaries as delineated in the Memorandum of Understanding between the Norfolk Island Government and the Commonwealth Government which relates to the KAVHA area and it is obviously a mistake

MR I BUFFETT Thank you Mr Speaker is that a supplementary question. If the question is why, I don't remember because I think there's an explanation for it Mr Speaker. Unfortunately I didn't have notice of this particular question before coming to the House. At this point I will take it on notice. I will circulate to members a copy of why there appears to be a discrepancy in those two descriptions

and certainly if the opportunity presents to provide an explanation of that to the wider community via our radio

MR NOBBS Thank you Mr Speaker Is it correct that you are travelling to New Zealand to join discussions between the Australian and New Zealand government representatives in the delineation of the maritime Zone between the two countries? Who will be accompanying you? Who will be representing Australia and New Zealand?

MR GARDNER Thank you Mr Speaker if you can just bear with me I can provide a very comprehensive response to that question. The first part of it, is it true that I am travelling to New Zealand yes that is correct and I believe I announced that on my radio broadcast last Friday morning. As far as the participants are concerned the New Zealand negotiation team is made up of Mr5 Nigel Fyfe, Mr Bill Mansfield, Miss Anna Broadhurst, Mr Steven Payton, Miss Natalie Beef, Mr Ray Wood, Mr Ian Wright, Mr Ian Lamont, Mr Jerome Shepherd and Mr Russell Turner. They are officers of different departments in the New Zealand Government including the Institute of Geological and Nuclear Sciences, the National Institute of Water and Atmospheric Research, the Land Information New Zealand Department and the Ministry of Foreign Affairs and Trade in New Zealand. The Australian delegation of which I am part Mr Speaker includes Mr Bill Bailee from the Tasmanian Government, Mr Bill Campbell from the Attorney General's Department, Miss Susan Downing from the Attorney General's Department, Mr Greg French from the Department of Foreign Affairs and Trade, myself representing the Government of Norfolk Island, Mr Bill Hurst from Geoscience Australia, Miss Constance Johnson from the Department of Foreign Affairs and Trade and Mr Phil Simmons from GI Science Australia

MR NOBBS Thank you Mr Speaker just a supplementary. I ask the Chief Minister, as it appears from what he's said that it's an officers level meeting why is he as a Minister involved in it, and why are there no officers apparently accompanying him from the Norfolk Island Government

MR GARDNER Thank you Mr Speaker the invitation initially was to the Norfolk Island Government to participate and to send a representative along the same lines as Mr Bill Bailey who is the Solicitor General from the Tasmanian Government

MR NOBBS Sounds like a song. Bill Bailey. Has the Norfolk Island a negotiating position on discussions applicable to the section of the EEZ boundary between Norfolk Island and New Zealand?

MR GARDNER Thank you Mr Speaker we will be contributing in the discussions. We have no sovereign authority over the EEZ and it is not within our authority on my understanding, very clearly, it is not within our authority legislatively or otherwise to determine those boundaries other than being part of the Australian delegation between the two sovereign powers involved in those discussions, being Australia and New Zealand

MR NOBBS Thank you a supplementary Mr Speaker. I ask the Minister, surely if the EEZ boundary between New Caledonia and Norfolk Island which has been discussed earlier, was split a fifty fifty that's the overlapping area, hasn't the Norfolk Island Government got some position in relation to this. I would have thought that this would have been a prime concern of yours and I really question the trip if you are going there with no firm policy

MR GARDNER Thank you Mr Speaker I can respond to that. I don't believe that Norfolk Island is in a position to argue for anything that would be

inconsistent with other agreements made anywhere else in the world. Now the agreement made with New Caledonia was an agreement made for a delimitation but basically gave the fifty fifty split that Mr Nobbs refers to. That similar arrangement is proposed from my understanding, in the documentation that has been released to me to date, is the same proposal that is proposed between the region of Norfolk Island and the Three Kings area in New Zealand

MR NOBBS Just a supplementary. I asked the Chief Minister why I have to drag the answers out of him

MR GARDNER Mr Speaker I take offence to that but I guess I can comment on that. Mr Nobbs is well known for his particular agitation and wanting to be part of this. As I said on the radio last week, Norfolk Island has been wanting for quite some time to participate in those discussions to ensure that Norfolk Island interests are protected in those zones and to put a case if necessary to fend off any incursions that may be made into that area by another nation. In other words, have the support of Australia and participate with Australia at the negotiating table to ensure that there is a fair and equitable outcome for all those involved and I believe it is a significant step forward in actually becoming part of that negotiating team

SPEAKER thank you Chief Minister. Any further Questions Without Notice this morning Honourable Members. We move to answers to Questions On Notice although I note there are no Questions on Notice this morning so we'll move to Papers

PRESENTATION OF PAPERS

MR GARDNER Mr Speaker with the vacancy in the office of the Minister for Community Services and Tourism I would like to table the Inbound Passenger Statistics for the month of June 2002 and move that the Paper be noted.

MR SPEAKER The question is that the Paper be noted.

MR GARDNER Mr Speaker thank you. Again there are concerns over the figures. The monthly figures for June 2002 are down marginally, that's approximately four persons over the 2001 year. The worrying concern about these figures is that they are down approximately 12% on the year 2000 figures. I guess the biggest concern of all is the figure at the bottom which is the financial year to date figures and accordingly to my mathematics and I was trying to tap away on the calculator whilst trying to answer questions before as well but my calculations are that those figures are down approximately 20% on the previous year. Certainly there has been a lot of discussion in recent weeks about the worrying trend as far as tourism figures are concerned. It will be a significant challenge for Members of this Legislative Assembly and I include all members of the Legislative Assembly and the industry itself to attempt to address the declining figures and in relation to that I would encourage all members of the Legislative Assembly and the listening community and the community at large to participate in the tourism symposium that is scheduled for the 19th and 20th of August so that we as members of the Legislative Assembly the community and the industry will be able to assist in addressing some of the declines in these tourism figures, thank you

MR NOBBS Thank you Mr Speaker I note that the Chief Minister says we are only four down on last year but I would remind him that it was twelve months ago nearly to the day that Flight West fell over and June last year was in complete and utter turmoil. I'm really concerned that we can't even match those figures for that month from last year. This is a real concern and I wonder really what the future holds and I don't want to say anything more on that but I just want to remind members

that June last year was a fairly disastrous year for Norfolk Island and we haven't really progressed in the twelve months since

MR GARDNER Thank you Mr Speaker just in response to that. Certainly I was aware of those figures. I only pointed out that I was comparing this month with last year. Certainly if we go back a few steps further we would see that we are the best part of 330 passengers down on the 2000 year and hence my reference to the financial year to date figures and the invitation to all members. Certainly if Mr Nobbs has some answers and some way that he thinks he can assist in addressing those downturns I would welcome his participation as I would welcome all other members and members of the community's participation in the tourism symposium and certainly look forward to some valuable input from both him and all those concerned

SPEAKER Thank you Chief Minister. Any further debate? Then I put the question that the Paper be noted

QUESTION PUT
AGREED

That paper is so noted. Further Papers

MR DONALDSON Thank you Mr Speaker. I table the Financial Indicators for the twelve months ended 30th June 2002 and move that they be noted

SPEAKER The question is that the Paper be noted

MR DONALDSON Thank you Mr Speaker. Although these figures are for twelve months ending 30th June they should really be considered as interim figures. It's now only 17 days since the end of the financial year and it's not possible at that early stage to calculate the accrued income that's due by the 30th June but hasn't yet been received. It's not possible to calculate accurately the amount of accrued expenses that have been incurred in that year but not paid. Notwithstanding the interim nature of these accounts, it's pleasing to note that income is running at 99% of budget, that means it's \$78000 short and expenditure is only 92% of budget so we've actually curtailed our expenditure a bit so far. The audited financial statements for this year should be available around October 2002 when the true picture will be known, thank you

MRS JACK Mr Speaker my concern lies not with the fact that we are 99% of income that has come in but that that income is a revised total to what we were hoping at the beginning of the previous financial year and I'm just wondering how many times that income was revised down

MR DONALDSON Thank you Mr Speaker that income has only been revised down the once and that was in the half yearly review

SPEAKER Thank you Mr Donaldson. Further contributions Honourable Members? Then I put the question that the Paper be noted

QUESTION PUT
AGREED

That paper is so noted. Further Papers

STATEMENTS

SPEAKER
for this morning

Honourable Members have we any Statements

MR I BUFFETT

Thank you Mr Speaker. A short statement in respect of matters relating to the Cascade Cliff Safety Project. Members and the community have previously been advised that a Notice of Dispute was issued against the Project Manager, SMEC Australia Pty Ltd and the Contractor, Kaipara Excavators Ltd in relation to the Cascade Cliff Safety Project. The Notice of Dispute related to a number of issues and in particular perceived difficulties with the rock stockpile. Following advice received from a Consultant Engineer, Andrew Lyell, the Administration briefed Mr Philip White, Solicitor and Barrister to consider the issues. Mr Lyell and Mr White visited Norfolk Island last week and Mr White has given a verbal brief and advice to the Administration and to the Cascade Cliff Management Board. It would appear from the advice received that the Administration has a significant claim against the parties. The community will be aware that holes were dug in the area adjoining the school oval, the area known as Portion 44a. That area was used to place overburden extracted from the cliff. It appears that good quality rock may have been buried in this area. The holes were part of the investigations undertaken to assist in establishing a further claim to include in the dispute with SMEC and Kaipara. The Administration will now consider Mr White's advice in consultation with the Legislative Assembly to determine the way forward. Mr Speaker I make that on the basis that a number of people have questioned why those holes have been dug on that piece of land and I can assure them it's not for the swimming pool that we've heard of some time earlier. Thank you, Mr Speaker.

SPEAKER
further Statements.

Any further Statements this morning? No

MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 6

Honourable Members I report a message from the Office of the Administrator and it is message No 6 which reads that on the 25th June 2002 pursuant to subsection 21 of the Norfolk Island Act 1979 I declared by assent to the following, the Appropriation Act 2002 and that message is dated the 25th June 2002 and signed A J Messner, Administrator

There are no reports of Standing Committees Honourable Members so we move to the substantive business of the day. Mr Acting Deputy Speaker Brown I would ask if you could take the Chair please

APPOINTMENT OF A MEMBER TO EXECUTIVE OFFICE OF MINISTER FOR COMMUNITY SERVICES AND TOURISM

ACTING DEPUTY SPEAKER BROWN Honourable Members we've moved to Notice. The first Notice is the question of Appointment of a Member to Executive Office of Minister for Community Services and Tourism

MR GARDNER

Thank you Mr Acting Deputy Speaker. I move that David Ernest Buffett be chosen to be Minister for Community Services and Tourism and that the Administrator be advised accordingly. Thank you Mr Acting Deputy Speaker. This motion has been brought about as members and the listening public would be aware, as a result of the Honourable George Smith's resignation as Minister for Community Services and Tourism last Thursday afternoon. In regard to that matter I would like to read into Hansard, communication received by my office from His Honour the Administrator relating to the matter. "Dear Minister, please be advised that I have today accepted the resignation of the Honourable George Smith MLA as Minister for Community Services and Tourism. Mr Smith advised me that he

resigned for personal reasons. I look forward to being advised of any changes in the ministerial arrangements in due course, yours sincerely, A J Messner, Administrator". Mr Acting Deputy Speaker it is because of those matters that this motion has come to the House today. I support the motion and need to point out that Mr Buffett has significant experience both as a member of this Legislative Assembly and as an executive member and I commend the motion to the House

ACTING DEPUTY SPEAKER BROWN Honourable Members the question is that David Ernest Buffett be chosen to be Minister for Community Services and Tourism and that the Administrator be advised accordingly

MS NICHOLAS Thank you Mr Acting Deputy Speaker. Discussion between Members has taken place about the Member who will replace Mr Smith as an Executive in this Assembly. It needs to be said that there were three nominees, Mrs Jack and myself, put ourselves forward along with Mr David Buffett, however, as I've often said, one learns to count down here very quickly and especially to five. Both Mrs Jack and I were unsuccessful in gaining support from our colleagues. As it happens there were only seven members, of the eight present who voted at that informal meeting and the same eight are here today. Mr Nobbs chose not to vote at that informal meeting because he believes we should not have four executives but three, notwithstanding that Mr Smith found the portfolio a heavy one and some of its complications led to his resignation. Mr Smith is not here with us today, therefore, with Mr Nobbs' anticipated abstention, that number comes back to seven again for this voting process and I have no reason to believe that anyone here has changed their mind since last we met informally on this issue. Mr David Buffett won the right to become an Executive Member and that will in all probability be confirmed today. However, I wish to express my concerns because I am aware that Mr Buffett walks a different path to the majority of Members of this Assembly. Mr Buffett knows my feelings on this and what I have to say will come as no surprise to him. Last November it was clear that candidates who had expressed support for a reconciliation of our relationship with the Commonwealth had been successful in the election. The Chief Minister and Mr Ivens Buffett went to Canberra early in the time of this Assembly, were well received and in fact I believe welcomed, because they brought with them a new view, a willingness to pursue active partnership with the Commonwealth. I shall never forget Mr David Buffett physically thumping the table during an Assembly meeting saying, in relation to internal self government – "we want it and we want it NOW". As I sat here last week I remembered that event and I am presently much troubled by the possibility that he will attempt to take us down that path again despite the electorate's wish...

ACTING DEPUTY SPEAKER BROWN Ms Nicholas I would ask you to be careful of the Standing Orders

MS NICHOLAS ...despite the Electorate's wish to see us take a breath and assess how far we have come and how much it is costing us before continuing the process. We are working on the Focus 2002 project and that requires Commonwealth assistance. Senior officers from The Treasury and Department of Finance were on the island for a week during June to assist us. We've had two visits from Minister Wilson Tuckey, and one from Senator Nick Minchin. These visits aimed at, hearing what we have to say and, finding ways to assist us to become partners in stabilising Norfolk Island's future. The Office of the Administrator, on a daily basis, facilitates numerous requests to Commonwealth agencies for information, advice and assistance by the Norfolk Island Government, Administration officials or residents of Norfolk Island. I don't wish to see the recovery process jeopardised and I ask that the other members of the Government ensure that it does not occur. There is an indication of willingness on the part of the Executives and Mr David Buffet to discuss a re-shuffle of present portfolio and, yet again, they will do so behind closed doors with not much

which non Executives will be able to do about it, other than to express a wish that it happen. Suffice it to say, I've got my fingers crossed that the right man ends up with the right portfolio. I still believe Mr Ivens Buffett should take on Tourism and that the Chief Minister, as probably the now one and only Executive who is not an ex Administration Officer should take on Public Service. Needless to say, I'd like to see the old man of radio take on the responsibility of TV and Radio. The actual probable composition of the Government if one includes Mr David Buffett, is interesting, one Australian born, one New Zealand born, and two Norfolk Islanders, each one of whom is walking their own path in Norfolk's evolution. This is an important time. We are truly at the crossroads in terms of the future. Let's hope this revised government gets it right for us all. Thank you Mr Acting Deputy Speaker

MRS JACK Mr Acting Deputy Speaker I feel that at this point in time it would be extremely remiss of me if I were not to make comment on the motion before the House. I have my concerns with this current government in that it has gone to great lengths in having positive dialogue with the federal government. As well as this we have had visits from two senior bureaucrats willing to assist the Administration in the financial sector, visits from two cabinet ministers, two members from this 10th Assembly have in turn visited Canberra. This Assembly has sought positive connection, has worked hard for it and the answer has come back in a positive workable relationship. I am concerned that this hard worked relationship may be placed

ACTING DEPUTY SPEAKER BROWN Mrs Jack may I draw your attention to Standing Order 62. All imputations of improper motives and all personal reflections on members should be considered highly disorderly and I will ask you to ensure that your debate does not infringe that Standing Order

MRS JACK Certainly. I would just like this current Government to assure this House that that continues. Those strong relationships with the Federal Commonwealth Government. I have another concern that comes about with this proposed motion and it is this. Four members of government or proposed members of Government. At present one has a commercial background, one is a mix of government and commerce while two have more government backgrounds. Now there is nothing wrong with this per se, what I do find troubling is that in our current economic climate we need leaders that realise that really understand just what it means to have fewer and fewer tourists through the door, the, if you will, domino follow on from this. Slower stock movement, shorter staff hours, longer hours and greater involvement for owner operators, less profit, less incentive. Just what it means for these people who, unlike us that have a guaranteed wage every fortnight, theirs is more, far more fluctuating. Life for these people is at the coal face, while to me, for us here, around this table, life is far more comfortable by comparison. We sit in offices not getting our hands dirty. We care about the people but to many of those people a few of us are seen as too comfortable and too removed from reality. I see from the proposed motion that the Ministry is for Community Services and Tourism. I have concerns here and they are very real to me. I feel it would be better for one of the other Ministers to have the tourism portfolio, a Minister who has at least some commerce background. It is all very well saying, "well there is a Board; you tell the board what you want. You get the results you are looking for and things happen". Well I don't see it quite like that. Yes there is a Board. Yes it takes what you want as an end result. But in getting to that end result it needs knowledgeable direction, innovative ideas. Experience that comes from having to rely on people walking through your door of having to sell what is in your shop, gallery, accommodation units and so on. I would be far happier to see the title read Minister for Community Services, Health and Education. Last Friday only eight of the nine of us came together. One person abstained from voting leaving seven and as Ms Nicholas has said, that final number is here again today. It has not changed nor has the make up of those seven. Three of us put our names in the ring and by a process of elimination those three became two, which in turn became one. I have no problems

with that process, I have no problems with the proposed person. My problem lies with the end result. The make up of the four that will make government. Experience is there in spades. Safety is there too. But to me, there is little or no innovation. I will say no, later on when this motion comes to the vote thank you

MR I BUFFETT

Thank you Mr Acting Deputy Speaker. Just two quick comments. We have heard the process that was gone through the other day. I wish just to make one comment that my understanding was that it was a close call in terms of who was to be the selected or preferred candidate at that process. It was not a situation where there was a unanimous vote against any one person. It was a democratic process that we all agreed to. My understanding is that the person who received the majority support was the person whose name appeared. That's that issue. Mr Acting Deputy Speaker Speaking as a member of the Government since the elections on the 29th November last year and as an executive member I have always told members and been available to discuss the question of any reshuffle of portfolios for what I hear Ms Nicholas and Mrs Jack saying, is what they believe is the appropriate mix and I believe that every single member of this Legislative Assembly if they are of that view no matter whether we are in this place or just getting on with the management of Norfolk Island we are not here as separate individuals to push separate barrows, we are collectively the people charged with the management of Norfolk Island . I don't believe it necessarily should devolve onto one person who holds an executive portfolio to be innovative, to have all the answers, because for those who have held executive portfolios, they will know the vast range of issues that need to be dealt with on a daily basis. From my personal point of view I would welcome any contribution from the members as to how more innovatively we can do things for the benefit of the community and having said that Mr Acting Deputy Speaker, yes I understand that there are some views in respect of some possible new relationships with Australia and certainly Mr Acting Deputy Speaker when I agreed to stand as a member of this House the policy statement that I then published foreshadowed what I believe needed to be a new arrangement with the Commonwealth of Australia and I stand by that policy and I am sure that whoever is elected to this executive portfolio I will continue to pursue that view

MR NOBBS

Thank you Mr Acting Deputy Speaker. It's been mentioned by a couple of speakers that I abstained which I did and I'll explain in a minute. I'll also say now that the vote was taken by secret ballot and because when I wasn't voting I was charged with counting the votes. It was extremely close. I don't agree that we should have secret ballots but this seems to have been a trend that's come in of late and I disagree with it but if members want to deal with issues that way well that's the way it is. However Mr Acting Deputy Speaker I do need to take a stand on the issue of three ministers. There have been several committees set up by the Legislative Assembly's over the years looking at the operation of the Legislative Assembly. They've been most important. Most of them have been by members within the organisation. The last Government as part of their projects took a view that one of the issues we should look at was to review the Legislative Assembly Act. I set up a committee which was largely from outside the Legislative Assembly although there were past members on that committee and they were partially through their deliberations when the election was called and all the information that may be available to members is actually with the Clerk. That was placed with the Clerk at the time of the last election. My experience as a Minister was in the last Legislative Assembly. I've had I guess administrative experience in the past but I've found it not really a heavy load as far as the Ministers are concerned if you get away with what seems to have been happening in the past and it seemed to be ingrained within the Service that there was a desire to delegate upwards and that Ministers were actually doing far more of the administrative type activity which should have been done within the service and done their normal work and they should have been delegating down rather than the work being delegated to them and this I found was a real problem in the first few months that

I was a Minister but once we got rid of the garbage then things seemed to move along fairly easily. Now I don't know whether that's...

MR I BUFFETT Point of Order Mr Acting Deputy Speaker. Is the member referring to the Service and the people who delegated upwards as garbage or is that some other reference we are referring to because if it is I take exception Mr Acting Deputy Speaker and I think the Public Service and the rest of the community might take that exception

ACTING DEPUTY SPEAKER BROWN Mr Nobbs would you care to clarify you intention

MR NOBBS Thank you Mr Acting Deputy Speaker, I would clarify by saying that that type of operation to me was a garbage operation and was not correct and once it was clarified...

ACTING DEPUTY SPEAKER BROWN Mr Nobbs could I ask you to withdraw the word garbage

MR NOBBS I'll withdraw the word Mr Acting Deputy Speaker. I certainly didn't mean to reflect on any particular person but it seemed to be the case that delegating upwards was a major activity at the time. I felt in the last Legislative Assembly three of the Ministers had a fair workload and one had a very light workload and up until the resignation of the Minister it appeared that one was said to have a heavy load and three had very light loads so just looking at those I think it's quite easy if you look at the composition of what we have here under each executive member, you will find that there are a lot of words but the real responsibilities and day to day activity by a Minister based on the fact that we now have in place a senior management group within the Administration which is now in place which is something which wasn't really available to the ministry when I was in there because we had people in senior management roles doing two and three different jobs and we had the CAO at the time or CEO as is now classified, running about three different types of operations because he was filling in here and filling in there so we had a problem but now that we've clarified the situation and the senior management group's in place and whilst I realise that one has resigned, there should be somebody within the service that can actually fill in until the replacement is in place. Why I suggest that we change to three ministers at this point in time, why I'm pressing for that would be this. That it allows then for a reduction of the Legislative Assembly to seven members. This has been the recommendation of a couple of committees that by having seven members and three Ministers you would maintain the current ratio of more backbenchers then Ministers which I think is a very good system as it allows control by the Legislative Assembly itself bearing in mind that we don't have party politics and all that sort of thing on the Island. If we look back at the nine members why was the Legislative Assembly actually made of nine members. In 1936 when they changed the situation there were eight members. Four wards and that was carried on until the '50s. We are still eight members, the ward system was dropped then in about 1960 or 61 the Council at the time added the Administrator to the Council as the chair and it became nine. It seems to have just flown on when the system changed to self government from the Council to an Assembly, the nine members followed through. That's one reason why I believe we should. It's to set it up for the next. It's no good with a new Legislative Assembly coming in after the next election and saying four Ministers because everybody will want a job and so if we can do it now, change it and then before the next election set it up as seven it would be ideal and everybody would know where they are going. It's particularly important at this time as we are looking at the reduction in expenditure and that's been something that came out at yesterday's meeting, we have to look at reducing expenditure. I believe that the Legislative Assembly must take the lead. Three Minister would show it can be done. With a proposal to reduce at the next

election to seven. Now I'm in an ideal position. Because I finished at number nine and I'm not a Minister so I've got nothing to gain. I would go beyond that and a recommendation has been made that we delete the role of the Speaker. An independent Speaker is a position where all parliaments I believe from time to time have said they really want but unfortunately with the party politics system in other parliaments they find it very difficult for the Government to actually control the Speaker although they are not supposed to and they are all supposed to be independent and we all know that and I hope they are but there is a perception that there is control by the party on the Speaker. Party politics don't apply on Norfolk Island thankfully. I believe that the Clerk could quite easily chair the meeting. That would be the sole role, to actually run the meeting and organise things properly. As a consequence, and I'll finish off very quickly if you reduce the Ministry to three, delete the role of the Speaker, you'll be able to reduce that unmentionable which seems to be, the remuneration to members by a saving of \$60000 per year and there would be other operational savings and I say in this time now when we are looking at savings the Legislative Assembly must take the lead and they should look very seriously at that. As I said I will not be voting on this motion as I didn't the other day and I don't intend to now and I commend the Assembly to look very closely at our composition and also our method of operation before the next election

ACTING DEPUTY SPEAKER BROWN Honourable Members the question is that David Ernest Buffett be chosen to be Minister for Community Services and Tourism and that the Administrator be advised accordingly. I would ask members to confirm their debate to matters of relevance to that question

MR GARDNER Thank you Mr Acting Deputy Speaker. As the proposer of the motion I would like to just very briefly respond to some of the points that have been raised. I think they are relevant to the motion before the House as others members have raised them in their debate albeit at some times we seem to have drifted from the path a little. To some of Ms Nicholas' queries and concerns where she refers to a member walking a different path. I would like to point out that we are all nine individual member as Mr Ron Nobbs has pointed out to us there are no party politics we are supposedly all independent thinkers, and we all have independent thoughts. Now that might be in relation to social welfare or the Immigration system we have or in our relationship to the Commonwealth I certainly am very aware of Mr Nobbs' feelings about relationships with the Commonwealth some good some bad some indifferent, but we are all entitled to those thoughts. Mr Buffett has been very clear in his support for furthering the role of self Government for Norfolk Island and I think that's something that we all aspire to. But ensuring at the same time that we are able to properly manage it and properly fund that role as we advance. Whether you are a Minister or a back bencher you are entitled to your own personal thoughts but your actions as a Minister are determined by the majority of those nine members of the Legislative Assembly. Basically as an executive you are at the beck and call of the majority of the members and they are the ones who direct you and should direct you in the direction you fall. If you believe things aren't being done right you need to speak up and I commend those members for speaking up in their areas of concerns. It is appropriate that they do that and let their thoughts be known but at the end of the day it's up to, as Ms Nicholas aptly puts it, being able to count to five to know where the figures are. As I've said, its up to all members of the Legislative Assembly to ensure that walking the differing path does not occur and that's easily controlled. As far as behind the closed doors situation is concerned on deciding distribution of portfolio responsibilities my clear understanding is that if there are to be changes in any portfolios that there must be tabled in the House new Administrative Orders and that's open to debate, discussion, I don't know if that's a disallowable instrument but maybe Mr Acting Deputy Speaker you might be able to provide some guidance to me on that. Some concern was expressed by Ms Nicholas that in x a public servant would be inappropriate to be responsible for the public service or to that effect. Mr Nobbs very clearly told us the other day that he

was a part time public servant and a farmer and bits and pieces yet in a previous Legislative Assembly he was responsible for the public service and to all intents and purposes I think that worked alright. We were able to advance the Public Sector Management Act, there didn't seem to be any real concerns. Mrs Jack mentioned somebody having a commerce background being suitable to take on tourism. I've no difficulty with that but then at the end of the day it begs the question, you are in commerce, you can be a restaurateur, an earth moving equipment contractor or something else but does that necessarily give you the skills to be the best Minister for Tourism. I don't know but again that's open to interpretation by each individual member but by the same token arguing that somebody should have a commerce background for tourism does that not play into the same sort of scenario of making sure that the person best suited to look after the public service role should be somebody who's been involved in the public service for a number of years. Again that's open to interpretation by different people. Mr Nobbs raised some questions about heavy and light loads. This is my third Legislative Assembly, third as an executive member, I am as busy if not a helluva lot more busy than I have been in past Legislative Assembly's and that's because other than my portfolio responsibilities I also become the mailbox for other business that Government is involved in and certainly I don't see any lightening of my load but maybe I'm a member that Mr Nobbs was referring to in previous Assembly's that had light loads. I don't know. Having the new Senior management Group in place I think during the budget debate, and that was supposed to be put in place to make the workings and the machinations of Government and the Administration more workable. I mentioned that I felt as though that process had been choked somewhat because in my view with my experience of the last three Legislative Assembly's the delivery of the advice and the other means that we operate as a Government has been less than the similar delivery that I've experienced in the previous two Legislative Assembly's. Now my view at that time was that I understood that that would happen for a time until the organisational review was complete and all the other things and that it was choked because there was a significant change in place. To now change to three executive members would be an absolute disaster because until we can get those systems in place that make it more efficient and I don't know when that is going to be, certainly things are proposed to be held up with the Focus 2002 initiative, I think that we'd really be in dire straits. I would really have a concern with that. I'm interested in Mr Nobbs' proposal of three Ministers and seven members. If that's the case how about we meet half way. I could possibly invite Mr Nobbs and there's nothing to prevent this from happening. Invite Mr Nobbs if he thinks because he was last on the list and he wants to see that reduced, let's trial it. I'll ask Mr Nobbs to put his money where his mouth is. To seek not to participate in any further meetings or discussions of members of the Legislative Assembly to seek leave from further sittings of the House and it be granted by this House and as other members of the Legislative Assembly have done in the past to return his fortnightly cheque to the administration and trial having only eight members for the remaining two point two years of this Legislative Assembly. Now he may wish to trial that and we'll see how that works. However I've got a difficulty with that. Because I believe that the more input that you can possibly have from the community and the more input you can have from the representatives around this table the more and better decisions that we are able to make. That little scenario that I put would assist in Mr Nobbs' concern about reducing expenditure in the Legislative Assembly taking the lead. Mr Nobbs could take the lead on this. It would save the best part of \$12000 if he were to return his cheque each year and with the appointment of Mr Buffett to the executive we've actually got added savings in that there would be no further requirement for the Speaker's allowance that is normally paid to the Speaker upon the Speaker taking up executive office. I seek support for this appointment from all members of this Legislative Assembly so that we can get on with the job that we are put here to do and that's to look after the health and wellbeing of this community as a whole and put aside those petty differences so that we can get on with the job

MR NOBBS Just a quick word in relation to what the Chief Minister suggested that I do. That's fine. That would then leave the House at eight and therefore there would be no control over the Ministers, thank you Mr Acting Deputy Speaker

MR D BUFFETT Thank you Mr Acting Deputy Speaker. In the process of debate on this particular motion the views that we have heard around the table this morning are views that can be expected when such a debate comes on. They include views of course from colleague contenders for the position and there are some opportunity to be more wide ranging on some issues that individual members might have in their mind. I don't want to be distracted by some of those this morning. I just wanted to probably pick up three points. Two are as a result of some things that have been said. One is not. And the one that is not maybe I should start with. And that is that if members are of a mind to be supportive of this position I would just like to emphasize that I would be confident that not only would I have their support if they are of a mind to support this, but that I would have electoral support in terms of the role that is proposed. I think that the electoral support given at the last election would give me confidence to pursue that role. The other two points are these. And they've been touched upon by other members but I would just give me insight into them also. No matter what the view of individual members are it really comes down to what the collective view of this group is as to what is done on the community's behalf. I think we have demonstrated in past times and I'm sure we will demonstrate it in future times as to what the group of nine consider to be the best that is what will be done and the executive members will then have a brief from those nine to get on about the particular tasks that are determined by the nine. That's important to be said. There seems to be some hesitation about relationships with the Commonwealth and I think that deserves a point of clarification also. The Norfolk Island Act sets out clearly where the Norfolk Island community would wish to go and in 1979 that was an agreed position between the Australian Government and the Norfolk Island representatives of the time and it sets out that we will progress to internal self government for this Island and it sets out various methods as to how we would pursue it. We've had various referenda from time to time in pursuing various aspirations for the Norfolk Island community and if the Norfolk Island community wants to be on about that task I'm elected to be on about that task and I've endeavoured to demonstrate that from time to time. But I think I also need to say that I have endeavoured to do it in many ways in partnership with the Commonwealth to pick up some words, although that may be viewed differently from time to time. In fact there is a firm understanding of my part that we need to have a continuing and warm relationship with the Commonwealth and I have repeatedly said that. And that has not changed. Thank you

ACTING DEPUTY SPEAKER BROWN Thank you Mr Buffett. Is there any further debate. If there is no further debate I'll put the question and the question is that David Ernest Buffett be chosen to be Minister for Community Services and Tourism and that the Administrator be advised accordingly

QUESTION PUT

Would the Clerk please call the House

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

The result of voting Honourable Members the ayes five the noes two abstentions one the ayes have it

MS NICHOLAS Thank you Mr Acting Deputy Speaker if I may be the first to congratulate Mr David Buffett on his election to executive portfolio

MR D BUFFETT Thank you Ms Nicholas

MRS JACK Could I second that

MR D BUFFETT Thank you Mrs Jack

DEVELOPMENT OF TOBACCO CONTROL

ACTING DEPUTY SPEAKER BROWN Honourable Members we move to Notice No. 1. Development of Tobacco Control. Mrs Jack

MRS JACK Mr Acting Deputy Speaker could I just declare first, what could be seen, and I would like to cover both the proposed notices, that the second notice I would be seen to have a pecuniary interest in any debate and that the first, a degree of bias because of my pecuniary interest on the second. I would like to declare that perceived bias. May I add that while I do agree with the substance of Mr Nobbs' proposal I do also hope that Members will give this the full discussion it needs and will cover more than tobacco on its own but along with discussion on alcohol, drugs abuse both prescribed and illegal. These need to be looked at holistically and realistically and the economics of cost in putting these controls in place. Thank you very much

MR NOBBS Thank you Mr Acting Deputy Speaker. I move that this House agreed to the development for Norfolk Island of a policy and attendant action plan in relation to tobacco control. Mr Acting Deputy Speaker I intend this motion to sit on the table for one month and I will be moving accordingly at the appropriate time. As members are aware the DAA Working Group was originally formed in January 2001. The Group was formed with the specific aim of assessing the issues related to possible substance abuse on Norfolk Island, including the use of tobacco. Advice was sought from the Salvation Army resulting in it's Director of welfare operations, visiting the Island to make an initial assessment. In so doing he suggested additional information was required. Research was undertaken by researcher Deb Church and a report prepared which provided some ten recommendations. These were the Appointment of a generalist health promotion coordinator; Appointment of a generalist counselor; A Code of practice for liquor licensees; Strengthening the road Traffic act; Ongoing monitoring of drink driving; Trialling the use of sniffer dogs; Consider other improved customs surveillance strategies; Restrict access to S2 and S3 medications; Full support for Youth programs and provision of quit smoking programs. These recommendations are being addressed and progressed by the DAA Working Group which continues to meet regularly. Some recommendations have already been made to Government and the committee awaits resolution of those issues. Examples are the funding of two positions – A general counselor and the short term appointment of a health promotions person. The report expresses concern at S2 and S3 drugs and a subcommittee is currently working on this issue. The issues related to alcohol are being addressed either as part of the new Liquor Act, in consultation with licensees and/or the relevant Minister. Tobacco smoking is only one part of the report although it is anticipated that health promotion would include a major segment on tobacco. The report calls for the provision of Quit Smoking Campaigns. The DAA Working Party has initiated in the past weeks the first of a series of Quit smoking Courses. The next course is set for September/October. In areas where the Working Party has addressed

the recommendations it is essential that it moves on to other attendant issues. One which has shown itself is the lack of a specific policy by the Norfolk Island Government, similar to what already exists in countries throughout the world, including the Australian commonwealth and all Australian states, in relation to tobacco control. This movement was formalised internationally when the World Health Organisation (WHO) in 1998 established the Tobacco Free Initiative to coordinate an improved global strategic response to tobacco as an important public health issue. The WHO encourages Governments to be pro-active. Added to this is the fact of concern which has emanated from court actions related to tobacco use. Litigation in a number of countries has seen not only the Tobacco companies but also employers sued successfully. Governments are also employers and they do, as does the Norfolk Island Government, receive considerable revenue from tobacco excise/tax etc. It has been claimed this factor has in the past overridden health concerns. This motion is aimed at developing a strategy for Norfolk Island to deal with the issue of tobacco smoking in the community. Let me be clear though Mr Acting Deputy Streek, Speaker, I nearly called you Streeker Mr Brown

MR D BUFFETT
Speaker

Order. I defend your Honour Mr Acting Deputy

ACTING DEPUTY SPEAKER BROWN Thank you Mr Buffett. Mr Nobbs was quite well aware that I've not been accused of that although I've been accused of many things. Thank you Mr Nobbs

MR NOBBS

As I said, Mr Acting Deputy Speaker, the strategy is not to ban tobacco. However, it would establish specific actions and options. I guess as examples the strategy in simple terms would be to -

- a) Ensure that the unquestionable harm to health caused by smoking is made clear to the community
- b) For those who wish to give fags the flick - provide as much assistance as possible
- c) For those who do not smoke – provide encouragement to not take up the habit
- d) For those who do not smoke – offer protection from the hazard of cigarette smoke

Mr Acting Deputy Speaker to develop this strategy would not require the services of a rocket scientist. Indeed, it would rely on ample work already established in jurisdictions across the globe. It is fairly simple stuff and there are considerable resources available to assist us. The job could be referred to the DAA Working Group. As stated earlier the WHO initiative commenced in 1998, 4 years ago so we're only a little behind. I ask the members and particularly the community to give the matter serious consideration over the next month. To have a cohesive policy towards tobacco control, given tobacco's known health costs, is good policy and good government. Thank you, Mr Acting Deputy Speaker

ACTING DEPUTY SPEAKER BROWN Thank you Mr Nobbs. Is there any further debate? Mr Nobbs do you intend to move the adjournment

MR NOBBS

Thank you Mr Acting Deputy Speaker. I move the debate be adjourned and made an Order of the Day for a subsequent day of sitting

ACTING DEPUTY SPEAKER BROWN Honourable Members the question is that this matter be adjourned and made an Order of the Day for a subsequent day of sitting

QUESTION PUT
AGREED

That matter is so adjourned

CUSTOMS (CIGARETTES AND TOBACCO) AMENDMENT BILL 2002

MR DONALDSON Thank you Mr Acting Deputy Speaker. I present the Customs (Cigarettes and Tobacco) Amendment Bill 2002 and move that the Bill be agreed to in principle. Mr Acting Deputy Speaker the purpose of this Bill is to provide for the sale of low duty cigarettes and tobacco products to passengers about to depart Norfolk Island. The Bill will amend the existing Customs Act 1913. In summary the Bill does a few things. It allows the importation of cigarettes and tobacco products for low duty warehousing, it prescribes the duty to be 60% or a different rate as set by regulations, it allows the Collector of Customs to issue directions as to how the owner must deal with tobacco products in relation to sale, storage or security of the low duty tobacco products, it allows the low duty tobacco products to be converted to tobacco products for home consumption by payment of a duty differential. The normal duty on cigarettes is 250%. What this bill proposes is to bring in cigarettes at 60% for the export market. The Bill also provides for the Collector of Customs to have control over goods until they are exported or converted for home consumption. The bill creates a class D warehouse specifically for low duty cigarettes and tobacco. It provides an application fee of ten fee units and the fee unit is currently \$16.50 for an application for a warehouse licence. It provides a monthly licence fee of \$200 per month. Mr Acting Deputy Speaker it is envisaged that the creation of this new class of low duty cigarettes and tobacco products will not detract from local retail sales. The product will not be available for home consumption. Rather it will compete with inward duty free sales at destination airports and in doing so increases the quantity of tobacco products on which the Norfolk Island Government can collect duty. Preliminary estimates are that it could increase our duty from tobacco products by \$50000 a year. Just a couple of final comments. It's a schedule 3 matter. It has to go to the Federal Minister for assent and because of some urgency in the matter I would like to present this Bill as being an urgent Bill and I will move so much of Standing Orders as would prevent the Bill from being passed through all stages at this sitting

MR NOBBS Thank you Mr Speaker having spoken at length on Notice 1 I guess people would think that I'm against this particular proposal but I'm not because as I said earlier, the notice No. 1 is not to ban cigarettes and actually I think it was myself who brought forward a similar proposal in 1997 to the then Legislative Assembly because what we are really doing is replacing the potential to purchase cigarettes as somebody moves into the customs area of Australia or New Zealand or hopefully one day it will be New Caledonia again, we are replacing that purchase with a sale on the island at equivalent price as I understand if not better and that funding will actually stay on the Island and if the Minister says we will get \$50000, that will be very useful in promoting some of the issues that the DAA Working Group has suggested so therefore I'm in full support of it. I think it's a good idea. As I say it's been around for five years now and I would support it going through today. I've got no problems with it at all because it's actually a replacement of a sale location or potential sale location on which we have no control elsewhere to some recompense to the Island by selling it here

ACTING DEPUTY SPEAKER BROWN Thank you Mr Nobbs. The question is that the Bill be agreed to in principle. Is there any further debate before Mr Donaldson moves the suspension of Standing Orders

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

ACTING DEPUTY SPEAKER BROWN Honourable Members is there any debate? The present question is that so much of Standing Orders be suspended as would prevent the Bill from being passed through all stages at this sitting. If there's no debate I put that question

QUESTION PUT
AGREED

MS NICHOLAS NO
MRS JACK ABSTAIN

I note Mrs Jack's abstention. Ms Nicholas do you wish the House called

MS NICHOLAS No Mr Acting Deputy Speaker

ACTING DEPUTY SPEAKER BROWN Honourable Members we continue debating the question that the Bill be agreed to in principle. Is there any further debate in relation to that question

QUESTION PUT
AGREED

MRS JACK ABSTAIN

I note Mrs Jack's abstention. Honourable Members the ayes have it.

Is it the wish of the House to dispense with the detail stage? That is agreed. Mr Donaldson I call upon you to move that the Bill be agreed to

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

ACTING DEPUTY SPEAKER BROWN Honourable Members Is there any debate? The question is that the Bill be agreed to

QUESTION PUT
AGREED

MRS JACK ABSTAIN

I note Mrs Jack's abstention. Otherwise the ayes have it, the Bill is agreed to

We move to Orders of the Day

INQUIRY INTO THE EFFECTIVENESS AND MANAGEMENT ARRANGEMENTS FOR THE NORFOLK ISLAND HOSPITAL ENTERPRISE

We resume debate from our last Sitting on 19th June 2002. Mr Ivens Buffett

MR I BUFFETT Thank you Mr Acting Deputy Speaker. This falls to me to resume the debate today on the basis that I did adjourn the last discussion on the substantive motion which consisted of three parts when it came before this Assembly for discussion. I intend to once again adjourn debate on this matter for two principle reasons which are that for those members of the community who have been aware of proceedings within the courts in Norfolk Island, the press in Norfolk Island and more recently the appointment of a new Executive member to this House this morning I think it would be courteous to adjourn this matter. The Health portfolio goes over this morning and there are certain matters to be done in respect of the inquiry and I would be asking the members to agree to the adjournment to allow the new executive member to put to members what the terms of the inquiry will be and to facilitate those issues surrounding that particular matter

MR NOBBS Thank you Mr Acting Deputy Speaker. I disagree with an adjournment. I believe that it can be progressed. The original motion was changed to encompass eighteen months. As I said at the time I thought the inquiry would actually touch on issues even before the eighteen months which would be about 1996 when there was a major change to the Hospital Act which is seen by some to be the major concern at the Hospital. I don't agree with that. I think there's some difficulty with the interpretation of the roles of various people at the Hospital in relation to that. That could be clarified by agreements between the various parties and there has been a number of other issues including appointment of doctors and what have you over the years which should be canvassed as part of this inquiry if we are extending it that length of time and I think we should go ahead with it. The court case is well outside the bounds of this motion. The motion is in response to a petition and I take petitions from the community extremely seriously, as I've always done, even when they were directed against me and my Government at the time, I take them very seriously and they need progressing and I believe this needs progressing. It's not as though we have as new Minister a brand new Minister who has had no experience. Our new Minister has had twenty years experience in the parliament here. He is one of the original members, he's held including various roles, the role of Chief Minister and I understand as Minister for Health in the past and he was a Minister only eight months ago in the latter part of the last Government I think when there was also a problem in relation to the Hospital. I think that not only because of his experience but because all members should be across the issues that I would suggest that it should not be made an excuse that we've just had a new Minister. If he were brand new walking in off the street I would have some doubt but not after twenty years experience and therefore I suggest that we should progress with it. It's only to set up an inquiry. We're in an ideal situation now because the new Minister is coming in clean, he hasn't been involved in the issues in the past and he can make a decision and I know that he would make the appropriate decisions in relation to an inquiry and I would suggest that this matter should be progressed as there were 630 odd signatures, from memory, on the petition which was received two months ago now I guess, or six weeks anyhow. We've had a few meetings lately and I lose track. I think about six weeks ago, so I would suggest that we progress the motion and get on with it. Thank you Mr Acting Deputy Speaker

MRS JACK Mr Acting Deputy Speaker I can understand Mr Nobbs concerns and I agree with many of them. I also understand Mr Ivens Buffett and his concerns. I would like to see, I was away I might add for the last meeting of the House and I would have concern that point 1. of this Order of the Day be attended to. I would like to see No 2 initiated ASAP however, in deference, even though Mr David Buffett has had years of experience I think a common courtesy of seeing him take on board all the information that must be there regarding this I would like to see a small break and perhaps it could be a special sitting of the House in a couple of weeks to deal with it

MS NICHOLAS Thank you Mr Acting Deputy Speaker. There are two matters running parallel at this time. Matters to do with the Hospital which are seen as related. One is before the Court of Petty Sessions and another before the Supreme Court. It is hoped to have a decision on the Supreme Court matter in August but the process of the Court of Petty sessions is as yet unknown. I want to quote a couple of things from the Parliamentary Handbook because I believe they clarify a few questions for me at least and perhaps for others in respect of the sub judice convention: "matters awaiting adjudication in a court of law should not be brought forward in debate, motions or questions" "the origin of (this) convention appears to have been the desire of Parliament to prevent comment and debate from exerting an influence on juries and from prejudicing the position of parties and witnesses in court proceedings. It is by this self-imposed restriction that the House not only prevents its own deliberations from prejudicing the course of justice but prevents

reports of its proceedings from being used to do so. It is a restraint born out of respect by Parliament for the judicial arm of government, a democratic respect for the rule of law and the proper upholding of the law by fair trial proceedings." I certainly don't deny that full independent inquiry into recent events at the Hospital may be desirable but I don't think that this is either the time or the place to decide it. Independent inquiry will come from due judicial process and I don't believe this House should attempt to play that role

ACTING DEPUTY SPEAKER BROWN Thank you Ms Nicholas. Is there any further debate. Mr Ivens Buffett

MR I BUFFETT Thank you Mr Acting Deputy Speaker. I move that debate be adjourned and made an Order of the Day for a subsequent day of sitting. Is that your wish

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

QUESTION PUT

Would the Clerk please call the House

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

Honourable Members one Member is absent from the Chamber. The result of voting therefore, the ayes six the noes one, the ayes have it
That matter is so adjourned

FIXING OF THE NEXT SITTING DATE

We have concluded Orders of the Day Honourable Members. We move to fixing of the next sitting day

MS NICHOLAS Mr Acting Deputy Speaker I move that the House at its rising adjourn until Wednesday 28 August 2002, at 10.00 am.

ACTING DEPUTY SPEAKER Thank you Ms Nicholas. The question is that the House at its rising adjourn until Wednesday 28 August 2002, at 10.00 am. Is there any debate. The question is that the Motion be agreed to.

QUESTION PUT
AGREED

That motion is agreed thank you

ADJOURNMENT

MR NOBBS Mr Acting Deputy Speaker, I move that the House do now adjourn

ACTING DEPUTY SPEAKER The question is that the House do now adjourn. Is there any adjournment debate Honourable Members?

MR I BUFFETT Thank you Mr Acting Deputy Speaker. Just a short comment in the adjournment debate and that is simply to wish all those Members going away to the Commonwealth Games and leaving Norfolk today, a safe and successful trip and a quick return home

MEMBERS Hear, Hear

ACTING DEPUTY SPEAKER BROWN Thank you Mr Buffett. Any further participation Honourable Members? The question before us is that the House do now adjourn and I put the question

QUESTION PUT
AGREED

Therefore Honourable Members this House stands adjourned until Wednesday 28 August 2002, at 10.00 am.

