

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

PETITIONS

Honourable Members are there any petitions this morning?. There are no petitions.

GIVING OF NOTICES

Are there any Notices?

QUESTIONS WITHOUT NOTICE

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

MS NICHOLAS Thank you Mr Speaker. I have a series of question to the Chief Minister on the Government's response to Quis Custodis Custodes. What consultation has taken place or is intended to take place with the Minister, Administrative Review Tribunal and Commonwealth Ombudsman aimed at investigation of allegations of corruption or corrupt conduct within the Administration or the Legislative Assembly

MR GARDNER Thank you Mr Speaker in response to that question I am able to advise that next week the Federal Minister for Territories the Hon Ian Campbell will be visiting Norfolk Island from Wednesday evening next until Friday evening or thereabouts I was advised of that late last night and that will present certainly our first opportunity to have face to face discussions with the Federal Minister in regard to those matters during the time of his proposed visit. Secondly the reference to the Administrative Review Tribunal, that is a matter that would require some discussion with the Administrative Review Tribunal once that body has been identified as an appropriate body to inquire into those types of allegations. It currently is not empowered to do that and thirdly the question about the Commonwealth Ombudsman Mr Speaker, as Members would be aware and I think the community are well aware, the Commonwealth Ombudsman has recently visited Norfolk Island. We are awaiting a report from him but he's made some preliminary recommendations in relation to that and the need for Norfolk Island to tailor to its own needs those types of investigation arrangements but we await his final report on that and his recommendations in relation to establishing those bodies on Norfolk Island

MS NICHOLAS Thank you Mr Speaker. A second question, the same source. When will the Minister put before the House legislation in respect of the Administrative Review Tribunal's review of immigration decisions as foreshadowed in the Government's response to the report

MR GARDNER Thank you Mr Speaker as Members would be aware and I believe the community would be aware, I did table in the House some months ago now draft legislation that would give the effect of the return or the actual staging of immigration appeals on Island through our own Administrative Review Tribunal body rather than as it currently stands with the Federal Minister and also draft legislation with regard to the Administrative Review Tribunal Act, draft amending legislation to that Act, that would give them the power to actually hear those and to

establish the Administrative Review Tribunal in such a fashion that there would be expertise on that body to hear those matters. Currently that draft legislation is with our newly appointed Legislative Counsel who is reviewing that legislation and it is my proposal as soon as that review finalised which I expect to be any day, I will be in a position to introduce to this House in April that amending legislation in both instances

MS NICHOLAS Thank you Mr Speaker. One further question which I shall address to the Chief Minister but he may defer to the Minister for Finance. Perhaps I'll put the question and see. As detailed again in the Government response to the Joint Standing Committee recommendations, have drafting instructions been issued for amendments to legislation ensuring the Administration provide full audited annual financial statements and reports for themselves and the statutory bodies by the 31st October to enable tabling in the Legislative Assembly on the next day of sitting and in his response perhaps be kind enough to give a time frame

MR GARDNER Thank you Mr Speaker I've spoken in recent days to Secretary to Government about those amending provisions. Obviously they will extend beyond just the provisions of the Public Moneys Act. My understanding is, and the Minister for Finance will correct me if I'm wrong I'm sure, but I understand as far as the auditing requirements are concerned that they would be included as his proposed amendments and there are a number of them to the Public Moneys Act. That is the first step. The second step regarding the other statutory bodies on the Island would need some amendment under statute law I would imagine is probably the easiest vehicle to move in that area, to require specific reporting times for all of those statutory bodies but I may defer to the Minister for Finance if he has anything further to add to what I have said

MR DONALDSON Thank you Mr Speaker I'll just add briefly to that. Currently the various pieces of legislation such as the Public Moneys Act, the Norfolk Island Tourist Bureau Act and the Hospital Act contain requirements for deadlines in reporting procedures. The Joint Standing Committee has included in its recommendations more onerous reporting requirements. In answer to the very first part of the question, have drafting instructions been issued in regard to any of those things, no they haven't been, it's still in a work in progress area of attention

MS NICHOLAS Thank you Mr Speaker. Given that the report came down in December, we had budget sittings, the first of the budget sittings in May and we are now in mid March I would seek a time frame please

MR DONALDSON Thank you Mr Speaker, I can't commit the Government resources or the Administration resources to a time frame and say it will be done by the 31st March, or the 30th June. It will be done appropriately in competing with the priorities of all the other legislation and according to the wishes of this House

MS NICHOLAS Will you then honour the commitment that the Government has made in the response to the Joint Standing Committee report. Can I be assured of that

MR DONALDSON Yes. I'll just read out the commitment that Ms Nicholas is referring to. The Government will introduce amendment to all the necessary Norfolk Island legislation to provide full audited annual statements of the Administration and statutory bodies must be presented to the responsible executive Member by the 31st October. That is our response to the Joint Standing Committee and we will make every endeavour to comply with that response

MRS JACK Mr Speaker I ask the Minister for Finance what amount of absentee landowners levy remains unpaid and what is being done to the debt recovery process here

MR DONALDSON Thank you Mr Speaker I haven't had an update on the amount outstanding but I did note in minutes of the Corporate Management Group that we received the other day, that there was follow up action being initiated to reclaim the outstanding moneys in the Absentee Landowners Levy Act or payable under that Act. Any more than that I would have to take on notice and seek details from the Administration

MR ROBINSON Thank you Mr Speaker I have a question to Mr Buffett. How did you get on with the compulsory fumigation of vessels coming to Norfolk Island

MR I BUFFETT Thank you Mr Speaker that particular topic, we have still having discussions in two areas, firstly quarantine requirements out of Australia, the vessels existing ports out of Australia and the actual shipping companies themselves. At this stage I cannot give a definitive answer as to whether they are going to do it or not. There are some protocols that I understand are being followed from port of despatch which is Yamba, but we haven't finalised those issues and when I do I will certainly let Mr Robinson and the community know where we are at with them

MRS JACK Mr Speaker I refer this question to the Chief Minister because he's in charge of the proposed legislation covering compulsory third party insurance and I refer Minister to one insurance company which operates on this island that with CTP has a \$20m limit for third party property damage and a \$500,000 limit for bodily harm and I ask the Minister firstly is he aware of this situation and the severe financial problems that could arise because of this low limit on the bodily harm and if the Minister is aware, is he planning to introduce a capping regime for use in insurance claims

MR GARDNER Thank you Mr Speaker yes I am aware of some of the difficulties that some people are facing in relation to securing third party motor vehicle insurance on Norfolk Island. There has been a great deal of discussion with insurance agents on the island about proposals to make third party motor vehicle insurance compulsory on Norfolk Island. As yet I haven't sighted any formal responses from any of the head officers of those insurance agents on island however I think now with the flow on of the benefit payable under the compulsory third party to \$500,000 as you suggested there is a need and I have asked for advise from our Legal Services Unit on the appropriate course of action to take with regard to capping payments because as I'm sure Members are aware and the community is aware with the cost of health and medical attention these days and consequential damages that are sought etc \$500,000 doesn't go far these days and so there is a need, I think as my colleague Mr Brown so eloquently puts it, to ensure that those who are doing the right thing are protected on Norfolk Island and that certainly is the direction that we are heading in

MRS JACK Mr Speaker I ask the Minister for the Environment, the Waste Management Centre has been operational for some six months and my question is, of the different waste streams, how much is still being united and then burnt, what increase has there been in actively recycling those separate waste streams and has there been an increase in the amount of waste sent off shore for recycling

MR I BUFFETT Thank you Mr Speaker perhaps I could take that on notice. There's a number of issues that arise in respect of that issue. Mrs Jack mentioned to me recently and it was just I think a couple of minutes before I came to the meeting this morning, some information did come to me. What I will do is I will correlate those and give Mrs Jack a copy and provide copies for the rest of the Members and the community and formally answer it at the next sitting of this House

MRS JACK Mr Speaker another question for the Minister for the Environment and Lands and it concerns the Waste Management Levy and I ask the Minister do many business avoid the levy by using parcel post and is it his intention to close this gap to make a more even playing field

MR I BUFFETT Thank you Mr Speaker Mrs Jack raised that with me yesterday as well, we certainly looked at that when we were putting the regime into place. I haven't been able to get a definitive answer as to what quantities, or whether there's been an increase in parcel post since the levy came into being, I doubt that very much but what I will do is find out what quantities we do receive and see if there's been an increase and of course to try and see what we can do in respect of levying if that is the case. Now having said that and understanding of course that levies and charges on postal service issues are matters between Governments in respect of postal charges so we may need to look at that but I will find out that detail and let the community and the Legislative Assembly know

MR ROBINSON Thank you Madam Deputy Speaker, my question is addressed to the Hon David Buffett. How are negotiations going in respect to the stretcher purchase for medical evacuation

MR D BUFFETT Thank you Madam Deputy Speaker the purchase of a medical stretcher has been pretty much an on and off situation over a long period of time. For various reasons it has been on and for various reasons it has been off. I understand that there are continuing discussions about a prospective purchase but maybe I could give some background so that you will know why it has not been achieved at this moment. I suppose twelve months plus ago there was a proposal that we should endeavour to purchase a static stretcher that would fit into at least one of the types of aircraft that came to and from Norfolk Island and possibly, more than one type of aircraft and discussions were had about that. Before that was concluded, there was another proposal which was a more grandiose proposal I might say, in excess of \$100,000 proposal but it was a more self contained unit which had more facilities, it was more or less an intensive care unit on its own account and it could be appropriately located and this capsule so to speak could take a patient and be put inside an aircraft and be taken to where-ever we thought appropriate that that should happen. We had the proprietors of that particular product visit the island and give us a demonstration and at the end of the day there wasn't wholesale support for that because it meant a reconfiguration of our on island medical services. For example when we bring in a unit from outside, they would bring the expertise including the medical services with it. With the unit that I have just mentioned it would mean that we would have to send with it, some of our medical services and therefore diminish ours over a period of time. In other words, we would have to send a doctor, we would probably have to send a nurse, and similar arrangements and so there has not been a continuation of thinking that that is the best arrangement. We have returned to some extent to look at the other but the figures that are available to us show that the use of a static stretcher whilst it may be used maybe once or twice a year, there may not be a great saving because there would be a cost to pursue it. The last cost that we had if I remember correctly and I'm relying on memory now and I'm not looking at a bit of paper I think was something like \$10,000 plus American dollars and once may well say that over a period of one or two years you

would have your return of funds on that. It hasn't gone to the stage of purchase at this moment. Now that's some background on where we are. I can do some further work to see whether it is a real prospect of getting this item or whether it isn't and report to you further

MR BROWN Thank you Madam Deputy Speaker, could I direct this question to the Minister for Community Services and Tourism and it relates to the proposed stretcher, Minister bearing in mind that the Government has dillied and dallied with this decision now for several years, can you advise a precise date by which the Government will provide a paper to Members advising Members of the precise cost of the stretcher, the precise cost of using the stretcher on each occasion and the potential savings per year

MR D BUFFETT Thank you Madam Deputy Speaker yes, I think I'm in a position to give some assurance that by our next sitting I could have such a paper

MR BROWN Thank you Madam Deputy Speaker, I direct this question to the Minister for Community Services and Tourism is the Minister aware of suggestions that the morale and performance within the Public Service has slipped to its lowest in many years and perhaps in memory and if so, can the Minister advise what the Norfolk Island Government proposes to do to rectify the situation

MR D BUFFETT Thank you Madam Deputy Speaker I would challenge that the Public Service morale is at an all time low. I would say that approximately twelve months plus ago the Service was in terms of morale, at an all time low, but since then, we have put into place a number of remedial things that has given cause for the situation in the Public Service to significantly improve. I wouldn't want to claim and I've said this on other occasions, that the things that are to be done have all been done but its quite a long road to recover from the difficult situation that we found ourselves in one and a half to two years ago. Let me try and walk through some of them. We have need to find a new Chief Executive Officer. We have done that. That person is now in place. And it's important to see the chronological sequence because some of the things I'm going to mention need to happen in a reasonable order. We needed to gain a new Chief Executive Officer. That has been done. Not an easy process. Quite a difficult process and some traumas in walking through that process but nevertheless we have tackled that and we have achieved that situation. The next stage in the public service pyramid so to speak is to then determine the number of Executive Directors. We also needed to review the structure of the service and we went through a number of processes to do that and we at the end of the day determined that in lieu of a number of executive directors beyond two we wouldn't follow that course and we reduced that number to two in our Organisational Structure and there were other aspects of the Organisational Structure that we found advantageous to pursue. Not only so that it would deliver a better service to the community but also would get a better working relationship within the Public Service itself. So the next stage was then to recruit the Executive Directors. That has now been achieved. The first Executive Directors was recruited I would think probably about a month plus ago now, maybe two months and the second has just come on board just this week. If not this week, last week and so we have now achieved that situation. We had a very unsatisfactory situation during the times of trauma and troubles at the higher level whereby people were very temporary in positions within the service. Indeed some of them had been in these temporary positions for in excess of two years. More than that in some particular situations. And there was great unhappiness and insecurity in terms of those situations. Members will recall that I put a proposal which they approved to try and alleviate that situation and we've prepared some guidelines in which people who had been in certain situations for

certain periods of time and performed well would have some confirmation of their situation where they had been in situations for a shorter period of time and not gone through a merit selection process then their job would need to be advertised. And we have significantly gone through a number of those positions I would say, I'm estimating, but maybe at least a dozen of those. Now that has the prospect of lifting morale so that people at the end of the day will know where they stand and that has significantly gone ahead so there are things such as those that have taken place in the past eighteen months. Now the claim about what is to be done further on. Indeed there are still further things to do. For example, spread of hours arrangements that continue to need to be worked through with officers of the Service between officers and management and that has commenced and there are some interim processes in place, especially for people who are newly engaged in the service, in other words, they would come in under those specific conditions. How we handle that from here on continues to be negotiated. We are not quite yet at the finality of that situation but the Chief Executive Officer is working through that. There are other Human Resources factors that are yet to be finalised and when they are concluded then of course that will give greater opportunity for satisfaction in the service, so what am I trying to say. I'm trying to say that I think there have been significant things undertaken, concluded and completed, that gives opportunity for morale to be lifted in the service over the past eighteen months. I also acknowledge that there are things yet to be achieved but this is not a five minute job, nor is it just a twelve month job and whilst I would hope that it wouldn't take more than twelve months to significantly complete the outstanding, it has taken a period of time, and whilst I would accept that there are some people who would have continued dissatisfaction in the service, I think there has been opportunity and I think the opportunity has been taken, for people to be better satisfied than they have been of the last two years.

MR BROWN Thank you Madam Deputy Speaker, I direct this question to the Minister for Community Services and Tourism can the Minister please advise the House of the system which is presently in place in terms of assessing the performance of senior Members of the Public Service

MR D BUFFETT Thank you Madam Deputy Speaker there are processes for assessments. I think I would like to talk to the Chief Executive Officer about the detail of that so that I can give a more fulsome response, but I think I can say at this time that yes there are assessment processes, but maybe I could come back with some more detail about the frequency and the sorts of things that would need to be taken into account so that it might give you a more fulsome idea of what the situation is

MR BROWN Thank you Madam Deputy Speaker, could I ask the Minister if he could also ascertain whether those assessment procedures have actually yet been used. It's one thing for us to have them in a book it's another thing for them to be used

MR D BUFFETT Yes, yes

MR BROWN Could I ask a further question of the Minister. Is the Minister aware of a letter from a group called Residents Against Corruption on Norfolk. A letter dated 8 March 2004 making rather significant accusations about some parts of the Public Service and if so, can the Minister advise what action he has taken in relation to the contents of that letter

MR D BUFFETT Thank you Madam Deputy Speaker I am aware of that and all Members are aware of that because there has been a process to equip all Members with that particular piece of information. There have been some allegations within that document. The Chief Executive Officer has taken aboard those accusations.

He is now working through a process to examine them and also in that process has sought some guidelines how other large institutions might handle those arrangements. I might say that this documents which I think is a page and a half, and contains a number of things and identifies a number of officers and may identify a couple of individuals if I remember the detail correctly, however, the paper itself is apart from the initials mentioned is unsigned, in other words it is unidentified. But nevertheless there is detail within the document which allows certain situations to be recognised and there is a process to examine, first of all, whether they are of substance, we don't know that at this movement and there is a process obviously that needs to ask those who have been mentioned to have their side of the story hears. Those processes are in place at this moment, to examine those. One of the things that has come out of this is that we also in the process need to have a more clearly defined process when such matters come forward in other words, if a document is lodged which makes the sort of accusations that have been made, that we have a very clear procedure to be able to respond to those and put into train an investigative process and whilst there are in the piece of legislation that covers Public Service management some broad guidelines about that, the detail is yet to be developed and this is an opportunity to actually give emphasis that that be done

MR BROWN one further question of the Minister for Community Services and Tourism on the same subject matter, can the Minister advise what action he has taken to introduce a system to enable Administration staff to make complaints of this nature without the threat of their employment being jeopardised as a result of bringing matters to attention

MR D BUFFETT That was the very point that I was endeavouring to make at the end of my last response, in other words that there should be procedures so that when something comes forward that it is handled, but also handled so that it doesn't give jeopardy to people who might be in the position of complaining

MRS JACK Thank you Madam Deputy Speaker I just ask the Minister for Community Services and Tourism what arrangements are in place for a third doctor at the hospital, a second dentist and also for a physiotherapist, and also will the second dentist be full or part time

MR D BUFFETT Thank you Madam Deputy Speaker Dr, Dentist and Physiotherapist. I have some information in respect of the first two. I haven't any up to date information in respect of the third but I can get you some information. I am pleased to be able to say that Dr McNamara who is known in the island is able to commence as the third doctor. I do have a date but it has escaped by mind at this moment but it is early in April that he will commence. So when that time comes we will be back to our three situation and it will be a doctor who is of a known quantity and well regarded in the Norfolk Island community so I mention that Madam Deputy Speaker, in respect of the third doctor. The Dentist we have received a resignation in respect of a dentist and we are advancing the recruitment of his replacement. As far as I am able to understand you mentioned part time. I don't recall there being a proposal for that person to be part time but if there is something around that has escaped me at this moment I'm happy to look at that, but that isn't how I understand it at this movement. There isn't a time frame for that at this moment, obviously as soon as possible leek but the recruitment process hasn't brought forward an individual that we can negotiate a starting time with at this moment. The physiotherapist I mentioned that that is where I'm not equipped at this moment and I'll have to do some further homework to provide you with information about that

MRS JACK Thank you Madam Deputy Speaker last question again goes to the Minister for Community Services and Tourism and I ask the Minister what has happened top the plans for a pedestrian crossing on the Burnt Pine Shopping Area

MR D BUFFETT Thank you Madam Deputy Speaker we made a proposal about a pedestrian crossing which was basically across the road from Leaside to the Diamond Centre in generalities We put that to public comment. There were good public comment in terms of that proposal. The next stage of actually doing it as far as I am aware is on the books to be done. Now if you are going to ask me when? I don't know at this moment but I can find that out for you. If I have some response before we conclude this sitting I will be able to say so to you

QUESTIONS ON NOTICE

DEPUTY SPEAKER Time for questions has expired. We move to answers to Questions on Notice

MR GARDNER Thank you Madam Deputy Speaker, the question is number 53 on the Notice Paper in your name and the question is, given that the Norfolk Island Government in its response to the Commonwealth's Joint Standing Committee Report Quis Custody Ipsos Custodies stated that some of the Committee recommendations would be supported by the Norfolk Island Government a) will the Minister advise which recommendations are considered appropriate and explain why and b) also to honour a commitment made in the Norfolk Island Government response will the Minister advise what steps have been taken towards commencement of consultation with the Commonwealth aimed at establishing a comprehensive joint review of the Norfolk Island Act. Madam Deputy Speaker, in response to that question I propose to deal with the second part first. It's the shortest and might get forgotten in the grander scheme of things. Preliminary discussions have already occurred at officer level between Norfolk Island and the Commonwealth initiated by Norfolk Island. Secondly the proposal was provided to Minister Campbell in writing as Members and Ms Nicholas would be aware, as part of the Norfolk Island Government's response, the package that was sent to the Minister in response to the Joint Standing Committee's Report and thirdly the Minister's visit next week will provide the opportunity as I said earlier in the Sitting of the House to discuss and establish the framework for that joint review and that possible, and I'm only speculating at this time, possibly will be in the form of a joint working group Madam Deputy Speaker. To answer the first part of the question which is seeking advise as to which recommendations contained in the Joint Standing Committee Report are considered appropriate and explain why it's probably appropriate Madam Deputy Speaker, that I preface my remarks with a general statement which relates to recommendation one that the Norfolk Island Government firstly rejects the conditional aspects of that recommendation, we made that quite clear in our response to Minister Campbell but more important it goes on to say that the Norfolk Island Government is committed not only to self-Government but continuing the process of devolution of powers to Norfolk Island and that we will work closely with Canberra to ensure that we have external mechanisms of accountability to facilitate ongoing transparent self-Government . it's also important to record as I move through these recommendations that the Commonwealth Ombudsman has suggested that there are alternative mechanisms that are available to achieve the same end as are proposed in the Joint Standing Committee's recommendations and report and the Norfolk Island Government believes that most if not all of the accountability and transparency matters can be accommodated within the bounds of Norfolk Island legislation. With that said, I can move through the recommendations that are clearly apparent in our response to the Joint Standing Committee report that was sent to Minister Campbell which are those

matters that we agree in principle with the content of the recommendation but obviously that we have some not dispute, but disagreement or belief that there is a better way to handle those mechanisms. We agree in principle with recommendations 3 and 4. there is currently a motion before the Legislative Assembly to strengthen existing provisions about pecuniary and non pecuniary interest registers. That is at the mercy of the House and something that will be dealt with later in today's sitting. Recommendations 5 through 7 they were discussed in Norfolk Island with the Commonwealth Ombudsman during his visit and he as I said earlier has suggested alternative courses based on codes of conduct and practice with some external oversight. The detail of that will be contained in his report that he has undertaken to provide us in the very near future. Because we are working so closely with the Commonwealth Ombudsman and that office being beyond reproach and beyond question, I need to emphasise that we are already very closely with the Commonwealth entity on those matters. Recommendation 13 which talks about the provision of some form of external oversight in the form of an Ombudsman Service, we are making progress with the Commonwealth Ombudsman on that matter. Again that is in limbo until such time as we receive the Commonwealth Ombudsman's Report. Again we agree in principle. Recommendation 14 again agree in principle that financial audits are mostly dealt with through our current arrangement with the Queensland Auditor General. It is proposed to have further discussion with the Queensland Auditor on widening the scope and detail of that arrangement to include performance audits. Recommendation 16, agreement in principle and in most cases is already established current practice. The Norfolk Island Government has agreed to implement statutory deadlines for Annual Reports as was provided in answers to Questions Without Notice this morning. Recommendation 21, agreement in principle. Most of those Recommendations are current practice which are standards and processes that the Legislative Assembly work to in dissemination of information, public access to meetings, the publication of those meetings and our belief that the Legislative Assembly is a uniquely open and transparent body which already exceeds the standards proposed by the Joint Standing Committee in those matters. Recommendation 22 is agreed to in principle. There is a motion before the Legislative Assembly again today to create an expenditure review committee which is in the name of Mr Nobbs introduced into this House at the last sitting. Recommendations 27 to 28 at this stage has been overtaken by other events which was the Commonwealth Parliaments disregard of the Norfolk Island Government's position and relation to those matters which passed into law last week the Norfolk Island Amendment Act 2003 adopting in their entirety the contents of Recommendations 27 and 28. The Norfolk Island Government believed Madam Deputy Speaker, and I think it's important to make comment at this time on that, that prior to the passage of that Bill, that the preferable course of action on electoral reform was the Legislative Assembly Amendment Bill 2003 that was passed unanimously by this Legislative Assembly in March 2003. that Norfolk Island Government position was made in good faith and it is our belief that we had made significant steps towards meeting the issues raised by the Federal Government in relation to those matters relating to qualifications for enrolment, the qualifications to vote and to stand for election to Membership of the Legislative Assembly. Recommendations 30 to 31, agreed in principle. The Norfolk Island Government has stated clearly that it is prepared to work with the Commonwealth on legislative drafting and law reform, however, if Commonwealth assistance is provided, we hope it is provided in good faith and we need to emphasise that it is desirous of the Legislative Assembly that the ultimate responsibility for control of drafting, the programme for drafting and passage of legislation remains vested in the Norfolk Island Legislative Assembly. Madam Deputy Speaker, in summary we have agreed in principle with at least fifteen of the Recommendations contained in that report and agreement to some degree in principle I should say. As I said in my preface the Norfolk Island Government is committed not only to self-Government but to continue in the process of devolution of power to Norfolk Island. I again emphasise that we will work closely with Canberra to ensure that we

have external mechanisms of accountability to facilitate ongoing transparent self-Government and has been raised in Questions Without Notice this morning, it is not just the criticisms that are extended from outside from Joint Standing Committee's of the Commonwealth but they are criticisms that we have within our own community and those are the answers that are of primary concern to us to answer and to put people's minds at rest in this community on those issues. If I can just add a final couple of words, to the response to this Question on Notice, a number of other Recommendations contained in that report, we have reserved our comment on until such time that we have had an opportunity for the presentation, consideration and adoption of Recommendation from our own Legislative Assembly Select Committee into Governance issues and they relate to Recommendations 17, 18, 20, 23, 24, 25 and 26. Seven of those in all. Some would as of a consequence of their adoption undoubtedly in my view, lead to Norfolk Island being fully embraced within the Australian tax regime. Those in particular are Recommendations 8,9 and 10 relating to Social Services, Medicare and pharmaceutical benefit scheme. That is a discussion that will be ongoing, that will take place as part of the second part of the Joint Standing Committee's Report which has been publicised and on island enquiries are to take place in the near future so I understand, but a matter that will need further discussion at another time and of course, some remain outside of the current direction being jointly pursued by the Norfolk Island Government and Commonwealth. They relate principally to Recommendations 11 and 12, relating particularly to matters of immigration and other Recommendations propose oversight mechanisms that are not a current requirement in any parliamentary jurisdiction. In particular some aspects of recommendations 15, 18 and 24 and an assortment of matters attaching to other recommendations, thank you

DEPUTY SPEAKER
answers to Questions on Notice

Thank you Chief Minister. Are there further

MR D BUFFETT
Thank you Madam Deputy Speaker Question on Notice No 54 is in my care. This question asks me to advise what documents are being drafted to honour the commitment made by the Norfolk Island Government in its response to the Joint Standing Committee's Report to implement changes to the Social Welfare programmes and I advise this. In its response to the Commonwealth Joint Standing Committee Report the Norfolk Island Government indicated that it is presently considering the recommendations of the Norfolk Island Social Services Board following its review into Social Service legislation, programmes, benefits and procedures. And as part of that process, draft amending legislation and policy development have already been prepared and is now being circulated for comment, principally at departmental level at this moment. The amendment legislation and introduction of policy proposes a number of changes to the Act which is the Social Services Act 1980. A couple of particulars, the proposed changes would cover a range of issues, ranging from standardisation of application forms and procedures so that there might be a clarification really of entitlements to pensions and to benefits. There would be guidelines prepared for a number of things for which there is an all embracing mention in the legislation but the detail is not there. For example in terms of a special benefit there are no guidelines. It just says that a special benefit can be made and there is thought that it would be more advantageous to have criteria. Also in terms of hospital and medical benefits under the Social Welfare system that is generalised and all embracing, and there is thought that some guidelines in terms of those and the payment that might be appropriate would be useful and helpful. There is thought that where people who are social welfare beneficiaries have private health insurance that there would be some method to formally encourage that, that continue so that they would be kept in the private fund although in some cases that would not be affordable for the individual and maybe some system could be worked through about that. They are just some examples of the adjustments that are being proposed. Another is that there might be review of decisions concerning pensions and

benefits review by the Administrative Review Tribunal and there have been some adjustments to the Tribunal's fees structure to allow that extension once the social welfare component had been tidied in the sort of manner that I have mentioned. The time frame to look at this is the time frame for implementation of the 2004/5 budget. Thank you Madam Deputy Speaker,

PRESENTATION OF PAPERS

DEPUTY SPEAKER

We move to Papers Honourable Members

MR GARDNER

Thank you Madam Deputy Speaker. Under subsection 31(4) of the Legal Aid Act 1995 and clause 12 of the Memorandum of Understanding between the Commonwealth of Australia and Norfolk Island I now lay before the Legislative Assembly a report addressing the matters for the period July 2003 to December 2003 specified in the subsection. They are a) a Report of the Legal Aid Advisory Committee for the above period relating to its activities to that period b) all recommendations of the Committee that have been accepted in the Statement of Reasons for the Non Acceptance of Recommendations c) that no legal assistance has been provided to a body corporate and d) and finally, enclosing a summary of the financial records of the fund in relation to the above period. Madam Deputy Speaker, I table that Paper and move that the paper be noted

DEPUTY SPEAKER
the Paper be noted

Thank you Chief Minister the question is that

MR GARDNER

Thank you Madam Deputy Speaker as part of the activity report of the Legal Aid Advisory Committee I'm provided with a report from the presiding Member on behalf of that committee on their activities and as I have established as practice Madam Deputy Speaker, I usually endeavour to read that into Hansard and there are matters arising from that that I think are worthy of further discussion around this table this morning. The report reads as follows. The Legal Aid Advisory Committee met on four occasions and considered four applications presented to it. A favourable recommendation was made in respect of only one of those applications. The receipt of three applications that were subsequently declined appears to indicate an increased awareness of the availability of legal assistance through the scheme and possibly also the need for further review of the eligibility criteria for that assistance. The committee is awaiting the receipt of a response from the Australian Government on proposed amendments to the Memorandum of Understanding and the Legal Aid Act before it can progress its community responsibilities. My comment in relation to that matter is that I have been advised that the package of information the draft Memorandum of Understanding and the draft amendments to the Legal Aid Act, the package as I call it, that I referred to Minister Campbell back in October of last year is currently with the Commonwealth "Attorney Generals Department for consideration and I am expecting a final answer from the Commonwealth within a matter of weeks on that matter so that I am able to progress through this House the amendments to the Legal Aid Act to allow the Committee to progress its community responsibilities as it says in its report. If I could continue with the content of the report, a third Member of the committee was appointed, and Miss Samantha Brown was welcomed by the committee following her appointment. Advice was received on the investments of the funds in the Legal Aid Fund. The committee intend to review the advice and advise the executive Member on opportunities to increase the return received under existing arrangements. That is signed by the presiding Member Mr Craig Anderson, Legal Aid Advisory Committee 18th February 2004. Madam Deputy Speaker, I have further comment in relation to the last paragraph of that report relating to the investment of funds in the Legal Aid Fund and the advice that has been provided from the Committee to myself in

relation to those arrangements and I can advise that I have given directions in the last few days in relation to maximising those returns in the monies held in the Legal Aid fund. Thank you Madam Deputy Speaker

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

QUESTION PUT
AGREED

That Paper is noted

MR DONALDSON Thank you Madam Deputy Speaker I table the financial indicators for the seven months ending 31 January 2004 and for the eight months ended the 29 February 2004 and move that they be noted.

DEPUTY SPEAKER Thank you Minister for Finance

MR DONALDSON Thank you Madam Deputy Speaker. Just speaking briefly to these papers. The Papers set out the Revenue Fund performance as its emerging for the year and after eight months the pattern that's emerging is quite favourable. This year income is running at \$8.8m for the first eight months. Expenditure is running at \$7.3m so we are actually in the surplus situation of \$1.3m. There is some capital expenditure to be spent but that won't go anywhere near absorbing the surplus. The financial indicators are actually based on the revised budget from the half yearly budget review which actually increased the bar for what we have to achieve. It took the total income target from \$12.8m to \$13m. That's only \$200,000 more but it is an increase and we are in a very favourable position compared to eight months budget position. It would appear from what is emerging here that we will not obtain a budget deficit as was originally budgeted for of \$170,000 but will obtain several hundred thousand surplus although it would be wrong for me to predict what it's going to be at this early stage. I table those Papers

DEPUTY SPEAKER Thank you any further debate?

MRS JACK Thank you Madam Deputy Speaker I just have a point where I still am saddened by some of these figures. The point that we've had to use revised budgetary figures in one case, customs duty has gone from an estimated or hopeful budget of \$4.5m to now \$3.8m. With these revised figures we say, isn't it great, we are only running at 1% less than the budgeted amount, whereas if we used the original figures it would still be at minus 12. We have improved from a minus 19% situation of budget to a minus 12 so I suppose yes, there is an increase there, but to be content with still a minus picture in the budget I'm disappointed over and I would just hope that the Minister continues to seek from the officers, reasons for that, and hopefully will encourage positive growth within the community by having an increase in the customs duty. If you look back over the years you will see that there's been virtually no growth in some of the monies paid out to customs duty and I find it quite sad that this lack of growth is accepted so readily, thank you

DEPUTY SPEAKER Thank you Mrs Jack. Any further debate? The question is that the Paper be noted.

QUESTION PUT

AGREED

MR DONALDSON Thank you Madam Deputy Speaker I table a paper detailing virements that have been made between the 19th November 2003 and the 1st March 2004. I'm tabling the paper pursuant to section 32(b) of the Public Monies Act and I just note once again that virement of funds is not an increase in appropriation its just an reallocation of the votes amongst themselves and does not increase or decrease appropriation for the year. Accordingly I table a list of virements

MR I BUFFETT Thank you Madam Deputy Speaker in accordance with section 412 of the Interpretation Act 1979 I table the Planning Regulations 2004, the Building Regulations 2004 and the Trees Amendment Regulations 2004

MR DONALDSON Thank you Madam Deputy Speaker, section 2(b)(2) of the Customs Act 1913 makes provision for the executive member to exempt goods from duty where the duty payable is less than \$200. Section 2(b)(5) of the Act provides that where the executive Member has exercised his power, he shall lay a copy of the exemption on the table of the Legislative Assembly. I so table those exemptions

MR D BUFFETT Thank you Madam Deputy Speaker I table the Inbound passenger statistics for visitor numbers coming into Norfolk Island. Firstly inbound passenger statistics for the month of February 2004. These have been earlier circulated to Members. Madam Deputy Speaker, I put those on the table. There are a series of papers and I'll give a brief explanation as to what they are as I normally do. First of all, inbound passenger statistics for February 2004. It shows that our monthly total was 2838. It shows that most of our visitors come from New South Wales with 34%, and secondly from Queensland with 31% and then 18% from New Zealand and then some 10% from Victoria and some minor percentages from other States within the Australian context. In comparison to the months of earlier years, last year for the same month of February, the figure again reminding we are 2838 this year, 3120 last year, the year before that 2776. In 2001, 2932 and the year before that, 2505 so it can be seen that we are below what we got last year but we are above what we got the year before, we are about the same as the year before that and significantly more than the year before that. That's for the month of February. In the next series of Papers that I have put on the table there are also the results to date of the visitor exit survey and the period that has been surveyed as I mentioned to members on earlier occasions, will as time goes on, increase in the quantity and time frame that has been covered. This one now means that we have the period from the 1st January to the 2nd March. It covers these nine areas, that is, motivation for coming to the Island, their occupation, accommodation choice, accommodation rating, where they have come from, whether they come signally or otherwise, age group, their holiday experience as to whether they had a great time or below expectations and also a table which endeavours to identify the discretionary spending of individuals and those figures are equally in this table which I table today for the information of Members. As I've said, as the year goes on the figures will multiply and have greater standing because we are talking about an additional volume of people and as we develop the bulk of figures with the progress of each month, they will become more meaningful to us. We have from the 1st January to the 2nd March on this occasion. Also amongst the papers is a graph of the inbound passenger statistics which shows in a graphic form where we are in terms of this year compared with the previous four years and at this month of February that I have tabled figures about, we are about mid range in terms of the past years including the year that we are in now. That's about the range of it. I table those for the information of Members also

MRS JACK Thank you Madam Deputy Speaker I wish those Papers to be noted. An article Minister was in the Paper some time ago from the Manger of the Tourist Bureau saying his thoughts were that we would better the figures for the previous year. Going on February being lower than previous years figures, I'm just wondering are we still on line to bettering those figures or is there a hiccup in the system that could see some difference to what was written in the Paper

MR D BUFFETT Thank you Madam Deputy Speaker from the indicators that I have in front of me, we still have four months to run of course, but I would think it unlikely that we would better our best year. Our best year was 40,000

MRS JACK Thank you Madam Deputy Speaker the Manager was going on about reaching he thought a target of approximately 41,000 tourists. Those were in competition with last years figures when we had two heavily competing airlines so I'm wondering are we going to have a severe drop with only the one airline now. I'm not saying that is bad, but we do have a lack of competition so I am concerned for all industries. That's our major industry for the Island so I am concerned for all factors that it services

MR D BUFFETT Thank you Madam Deputy Speaker yes, as far as I am able to ascertain at this moment, and there are a number of factors that are in the marketplace at this moment, for example, QANTAS has just started their new cut price airline arrangement, it is said that there are something like 400,000 seats in the marketplace at this much more advantageous price for domestic travellers that obviously is a competitive arrangement for Norfolk Island whether we are going to achieve the 41,000 in that climate does seem unlikely at this moment but it's not for me to say that it might not be achieved, but it does seem a big ask at this moment, however, that doesn't mean that we will necessarily go below the last couple of years that we have experienced because we have experienced growth on the last couple of years

MRS JACK Thank you Madam Deputy Speaker I just ask then, if there are so many seats, 400,000, being made available on the domestic scene I'm just wondering what type of marketing strategies the Tourist Bureau is putting in place to counteract or to keep us up there in the face within Australia as a good destination

MR D BUFFETT Thank you Madam Deputy Speaker the January February period is a traditional trough in our graph. If you look at the graph and I know that you have, you will see year after year after year that trough occurs. That has obviously been predicted for this year and so there have been strategies put into place from last December which have been co-operative arrangements with wholesalers and airlines and the like and that is running at this moment. Now we've done that before I might say although I think on last occasions we did it more without the lead time, in other words we've been more proactive on this occasion then we've been on other occasions. The other times it has worked for us. It appears not to have been having the same result this time round however there have been those efforts. There is an effort to monitor how our figures are going. I know Mr Brown mentioned on an earlier occasion that he made an offer which was taken up in the initial stages and whilst there might have been success with Mr Brown's participation we needed to get a broader spectrum and it wasn't as easy to get the players from the other areas, however, notwithstanding that what we have now in the marketplace is one airline and with one airline there is a greater preparedness on the part of that airline to share its figures when there isn't a competitor. Now there are difficulties when one has a monopolistic situation about this is one of the benefits that they are prepared to share and so we do have some indicators of the forward bookings there and there are continuing discussions between the Tourist

Bureau and the Management of the airline and there are some further discussions this week in terms of well if that's how we are and we've had these other things in place, are there other things that we could be on about and the Board is prepared to put some funding towards doing that, so that discussion really is in place at this moment, but also I just wanted to emphasise that the things we've done on other occasions to try and boost this period have been done this year. In addition to that, we have running although I think it is about to conclude, a co-operative television programme which was on the North Coast of the New South Wales area that is more a regional programme

MRS JACK Thank you Madam Deputy Speaker just one other point Minister. I was just wondering how much of the tourism to Norfolk Island is run by Norfolk Island Tourism and how much is driven by the wholesaler. Is one more in charge than the other. Does one have greater influence than the other

MR D BUFFETT I think it's fair to say that given opportunities each would try to be the dominant force in terms of the promotional arrangements and I think it varies from time to time as to which may be the dominant force, if that is really your question

MRS JACK I was just wondering can one actually by having greater dominance, I suppose I'm getting too philosophical actually have a detrimental effect on the tourism figures to Norfolk Island

MR D BUFFETT Theoretically Madam Deputy Speaker we all should be in the same boat and we should all be promoting and wanting to bring people to Norfolk Island. The Tourist Bureau has made great efforts to do that and spread that as widely as possible. That has its difficulties at times because in the spreading sometimes you are not able to give significant amounts in one particular area. You are spreading the load and sometimes that is not as effective in a marketing sense but nevertheless, it's an effort to try and give benefit to all of those who are in the business

MR BROWN Thank you Madam Deputy Speaker, it always fascinates me when we get to see the monthly visitor figures and I hope Members will notice that I've used the word visitor not tourists. It's time that we all started to do that. It always fascinates me because if the numbers are up, there's rolling of the drums and blowing of the bugles and we are told that this is the greatest number that's ever existed. Now frequently we find that if we go back more than the four years there have been higher periods in the past but we're told that this is the highest number that ever existed. When the numbers are down we're told oh well, this might be down but it's still better than it was however many years ago. There's never a recognition that we might be seeing the beginning of a trend and right now I have little doubt, we are seeing the beginning of a downward trend. Had there been a working monitoring programme in place, an early warning system, the Tourist Bureau would have known a long time ago because various signs have been there for quite some months. But our Tourist Bureau doesn't get out and put an early warning system together. It's something that's been talked of, talked of and talked of for years but the Tourist Bureau doesn't appear to have done anything about it. It is not good enough to say oh well, we're having trouble getting co-operation. Where's the correspondence. What efforts really were made to obtain that co-operation. I would like to suggest to you that there's a possibility that very little was done and that what we are seeing is an excuse for that inactivity and if that's the case people should be held accountable for it. Mrs Jack made reference to there being one carrier to the island from Australia. Perhaps I should declare my pecuniary at this stage. I'm not a shareholder of Norfolk Jet Express. I'm not a director of it but from time to time I've done some legal work for them. I'm not doing any current legal work for them. They indeed are presently the only carrier and I really hope that the Members will

sit down for long enough to get to understand what that means. We had a period of what Mrs Jack described as competition. I would prefer to describe it as a period of absolute insanity. A period where the two airlines were competing with each other to lose the most money because the fares were being offered at levels which were well below the cost of producing the seats and we've seen in Norfolk Island that that is the consequence of competition on the Australian routes every time that it occurs, because the Australian routes are not large enough for one carrier. When an airline loses money, it has to look at how it can cut its expenses. You don't get the same hot meal. Meals have to be brought down to a more affordable level. Eventually you can't get the same range of discount fares because eventually there's a recognition that fares have to be brought up to a survivable level or at least the number of fares in each class. The amount of money that's available for promotion changes because when the bankbook is only coloured in red there's nothing there to spend. I think we should be grateful that we are at the stage now where there is the opportunity for the carrier from Australia to be viable. But we need to work with them a lot better than we are working now. At present I would have to say to you that there is a very significant lack of communication from the Tourist Bureau towards the Australian airline at least. I don't know the extent to which there is communication between the Government and the airline but I would like to suggest that it can be significantly improved and increased but the most important thing that I want to say is that we need to be prepared to recognise right now that the golden days might be over. There are all kinds of reasons why numbers to Norfolk Island are dropping. Some of them Norfolk Island is to blame for. Maybe our product is slipping. our Tourist Bureau doesn't have a marketing plan so we are not able to look at a marketing plan and have a look at what assumptions have been made as to where the general marketplace is heading. What assumptions have been made as to precisely what the Norfolk Island visitor is likely to want in the next twelve months. nothing has been done in order to satisfy that requirement and create the product that the Tourist Bureau wants to be selling to the consumer. I don't mean by that that the Tourist Bureau should be out marketing its own wholesale packages but the Tourist Bureau needs to have a marketing plan. Unless you have a marketing plan you are running blind. Time and time again I've asked for a copy of the Tourist Bureau's marketing plan. Time and time again I've been given a two or three page piece of paper which has a list of the travel shows that the Tourist Bureau intends attending, a list of some of the advertising that the Bureau intends placing and a list of some of the journalists that it is proposed will visit the island. Now Madam Deputy Speaker, that is not a marketing plan. The Tourist Bureau receives a lot of money from the Norfolk Island Government each year in order to run its business. There are some very significant changes that are needed urgently. The first one is called accountability. There has to be a system whereby the management and the Board of the bureau are assessed. Are they performing. If they are not performing they need to be shown what has to be done for them to be performing. They need to be encouraged, they need to be supervised but there has to be accountability. We can't go on with the present system. There's got to be an examination of whether what the Tourist Bureau spends is really worthwhile. I would like to suggest that the Visitors Information Centre be separate from the Bureau as soon as possible and that perhaps the Visitors Information Centre be put out to the Public Sector to run. In that fashion perhaps the bureau would then focus on its real role which is to increase the quantity and quality of visitors to Norfolk Island. But these things aren't being looked at Madam Deputy Speaker. We continue to pour money into the Tourist Bureau, we continue to get a report that one month will say we've done wonderfully we've got record numbers and another month like today that will say, well we haven't done so well but it's better than what it was a few years ago. I trust Madam Deputy Speaker, that there will be a detailed review of the whole of the workings of the Tourist Bureau and the whole of the funding of the Tourist Bureau without delay and that as part of that review the Legislative Assembly might need to look at providing in fact

considerably more funds than are provided now but provided that there is accountability and results will be achieved, thank you

MRS JACK Thank you Madam Deputy Speaker I would like to clarify that. I gather from Mr Brown that I seemed to have denigrated the remaining airline. I wanted no intention of that at all. I wanted to point out that when we did have two airline competition that in order to fill their seats there was massive cost slashing. The people came but as a result we lost an airline because of the extent of the cost cutting exercise. As Mr Brown has also pointed out, I too have a conflict I suppose with that because I am a shareholder of Norfolk jet and I would like to point that out

MR NOBBS Thank you Madam Deputy Speaker in regards to this particular question I think that the Tourist Bureau has been given what oh this morning here but I think that the problems with the tourist industry at the present time go a lot farther than just what is perceived to be happening at the Tourist Bureau and I don't have any direct representation, apart from what Mr Brown has said, or suggestions from Members of the community but I have had some real problems in areas where it appears that we are proceeding down a line where it's within the tourist accommodation industry in particular where we have a series of have and have nots, and that is an area where I would ask the Minister to look at and see what can be done because there are people, or tourist accommodation houses within the tourist industry which are not receiving for various reasons, I'm not too sure what they are, but there are a number that seem pretty full consistently and the complaints that I'm getting is that there are a lot who are receiving none and maybe that's a direction that the Tourist Bureau should be looking at and I ask you to look at that. There is also in relation to that some concerns have been expressed to me in the tourist industry in relation to actual service and the provision of information say from when we've had delayed airlines and the like, or changes in schedule and those sort of areas which could be improved people believe they could be improved, whilst there is always a problem when planes are delayed and the like but changes in schedule and those sort of areas, there is a need to look at those. There are other areas and I don't really want to go into them here, but they are the two main ones that have been mentioned to me by a number of people and I would ask you to look at those areas if you are asking to look at the Tourist Bureau and their role as suggested by Mr Brown that you also look at those particular areas as well, thank you

MR D BUFFETT Thank you Madam Deputy Speaker if I could just make some concluding remarks. The figures are down on these last few months and there has been an indication that people would like some adjustment locally they think they see some remedies there but also there is the bigger picture and in the marketplace in which we compete. When this sort of situation arises, it's not an uncommon arrangement for wanting to run around and finding blame and where should one apportion that blame and of course the first call in this particular instance seems to be the Tourist Bureau. I would like to say that the Tourist Bureau has done some very good work. Whether there is room for improvement, I'm not necessarily saying that there is no room for improvement, we are all subject to room for improvement but I would like to recognise that the Board has done some good work. They have on their own account given good service and their interests are genuine and so I would like to put that on record. I know that some people would find some dissatisfaction but I would need to say what I have just said. Notwithstanding that I am of course always willing to try and examine a more accountable process of which Mr Brown is speaking and I would endeavour to do that. In the matter of accommodation, some being full and some not, this comes back to the earlier remark that I endeavoured to make, and maybe made inadequately and that is that the Board has tried to give marketing strategies in the wider spectrum and the more generic arrangements. If in fact it gave all of its effort to say just

one or two or three of the wholesalers, those just one or two or three don't always provide business to the widest spectrum of people who are in the industry of Norfolk Island and so the board would just be putting money in the one area that didn't give benefit to the wider spectrum. They are part of the difficulties of balance of the promotional funds and whilst the Board does enter into some co-operative advertising arrangement there needs to be a balance in the context of that which I speak because the Board would want to ensure that all who are in the marketplace have a share of the visitor dollar. That's easier said than done but there needs to be an effort to try and do that. In terms of schedules and I am assuming that Mr Nobbs was obviously talking about airline schedules there have been significant changes to airline schedules in the past two months, including one that came out to my desk yesterday morning and maybe one a few days before that. I am not too sure what the Norfolk Island Government is able to do to stabilise the scheduling arrangement if that is what Mr Nobbs is aiming to tell me but I'm happy to have further conversations with him and indeed in my conversations, and I do have conversations with the airline, but their rationale for needing to walk through some of the processes but of course I think I can understand that some of the rationalisation of their flights relates to passengers that they have booked or don't have booked and that's part of the reflection and flow on from maybe the drop in figures over the past few months.

DEPUTY SPEAKER

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

QUESTION PUT
QUESTION AGREED

Are there further Papers for presentation? No. Are there Statements. No. There being no statements I move to messages

MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR – MESSAGE NO. 26

DEPUTY SPEAKER

Honourable Members I have received the following message from the Office of the Administrator and it is message No 26 which reads that on the 27th February 2004 pursuant to Section 21 of the Norfolk Island Act 1979 I declared my assent to the following, the Billboards Repeal Act 2003 and the Message is dated the 27th February 2004 and is signed Grant Tambling, Administrator.

REPORTS OF STANDING AND SELECT COMMITTEES

DEPUTY SPEAKER

Are there any Reports of Standing and Select Committees. We move to Notices

REGISTRATION AND MINIMUM SAFETY EQUIPMENT FOR LOCAL BOATS

MR BROWN

Thank you Madam Deputy Speaker, I move that this house requests the responsible executive member to take immediate action to introduce a system of registration and minimum safety equipment for local boats and a system of licensing for persons in command of charter and sightseeing vessels. Madam Deputy Speaker, recent events made it very clear that it is long overdue for us to introduce a system of registration, a system requiring minimum equipment lists and in my view on a similar line a system of licensing for those who are operating charter boats and sightseeing vessels. It simply is not satisfactory that we continue to allow a system where boat owners put in their vessel such equipment as they feel they wish to carry. Some will be equipped magnificently and there will always be some which are not. But Members of the community might then be put at risk by mounting a search and rescue

operation in what might be poor weather, it might be at night, it could be and frequently has been, in quite adverse circumstances. My motion is not intended to be a criticism of any person, it's not intended to be a criticism of the recent events nor of events in the past. It is simply intended to be a recognition of the need for us to bring ourselves into the 21st century and it's also a recognition that if we believe that we operate a visitor industry we need to provide protection to our visitors such as ensuring that those in command of charter vessels hold appropriate licences and that all vessels carry appropriate safety equipment, thank you

MR GARDNER Thank you Madam Deputy Speaker I speak briefly if I may, I had some representations made to me last weekend as a result of my address on radio last week which had indicated that this matter was on the Notice Paper and Mr Brown was bringing it forward. I think there was some confusion that it was a piece of legislation that was coming forward today and some concern that maybe persons in the community hadn't had an opportunity to discuss the matter in any detail or be consulted but I think it is important to point out that as a result of recent events on the island and I guess the distress that, caused to a number of people that the local Fishing Club itself has moved fairly swiftly I understand to purchase a number of safety items which they are bringing to the island. Whether that is – well certainly it is a move in the right direction but whether that is going to satisfy the concerns that obviously Members in the community have and persons around this table have in relation to this matter I don't know, but I think it is important to have on record that people haven't been sitting on their hands in regard to this and I think that the Fishing Club should be commended on their initiative to at least get the ball rolling in this field and they should be a particularly important part of the consultation process in the development of any legislation relating to this matter, but I support the motion thank you

MR ROBINSON Thank you Madam Deputy Speaker I have no objection to Mr Brown's motion. The only reservation I have is that future Governments may want to turn this into another cash cow so we will just have to keep a very close eye on that and of course one would expect that our Minister will keep in close consultation with the Fishing Club over the proposed legislation when it is due to come up

MR D BUFFETT Thank you Madam Deputy Speaker. After the last incident where we had two fishermen lost at sea, the Emergency Management Group and various others who had been involved in that particular exercise met to walk through the processes in terms of emergency management so that they might be monitored to see whether they needed to be upgraded, tidied or improved or whatever and the group generally agreed that there would be a number of recommendations that would eventually come to me from the Emergency Management Group with thoughts to improve some of the elements in our processes. I did ask the group when we were sitting around the table as to whether it may be helpful for the Assembly to enter the lists in terms of either legislating or have some definitive arrangement to reinforce the need for minimum safety equipment in local boards and there was a thought that the time had come for that and I can see that, that is part of this motion and so I just share that piece of information with you. This motion however, goes wider. It talks about registration and it also talks about charter and sightseeing vessels and I just make the point that they may have been outside the context of that earlier conversation that I had but I'm not trying to say that there shouldn't be an examination of minimum safety equipment and arrangements in those areas as well. My general thought is, to be supportive of this motion, I just reinforce that it is a motion which means that legislation has to be drafted and the detail has to come forward and we would need to be comfortable with the detail and the detail we would obviously need to have public consultation with, would include the Fishing Club and others because there are people who do have boats of course who are not necessarily in the Fishing Club and there would need to be an assurance that

there is that wide consultation in the process but from the indicators that have been made to me, the time has probably regrettably arrived that we need to be more resourceful in terms of ensuring that minimum safety equipment are in boards when they put out to sea from this place

MR I BUFFETT

Thank you Madam Deputy Speaker I'm not too sure where this particular motion sits. I've got this feeling that it probably sits in about three portfolio areas. Firstly in a purely licensing regime, secondly a safety issue which a Minister has just talked about or I believe it may well sit with a situation that's been an ongoing aspect of my portfolio now for in excess of two years, in which to be quite candid I've found it very difficult to get the community to move on a couple of the issues. The situation with this motion is this, I believe it is part and parcel of a wider thing that Norfolk has to come to grips with for those how have been following boating in Norfolk Island and fishing and other associated issues they will know that back in 1999 the Government of the day and the then Fishing Club and the Norfolk Island Fisheries Consultative Committee representatives made certain representations to the Commonwealth Government to take control of their local fishery. One of the issues that was made quite clear was that there was absolutely no objection to Norfolk taking control of their fishery and one of the specific issues that was raised at that time was the necessity and the real need to have drafted a piece of local legislation that did a number of things. It looked at the control of boating, it looked at the number of issues to control a local fishery. The Commonwealth agreed at that particular time to amend the Commonwealth Act to reflect that issue and I think one of the issues that are currently outstanding is that the local content has not been completed now it's not been completed for a number of reasons, one of the principle reasons is that there is a question of costs associated with the management of our own fishery and there are some ongoing costs that will accrue to the Norfolk Island Government and to those people who use the local fishery in terms of surveillance. Let me put a proposition. If we prepare a piece of legislation, a comprehensive piece of legislation, that deals with boating I think it should include the aspects that have been mentioned by Mr Brown, other aspects that have been negotiated and discussed over a number of years between the Commonwealth and the local representatives and not yet completed. In that respect, I have in my portfolio area looking after fisheries, well advanced in dot points the preparation of drafting instructions to bring this to fruition because there are a couple of time frames that run and are critical. At the Norfolk Island Fisheries Consultative Committee Meeting that was held late last year, one of the things that the Commonwealth made quite clear was that yes, we will proceed up this track but we needed to make and be a little bit more proactive in what we did. This is part and parcel I believe of that big picture. There are some outstanding matters that are yet to be dealt with by the local side of things, for example, one of the critical issues that the Commonwealth required at that time was to have put in place across the board for all fishermen in Norfolk Island was a record of the catch. Identification of what was being caught. Identification of the quantities so that we can legitimately discuss the question of having a substantial fishery and for the Commonwealth to continue to proceed to honour their agreement to transfer the management of that fishery to Norfolk Island so this is a fairly comprehensive question. These issues are part and parcel of that, however, I am more than prepared to have them separated if they wish to be dealt with as a purely licensing arrangement and dealt with under that regime. But I just mention those issues because I think it's been timely that they be brought to the fore. I believe time is running. So let me make this quite clear and I have no reservations in saying this I believe time is running in respect of the response of this community and through the Government here in Norfolk Island in respect of the future of the fishery. Timeframes have been given. At the end of 2004 to have this information back to the Commonwealth and discussed. I inform Members that at the recent trip I made to Canberra one of the issues I talked about touched on fisheries and one of the issues that I specifically raised with the

Commonwealth at that time, was the question of more marine parks. It was not on the basis that we wanted more marine parks, it was purely on the basis that we needed to come to grips with those issues that were being currently pursued by the Commonwealth in respect of water surrounding Lord Howe, other waters that the Commonwealth had control over, and I had an undertaking from senior officer level at that time that those areas did not effect the box that we currently have control over. I believe that this issue is clearly one that we need to address as part of the big picture in addressing whether we really and truly want to manage our fishery because if we do, there are going to be some costs involved and whilst Mr Robinson, I think mentioned earlier, it certainly will be my intention to include some cost recovery into this, as part of any fishery legislation, let me make that quite clear so maybe as part of your registration there is a fee for the registration of boats, because we as a Government cannot continue to subsidise a lot of these things that we want control over. We've got to stand up and we have to pay for it and we have to find ways of funding it so I make no bones about that. If it's part and parcel of this issue, we need to look at fees to cover the cost of that management and I think this is the piece of legislation that we do it. We don't simply keep taking it out of other revenue areas in Norfolk Island to spread across the things that we need to do. In respect of this particular issue, certainly I've had a couple of representations, firstly the principle one was how the devil do we get qualified. Well, it's being co-operative. It's being co-operative because a couple of people have sent me model units, for example, there's currently one that's running up at the Callolla Sunshine Institute of Tafe and they've sent me documentation of how you can look at becoming qualified, especially in respect of the issues that Mr Brown raised in respect of charter operations. I don't see it as being that onerous but there are going to be costs associated and what I'm really saying, that if this Legislative Assembly want the matter dealt with separately, it's purely a licensing issue, well I have no difficulty with that. The other issues will need to be addressed by this Legislative Assembly fairly quickly and my personal view is that we need to address the two of them together because there are some significant implications when we discuss this issue. It is my intention to have some of those up to the Legislative Assembly if not for the April sitting certainly for the May sitting and to the community for them to discuss what I might call the drafting instructions and the format of legislation we need to achieve what this community has asked for, what we have to deal with, because if we don't then there's the other decision that we have to make as we abandon that request we made and let the fisheries continue to be governed by an external source of we take up the responsibility of managing our local fishery and I think they are key issues and they are part and parcel of that

MS NICHOLAS

Thank you Mr Speaker. I would like to complement some of the words spoken by the Chief Minister because I've been asked to say something on behalf of the Norfolk Island Fishing Club and I'm happy to do that because its positive. What they have to say is relevant to the motion and demonstrates that they are already addressing the issues prior to the events of February. Norfolk Island Fishing Club lists eighty active boats, that is, ones that are being used rather than sitting in sheds on their books, and has a paid up membership of around 60% with fees due at the end of this month. At the Annual General Meeting of the club held in November last year the idea of mandatory safety requirements for all craft was discussed and a decision was made to draw up a list of requirements to be implemented during this year. The list of requirements was circulated and feedback sought. as a result of the list requirements were drawn up and they include lifejackets, flares, oars, water, first aid kit, torch, sea anchor, a bailor or bucket, effective anchor and at least 100 metres of rope and chain and perhaps most importantly a vhf radio and an eperbs. A compass axillary motor and gps system are considered optional as is a trunking radio. The overall cost of this gear is probably in the vicinity of \$1000 per boat. Orders have been placed as has been mentioned and I understand the Fishing Clu8b have put together some \$12000 to facilitate the supply of the equipment to its Members,

essentially the eperbs I believe. Those which have been ordered send off a Morse code signal giving a serial number which is related to a data base at Air Sea Rescue Headquarters. There are also moves to require a boat identification disk with annual renewal and inspection of requisite gear at that time. Essentially Mr Speaker the Norfolk Island Fishing Club is proactive in this area and I'm sure that you will find discussion with them, productive. Thank you

MRS JACK

Mr Speaker I would just like to say that I too agree with Mr Brown's motion. Over the years there has been the odd boating accident or mishap here on Norfolk Island and the community has held its collective breath and during my time on Norfolk Island such incidents have had a good result. Boating fishing and the enjoyment of the sea are deeply entwined into the Norfolk Island psyche and when visitors come to Norfolk Island and want to experience our lifestyle, for many this means getting onto the water. The inclusion of visitors changes and challenges many of the laid back aspects of boating on Norfolk Island and whether it's the coral viewing, charter fishing, cruising the island, whatever, we must ensure that their safety is one of our concerns and if we are going to look at this charter hire tour boat operators then those same concerns must flow over to the private sector. I would also like to point out that not just in the fishing should this be looked at but also in ensuring that say the people who operate, who drive the big buses, that their licences too are those that are required for the longer bus so that they are kept up to date with the proper licences. I don't want to lay the need for greater safety features solely at the visitors, it is also because of the need for proper insurance that's driving this aspect I should imagine, as well as the need to start being more responsible for our actions. Norfolk Island is being partially driven by outside forces. I can't deny that but I feel that a Norfolk Island interpretation can still be used and I leave the responsible executive Members to bring back to this House the necessary options, thank you

MR ROBINSON

Thank you Mr Speaker. Just one point. The Commonwealth has a cost recovery system in place as well and you can bet your bottom dollar that they'll be charging like the Light Brigade

MR NOBBS

Thank you Mr Speaker I agree with Mr Toon Buffett in what he said about this whole issue. If you look at the situation at this stage, by the end of the year 2004 I think we'll find that if we don't do something, all bets are off and we'll have a new Legislative Assembly coming in and they'll be run right over the top off and then there will be licensing and full blown inspectorate system in place here and the island will have to pay for it. The Commonwealth won't pay for it so I think we need to get on with it. We've been warned and we need to do something about it. At the present time now regardless of whether we've got some control over the area out there, the Commonwealth still owns the water as soon as you step into it and head out so they have a responsibility and they've shown in the Joint Standing Committee report, the response by the Minister and the likes that they are not going to be messed around. The other point that I have to make is that it's fine having these registration systems and the minimum safety equipment for local boats but there's no guarantee that the people in them know how to operate these things so there is a need for training in relation t the use of that equipment as well as any licensing or command of a charter and sightseeing vessels and I don't know the current situation but I can tell you its not a very onerous task for people in command of charter and sight seeing vessels to have some acceptable qualifications. I support the motion but I would really like to see Mr Toon Buffett bring back a little bit more definitive arrangements before I fully support the whole issue because I think it goes well beyond this. This is only just the sop as far as the situation with fishing and the likes here and I think you'll find that a lot boats actually have this equipment on them at the moment. It's not as though they are running out there, we heard all sorts of rumours in the Pedro incident that they had nothing on there

and yet they had flares and had we known about flares at the time we would probably have taken a little more interest in looking out to sea instead of saying gee it's rough out there and I won't be able to see a boat anyhow. Now those flares should have been clearly visible on the island so it is important that those boats have the equipment but as I say not everybody is bereft in this equipment. Boats are fully equipped now. There are some without it and if they haven't got the required gear on there they should get it and if they don't well then you have to use the stick so at the present time I support this motion but I would like to see it extended more Mr Speaker

SPEAKER Any further debate Honourable Members. There being no further debate I put the question is that the motion be agreed

QUESTION PUT
AGREED

That motion is agreed thank you. We move to Orders of the Day

APPOINTMENT OF ADDITIONAL STANDING COMMITTEES

We resume debate Honourable Members from our February sitting on the question that the motion be agreed. Mr Nobbs you have the call to resume

MR NOBBS Thank you Mr Speaker. There's been some discussions among Members in the last three or four weeks in relation to this and ten days or so ago some Members raised concerns in relation particularly to the Scrutiny of Bills Committee and how it could be operated and legal advice was sought in relation to that. That advice arrived last night and I don't think it's fair that I would ask Members to consider it. I think these sort of issues have proved that there are not overall support for the particular motion and I would far rather it be dealt with, with support and passed or rejected and withdrawn. So I ask that the debate be adjourned and that resumption of debate be made an Order of the Day for a subsequent day of sitting

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

QUESTION PUT
AGREED

That matter is so adjourned

ESTABLISHMENT OF A COMPULSORY REGISTER OF PECUNIARY AND NON-PECUNIARY INTERESTS OF MEMBERS OF THE LEGISLATIVE ASSEMBLY

We resume debate on this matter from our February sitting also on the question that the motion be agreed to and Mrs Jack you have the call to resume in this matter.

MRS JACK Mr Speaker I ask leave of the chair to put forward an amendment

SPEAKER Thank you. Is leave granted. Leave is granted

MRS JACK Mr Speaker I would ask that in the original motion we delete all words after "that" first occurring and insert the following "that this House

recognises that there shall be a compulsory Register of pecuniary and non-pecuniary interests and that such a register should include –

- a) Members of the Legislative Assembly
- b) Members of the Public Service at all Senior Management levels including but not limited to the Chief Executive Officer and the Executive Directors and
- c) Persons appointed to statutory offices on Norfolk Island and further

That the Chief Minister is requested to arrange for the introduction of appropriate legislation into this House at an early date". Mr Speaker the amendment is a result of discussion amongst Members. It does not go into any great detail save for the persons to be affected by the motion should it get the nod. I continue to ask that Members agree to the Chief Minister having carriage of this motion as the legislation I am asking him to alter does cover the Legislative Assembly Act which is in his portfolio, other legislation that perhaps would need to be affected would be the Public Sector Management Act and I also am told a revision of the arrangements regarding Statute Law which covers those on statutory boards. There is a plethora of information on such registers that cover Members of local councils to Members of the House of Reps, the Senate as well as Ministers of the Commonwealth who detail their information to the Prime Minister. There are systems in place in each state in Australia as well as in many Commonwealth countries. I believe that should this motion proceed then the information given and made freely available will greatly enhance the accountability and transparency of good Government and Administration on Norfolk Island and I ask Members to debate the issue and either proceed with it or give it the flick

MR BROWN

Mr Speaker I continue to have difficulty when I hear people talk of establishing a pecuniary interest register in Norfolk Island because there has been one for quite some time. Let's recognise that. Let's recognise that we established that register well before it became the thing to do in other places. There are ways in which that register could be improved Mr Speaker. It was an informal register maintained by the Speaker that Members were expected to complete and if their circumstances changed they were expected to note the changes. I don't have a difficulty in supporting the thrust of the motion which is before us. It is of no great consequence to me whether the register is maintained in an informal sense or whether it is formalised in some way by the introduction and passage of the Bill. I certainly agree that it is time that the disclosure of interests was widened. Certainly those appointed to a statutory office would be pleased to have an opportunity to declare any interest they may have because it is a protection for them. Those appointed at the upper levels of the Public Service would also I am sure be pleased to have the opportunity and perhaps if the document from Residents Against Corruption on Norfolk is a reasonable indication of some of the things that are happening, and if its words to the effect that there's plenty more where this came from are accurate then it will be a very worthwhile reform of the Public Service. So I don't have difficulty in supporting the motion Mr Speaker, but I did want to make it clear that a number of those around the table at present were involved in the creation of the existing voluntary register and a number of the people around the table completed it at the time and have made any necessary amendments since, thank you

MS NICHOLAS

Thank you Mr Speaker. Just very briefly because I'm intrigued by what Mr Brown has said and I have heard over recent weeks since this motion has been around that there has been such a register but I think I can accurately speak on behalf of both Mrs Jack and myself when we first came down here, we asked about such a document, such a register. I think individually we sort of kept asking over a number of weeks or some sort of period and it always seemed to be that somebody else was the keeper of the register and it just never eventuated and as happens, one was swept up and involved in other issues and didn't continue to pursue it but I'm intrigued by the fact that there is one, that it does exist and apparently Members have made recent amendments to it. Is that the implication of what you are saying

MR BROWN Mr Speaker I don't know if Members have made recent amendments to it. I haven't needed to make an amendment to my declaration for quite some time so I've not done so

MR NOBBS Thank you Mr Speaker I support the motion but I gave some suggestions to Mrs Jack at the time and one of them was that there should be a penalty but it doesn't seem to be mentioned in this document and I suppose it can be covered in the legislative changes but I think if we are providing this document which is a compulsory register, that there should be some sort of penalty because what we are going to find is that the Public Service will probably lose their jobs for indiscretions in relation to the pecuniary interest register but others of those suggested on the thing will not have that sort of pressure put on them so that's what I believe, that you should look at a fair and equitable penalty arrangement as far as this is concerned. I think it's long overdue that the pecuniary interest register that's been around in the past for six or seven years or whatever it is, and it might be longer I don't know but it was only a voluntary situation and therefore it didn't get there, and I can quite understand why Mrs Jack and Ms Nicholas weren't required to actually fill anything out so this being compulsory I think is excellent but I really believe that we should look at what penalties need to be put into legislation as well, but it's a start and I'll support the motion

MR I BUFFETT Thank you Mr Speaker just a couple of words. I'm not sure whether penalty clauses are going to work across the board for everybody. Certainly Mr Nobbs has identified where a penalty might apply if for example a Public Servant, they would be penalised by losing their job. When Norfolk Island is run by a whole series of committees and you are asking these committees to get up and declare everything and then if they happen to slip up one is penalised, I'm not too sure whether the whole system that operates in Norfolk Island will operate in the free spirit and in the will of the nature of how things operate on Norfolk Island so therefore the question of penalties if it is to be included, let's have a good scrutiny of that when it gets put into legislation. In respect to the Members of this Legislative Assembly I would have thought that we all know what we all do and certainly the open forum of this place, if we believe a Member has acted inappropriately or something like that has happened then certainly I believe the Member should have the ability to make some sort of noise or motion in respect of asking that Member to declare their interest or to withdraw or a number of other issues within that ambit. I certainly support the proposition. I too am aware that the register had been around for a number of years. I'm a little surprised because I thought it had been going on for a number of years and a lot of Ms Nicholas interests were already on there from a previous stint in this Legislative Assembly but if that wasn't the case and if that was too early for all these sort of issues to be comprehended then certainly perhaps we could put that on the list at the moment but that's the only issue that I have and it's a question of penalty in terms of how Norfolk Island operates as a community

SPEAKER Thank you Mr Buffett. Any further debate? No further debate Honourable Members? Then I put the question that the Motion be agreed to

QUESTION PUT
AGREED

The motion is agreed in terms of your amendment although that become the substantive motion and that is the substance of the motion. I need to then put it to you again Honourable Members that the motion as amended by the motion just now be concluded and I put that question thank you

QUESTION PUT
AGREED

The motion is agreed and that matter is finalised Honourable Members

**2003 REVIEW OF THE TOURIST ACCOMMODATION QUOTA CONDUCTED BY
GATEKEEPERS GROUP DATED 31 DECEMBER 2003**

We resume debate from the February sitting on the question that the motion be agreed, that is, that the House take note of that particular paper and Mr Brown you moved that motion, therefore you have the call to resume

MR BROWN Thank you Mr Speaker. This motion as Mr Speaker has pointed out, is purely a motion to note the paper which was tabled. It is not a motion suggesting the Legislative Assembly's response to that paper. The Legislative Assembly will need to respond to that paper at a later date. I was keen Mr Speaker that all Members have an opportunity to view the report rather than simply having it tabled and forgotten. There are no issues which I wish to raise in relation to the report and I am happy now to support the motion that the report be noted

SPEAKER Thank you Mr Brown. Is there any debate before I put that motion to you Honourable Members

MR I BUFFETT Thank you Mr Speaker and let me declare my interest that I have some interest in two small accommodation houses and looking at some of the recommendations here, it may or may not fall within the ambit of a couple of those recommendations so let me declare my interest in that respect, and I too support that the paper be noted but could I also ask that we deal with the questions arising in the paper and the recommendations at an early stage for when one read the paper there are some significant issues that have been addressed. I thought the paper was a reasonably good paper in the areas that have been covered in terms of looking at the aspects that were affected by this industry and having said that, yes I support the motion before us and look forward to an early resolution of the recommendations

MR NOBBS Thank you Mr Speaker I thought the paper was excellent actually and there were some interesting data that was put in here and one was in particular relation to the electricity side of things and we are looking now at the replacement generator sets forecast for 2010 and also the actual generation history I guess of the power house. It's interesting reading and people should be made aware of that, that we reached last June 1700 kilowatts on the 17th June 2003 bearing in mind that we have 4000 kilowatts output possible. I say possible, at the powerhouse. There are other sorts of interesting data but they do recommend in there that more information be gathered and that's something that we really need to look at and that's data on occupancy rates for different accommodation categories and because it's most important that we suggest that people need this type of accommodation and maybe it's not really the one because the data is not available and there are other areas in which data is actually required. It is available actually but it needs collating actually, I think you'll find that's one of the problems with it. This Gatekeeper Working Group Report was dated the 31st December 2003 which is just about three months ago and I think we owe it to the community to deal with this and I would support their recommendations and is this a secret document? Well I support the recommendation that there is no clearly demonstrated need for an increase in tourist accommodation units and there is no significant support for a quota increase from either the accommodation sector or the community at large and I think we need to deal with that and either accept that

recommendation or not and I think we need to do it if we may Minister at the next meeting

MRS JACK Mr Speaker thank you. I would just like to congratulate the people involved with the processing of this report. I would like to say that I was slightly disappointed with a comment on page six that of the 66 tourist accommodation houses included within the quota 29 did not comment. I find it that as an Assembly work and work towards what these people see that they require for their industry that only having half of them respond is disappointing. Further on I see that 90 beds have been deregistered since 2001, that certainly backs up one of the recommendations on the last page. I just wonder how many accommodation properties or units were affected by this de-registration. Further on they make a point of saying that the legislation, the tourist accommodation Act as it contains numerous inconsistencies is in need of a tidy up, well I think most Members will agree that this is our major industry and it needs an up to date legislation and I'll certainly back them in having that brought up to speed. We get then to the last page with recommendations and as Mr Ivens Buffett and Mr Ron Nobbs have said, there's information that needs to be collated prior to the 2005 review. They need to work not just with the accommodation units proprietors again, I feel they need to work with the Tourist Bureau in collation of such information and also the retail, restaurant and tour operators in collation of other data. With the last lot of recommendations those are the only trouble I have, in the last two, where if we should decide to increase the tourist accommodation quota they say that priority should be given to expressions of interest from one smaller existing properties that have less than seven units and two those properties that had previously received planning approval. I have trouble with one and two receiving equal billing. I would prefer the second point to have priority over one but apart from that I think it's a great report and thank you

MS NICHOLAS Thank you Mr Speaker. I'll support pretty much wants been said around the table already and I'll do it briefly. I'll support, even though I understand we are not really specifically addressing the report, but yes, I certainly support its recommendations. Again I think it's a very good report, a comprehensive report and I hope we see more of this quality. It's enormously helpful in allowing us to make considered decisions in this place and like Mrs Jack, I have a little bit of a problem about the prioritisation of additions to the list as it were, additions to the quota I would prefer to see those points one and two reversed, thank you

MR BROWN Mr Speaker when I commenced the debate today I had not anticipated that Members would be addressing the report itself. And for that reason at the time I didn't declare my interest but I think that as Members have addressed part of the report out of abundant caution I should do so, as Members know I am a shareholder of and a director of a local company which owns the Colonial Hotel and in that regard I have a pecuniary interest in matters of tourism thank you

MR I BUFFETT Thank you Mr Speaker I would just make one small comment. Earlier on in this sitting of the Legislative Assembly today we had some considerable discussion regarding the effectiveness of the Tourist Bureau and the Tourist Information and Visitors Centre and a whole number of issues that surrounded that particular topic, namely how people came to Norfolk Island. This paper has been produced by the Public Service of Norfolk Island with officers who looked at the sustainability of tourism. Most of them have a regulatory nature after the event and I think one of the issues that perhaps we have skirted for a little while is the fact that for example what the Tourist Bureau and the Tourist Information Centre is somewhat divorced from the ramifications of the Administration within the total picture of the Public Service and I've always been of the view that perhaps some of the issues deemed to be

looked at, for example, how the finances of the Tourist Bureau ran, how some of the staffing of it went, how some of the lines of reporting went and perhaps this is the time with the review and the comments that were earlier made in this Sitting regarding how that authority operated, it may well be that we look at some of these issues and my personal view has been that some of these perhaps should get closer together, some of the reporting lines be managed through the Community Services areas of the Public Service to deal specifically with a number of the issues raised by Mr Brown in his earlier discussion on tourism. I make that as a comment in the light of the quality of the paper that we've received here and some of the issues I think we need to address

SPEAKER Thank you Mr Buffett. Is there any further debate Honourable Members before I put the question that the House take note of the Paper

QUESTION PUT
AGREED

That paper is so noted thank you

SUPPLEMENTARY APPROPRIATION BILL 2003-2004

We resume debate on this matter from our February sitting on the question that the Bill be agreed to in principle and Mr Donaldson Minister for Finance you have the call to resume in this matter.

MR DONALDSON Thank you Mr Speaker as Members will be aware at the February sitting of this House I tabled the Supplementary Appropriation Bill 2003-2004 and moved that the Bill be agreed to in principle. Just a further reminder of what this Bill seeks to achieve, is to supply additional funds or additional appropriation by the amount of \$130,000 for the year ended 30th June 2004. This represents 1% of the original budget so it's not a big ask, it's 1% more then we actually asked for the first time round. The request for additional funds is the end result of the half yearly budget review which based on emerging trends revised income predictions upwards by the amount \$136,000 so although this Bill is asking for \$130,000 part of the process of arriving at this Bill was a budget review for the Revenue Fund where we identified another \$136,000 so really there's a net gain rather a spending of money. The funds sought have been allocated to capital expenditure in the following areas, Administration Furniture and Fittings \$10,000; administrative Plant and Equipment \$4000; Customs Office Drug Detection Equipment \$77,000; Information Technology Plant and Equipment \$4000; Health Building Quarantine Plant and Equipment \$15000; Education Building and Grounds \$20,000. Mr Speaker the above items form part of the original budget bids that were submitted by Members of the Administration in the original budget preparation which happened in May and June last year. They were at that stage ruled out of the budget with advise to the Members that they could be reconsidered at budget review. I commend to the House the passing of this Bill and the ability it gives to the Administration to purchase needed capital expenditure

MS NICHOLAS Thank you Mr Speaker. Yes I want to lodge a minor protest. We are today sitting here and if my watch serves me it's the 17th March. We receive monthly financial indicators which I believe the Minister tabled earlier in today's sitting and I note that the final column in that to which we are supposed to relate says the total budget revised. Now we have a paper presented to us from the Finance Department of the Administration which presupposes the support for the bill and I personally found the paper a little confusing in that it would have been helpful to be able

to relate to the original budget rather than the revised budget which at that stage was hypothetical. It is a mild protest but I hope it's heard

MR DONALDSON Thank you Mr Speaker I hear what Ms Nicholas is saying. What this bill does is ask for the expenditure side of the budget review. The other side of the budget review has progressed and that is the income side. The expenditure side as I said is a 1% increase in original budget allocations, the original appropriation being granted. It's not a material amount. It doesn't detract from the financial indicators in any material way, shape or form whatsoever and the financial indicators presented this morning was based on the most current information not on what we thought it was going to be last June when we actually passed the original Supply Bill

SPEAKER Thank you Mr Donaldson. No further debate Honourable Members? Then I put the question that this Bill be agreed to in principle

QUESTION PUT
AGREED

Do you wish to dispense with the detail stage? Thank you. We will dispense with the detail stage. Mr Donaldson I look to you for a final motion please

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

SPEAKER Thank you. The question is in the final stages that the Bill be agreed to. Any final debate? Then I put that question to you

QUESTION PUT
DEPUTY SPEAKER

The bill is agreed thank you

AIRPORT AMENDMENT BILL 2004

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

MR DONALDSON Thank you Mr Speaker. Once again I'll just go over what was in the original Bill. It's a very brief Bill. What it does, it amends the Norfolk Island Airport Act by a new section, section 3(f)(a) into the Act and this allows for all powers and functions other than the power of delegation to be delegated by the executive Member to another person. Currently there are no powers of delegation in the Airport Act and the inclusion of a power of delegation provides a practical solution that allows other persons who have carriage of the Act to perform their duties without any doubt as to their authority to do so. The second amendment of the Act changes the penalties provided by the regulations. It changes from a maximum of ten penalty units under the old Act for the first offence a maximum penalty of twenty units; for the second offence a maximum penalty of thirty penalty units and for subsequent offences a maximum of fifty penalty units. For information of Members a penalty unit remains at \$100. Mr Speaker I move that the Bill be agreed to in principle

SPEAKER Thank you Mr Donaldson. Any further debate. No further debate Honourable Members? Then I put the question that this Bill be agreed to in principle

QUESTION PUT
AGREED

Do you wish to dispense with the detail stage? Thank you. We will dispense with the detail stage. Mr Donaldson I look to you for a final motion please

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

SPEAKER Thank you. The question is that the Bill be agreed to. Any final debate? Then I put that question to you

QUESTION PUT
DEPUTY SPEAKER

The bill is agreed thank you

CUSTOMS AMENDMENT BILL 2004

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

MR DONALDSON Thank you Mr Speaker. This Bill amends the Customs Act 1913, in a very simple way. There is a schedule in the Customs Act 1913 which deals with imports that are totally prohibited except with consent. This schedule contains a prohibition on buses and dimensions for those buses. What's happened over the years is that although the buses haven't grown in length or width they have come in, in increasing height and weight. This amendment takes allowance of those increases and the it amends the measurements in the schedule from a maximum height of 2.8 metres to 3.3 metres and 3500 kilogram tare weight to a kerb weight of 6500 kilograms. This really is a practical solution to the problems faced by bus operators on the Island. It doesn't increase the size of buses. They'll still be limited to a 20 to 25 seater which is commonly called a coaster type bus and I think the Act is a response to the requirements of the community and I commend it to the House. I will have a detail stage amendment to make after we agreed this Bill in principle

SPEAKER thank you. Any further debate in terms of the Bill being agreed to in principle. Then I put that question

QUESTION PUT
AGREED

The Bill is agreed to in principle. We move to the detail stage? Mr Donaldson you have foreshadowed some detail stage amendments

MR DONALDSON Thank you Mr Speaker, part of this amendment Bill 2004 was a process by which a bus could be approved before it was imported to the Island so that there was some assurance to the person who is importing it that it complied with the new requirements or the said requirements. Contained in that was in clause 4 of the Bill an amendment to 5©(a) of the Act which said that a person who attempts to import a vehicle as referred to in subsection 5(c)(a)(1) without having previously obtained an approval from the Collector of Customs, if it is not prohibited under item 6 of schedule 2 shall be dutiable at the rate set out in item 8(a)(1) of schedule one. In practical terms what that really did was apply double the normal rate of duty to

that bus if someone did not apply to the Collector of Customs for permission to import it. It is considered that the penalty for failing to apply for the importation of a bus is overly burdensome and an unnecessary impost. I move that, that section of the amending Bill be deleted as set out in the detail stage amendment that's been circulated to Members. There are two other items in the amendment that's been circulated to Members that needed amendment and one talks about a bus that arrives here that is outside the dimensions that's allowed to be received into Norfolk Island shall be exported to its port of export. What the amendment does is remove return to its port of export and just really say export, so it can go to any port, it doesn't have to go back to Yamba if it came from Yamba for instance and the other amendment, a very similar one with the same nature says that the bus shall be returned, that's in 5(c)(a)(2) of the Bill, the word "returned" be deleted and just replaced with the word "exported" so once again that requirement to export the bus to its place of export is deleted and replaced with just exported off the island in practical terms. I commend those amendments to the House

SPEAKER Thank you Mr Donaldson. Debate in terms of the amendments Honourable Members

MS NICHOLAS Thank you Mr Speaker. Just if I may deal with the second set of amendments, the amendments dated the 16th March. I had discussion with the Executive Member I think immediately following tabling of this bill if not before it was tabled and pointed out that I thought that, that was an unreasonable requirement or a questionable provision of the bill and I think it's extremely unfortunate that it's taken until the eve of this sitting for those questions of mine to be dealt with and for the amendments to be circulated. I'm dealing with a matter of principle here Mr Speaker. Often we draw attention to things and they are simply not dealt with until the eleventh hour and I think that's unfortunate

SPEAKER Any further debate on the detail stage amendments. We are now addressing the detail amendments and they are amalgamated in one document and the proposal is that we take them as read and agree as a whole, that is the proposal in front of us. Any further debate. Then I put the question to you Honourable Members that those amendments be agreed to

QUESTION PUT
AGREED

Those amendments are agreed. I now move to the next stage in the detail stage and ask you whether the clauses as amended are agreed. That's the next question

QUESTION PUT
AGREED

The clauses are agreed. May I now turn to the remainder of the bill Honourable Members and the question before you now is the remainder of the bill be agreed to

QUESTION PUT
AGREED

The ayes have it. We have concluded the detail stage now Honourable Members. Could I turn to you please Minister for a final motion concerning the Bill in its amended stage

MR DONALDSON Thank you Mr Speaker I move that the Bill as amended be agreed to

SPEAKER Thank you. The question is that the Bill as amended be agreed to. Any final debate? Then I put that question to you

QUESTION PUT
AGREED

Thank you. The Bill as amended is agreed Honourable Members

MR I BUFFETT Mr Speaker before you call on the next matter, could I just say that this could tend to be a lengthy item in terms of the need to deal with this issue and I'm just wondering if this might be an appropriate time to adjourn for some sustenance before we tackle this issue

SPEAKER I think Members are indicating that they would probably welcome that opportunity. Honourable Members I will suspend at this stage. It's half past twelve, and we will come back at 2.00 o'clock and continue our deliberations then. Honourable Members we suspend at this stage until 2.00 o'clock

RESUME

Honourable Members we continue with Orders of the Day. I had earlier foreshadowed that I would want to be helpful to the Chief Minister in his activities today so I will call Order of the Day No 8 forthwith and then that will be followed by Order of the Day No 7

POWERS OF ATTORNEY AMENDMENT BILL 2004

We are resuming debate on the question that, that Bill be agreed to in principle and Chief Minister you have the call to We resume debate on the question that the Bill be agreed to in principle and Mr Smith you have the call to resume

MR GARDNER Thank you Mr Speaker and thank you for your kind consideration of my activities today. I have nothing substantial further to add to my introductory remarks when I introduced this Bill into the House at the last sitting however I did at that meeting foreshadow a detail stage amendment and subsequently I have also circulated to Members on two separate occasions two further proposed detail stage amendments to the legislation but as far as debate on the question I have nothing further to add at this stage

SPEAKER Thank you Chief Minister. The question before us is that the bill be agreed to in principle

QUESTION PUT
AGREED

Do you wish to dispense with the detail stage. No. The Chief Minister has some amendments thank you. We commence the detail stage

MR GARDNER Thank you Mr Speaker I move that the detail stage amendment circulated to Members be taken as read and agreed to as a whole. As I indicated earlier I had circulated to Members detail stage amendments the first one of those was dated 11th March 2004 and was the detail stage amendment I foreshadowed to Members on introduction of this legislation into the House and that was in relation to clause 7 where I had sought to delete the words subsection 11 from that clause and replace with section 11. the second detail stage amendments were circulated under my

name dated the 16th March 2004 to all Members and they propose that there be an amendment to clause 8 and of renumbering subsections further on. Clause 8, the amendment would read at the end of section 14(2) to delete the words “under the Conveyancing Act 1913” and the second part of that amendment to renumber subsections 1, 2, 3 twice occurring, 4, 5, 6 and 7 and renumber them as 1,2,3,4,5,6,7 and 8. In speaking to these proposed detail stage amendments I think that the detail stage amendments of the 11th March and the second part of the detail stage of 16th March are technical amendments just dealing with numbers and proper reference to the appropriate sections. Probably the one more worthy of discussion is the removal of the reference “under the Conveyancing Act 1913 under proposed subsection 14(2)”. Firstly the amendments removes the reference in clause 8 with a new subsection 14(2) makes reference to the Conveyancing Act 1913. The removal is sought because of the confusion that may arise with its retention. While it is the case that the Registrar appointed under the Conveyancing Act receives Powers of Attorney and maintains a register the requirement that the Powers be registered comes from the Powers of Attorney Act itself. It is therefore not necessary to make reference to the Powers of Attorney Act as the section becomes part of that Act and the subsection ends simply with the requirement that the Powers be registered. The specific requirement that enduring powers be registered is to make it clear that they are registrable in the same way as other powers and also to provide a degree of protection to people who grant them, to those who use them and to those who deal with the attorney. The registration process provides a degree of protection against forgery and fraud and as far as elderly persons are concerned, against the documents being lost and their wishes not being properly followed. As I alerted you to Mr Speaker earlier on, the amendments of the 16th March also seek to correct a number error in clause 8 where section 14 contained two subsections numbered 3. Just to avoid any doubt that may have arisen in Members minds and I apologise for not circulating that to Members earlier as part of the detail stage amendments, if I could just for Members sake read the appropriate section from the Conveyancing Act 1913 in relation to the registration of powers of attorney which would clarify any confusion in people’s minds relating to the removal of the reference to the Conveyancing Act from this particular amending Bill. Mr Speaker subsection 4(21) of the Conveyancing Act 1913 reads ‘ a person who at the time of dealing with land under this act on behalf of another person is the attorney of that other person by virtue of an instrument registered or deemed to be registered under the Powers of Attorney Act 1959 shall for the purposes of this section be deemed to be the duly constituted attorney of that person with respect to that dealing with land whether that instrument is under seal or not. Mr Speaker I commend those amendments to the House and I look forward to any input from Members in relation to those detail stage amendments. I am looking to try and finalise those today. Just before I do finish I would like to thank Ms Nicholas for her assistance in perusing the Bill, to Madam Clerk for her assistance in assisting in clarifying any confusion that may have arisen and to the Legislative Draftsman Peter McSporran who actually took this matter over and was charged with ensuring that it came to the House today in a far more clarified position than it was when it was introduced into the House and I thank those people for their assistance in this matter

SPEAKER Thank you Chief Minister. Any debate Honourable Members on the question that the amendment be agreed to

MS NICHOLAS Thank you Mr Speaker. I’m probably not able to say the same words that I addressed to a former Minister earlier today in complaining about amendments reaching us at the eleventh hour but yet again the potential for this amendment was brought to the attention of the Minister immediately after tabling and again I suspect before tabling of the legislation and at the eleventh hour the amendment is carried forward by the Minister and I think that somebody else around the table also brought to anomaly to the Minister’s attention so that disappoints me yet again. It must

be something to do with St Patrick's Day Mr Speaker I'm particularly stropo today, thank you

MR I BUFFETT Thank you Mr Speaker just one comment. As long as we keep the vigil it will be the eleventh hour or the eighth

SPEAKER Further debate? Then I put the question to you Honourable Members that those amendments be agreed to

QUESTION PUT
AGREED

Those amendments are agreed. I now move to the next stage in the detail stage and ask you whether the clauses as amended are agreed to

QUESTION PUT
AGREED

The clauses are agreed. May I now turn to the remainder of the bill Honourable Members and the question before you now is the remainder of the bill be agreed to

QUESTION PUT
AGREED

The ayes have it. We have concluded the detail stage now Honourable Members. Could I turn to you please Chief Minister for a final motion please

MR GARDNER Thank you Mr Speaker I move that the Bill as amended be agreed to

SPEAKER Thank you. The question is that the Bill as amended be agreed to. Any final debate?

MR GARDNER Thank you Mr Speaker just in summing up my vote of thanks to all those who have assisted with the formulation and hopefully the passage of the bill I did not want to leave out probably one of the most important groups that this amendment may affect and that is the Social Service Board because they have also had a significant role in consideration of this matter and I thank them too for their input to date

SPEAKER Thank you Chief Minister. The question is that the Bill as amended be agreed to. Any further final debate? Then I put that question to you

QUESTION PUT
AGREED

Thank you. The Bill as amended is agreed Honourable Members

TELECOMMUNICATIONS AMENDMENT BILL 2004

We resume debate from the 11th February sitting on the question that the Bill be agreed to in principle and Mr Donaldson you have the call to resume

MR DONALDSON Thank you Mr Speaker. At the February sitting of this House I table the Telecommunications Amendment Bill 2004. At that sitting I moved

that the bill be agreed to in principle. In tabling the Bill I said it would be left on the table for a month to Members of the Legislative Assembly and interested parties and interested Members of the public, time to study the ramifications of the bill and provide appropriate comment where warranted. Members will be aware of community discussion on this Bill. The speculation of what it does and what it doesn't do; what the motives are behind the bill; and many other informed and uninformed comments that have been made. My comments are firstly, the Bill does not in any way, shape or form deal with or threaten the proprietorship of the .nf domain name nor does it prevent the distribution of internet traffic via wireless link to or from any isp provider to its customers. To understand what the bill does, it is necessary to view the Bill in the context of the original Act, that's the Act that it is amending now and to understand the purpose and the intent of the original Act. The original Act Mr Speaker, the Telecommunications Act 1992 was divided into eight parts, those parts being part one, Preliminary; part two Reserved Rights of the Administration; part three Powers to Enter Land; part four Tariffs; part five Customer Equipment; part six General Offences; part seven Privacy and part eight Miscellaneous. Of particular relevance to the current amendment Bill is part two and that part two is entitled Reserved Rights of the Administration. This section commences at section five of the existing Act and I'll quote that section. It is the intention of the Legislative Assembly a) that the Administration as the provider of Norfolk Island's public telecommunications infrastructure and network should have certain reserved rights in relation to the following aspects of the infrastructure and network. The provision of a central switch into the public network and the provision of links between that network and other networks, the provision of line links, the provision of public pay phones, the provision of public mobile telecommunication services and the provisions of PABX's. the Act gave effect to the reserved rights intention by section 6 of the Act and I'm referring here to a section that's in the existing Act, it's not in the amending Bill just for clarification. That section 6 reads, a person other than the Administration must not install or maintain a reserved line link. A reserved line link is a solid medium such as a wire, cable, optical fibre etc that is part of a network and connects two distinct places. Distinct places for example being separate land titles. In 1992 reserved line links were an integral and necessary part of the Norfolk Island telecommunications network and restricting a right to install and maintain a reserved line link, that is, restricting that right to the Administration was the mechanism that ensured the Administration controlled telecommunications services. Since 1992 when that Act was commenced, telecommunications has moved on. What was previously achieved by the use of cables can now be achieved by satellite transmissions and wireless connections. The controls relating to reserved rights contained in the 1992 Telecommunications Act were clear and concise but aimed at yesterday's technology. The current Telecommunications Bill does not change the philosophy contained in the 1992 Act, it rather updates the Act to apply to modern day technology. The amendment Bill adds to the list of reserve rights and that's the list of reserved rights I referred to earlier, the installation of a satellite dish and the connection of a line link to a reserved line link. They've become reserved rights for the Administration, which as I've said earlier, just continues with the philosophy that's been expanded in the original Act. The Bill also expands the existing approval powers under section 13 of the Act. These approval powers allow interested parties to apply to the executive member for permission to install, maintain, use or dispose of a satellite dish or install a line link. My legal advise is that a person entrusted by statute with a discretionary power must exercise that discretion according to merit, merit at a particular case and not inflexibly apply policy or rule irrespective of the merits. The merits are not contained in the Act or the Bill and are matters to be decided on each individual application, however I would expect the public interest would be a major factor to take into account in making a decision on the application. I just make comment about when the original Telecommunications bill was introduced into the House on the 20th October 1992. the Minister with responsibility for telecommunications recognised that the 1992 Bill would give the Government monopoly telecommunications and that's been the case

ever since. Mr Speaker in summing up, the intention of the Government today is consistent with the intention of the Government in 1992, namely to regulate and control telecommunications on Norfolk Island. Mr Speaker I commend the Bill to the House

MS NICHOLAS

Thank you Mr Speaker. This is a complex issue. There are moral or fairness issues as well as legal issues or questions and I'm more interested in what's in the future and where we go to from here. Advances in the internet and communications generally are moving extremely quickly and people on Norfolk Island like to be up with what's happening and where possible to participate. There is absolutely no doubt in my mind that NIDS or Rob Ryan if you wish, has been a prime motivator in the growth of the internet services on Norfolk Island. He did it first. He has led. Others have followed. And that continues today. I wonder if Members of this House recall a motion passed unanimously on the 20th August that this House recognises the importance of a buoyant and profitable private sector. It's being put to the test. However perhaps it needs to be said that both parties in this issue would probably agree that the matter which has now come to a head could have been better handled and before I go on Mr Speaker I perhaps should declare for the record that I am not a NIDS customer. Very briefly, there was a letter of approval provided to NIDS on the eve of Y2K - that is, the problem that we all anticipated happening on the dawn of the new millennium. There's argument about that. The year 2000 - to provide a partially satellite based internet and email service to its customers. The project was described as experimental and was subject to conditions. As time passed NIDS did not put forward a business proposal aimed at formalising the project neither it appears did Government or Administration suggest that the experiment had run its course and that it would be finalised. In 2001 an agreement for what's known as a managed service was signed between the Administration and Reach that Reach should exclusively provide satellite access for Norfolk Island's needs. This was done in the knowledge or perhaps ignorance of the fact that there already existed a form of approval for NIDS to operate a satellite downlink. Remember no-one had done anything about either bringing the experiment to a close or putting it on a proper footing and this even was more than eighteen months later. There are arguments about the legalities of the initial approval and the Reach agreement and I won't attempt to go through that here. In December last year, NIDS following significant development possibilities in the world of the internet and demand from their customers installed again as an experiment, he wasn't sure it was going to work, a satellite dish which is capable of two way traffic, in and out of Norfolk Island and in doing so, bypassed Telecom facilities. Now there are argument about whether the previous approval was legal; whether it was required a whole lot of issues which I'm just not going to go into right now. It's in the past. I'm trying to move on. Mr Ryan informs me that he invited the Minister, Mr Donaldson, up to NIDS to see the equipment that he installed in December and to discuss its potential and what should come next. Mr Donaldson went to NIDS I believe but there was apparently no significant discussion. I'm told that neither did anyone contact Mr Ryan subsequently. Rob Ryan is a business man. He is in business to make a dollar and if no-one told him to bring his experiment to close was it unreasonable for him to think that he could continue to provide an expand what had become a good service to Members of this community. Broadband enables very fast two way communication via the internet or traffic. Broadband also enables, given some sophisticated equipment, a facility known as voiceover internet protocol. That is, something akin to a telephone connection over the internet. It is the potential loss of traffic which this capability enables that our own Telecom is afraid of. There is the potential for Administrations revenue from Telecom to be eroded by widespread use of this technology. Telecom currently pays significant dividends into our revenue fund. There is a fear that the dividend will be diminished if NIDS is permitted to continue operating outside the Telecom arrangements. How then, perhaps someone can explain, can Telecom respond to the suggestion that they will lose revenue from their own telephone section by offering broadband themselves which

they are in the process of doing? How is it acceptable to them but it is not acceptable for NIDDS. It's at this stage that we must ask the question, does Telecom have a right to maintain a monopoly because it is a revenue earner. Isn't this the question which must be asked about all our Government Business Enterprises. Are they really run effectively as businesses. I doubt it. They earn money because they are monopolies. They may not survive in the open marketplace and that's a separate issue but one which needs to be addressed and soon. I don't believe that total privatisation is the answer but partial privatisation or putting business managers onto performance contracts might be. And again I refer to a motion which came before the House although didn't reach finality and the motion said that this House requests the responsible executive Member to promptly take such action as may be required in order to adopt the Australian national competition policy as the Norfolk Island Administration policy in terms of competition within the Norfolk Island private sector. Now there was considerable debate at the time. Among other things it was said by a Member, for example, I would urge the Minister to perhaps list for us those pieces of legislation that contain anti competitive sections within the legislature of the Norfolk Island Legislative Assembly and how he intends to amend that to adopt such a policy. He went on to say we need to look at some of those issues and get the public's attitude and ascertain the public interest in the national competition policy for this community. There is also a quote I gather from the National Competition Policy that the competition policy is not about maximising competition per se but about using competition to improve the community's living standards and employment opportunities and to create level playing fields for people within the community. I suggest there's food for thought there, particularly in the issue we are attempting to deal with today. Should we allow competition with our own business. In this situation I believe we can because it's the community who will benefit very widely but the introduction of new technology. Given broadband internet connection the world of e business has expanded significantly and that in turn will probably produce revenue for our coffers in terms of duty and other things. The elusive cybercentre may be a real possibility given broadband facilities. There is also argument that Telecom and NIDS should be totally independent of each other. By agreement it may be possible for both Telecom and NIDS to utilise the Reach satellite. There is presently an exclusivity agreement but I can't see Reach knocking back business if an arrangement and costs satisfactory to all parties can be negotiated and that may also provide an opportunity for Telecom to renegotiate its present rate. Potentially a win/win especially for users of the internet on Norfolk Island. If Reach is unable to consider that suggestion then there is the ability for Telecom with the agreement of Reach to supply another party. There is an argument which needs to be heard in respect of what may be considered fair and reasonable charges for that facility and frankly I fail to see why if the service is paid for, it cannot be provided and we would at this time, surely be at the stage of negotiating the price tag. I can't state any of this categorically but I think we need to find out. There needs to be more time spent on this. I'm very much against pushing the legislation through without knowing and understanding precisely what we are doing. Not only to NIDS but to their clients. Members of this community. I'm not prepared to vote in favour of the amendment Bill unless and until the community and I include myself, is better informed on what will happen once this law is put in place, and to add insult to injury, there is a retrospectivity clause in this bill as well and I'll touch on that in a moment or two, but may I remind fellow Members of this Legislative Assembly that in response to a question put as recently as Monday of this week to Minister Graeme Donaldson, and the question was, what is the Government plan in the event that the bill is passed and the Minister's response was to the effect that there is no plan. Someone else around the table said get control then negotiate. Mr Speaker my position is this. Inform ourselves and the community. Let's make thoroughly informed decision then legislate and I hope that debate will be adjourned today to allow time for that to occur. I've dealt with some of the moral issues. I have some questions which arise as a matter of comparing the amendment Bill with the legislation as well. There is also a discretionary ability and the

Minister on Monday said he hasn't decided how that discretionary ability will be exercised. We're just absolutely up in the air as is the community as to how that discretion is going to be exercised and he said it must be fair and reasonable I think. We need to know what it is. If I've misquoted you I apologise Minister. There is overall an absence of forethought. Dare I say it, it's knee-jerk. I know Mr Brown has been trying to get us to do things about the whole situation for a long time, not necessarily this aspect of it, but for a long time and we seem to be continually ignoring that but I want to come back to that retrospectivity and I have a problem with retrospectivity where-ever it occurs and there is a provision in here which allows, a provision of the bill, the amendment bill and we are talking now, and I'm sorry anyone without the amendment bill and the principle legislation in front of them is going to get lost so I'll try and be very brief. Subsection 6b(1) has effect from the commencement of the principle Act. That means taking things back to 1992 an issue which is dealt with here in this Bill and it's to do with installation of satellite dishes and I'm very uncomfortable indeed with retrospectivity. There's an insertion in the bill also which inserts a part 6 into paragraph (a) of section 5 and talks about the provision of telecommunication services to and from Norfolk Island. Now it's interesting because elsewhere in the bill where the dot points in that list under section 5 are dealt with and in the principle act they go from one to five, they are dealt with subsequently in the bill by 6,7,8,9 and 10 of the principle Act. Now it's interesting because even though we have an amendment which includes a section of subclause 6 we don't get any mention of that as a further amendment of the principle Act and I thought perhaps it might need to be a consequential amendment. I'm not sure of my ground there. It's something I think that needs to be looked at. I've dealt with the retrospectivity, I've dealt with the discretion of the Minister in that there are too many unanswered questions in that regard for me to be supportive of the bill right now, and far be it from me to be helpful about this bill but I wonder where it deals with wireless connection in terms of basic carriage services. Mr Speaker I'm just checking my ubiquitous yellow stickers here but I think I'll probably leave it at that, because as I've said, without people being able to refer to the two pieces of legislation I'll let my argument stand. We need to do more work on this and I think the community needs to know what we are thinking and what the Minister is thinking about5 how he intends to handle the dilemma that we face right now

MR DONALDSON Thank you Mr Speaker. I'll try and comment on a couple of things that Ms Nicholas has said. First of all I was accused of saying we had no plan when I was asked what is the plan for forward progress if this bill goes through. I did answer that question by saying that there had been consideration given to offering the other player in the game space on the Telstra dish or the Reach dish via the Norfolk Island Telecom network and there was also an option for the other player in the game to apply under the Act and the actual amendment to the Act gives him the power to apply for permission to operate a satellite dish and that's really what this Act is all about. This act isn't about going to the next stage of considering the merits of the case as I spoke earlier of. This Act is about putting machinery in place to enable the merits to be discussed and the merits to be considered and a decision made. I can't tell you now what the decision is going to be if someone applies for a satellite dish to be put up. I can only say what I said in my introductory speech just a few minutes ago. That it would be assessed on its merits. The merits would probably be very much revolving around the public interest and I'm just repeating myself. If I can just dwell on that for a little while. This is in no way shape or form an inclusive or exclusive list but the public interests issues that would be taken into account in considering an application for the erection and operation of a satellite dish or the connection to a reserve line link, the financial impact on the community or the Government, the commitment to operate on a long term basis by the operator, the robustness of this system, that is the equipment that is actually supplying or installing, is it up to standard, does it meet whatever codes we adopt, what's the cost going to be to customers,, is there a favourable or unfavourable impact on the cost to

customers for the service being provided. Does the operator intend to comply or has he made provision to comply with the existing legislation or other legislation such as the legislation dealing with gambling, pornography or tax evasion or cybercentre operations. What level of service or what operations is the operator going to offer to the public. These are the sort of merit issues that decisions will be based on and until those are assessed and judged, I can't pre-empt what the decision is going to be but the amendment bill quite clearly continues the existing philosophy of the Act in giving the people the right to apply for the use of the satellite dish or the right to apply for the use of telecommunications. I just made a few other notes as Chloe was speaking, to make some comment about voice over internet and Telecom is scared that once an operator establishes voice over internet they will lose money. That's too true. We will lose money whether Administration supplies voice over internet protocols or whether the private sector provides voice over internet protocols. Within the next 18 months there's going to be a massive downturn in a lot of our income revenues from the Telecom office. We know about this. We've known about it for years. We can't do much about it. There's no way shape or form we would ever consider putting a block on people's computers to stop them connecting telephones through the computer system. I think it's a change we've got to adapt to, I think it's a change we've got to live with. Really in summary I guess what I'm trying to say is this bill is about maintaining control. Control of the telecommunications for the public good. It doesn't close anybody down. By passing it today will not in any way shape or form take business away from anybody, it will give them an opportunity to apply for and will either be granted or explained why they are not granted permission to operate a separate satellite dish. I will be interested to hear what other Members have to say

MR ROBINSON

Thank you Madam Deputy Speaker. I have great difficulty in turning our cash cow into a sacred cow. On the other hand the cash cow belongs to the people of Norfolk Island and the Island as a whole will miss out on the revenue. There's no doubt that communications falls within the bailiwick of this Legislative Assembly. I think that what we have to do, especially if the Reach agreement is due to expire in 2006 is find ourselves two or three top communications people who are not empire builders, who do not have their own barrow to push and have international experience in order to investigate the future directions of communications on Norfolk Island and make recommendations as to which direction our communications should be taking. I have no doubt we need more discussions

MR D BUFFETT

Thank you Madam Deputy Speaker I don't oppose this bill but I'm going to move that it be adjourned for a month. For this reason. And they are fairly simple reasons. There are many technicalities that are to be talked about, about this matter but the reasons that I want to put forward I think are reasonably brief. The first is that there is considerable public perception that this legislation will put a Norfolk Island business out of business. Now putting somebody out of business is very serious stuff. It's my view that it doesn't do this certainly a big job for an understanding to be reached that that is the case. If in fact we pause for a month it allows these three things to happen. It allows a further discussion with the telecommunications firm involved, NIDS, as to what will happen after the passage of this legislation. Now there are assurances that the business will have continuity and I think that there needs to be further reinforcement as to how that will take place and that will reinforce with the proprietors that that is the case if it is the case as has been explained to us. The second which I think is equally important is that there needs to be a better and a reinforced public explanation. Now I know that there have been a number of explanations but I think it needs to be more concentrated and reinforced that in fact this legislation is for purposes that have been described but to re-emphasise that it will not in fact lead to somebody being out of business. The third reason is that it will allow some negotiations to be had in the various areas that have been mentioned about the technical

components in the Telecom area, in the NIDS area, maybe in the Reach area, there is room for discussion there, whether that could take place in the month is another matter but they could certainly be commenced and indeed there may be some other areas. I don't think that, that pause will be of long term detriment but I think the pause will be of significant benefit if in fact we are able to satisfy those three, particularly the first two, very sensitive areas that are in the community at this moment. There is a danger that maybe we have hardened some attitudes and may not be prepared to give that time frame for further understanding but I would endeavour to encourage Members Madam Deputy Speaker, that that facility be provided within the Norfolk Island community for those processes to take place and when we come to it next month we will have a clear conscious that every effort has been made to bring the community along and with an understanding of what is trying to be achieved by the Norfolk Island Government in this process and every facility has been offered to achieve that end and that's why I will move Madam Deputy Speaker, that this matter be adjourned for a month

DEPUTY SPEAKER

Is it your intention to move that now. There is further debate

MR D BUFFETT

No. I'm happy to pause if others have a contribution to make

MR NOBBS

Thank you Madam Deputy Speaker I think you yourself spoke earlier of the moral issue involved in this and I just return to the Norfolk Island Telecommunications Act 1992 and the aims of the Act under part 1 preliminary, the aims of this Act are a) and I only need to do a), is to specify the telecommunications services, the operations of which are to be reserved to the Administration and to make provisions in relation to the exercise by the Administration of its rights in relation to these telecommunications services. Now that I believe is the understanding that all people on the Island have, or there might be some who arrived a few weeks ago that don't have that, but the telecommunications are reserved to the Administration. There's much talk of an agreement that was done in 1999 to allow what I considered to be a breach of that particular section of the Act and much has been said about the Reach agreement and nobody knew. That is absolute rubbish. The Reach agreement was signed with both parties knowing full well that this particular operation existed and there was a proposal that it would be worked through with this particular service provider and that was two and a half, three years ago. Subsequently nothing has happened until the last few months when the arrangement was changed and it became an in and out operation. Much can be said in this argument about the efficiency of one and the inefficiency of the others and all this sort of thing but the basic premise is that we have an Act which if you don't want to put these amendments through to clarify that particular part of it, well you should change what the aims of the Act really are. We get in \$1.2m from this and maybe with efficiencies and that which I've asked them to do in the past is to bring it up to \$1.5m. that might be the go. That's fine. But I think that's a completely different issue to what we are dealing with now and you yourself Deputy Speaker, mentioned about efficiencies in all the GBE's. Monopolies become very tired and they become very self centred and heaps of other things and that's whether it's a monopoly in the private sector or a Government monopoly, that's irrelevant. But the thing is that again is a different issue. The efficiency side of it. What we have at the present time is an income of \$1.2m. That's 10% of the income for the island. I see that our Social Services benefits I think are running at \$1.7m at the present time. Take 10% off that, and that's significant. Take 10% off the salaries of the Public Service, that's fairly significant. They are the issues that we have to look at. What the Act was set up to do in the first place and go from there. I'm inclined to agree that the public explanation has not been good. There's been a lot of misleading information put out however I still believe that if the Government desires to allow for a person to operate a similar system they can do that under the Act

but there's got to be a charge involved. There's got to be some recompense, whereas at the present time it's been, I'll tell you now, I've joined NIDS. NIDS services me. Not that I do a lot but the thing is, it's cheaper. And a lot of people say they go to NIDS because it's cheaper and that's fine. It's not now of course. I think Telecom's come underneath it but that's an interesting exercise and so I guess that competition has worked to a degree but it's not something that I believe we can condone at the present time under the current arrangements, given this Act and therefore I'm in favour of the amendments that are proposed. They are long overdue. They are overdue for about three years now and why I say that is because I was under the impression at the time that we had full control over these communications. My advice at the time was that we had control over them but then it turns out that we don't and they are even now questioning the validity of the Reach agreement which is quite surprising seeing it was drawn up by a group of lawyers from both sides but anyhow, be that as it may. This has to be sorted out and the first thing to sort out is to make this Act valid otherwise, change the aims of the Act and that's all I want to say now thank you

MR I BUFFETT

Thank you Madam Deputy Speaker I thought there's been a whole lot of discussions from both the Administration in an attempt to explain what they believed was going on with equally long attempts to explain by the proponents who want to continue with what might be called the lucrative link. I personally have looked at this thing and I'm of the view that we should pass this legislation for these two reasons. Firstly I think that the facts are that Norfolk Island Government and the Administration of Norfolk Island is a body politic and it has an agreement, a commercial agreement with a service provider. If in fact we are permitting something to occur that breaches that, then I think that places both this community and this Legislative Assembly in some jeopardy. I believe this Act goes some way to fixing that and the second aspect I believe is that this allows us to more meaningfully enter into some of the discussions that we've had as part and parcel of this whole piece of legislation. If we can get to that stage, then I think that some of the issues that have been raised can be legitimately discussed but I don't think we are at that point at the moment because we're kind of blaming each other and pointing fingers and both parties have sat down around this table and said, why don't we try and work together, but at the moment the simple fact is that I listened to a very good speech on the moral issues that you prepared earlier on in this debate but on the question of good service I really question whether it was a good service or whether it was a lucrative return from a blatant breach of an agreement that the two parties had. And these are the issues. I think until we pass these amendments and we all put ourselves in a position where first of all this Administration, because it's the Administration who will be negotiating these issues, have captured or recaptured their authority in this particular issue in terms of their agreement with Reach, I see no reason why some of the issues that haven't been discussed over this week cannot be discussed. We can all sit down and deal with some of those issues because obviously some of them are of mutual benefit and it would be my intention to support the passage of this Bill. As Mr Nobbs said, the intention right from the outset was that we were to be in control of communications. I believe that the conditions that were imposed on the letter of 1999 were not honoured and in fact they were blatantly breached and whilst it is one thing to say that the Administration forgot to do something, I think it equally can be said that if we are to get to some place where we all can agree in this small place to provide a service to the community, let's pass legislation, enable us to do that and get on with those negotiations because I don't believe we can do it under the present arrangements without passing that legislation

MRS JACK

Thank you Madam Deputy Speaker. To me this is a form of protectionism. Protectionism of a revenue base and Madam Deputy Speaker, we are not the only Government to introduce such legislation. In fact I can think of an instance where the Federal Government found legislation lacking a few years

ago now and as a result of its amendment a business here on Norfolk Island was shut down. Now we are not planning to shut down a business here Madam Deputy Speaker, and it has never been the intention of this Legislative Assembly to do so. What we are planning to do is to stop the individual having the ability to collect the revenue and ensure that our GBE is the sole collector of the revenue. I've been assured that the operator will still be able to continue business. Have the same capability at a fair and reasonable cost. What this amendment does highlight however is the rapid technological changes that are taking place within this area and I'm of the opinion that this, and future Governments on Norfolk Island will be unable to keep legislative pace with technology. I am hoping therefore that the Minister with responsibility for this portfolio is looking ahead to 2006 when the current Reach agreement comes to an end and that he is thinking of alternatives to Telecom as a GBE. These could be for example, putting a net enterprise up for international tender, a lease type of arrangements, sell the GBE off. I have trouble with this last one but I won't get into any physiological discussions here. The current Minister may or may not be here in 2006, Madam Deputy Speaker, but the initiative to investigate thoroughly these options and others, must not get sidelined. We are being pushed by various committee's to show our economic sustainability so lets be up front and look not just at the sustainability of an operation but whether we can continue to have the capability to control and legislate our current revenue arrangements in order to maintain the sustainability. I will be supporting the amendment and I do acknowledge the points raised by Mr Nobbs and Mr Ivens Buffett and indeed by the Minister. As I say I will be supporting the amendment, thank you

MR BROWN

Thank you Madam Deputy Speaker, the debate has reminded me of a story which I heard yesterday. I'm not certain that the date on which this is alleged to have occurred and of course I can't state that it definitely did occur because I was not there but what I'm told is that in recent times the chap went to see the Prime Minister. And he said look Prime Minister I can cut the tax rate for the Australian community in half. The Prime Minister said by Jove, that sounds attractive tell me more. The chap said well look, you've got some pretty silly advisors. They're not as clever as me. What we should do is this. You let me tackle it. Give them choice. They can deal with me or they can deal with you. But I'll only charge them half what you charge so if they deal with me they'll save a fortune and if some want to deal with you, that's okay but they should have a choice. The Prime Minister said well gee that's very interesting but who's going to pay for the pensions and the hospitals and the school and things like that. And the little bloke said everyone who deals with me will be better off. I'll keep their money, after all it's private enterprise and you'll have to figure the rest out. But I could save them some more if everyone just dealt with me and stopped paying you completed. The prime Minister looked for a while and he said, look that's very interesting, but I've got to pay for the pensions and the hospitals and the schools and the parliamentarians superannuation so I don't think the Government's going to agree to that suggestion. Then the little bloke said, I've got another idea. How about you sell me petrol and grog without any of the Government charged being applied to it so that I can buy it nice and cheap then I'll be able to go out and resell it. I'll make a fortune and after all, that's private enterprise. And I'm told that's about when the bells rang and the Prime Minister had to leave his office to duck into the Chamber to vote. That is as silly as what we are talking about here. Here we are talking about a legal situation where we are bound by an agreement with Reach. There's no doubt in my mind about that. I'm not going to sit here and suggest that the lawyers who put that agreement together on behalf of Reach and on behalf of the Administration didn't know what they were doing. I have no doubt that, that agreement is a binding agreement. But we also have to protect the public revenue and at present we choose to make telecommunications a taxation measure. Now I'll accept that further down the track the Minister might have a discussion with a number of different parties about the possibility of those parties putting in competing telecommunications systems and it doesn't matter if we are talking of internet

or telephones or what we are talking of, it's not going to be very far down the track that they are all really the same thing but I'm sure that when the Minister started those discussions he would say very early in the piece, well look in Norfolk Island this is a income generating business for the Government so the first thing you've got to understand is that just as the Government taxes the citizens when they deal with Norfolk Telecom we are going to tax you when you choose to deal directly and cut the Government out. You've got to understand that. I don't think that's unreasonable. There would have to be a fee and the fee would have to be something which recovers whatever the Government's loss was. Now I haven't got an objection to that discussion taking place but I don't think we've got any option but to support the Bill today. We've got to tidy up what's become a messy situation as a result of perhaps an error several years ago but as a result of that error being taken advantage of in subsequent time and its time we fixed it. It's time we were a bit more responsible then we've been for the last three years, thank you

MR D BUFFETT Thank you Madam Deputy Speaker I foreshadowed that I would move an adjournment on this matter and notwithstanding the views that have been mentioned by Members I still intend to do that. I just want to repeat what I said when I first spoke. It's not that I oppose this Bill but I think that there needs to be some responsiveness to what is a public perception at this moment and I think that there is wisdom in us remedying that situation to put it on a more accurate footing before we move in a direction that will be misinterpreted and it is for that reason that I am going to move that we pause this matter for a month and I will move the adjournments accordingly. I move the debate be adjourned until our next sitting

DEPUTY SPEAKER

Thank you. I put the question

QUESTION PUT

Would the Clerk please call the House

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

The result of voting Honourable Members the ayes three the noes five, the motion is lost

Mr Donaldson, we get back to the question that the Bill be agreed to in principle I believe. So I will put that question

QUESTION PUT
AGREED

The ayes have it. The bill is agreed to in principle. We move now to the detail stage

MR DONALDSON Thank you Madam Deputy Speaker I move that the detail stage amendment dated 11th March 2004 be taken as read and agreed to as a whole

DEPUTY SPEAKER Thank you Mr Donaldson. I believe all Members have a copy of the amendment before them. I put the amendment to you

QUESTION PUT
AGREED

I now put that the clauses as amended be agreed to

QUESTION PUT
AGREED

And I now put that the remainder of the Bill be agreed to

QUESTION PUT
AGREED
MS NICHOLAS NO

Thank you. Would the Clerk record my no vote please.

MR DONALDSON Thank you Madam Deputy Speaker I move that the Bill as amended be agreed to

DPEUTY SPEAKER Thank you. Is there any further debate. Then I put the question that the Bill as amended be agreed to

QUESTION PUT
AGREED
MS NICHOLAS NO

Thank you. Would the Clerk record my no vote please. The Bill as amended is agreed to

We move to Order of the Day No 9 having dealt with Order of the Day No 8 previously

SALE OF TOBACCO BILL 2004

MR D BUFFETT Thank you Madam Deputy Speaker, this matter is not yet ready to proceed and I will move its adjournment at this stage

DEPUTY SPEAKER There is a move to adjourn and I put the question Honourable Members

QUESTION PUT
AGREED

The ayes have it, that Bill is so adjourned

FIXING OF THE NEXT SITTING DATE

MR NOBBS Madam Deputy Speaker I seek Members support in moving that the House at its rising adjourn until Wednesday 21 April 2004, at 10.00 am.

DEPUTY SPEAKER Thank you Mr Nobbs. Is there any debate. The question is that the Motion be agreed to.

QUESTION PUT

AGREED

ADJOURNMENT

MRS JACK Thank you Madam Deputy Speaker I move that the House do now adjourn

DEPUTY SPEAKER Is there any debate Honourable Members?

MR ROBINSON Thank you Madam Deputy Speaker. The main problem we have with our colonial overlords is that they refuse to understand that Norfolk Island is not a part of the Commonwealth of Australia. Sir Robert Garron's legal opinion of 1905 states it quite clearly. The Imperial Order in Council of the 31st March 1914 placed Norfolk Island under the authority of the Commonwealth of Australia. It did not cede Norfolk Island to the Commonwealth of Australia as a part of that body nor did it annex Norfolk Island to the Commonwealth of Australia. The Australian Norfolk Island Act 1913 only accepted Norfolk Island as a territory under the authority of the Commonwealth of Australia, it did not annex Norfolk Island as a part of the Commonwealth of Australia. Section 122 of the Australian Constitution only gives the Australian Parliament to make laws for the Government of the Territory. It does not give them permission to claim Norfolk Island as their own. In 1901 two of the framers of the Australian Constitution, David Quick and Robert Garran, wrote regarding the powers and authority that were conferred upon the Parliament and they said, what is not so granted to the Parliament of the Commonwealth is denied to it. That's in Quick and Garran's annotated Constitution. The Australian Government fulfilled their obligation under section 122 in 1979 with the passing of the Norfolk Island Act 1979. it's a bit like putting a manager in charge. Just because he manages a place, it does not mean that the manager owns the business. Perhaps the time has come for a unilateral declaration of interdependence. We can depend on our colonial overlords to claim our 200 mile EEZ and the huge hydrocarbon deposits therein. We can depend on our colonial overlords to close down our only university. We can depend on our colonial overlords to stop our internet gambling and obstruct any attempts we make at establishing an offshore finance centre and as the Joint Standing Committee showed, we can depend on our colonial overlords to use any and every low tactic in order to put us down. On the other hand, they can depend on us never to give in to their bullying tactics.

MRS JACK Thank you Madam Deputy Speaker I do not carry on from Mr Robinson's debate, but it is about Australia. I just want to congratulate Australia actually for signing a non usage of landmines. An agreement that the USA failed to sign because they are now using smart landmines as opposed to the previous dumb landmines and I would just like to appreciate the fact that Australia did sign the agreement and I appreciate this from a Mothers viewpoint, thank you

Hear, hear

MR BROWN I would just like to say happy St Patrick's Day to all of my colleagues and all of the Irish

Hear, hear

MR I BUFFETT Thank you Madam Deputy Speaker I understand we have some rather distinguished visitors who have arrived on Norfolk Island today as part of the Standing Committee of Attorney's General and for those people who may be visiting in that capacity I extend a warm welcome to Norfolk Island and hope they enjoy their stay

