

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

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

GIVING OF NOTICES

There are no notices this morning.

QUESTIONS WITHOUT NOTICE

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

MRS JACK Madam Deputy Speaker, thank you. I ask this first of the Minister for Finance and I ask, does Telecom use a firewall to try and stop its customers using VOIP or Voice Over Internet Protocol and is this legal if it does

MR DONALDSON Madam Deputy Speaker, I've made enquires on this one and there was a firewall put in place to stop Voice Over Internet Protocols taking place through the Telecom exchange back in 1998 when internet exchanges was established. There have been changes in technology since then and it is possible to get around this Voice Over Internet Protocol firewall and I understand some people are doing it. As to the matter of whether it is legal or illegal to have a firewall preventing this happening I would have to take that part of the question on notice, I'm not sure

MR NOBBS Madam Deputy Speaker I ask a question of the Minister for Finance, Minister is the notice in the Norfolk Island Government Gazette of 11th June last, related to the RPI correct in that it refers to the orders of March 2003 and June 2003 bearing in mind that it is now mid 2004 and the RPI is compiled at the end of each quarter

MR DONALDSON Madam Deputy Speaker, yes the dates displayed in the Gazette were correct. There had been a problem experienced with the computer programmer that actually calculated the Retail Price Index although I understand the prices were collected each quarter. The March and June one have been gazetted. I do have approval in the next available Gazette for the September and December ones and then it will be back into March 2004. there has been a delay but it has been rectified

MR NOBBS Madam Deputy Speaker a supplementary to that. I ask again Minister will there be an increase to the fee unit which is the basis to a number of administrative fees and charges including bed tax as well as the registration of vehicles and I understand that the Minister is required to set the fee before the 1st July each year which is rapidly approaching, or is the present Government to leave the incoming Government with the responsibility to bring down a massive increase in the fee unit bearing in mind Minister that I understand that there's been something like 14.7 increase in the RPI since the last fee unit was increased

MR DONALDSON Madam Deputy Speaker, thank you for that long question. The fee unit has increased. It will be gazetted in the Gazette that comes out

tomorrow. The fee unit will be moving from \$16.50 per fee unit to \$18 per fee unit. That takes into account the retail price index movements up to the 31st March 2003. that is a year late, you are quite right

MRS JACK Madam Deputy Speaker, I address this to Mr Ivens Buffett with the charge of the cascade rock project and I ask him, in the GBE proposals put forward, rock royalties are \$32. Is this correct. Is the amount going up as from 1st July

MR I BUFFETT Madam Deputy Speaker, it was intended that we look at what the cost to repay the loan to the Commonwealth was. Mrs jack brought this to my attention just before the meeting and whilst it's shown in the budget for GBE's as \$32, I understand Madam Deputy Speaker that the current royalty is \$28 and I will need to have consultation with my fellow board Members to see if they intend to accept the proposed \$32 royalty figure and that hasn't happened yet so I will take that on notice and notify Members and of course I'll let the community know once we have finalised that particular matter. Mrs Jack only referred it to me just prior to coming up to the meeting

MRS JACK Madam Deputy Speaker, supplementary to the Minister for Finance if I may. The proposal for the increase. How severely does that affect the GBE's budget income spending for the 2004/04 year or will you take that on notice

MR DONALDSON Madam Deputy Speaker, thank you. I think I will have to take that one on notice as I don't have the paperwork in front of me. I understand that the rock royalty had gone up to \$28. I'm not sure what the current status is at the \$32 or \$33 spoken of

MRS JACK Minister for Finance given that you were hoping to finalise this today, how confident do you feel about these figures that are being put forward to Members

MR DONALDSON Madam Deputy Speaker, what we are finalizing today is the revenue fund Appropriation Act or the Appropriation Act relating to the revenue fund and that in no way approves or otherwise the GBE's. The sale of rock enterprise is a GBE responsibility and that is approved by a different process other than the Appropriation Bill so expenditure in that area can take place with the approval under policy of the Minister for Finance and the Minister who has charge of that particular undertaking

MRS JACK Madam Deputy Speaker, given that there is a payment for management fees within that, that are included within the earnings for your revenue fund, how confident are you that, that management money can be met or is it all hinging on the increase of \$4 per tonne coming out to get that management fee. That does affect your revenue Bill

MR BROWN Madam Deputy Speaker, Point of Order. It is question time and not time for Members to make statements

MR DONALDSON Madam Deputy Speaker, I'm happy to answer it but the answer is really a repeat of the first question and the answer to that was that I don't have the GBE budget in front of me. I can look at it, take it on notice, get back to Members at an MLA's meeting or get back to Mrs Jack as soon as possible, but I really haven't got the information in front of me to make a formative answer

MR ROBINSON Madam Deputy Speaker given that the actual charge to the people who procure the rock is \$48 and the royalty at the present time is \$28, what happens to the difference. Where does the difference go

MR DONALDSON Madam Deputy Speaker, it is my understanding that the difference there is to cover the overheads or the cost of operating the Business Undertaking over and above the amount of royalty that we have to remit back to repay the loan

MR NOBBS Madam Deputy Speaker thank you. I have a question for the Chief Minister and Minister for Intergovernment Relations. Following a brief article in last weeks Norfolk Islander, will the Minister be making a statement on the dispute which apparently has occurred on the location of the boundary of the 200 mile zone between Norfolk Island and New Zealand

MR GARDNER Madam Deputy Speaker, I covered this in some great detail at the last sitting of the House. There is to my knowledge no dispute over the boundaries. They are now a matter for the relevant foreign Minister of Australia and New Zealand to give consideration of the proposals as a result of the outcome of talks on the negotiation on the delimitation of maritime boundaries and the areas under question

MR NOBBS Madam Deputy Speaker a supplementary. Minister if they are with the two relevant Ministers where is the appeal from the Norfolk Island perspective

MR GARDNER Madam Deputy Speaker, as I've explained extensively in the House over many months on repeated questioning on this subject the matters of delimitation are matters between the signatory states between the states to the United Nations Convention on Laws of the Sea and Norfolk Island is not a signatory state to that and to the best of my knowledge having read that document extensively there are no appeal provisions provided for non signatory states in the matter of negotiations and settlement of maritime boundaries

MR NOBBS Madam Deputy Speaker a question for the Minister for the Environment. Is the Minister able to provide answers to my queries in the May sitting in relation to the airport upgrade. The queries were in a nutshell concerned with what environment assessment has been undertaken of the potential impact of the project given that tenders have been called and also at the last meeting the Minister advised that no application had yet been received

MR I BUFFETT Madam Deputy Speaker, the situation remains exactly the same. I have not received any application and I understand that if there is to be any environmental impact statement done the airport will in itself, what is intended is a total rehabilitation or replacement of the airport will be done under a control plan or sub plan under the Planning Act. I'll take advise as to whether an EIS statement is really required for that an inform the Member but I had thought that I had answered that question at the last sitting, that I have no definitive answer as to whether one is necessary or not given the scope of the works until we get that final matter in

MR NOBBS Madam Deputy Speaker can either the Minister for Finance who is responsible for the airport or the Minister for Environment please explain why an Environment Assessment has not been completed and yet I understand that tender documents have been let

MR DONALDSON Madam Deputy Speaker, just commenting on the last part of that question first, the tender documents haven't been let. The tender documents have been put out to public to come back to tender to provide prices for their reseal of the runway. As far as an Environmental Impact Statement goes I have no knowledge of that at all. It is something that I haven't concerned myself with although I can make enquiries on behalf of Mr Nobbs or anybody else who is interested and find out whether they are exempted from that under the Planning Act or whether there is a requirement to do it and it's been omitted and at the moment, I can't comment further

MR NOBBS Madam Deputy Speaker could I have a supplementary whilst we are on the airport, the Minister responsible for the airport. Can you advise the community of the status for a proposal which was suggested some time ago which would require an extension of the runway to provide an overshoot or a reter area and I forget the terminology that was actually used

MR DONALDSON Madam Deputy Speaker, I think Mr Nobbs is referring to the runway end safety area which is known as RESA. There's been a changed in the way they measure RESA and it's now measured from the end of the tarseal for 90 metres out rather than the end of the threshold. Now the threshold used to be defined as a point on the tarseal of the runway 60 metres in where the white markings are and the white markings are often referred to as piano keys. We have five years to comply with the new RESA requirement and there is a chance that we will get a dispensation. We have engaged consultants to do a safety case for us on this particular matter. I was informed as recently as about an hour ago that we should have the draft safety case for our comment next Monday. The draft safety case will be a case for an argument that can be put to the Civil Aviation Safety Authority as to why we should be granted a dispensation for RESA otherwise the alternatives are to extend the runway which would involve massive earthworks or to limit the size of planes that can arrive and take off or to limit the payload of existing planes

MR BROWN Madam Deputy Speaker, thank you. I ask this question of the Minister for Finance and it relates to the airport. Is the minister suggesting that it is safer to crash at the end of the runway in Norfolk Island than in other places or else why is it that the Norfolk Island Government is seeking a dispensation against a safety requirement

MR DONALDSON Madam Deputy Speaker, the answer to that is that it's rather an emotional question when you talk about plane crashes and deaths and things like that

MR BROWN Madam Deputy Speaker, with the greatest of respect I was talking about whether it's safer for a plane to crash here than somewhere else

MR DONALDSON Madam Deputy Speaker, the answer to that is simply no, it is not safer for a plane to crash here than anywhere else but I will go on and discuss it a bit more. What has happened is that there's been no change physically to the landing space available to the airport for planes to land. What has changed is where they measure the RESA from. They don't now measure the RESA from 60 metres within the confines of the strip they measure it from the edge of the strip which means that to comply with it we've got to have 90 metres of grassed area at either end of the strip. There is physically no change to the landing airstrip availability for planes to land

MR NOBBS Madam Deputy Speaker a question for either the Minister for Tourism or the Minister for Intergovernment Relations. With the changed arrangements for the air service between Norfolk Island and New Zealand announced in

last weeks Norfolk Islander, was the Norfolk Island Government consulted before a decision was made and did the Norfolk Island Government provide comment on the proposal and if so, to whom

MR D BUFFETT

Madam Deputy Speaker, if we are talking about the New Zealand route, that particular route was signaled by the airline to the community and others that they were putting in a bid and the response from the Norfolk Island Government with the approval, in fact with the initiation amongst the majority of Members of the Legislative Assembly and I as the Minister had interpreted that as reflecting community concern, the Government formulated a view that it would not be in the wider community's interests to have more than one operator running on that route. With this sort of rationale and indeed I think I've explained this to Members on an earlier occasion I think in the House as well, but I'll repeat it in responding to the question. On the Australian route at present there is one operator notwithstanding that the one operator does have co share arrangements and operate into both Brisbane and Sydney and sometimes there are two flights that run on to Melbourne. The participation on the Australian route in a general sense has been mixed and the end of the day result is that when more than one operator has been flying it has reasonably consistently come back to one. Some have gone out of business in a total sense although that might not be totally related to the Norfolk Island route, and others have amalgamated their services and there is an element of amalgamation at present. For example, Alliance Aircraft may still run here although from reading publicity arrangements in the press in the last week or so that aircraft will only have half an Alliance livery and the other half will be Norfolk jet but notwithstanding that, it really means that one airline has carriage of the operation in its overall sense. That has given an indicator that the market place may be saying that there is business for one but it may be questionable as to whether there is room for two operators to continually and efficiently operate that route and the route that I've just endeavored to briefly describe to you is the Australian route. Now it is the largest of the two routes when we look at Australia and New Zealand therefore if you apply the same rationale to the New Zealand route which is smaller, if in fact the larger route has question marks as to whether it can be viable with more than one operator it would be even more of a question mark if in fact one applied it to the smaller route. All of those sorts of considerations were put forward and so the Government's view was that it should not endorse the New Zealand route in terms of the second operator. That view was conveyed to the appropriate international air authority commission in Australia and so our view was put in that context. Now it obviously appears that notwithstanding that there has been a decision by that authority and that's the decision as I understand it

MR NOBBS

Madam Deputy Speaker I was just wondering, the Minister asked me to clarify whether its between Norfolk Island and New Zealand. Is there proposals for changes on the other routes that we are not aware of at this stage

MR D BUFFETT

I'm not aware of any Madam Deputy Speaker. It was just that I missed the first sentence that you raised and I just wanted to get that clear

MR ROBINSON

Madam Deputy Speaker my question is addressed to the Ministers who seem to be in charge of the airport. Apart from the fact of the cheque is in the mail story, can anybody tell us where the management plan for the airport is at

MR DONALDSON

Madam Deputy Speaker, I can answer that and maybe pass the balance of the question to the Minister for Planning. There are two components to the airport plan. The airside plan and the non airside plan. The airside plan has things in it such as freight sheds, fire service areas, terminal buildings etc. that is still being developed. I understand there is a resource problem within the Administration that prevents it being finalised as quick as it was otherwise hoped to do. The non airside plan is I

think in the same situation but doesn't really involve me. That is more involved with waste management and other areas of the airport. They are within the fence line of the airport but are not associated with the air transport side of the industry and I think the Minister for Planning might have some further comment to make on that

MR I BUFFETT Madam Deputy Speaker, my answer is exactly as the Minister for Finance has said. The plans have not been completed. I cannot say any more. I have on a weekly basis sought for those plans to be completed. And they are not completed as yet

MR ROBINSON Madam Deputy Speaker could the Minister please tell us whether negotiations are under way or have been commenced with the airlines for alternative arrangements for air travel while the upgrades are in progress

MR DONALDSON Madam Deputy Speaker, thank you. It is my understanding from speaking to the two project managers that they would be able to work around the existing schedule of airlines and there are to be minimum or no disruption at all to the existing schedules. That's by scheduling their work. What is virtually happening at the runway is a 60 mm overlay of bitumen or whatever the compound is on top of the existing runway after its been planed. Its possible to ramp up the leading edge of this bitumen overlay as its being done for the planes to actually land on it. That's my understanding and there's no need for any rescheduling or negotiations of the airlines for cancellation or rescheduling of flights

MR BROWN Madam Deputy Speaker, I direct this question to the Minister for Planning. It relates to the environmental legislation. What action has the Minister taken to ensure that there is enforceable provisions in relation to noise from sources such as motor bikes on private land as distinct from the action which has been taken in terms of the Road Traffic Act

MR I BUFFETT Madam Deputy Speaker, this action has been included in what I call the environmental health package of legislation. It involves a number of issues, including the one on noise. As Mr Brown has described they are in the process of drafting or instructions for drafting being done in respect of that piece of legislation but at this point it hasn't received high priority on the legislative programmer that I have in front of me at the moment. It is a matter that Members may recall I mentioned some time back regarding the residual things left in the Environment Act 1990. there is a possibility that we could look at enforcement under that old Act but the real difficulty is that I don't think the regulations that dealt with those sections have ever been completed so rather than going back to try and fix up the old Environment Act it was thought necessary to draft some new legislation and that's what we are tying to do at the moment

MRS JACK Madam Deputy Speaker, I ask this of the Minister for Community Services and Tourism. How much of the approximately \$150,000 spent on medivacs this financial year has been used for medivaccing tourists and has any attempt been made as a form of cost recovery from these people

MR D BUFFETT Madam Deputy Speaker, I'm not able to give the exact break down of the \$150,000 as to which related to people who live here and which may relate to visitors however I can confirm that there is a component that relates to visitors. In terms of medical evacuation for people firstly the hospital would look to see if they carry insurance, and if that is the case then that would be called upon and not the community purse in that situation but there are occasions when such insurance is not carried and

therefore not available. I can give a breakdown but apart from saying what I've just said at this moment I would need to do some work

MRS JACK Madam Deputy Speaker, Minister when people don't carry insurance is there any attempt to try and have some form of cost recovery partial or full

MR D BUFFETT Madam Deputy Speaker, yes. There is not always total success in that situation but yes, there are efforts to do so

MR NOBBS Madam Deputy Speaker I ask the Minister for Education, would the Minister advise the community on the impact of the recently announced salary increases from New South Wales teachers. Does it apply to all teachers at the Norfolk Island Central School and what is the impact on the Norfolk Island budget 2004/5

MR D BUFFETT Madam Deputy Speaker, there has been quite a long running negotiation in the New South Wales scene in terms of teachers salaries. If I remember correctly there were some decisions made a little while ago which were to be implemented on a progressive basis, and I think that where some outstanding matters that were to be settled at a later time and within recent weeks I think there have been final settlement of those outstanding matters. The result as I understand it, is this. That the teachers in New South Wales and this does have a flow on in Norfolk Island. As I understand it, the teachers that we engage full time are paid on the New South Wales teachers salary scale. Now you did ask me what the figure was for this particular financial year and I'm trying to rack my brain to remember it. I knew it was \$100,000 plus and my colleague has indicated that the cost to Norfolk Island pursue of the rise is in the vicinity of \$113,000

MR NOBBS Madam Deputy Speaker I imagine it applies to all teachers at the Norfolk Island Central School

MR D BUFFETT Madam Deputy Speaker, as I understand it. I'm just hesitating as I'm not too sure whether there is something built into the question that Mr Nobbs is aiming at but maybe I could try and give this clarification. All of the teachers who are engaged at the Norfolk Island School on a full time basis, on a continuing basis, are paid New South Wales salary rates. People who are engaged casually at the school are paid at a different rate. Those who might be engaged casually but are engaged for a period beyond a school term, then come under the New South Wales rates. Now that was the situation a short time ago and I could double check that is the score but that's as I understand it so I think the substantive answer to your question Mr Nobbs, through you Madam Deputy Speaker is yes, those who are engaged full time do receive and will be subject to the rise that I referred to earlier

MR BROWN Madam Deputy Speaker, I direct this question to the Minister with responsibility for education. Minister bearing in mind the massive increase in the cost of education in Norfolk Island over the last ten years and the continuing nature of that massive increase, will the Minister advise what action he has taken to localise the salaries of all local teachers and what action he has taken to localise the salaries of all mainland teachers at the Norfolk Island Central School

MR D BUFFETT Madam Deputy Speaker, I think probably the answer requires some clarification and I'll endeavour to do so in terms of the terminology used by Mr Brown. We have at the school three basic groups. One is the casual teaching

arrangement and I've already addressed that at an earlier time here but with those who are engaged on a full time basis there are two basic groups amongst those. One, teachers who have long term tenure basically in Norfolk Island and in the main they are people who have come to the island and established themselves and have continuity in an immigration sense in the island also. That's one category. The second category are teachers who are engaged on a merit selection basis and come for a period of time. A two or three year period and at the conclusion of that time they will return to the New South Wales system. In terms of pay, those two groups at this stage are exactly the same. In terms of whether there is initiative on my part to localise either of those groups, there has not been initiative on my part to localise either of these groups at this time, if that was Mr Brown's question

MR BROWN Madam Deputy Speaker, I ask a further question of the Minister. Can the Minister advise the annual savings which he will achieve if he chooses to localise each of those groups of salaries

MR D BUFFETT Madam Deputy Speaker, no I certainly can't answer that. It presupposes that I would know what a local situation would be in terms of those salaries, and to my knowledge that has not necessarily been determined for full time teachers. There is a local rate for part time teachers but that teaching environment is quite different to a permanent teaching environment to do with preparation of programmes and a whole range of other things, so I'm not able to provide a figure in terms of that. I doubt whether anyone could at this moment

MR BROWN Madam Deputy Speaker, could I ask a further question in relation to the school and it relates to casual teachers. Do casual teachers have the benefit of relief from face to face teaching and do they have the same range of benefits as are made available to full time teachers and if that is the case would it be reasonable for the Minister to assume that the casual teaching rate would be a fair permanent rate

MR D BUFFETT Madam Deputy Speaker, I don't have all of that detail but I can suss that out. I can inquire about that. I don't recall that they have a release from face to face arrangement in a casual arrangement, and that would seem unlikely to me and I wouldn't be categorical about that, I would prefer to double check it but there are a range of things that casual teachers do not undertake in comparison with those who are permanently engaged. I mentioned one earlier. Programming for example. Somebody who turns up for one day or half a day would not be involved in the programming arrangement but they may not be involved in the same range of playground duties and arrangements. There are quite a range of things that they would not normally be placed upon but I can be more definitive about that by doing some research and I'm happy to do that Madam Deputy Speaker

MR BROWN Madam Deputy Speaker, I have a further question to the Minister in relation to the school. Has the Minister yet completed a study on the viability or otherwise of continuing with years 11 and 12 at the Norfolk Island Central School

MR D BUFFETT Madam Deputy Speaker, no. that has not been completed

MR BROWN Madam Deputy Speaker, could I ask one further question. Would the minister undertake to conduct a study of the viability of continuing with years 11 and 12 at the Norfolk Island Central School; including the viability of savings achieved by ceasing the provide years 11 and 12 being used to provide vastly improved scholarships to assist local students to undertake the final years of their secondary

education in Australia or New Zealand and secondly will the Minister undertake to carry out a study in order to ascertain the savings which will be achieved if both local and mainland teachers salaries are changed to local levels

MR D BUFFETT Madam Deputy Speaker, some of the research and work to work through some of those issues would be quite extensive. What I can undertake to do is to consult with the wider membership of the Legislative Assembly to see if they would want me to undertake such studies and if that be the case I would be able to do that

MR NOBBS Madam Deputy Speaker I ask the Minister for Finance would the Minister please advise the community what the Government is actually doing to address the proposals contained in the report the Government requested from the Commonwealth Government on taxation options for Norfolk Island

MR DONALDSON Madam Deputy Speaker, thank you. The six options that Mr Nobbs referred to that are contained in Treasurer's Report, and I'm jumping a little bit ahead here, but later in the meeting I'll be presenting the Appropriation Act where we vote on the appropriation for the revenue fund money for the following year. I have comment within the debate on that subject. I can leave it until then or I can.... Yes. I will leave it until then and we can follow with more questions then

MRS JACK Madam Deputy Speaker, I ask this of the Minister for Finance. Reference was made earlier to the increase in teacher's salaries beginning January 1st, this next financial year 04/05. have those increases been included in the budget for 04/05

MR DONALDSON Madam Deputy Speaker, my answer is much the same as the one to Mr Nobbs. I'm making an extensive statement on that when I present the budget Appropriation Bill for 2004/02005. The short answer to the question is no, they are not in the Appropriation Bill because they were not known about when the Appropriation Bill was tabled but I'll make a full disclosure of that when present the Appropriation Bill with the opportunity for Members to understand my motives for doing that and what the alternatives may be if that could wait until later in the meeting when we debate the Appropriation Bill it would probably be better answered then

MR NOBBS Madam Deputy Speaker I ask the Minister responsible for the Public Service, is the Minister able to provided details to the community for the reasons for the recent advertisement seeking applications – oh he's gone! Could I change my question please Madam Deputy Speaker and address this one to the Minister for the environment. Minister what progress has been made in the collation and information etc following the debriefing on the lost fishing boat of several months ago. I ask the question in relation to the loss and there was a debriefing after that

DEPUTY SPEAKER I think the Minister plays a role, but not necessarily as Minister responsible. Mr Buffett are you prepared to attempt to answer that question

MR I BUFFETT Madam Deputy Speaker, my understanding is that this question needs to be directed to the Minister responsible for Emergency Management which is Mr David Buffett, and whilst I occupy the position of chairman of the Emergency Management Group I haven't at this stage been given any further information other than what Mr David Buffett provided last time there was a debrief. There were some recommendations to come from that debrief and perhaps Mr David Buffett could give some more definitive answer to that to Mr Nobbs on his return to the Chamber

DEPUTY SPEAKER Are there any further Questions Without Notice Honourable Members. Then we move on to Papers

PRESENTATION OF PAPERS

Are there any Papers for presentation Honourable Members

MR DONALDSON Madam Deputy Speaker, I have a couple of papers for presentation. The first one is the financial indicators for the eleven months ended 31st May 2004. Madam Deputy Speaker the financial indicators continue the trend established over this year of income running to budget and expenditure running slightly below budget. Income is currently at 100% of budget and this 100% calculation excludes the bequest of two properties valued at \$540,000. These two properties known as the Barkman Bequest, did not form part of the original budget predictions and therefore have been excluded in assessing income performance compared to budget. If the properties were included in the revenue of the financial indicators they would be 104% and in fact they actually are in the papers presented to people and that is why it is 104%. For more clarify in the presentation of these figures I have excluded them and that leaves income running at 99.9% of budget. Customs continues to be a little bit of problem at 3% below budget but its holding its own. Its been around the 2,3,4% below budget for the last few months in the financial indicators. Chances are it will come good towards the end of the year but we can't depend on it. Even so, the lack of performance on the part of customs has been made up by other income areas in the revenue fund and the income for the revenue fund is close enough to call 100% of budget. Expenditure is running below budget in all categories except welfare. Welfare is 100% above budget which is only \$15,600. All other areas like I said are below budget. For the eleven months ended the 31st May 2004, the revenue fund has a surplus of income over expenditure of \$1.2m and that \$1.2m doesn't take into account the Barkman Bequest of \$540,000 worth of properties. If this continues for the remainder of the year then the revenue fund will finish the year in one months time with an operating surplus hopefully around the million dollar mark. Thank you Madam Deputy Speaker

MR D BUFFETT Madam Deputy Speaker, in accordance with section 41 of the Interpretation Act 1979 I table the Road Traffic General Regulations 2004. Madam Deputy Speaker in very brief terms these regulations adjust the height, curb weight of vehicles that are imported into Norfolk Island to accompany some recent regulations we made in adjustment to the Customs Regulation

I also table the Inbound Passenger Statistics for May 2004 and some accompany statistical papers on tourism. In tabling these papers Madam Deputy Speaker I just point out that the monthly total of visitors for May 2004 is 3209 and again our major number of visitors have come from New South Wales with 32%, from Queensland with something like 22.8% and then from New Zealand with 21.4%. the figures then move on to, we are coming towards the end of this financial year which is the bench mark we use for measuring in the main our visitor numbers and for the financial year to date that is up to the end of May we have 35,554 visitors with one more month to go, that is of June to conclude the figures for that measuring period. Its difficulty to know exactly what the conclusion of June will bring because we've not come to the end of that time but it's likely that it will be more then last year and certainly more than the year before but it is also likely to be less then our best year which was in 2000/2001 with a figure of 40,221. so what I am saying is that there is every likelihood at the conclusion of this period, it will be more than probability our second best year that we have experienced ever with tourism numbers but I do remind Members that it's not just numbers of people that are important, but also the yield in terms of visitors that might come to Norfolk Island. I table those figures for the information of Members

MRS JACK
Paper noted

Thank you Madam Deputy Speaker I move that the

MADAM DEPUTY SPEAKER

The question is that the Paper be noted. Mrs Jack

MRS JACK

Madam Deputy Speaker, Minister the new tourism brochure came out roughly two months ago and I'm just wondering because people's take off point from when they decide to go away on holiday, are you seeing and changes or increases brought about by that new tourism brochure

MR D BUFFETT

Madam Deputy Speaker, it's not that easy to know whether the bookings we are receiving now are an immediate response to that brochure but what I can say is, the brochure has received significant publicity in the trade press, and in the travel press which is a good measure of where people will go in terms of determining where they would want to holiday and that has been more than satisfactory. Our PR people have indicated that the range of publicity that has been generated by our new brochure is better than would normally be experienced by smaller places so there is that benefit. Hopefully, that is flowing on. It's the old story. Yes you have benefit from your marketing dollar but it is sometimes difficult to know which part of the dollar is actually working for you and we are not exempt from that particular difficulty but I think we can have some room for enthusiasm about that. Let me also say however, that there is a lot of competition in the marketplace. There are new airlines operating in the South Pacific region with low cost fares. That is equally happening on the east coast of the Australian continent and those areas are competitors for us in terms of the tourist visitor to Norfolk Island so it's not an easy road but there are great efforts to gain our share of the market

MR GARDNER

Madam Deputy Speaker, thank you. I've just been sitting here scribbling some figures looking at the number of aircraft servicing Norfolk Island I think it is important to take that into consideration when we are talking about visitor numbers to the island and I guess that the viability of the routes that have been flown. Just a quick calculation Madam Deputy Speaker for the month of May indicates to me that the average passenger loading for flights out of Sydney have been somewhere in the region of about 120 persons per flight which I think in anybody's terms is pretty good loadings. For Brisbane it's less than that, somewhere in the region of about 80 and I think out of New Zealand for each flight out of Auckland there's been an average of somewhere in the region of about 75 or thereabouts. They are interesting statistics for consideration as far as expansion of the tourist industry on Norfolk Island is concerned. Certainly out of Sydney it would probably be argued if we were to attract more visitors out of there it's going to require more flights to actually come on line, but just food for thought Madam Deputy Speaker and an observation, thank you

MR BROWN

Madam Deputy Speaker, I've been interested to hear the Minister tell us that the visitor numbers this year are likely to exceed the visitor numbers last year and that they are likely to be the second highest numbers ever. I'm not sure that I agree with that assessment. I think that would require a massive number of visitors to come to the Island during the current month to be achieved, but nevertheless, even if we said it's likely that there will be 40,000 this year I doubt that it's the case, but let's accept that for the purpose of the argument. That is about 5,000 less than we've planned for in terms of the Unity 2005 document which was looking at approximately 340,000 bed nights per year by the 1st January 2005. that's just over six months away. It would seem Madam Deputy Speaker that we have a significant problem in that regard and it's a problem that will not go away just by patting ourselves on the back. There is a further problem in terms of the viability of the local accommodation industry in that there has been a significant expansion of the number of approved beds and units over the course of the last five or six years and it

seems likely to me that if we are in the region of 40,000 with our visitor numbers the average occupancy across the island will have in fact fallen compared to the period prior to the increase in the amount of accommodation available. That has its difficulties. If properties are unable to achieve the occupancy they require they will frequently compete purely on the basis of price then you have a double ended problem, occupancy is down, price is down, profitability is therefore down and the ability to maintain a property, the ability to participate in promoting the Island generally, and promoting a particular property are all reduced so there are problems there. I'm sure that the Minister is in fact well aware of them and I'm sure that he's not ignoring them but I think it's very important that those of us around the table not simply accept the PR that the Minister gives to us, but rather we should understand the actual situation and the difficulties which it presents, thank you

MR D BUFFETT

Madam Deputy Speaker, I would just like to add a couple of words, acknowledging some of the things that Mr Brown has said. Without a doubt there are some challenging dynamics within the tourist industry and particularly in the accommodation industry which Mr Brown is a participant in and so he has some knowledge about it. The percentage of occupancy has been consistently shown to be quite low in the tourist industry on an overall arrangement and that's a difficulty situation to address. I think earlier studies have shown the overall, and therefore the average occupancy within Norfolk Island is in some instances, 49%. That doesn't mean that some particular establishments don't have occupancy of 90% or the like but I'm talking about average and it's not an easy situation to totally solve. It is no doubt one of the reasons why the Gatekeepers in their assessment when the review process that happens on a two yearly cycle recommended to government and Members of the Legislative Assembly accepted that there should not be an increase in the quota of number of beds, recognizing some of the factors that have been identified by Mr Brown so I just acknowledge the dynamics that are around and whilst I might be accused of patting ourselves on the back I'm not necessarily trying to do that on every occasion but what I am trying to do is to be positive about Norfolk Island's tourist industry and to put out the positives and to encourage people to be positive so that those beds that are currently maybe in low occupancy at this time, may have a better opportunity to be filled

DEPUTY SPEAKER NICHOLAS

Is there further debate? The question is that the

Paper be noted.

QUESTION PUT

AGREED

The Paper is noted. Are there further Papers

MR DONALDSON

Madam Deputy Speaker, in accordance with section 41 of the Interpretation Act 1979 I table the Financial Institutions Levy Amendment Regulations 2004. Madam Deputy Speaker just speaking to what these regulations actually achieve, it's been a situation under the Financial Institutions Levy Act that where a spouse dies and a joint bank account is transferred into a single persons bank account then that money is actually being transferred into a new bank account and is deemed to be received and Financial Institutions Levy was charged on it. These regulations exempt that situation from FIL where the total proceeds of a joint account are transferred into the account of the surviving spouse and I commend the regulation as being too little too late

DEPUTY SPEAKER

Thank you Minister. Are there further Papers for presentation. Then we move to Statements

STATEMENTS

Are there any Statements of an official nature

MR I BUFFETT

Madam Deputy Speaker, this is a statement that's really to answer a question that I invited to be put on notice at the last sitting and it related to the matter of the trees at the Golf Club that I think Mr Robinson raised at the last sitting and I said to him that I would find some words to come back to him with at this sitting. In saying that there were a series of questions asked in a letter from the Flora and Fauna society and that Mr Robinson raised as a question at those sittings and I answer as follows. The first question was, why were these trees denuded of their lower branches in such a fashion and it is understood that the golf course greenkeeper wanted to remove the trees to enable the grass on the fifth green to get more sunlight. Was permission sought for this action. Madam Deputy Speaker the greenkeeper spoke to the Forester about removing the trees. The Forester discussed options such as lopping some limbs and advised that he would not approve removal of the trees. He further advised that the greenkeeper of the golf club should seek approval from the KAVHA Board, the Administrator's Office and the Conservator of Public Reserves in respect of the matter. It is understood that the greenkeeper told the Forester that he had already spoken to or received permission from the Project Manager of KAVHA. Madam Deputy Speaker, the third question was, was permission granted for this action and the answer is no. the next question was if so by whom. Well of course that becomes not applicable in this situation. Madam Deputy Speaker the fifth question that was asked was approval granted by the KAVHA Board and the answer to that is no. the sixth question asked is it the intention of the perpetrators to mutilate any more trees in this fashion. Madam Deputy Speaker that question can only be answered by the people who perpetrated that particular act and I understand that can only be answered by the golf club however, the golf club is aware of community concern and has apologized for its action. The Conservator of public Reserves has also written to the golf club and discussed this matter with the Club's President. The Conservator of Public Reserves will be having further discussions with the Club and the greenkeeper on this issue. Question no. seven, will it be a continuing policy of the current Government to allow desecration of the Norfolk Island emblem in this manner elsewhere on the island. That answer is no. the Government's policy for the protection of Norfolk Island's natural environment and heritage is embodied in the Public Reserves Act 1997, the Plans of Management to the Public Reserves, the Trees Act 1997 and other environment protection legislation that exists. Approval for the removal of protected trees including Norfolk Island pines is only granted if the criteria set in legislation and Plans of Management are met. The eighth question that was asked in respect of this issue was, if this trimming was undertaken without permission, what action will be taken to strongly discourage such activities in the future. Where there is sufficient evidence and it is appropriate to do so persons who commit offences under environment protection legislation will be prosecuted. The facts surrounding this particular case are still being investigated and discussed between the parties involved. The strong community outrage and comment that followed the trimming of these trees reflect the community's and the Government's view and is likely to reinforce policies and legislation that discourage irresponsible removal or damage to protected trees. I hope that sufficiently answers the matters that were put on notice by Mr Robinson at the last sitting

DEPUTY SPEAKER
Then we move on

Thank you Minister. Are there further Statements.

MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 31

I have received the following message from the Office of the Administrator being Message No. 31 advising that on 1 June 2004 pursuant to section 21 of the Norfolk Island Act 1979 I

declared my assent to the Customs Amendment Act 2004 (Act No 8 of 2004). The message is dated the 1st June 2004 and is signed Grant Tambling, Administrator

SELECT COMMITTEE INTO ELECTORAL AND GOVERNANCE ISSUES

MR BROWN Madam Deputy Speaker, at our last meeting I tabled the Report of the Select Committee of the current Legislative Assembly into Electoral and Governance Issues. Consideration of that Report was adjourned to today's meeting and I would like to now table a final version of that Report which contains some editorial adjustments. It doesn't change the nature of the Report but it does correct some of the grammar and clarify a few areas which I had left on reflection, that were a little confusing. Members have had a copy of the revised document distributed to them I think during the course of yesterday. Madam Deputy Speaker the Report has not yet been widely distributed to the community and I certainly hope that at least the recommendations of the Report will be published in the Norfolk Islander before we finalise our consideration of the Report but at this stage I would like to move that the Report be adopted. I would like to briefly run through the recommendations of the Report. Some Members might wish to make comment at that stage but I propose to then move an adjournment until our next meeting for the finalization of the Report

DEPUTY SPEAKER

The question at the moment is that the Report be adopted

MR BROWN Madam Deputy Speaker, the Report contains a number of recommendations and I would like to briefly read through them if I could have that opportunity.

The first relates to citizenship where the Select Committee supports the amendments contained in the Legislative Assembly Amendment Bill 2003 which provided that persons holding Australian, New Zealand or United Kingdom of Great Britain and Northern Ireland citizenship be eligible to enroll and vote in Norfolk Island. Certain legislation passed by the Australian Parliament has taken us down a slightly different course to that but those are nevertheless the views of the Committee

Recommendation 2 relates to length of residency prior to enrolment and there the Select Committee supports the amendments contained in the Legislative Assembly Amendment Bill 2003 which provided that a person holding appropriate citizenship be eligible to enroll to vote in Norfolk Island after twelve months of residence in Norfolk Island. Again, the Australian Parliament has gone down a different path to the view of the Select Committee, nevertheless the Select Committee has expressed its view on the matter and it will be a matter for the Legislative Assembly as to whether action is taken in relation to the Select Committee's views on the first two points or whether the matter is allowed to rest for the time being

Recommendation 3 relates to the Australian Electoral Commission. It is that the Select Committee does not support the involvement of the Commonwealth Electoral Commission in elections in Norfolk Island unless as a result of a specific request from the Norfolk Island Government

Recommendation 4 relates to the constitutional status, governance and the relationship between Norfolk Island and the Commonwealth of Australia. The submissions and evidence presented to the Select Committee and the responses to its questionnaire do not indicate that there is an overwhelming desire within the Norfolk Island community to alter the relationship between Norfolk Island and the Commonwealth but indicate a desire to place the relationship on a more mature footing with room to respect the differences of opinion that may exist between Norfolk Island and the Commonwealth in relation to particular issues. The Select Committee notes the views of the Commonwealth Joint Standing Committee on the National Capital and External Territories which are set out in their December 2003 Report. The Select Committee recommends that a Constitutional Convention be established in order to report on various issues, including the precise constitutional relationship between Norfolk Island and

the Commonwealth of Australia, the development of appropriate revenue sharing arrangements with the Commonwealth of Australia in relation to the fishing oil, gas, mineral and any other resources of the economic zone surrounding Norfolk Island, appropriate review of the Norfolk Island Act 1979 so as to provide a framework for the future management and development of Norfolk Island including restrictions on any Commonwealth power to interfere in Norfolk Island's Governmental arrangements and the establishment of an appropriate intergovernmental committee to facilitate discussions between Norfolk Island and the Commonwealth of Australia about matters of mutual interest

Recommendation 5 deals with the structure of executive Government in Norfolk Island. The Select Committee recommends that there be no change in the present structure of executive Government on Norfolk Island and that Members of all Legislative Assembly develop a better understanding of the respective roles and responsibilities of the Parliament and the executive and that appropriate educational programmes be provided for that purpose however the Select Committee acknowledges that in the event of any significant change in the operations of the Legislative Assembly and the executive Government whether through the introduction of a comprehensive committee system or otherwise the structure of executive Government may require review to take account of the changes

Recommendation 6 relates to other issues. In the course of its enquiry a number of other matters have come to the attention of the Select Committee as a result of which the Select Committee makes the following additional Recommendations

a. The December 2003 Report of the Australian Parliaments Joint Standing Committee on the National Capital and External Territories into Governance on Norfolk Island. The Select Committee supports the Norfolk Island Government's response dated 17th December 2003 to the Joint Standing Committee's Report and a copy of that response is attached as an annexure c. to the Report and makes the following further Recommendation.

First. In relation to pecuniary interest and bias, the Committee Recommends that a Pecuniary Interests Register should be established for Members, their spouses and children. That Register should be open for public examination and in addition a Code of Conduct for Members should be established to deal inter alia with pecuniary and non pecuniary interests and in particular to deal with the possibility of bias in decision making and Madam Deputy Speaker I note that legislation is already drafted to give effect to that Recommendation.

Second. Whistle blower legislation. The Select Committee Recommends that legislation should be introduced to protect whistle blowers. The Select Committee notes the availability of Australian Standard AS8004-2003 in this regard

Three. The role of the Chief Minister. The submissions that evidenced to the Committee and the responses to the questionnaire do not indicate that there is a community desire to alter the existing role of the Chief Minister. The role of the Speaker. The Speaker should continue to be appointed from among the Members of the Legislative Assembly but he should not at the same time hold office as Speaker and as executive Member. The term of the Legislative Assembly. The term of the Legislative Assembly should not be changed. Voting System. The Voting System should be changed as soon as possible to the first past the post system, such that each elector can provide a maximum of one vote to any candidate with each elector having and being required to use as many votes as there are positions to be filled at the particular election or by election and

b. The 1997 Commonwealth Grants Commission. The 1997 Commonwealth Grants Commission detailed thirty seven main findings. Those number 29 to 37 are relevant and are set out in the Committee's Report. The Select Committee notes that since 1997 there has been substantial reform of the Public Service in Norfolk Island particularly through the enactment of the Public Sector Management Act 2000. the Select Committee notes that Conflict of Interest Guidelines have been developed for the Public Service through the Human Resources Policy which was endorsed by the Legislative Assembly in February 2001. Conflict of Interest guidelines for the Legislative Assembly and the executive and issues of accountability are dealt with elsewhere in this report. Findings 31 and 32, that is of the Commonwealth Grants Commission Report have been dealt with by enactment of the Public

Sector Management Act 2000. Since 1979 various Legislative Assembly's have developed systems of forward estimates but the Select Committee nevertheless supports findings 33, 34 and 35. the Select Committee recommends that the strategic plan adopted by the Legislative Assembly at its meeting on 5 October 1998 be reviewed. The Select Committee supports the suggestion in finding 37 that there should be a review of the Norfolk Island Act 1979 to clarify responsibilities and make the Act more administratively useful. Additional matters.

The Select Committee Recommends –

First. That the Government commence discussions at an early date with the Commonwealth about recognizing the extent of self Government in Norfolk Island by changing the role of the Administrator such that the Norfolk Island Government shall recommend to the Commonwealth a person for appointment to a role in the nature of a Governor to be funded by the Norfolk Island Government and the Commonwealth shall select and fund its own representative, perhaps the Official Secretary, to represent the Commonwealth in those areas where the Commonwealth retains responsibilities.

Second. That the Standing Orders of the Legislative Assembly be amended to change the title and the role of the Privileges Committee to the Committee on Standards and Privileges with a role similar to the Committee of the United Kingdom Parliament of the same name.

Third. That a book be prepared and provided to Members of the Legislative Assembly containing copies of all submissions made since 10 August 1979 by the Norfolk Island Government and the Administration of Norfolk Island to Committee's of the Commonwealth Parliament and other Commonwealth Committee's or Entities,

Fourthly that the Norfolk Island Government review those submissions in order to ascertain whether any undertakings remain outstanding and if so examine them and make a clear statement of the Government's current position in relation to each such outstanding undertaking.

Fifthly that the Commonwealth Government be requested to provide a complete list of all Commonwealth legislation which it believes has been extended to or applies in Norfolk Island,

Sixth. That the recommendations of the Report of the New South Wales Independent Commission against Corruption in relation to Lord Howe Island called "Preserving Paradise", be examined by the Norfolk Island Government with a view to adopting at an early date such of those recommendations as may be appropriate to Norfolk Island, Seventh. That the Norfolk Island Government ensure that an ethics programme currently being developed by the Administration of Norfolk Island be finalised and implemented without delay. The components of that programme include a probity complaints system, which is already in place, the appointment of an external investigator for use when there is a particular need, a staff education component, a public communication, enhanced conflict of interest provisions, the development and implementation of a pecuniary interests administrative policy and guideline, the development and implementation of a protected disclosure administrative policy and guideline to encourage and protect genuine allegations, and the implementation of a series of probity orders.

Eighth that the Norfolk Island Government ensure that the achievements of successive Governments since 1979 are documented and recognized together with the recognition of any shortcomings in order to enable comparison with the performance of governments in other Pacific jurisdictions.

Ninth than the Legislative Assembly make more use of the committee system.

Tenth that freedom of information and ombudsman concepts be introduced in Norfolk Island as soon as possible, initially on an informal basis.

Eleventh that the Norfolk Island Government consider the adoption of a code of procedure for Ministers

Twelfth that funding be provided at an early date to commence succession planning for the position of Returning Officer and to provide suitable training in that area

Thirteenth that at an early date the Norfolk Island Government investigate the recruitment of a part time representative to be based in Canberra in order to promote the interest of Norfolk

Island to the Commonwealth Government and Commonwealth Departments, Members of both Houses of the Australian Parliament and other relevant institutions; and
Fourteen that the Norfolk Island Government commence discussions with the Commonwealth Government and relevant opposition parties with a view to negotiating continued expansion of the powers listed in schedule 2 of the Norfolk Island Act of the Commonwealth and in particular that the Norfolk Island Government set milestones to be achieved by the thirtieth Anniversary of self Government on 10 August 2009 to include the transfer of title to all Norfolk Island land which is presently owned by the Commonwealth and the identification of aspects of Norfolk Island's infrastructure which were inadequate at the commencement of self Government on 10 August 1979 and negotiation with the Commonwealth as to an appropriate contribution towards the cost of rectifying any such infrastructure inadequacies which still exist.

There are Madam Deputy Speaker a number of attachments which Members will find interesting to read and I'm sure that the community will find them interesting. There is a lengthy list of references contained at page 16 of the document and each of the documents referred to in that list is held in red folders in the Clerk's Office and is available for inspection there. There are, if my recollection is correct, not less than three large arch binders containing those documents together with a number of books. Annexure a. to the report contains details of the written submissions which were received and details of the public hearings which were held. Annexure b. contains an analysis to the responses to the questionnaires which were distributed and then annexure c is the Norfolk Island Government's response to the December 2003 Report of the Commonwealth Joint Standing Committee on the National Capital and External Territories. I don't propose to say any more at this stage. I don't know whether any Members wish to make comment today on the recommendations or on any additional Recommendations that should be included but I propose at an appropriate time to move an adjournment of consideration until our next normal meeting

MR GARDNER

Madam Deputy Speaker, I thank the chairman of the Select Committee for the presentation of the Report in its final form at this stage and just offer some preliminary points of discussion. Just picking up on a couple of points that Mr Brown had made in relation to the recommendations. Importantly the first three recommendations were recommendations that addressed concerns that have been raised by a number of Joint Standing Committee's looking into electoral matters in Norfolk Island and as Mr Brown indicated the Commonwealth have in more recent months moved to put in place for Norfolk Island amended citizenship requirements and residency requirements for persons looking to be enrolled and to vote in Norfolk Island in elections. It is important to point out that the recommendations and how they have been changed by the Commonwealth legislation are such that the first one citizenship where the Legislative Assembly had moved in the Legislative Assembly Amendment Bill 2003 providing for persons of Australian New Zealand or United Kingdom of Great Britain and Northern Ireland citizenship to be eligible to enroll and vote in Norfolk Island has been overtaken by that Commonwealth legislation. It now provides that you must be an Australian to hold Australian citizenship to be eligible to enroll to vote in Norfolk Island. However it does preserve the rights of those persons that were previously enrolled who are not Australian citizens and it is important to point that out. Madam Deputy Speaker the second recommendations in relation to the length of residency prior to enrolment. The Legislative Assembly Amendment Bill 2003 passed by this House had proposed the twelve month period of residence in Norfolk Island. Again that was overtaken by the recent Commonwealth legislative amendments. Now a requirement of residency period of only six months on Norfolk Island. The Australian Electoral Commission is one recommendation where the Commonwealth have been seeking to have oversight provided by the Australian Electoral Commission into elections in Norfolk Island is something that was not pursued by the Commonwealth in their legislation and our recommendation in that instance stands. If I just jump forward a little, recommendation 6 which dealt with other issues. Mr Brown did point out that the pecuniary interests and bias matter has been addressed to quite a significant degree

at this stage. As Members would be aware there is a Bill before the House which will be considered later today known as the Legislative Assembly Registrar of Members Interest Bill 2004 which addresses those matters. It's been overtaken by a course of events and obviously the motion that Mrs Jack was successful within this House earlier this year seeking for me as Minister responsible to bring forward legislative basis for that Register of Pecuniary Interests, that has been dealt with and will be further considered today. There has been discussion about a number of those other matters including whistle blower legislation. Those things are bound up in our negotiations with the Commonwealth ombudsman, not necessarily to have the ombudsman responsible for those but certainly as part of the consultation process and the development of that type of legislation we've been looking fairly far a field for advise on exactly the direction we should go and I think that as a matter of course those things will come back to this House for consideration in a legislative form at some later date. The role of the speaker and the voting system I think on radio the other day in an interview with Mr George Smith the Manager of the Radio Station he had asked if there had been any movement on various recommendations made by committee's over the years, including the recommendations of the Select Committee of the 7th Legislative Assembly that was looking at governance and electoral matters on Norfolk Island as to whether this Legislative Assembly was addressing those matters and in response to that question I answered obviously yes. We were making some inroads into that. Draft legislation has been prepared and will be considered informally by Members next week with a view to introducing legislative amendment into this House hopefully at the July sitting to ensure that we can address some of the lingering concerns and issues in relation to electoral and voting matters on Norfolk Island that are long overdue for change. For example a review in improved mechanisms for the handling of absentee voting measures on Norfolk Island and included in that importantly is a review of the current voting system known as the Illinois cumulative voting system and the recommendations contained both in the Select Committee Report of the 7th Legislative Assembly and of this 10th Legislative Assembly's Select Committee to look at a change to a first past the post voting system. Obviously that will engender a fair degree of debate within the community in relation to voting systems and a revisitation of all the difficulties that people have experienced in the past and so be it, again it's a debate and a discussion that we as Members need to have to look to improve the electoral and voting systems that we have on Norfolk Island. There are a range of other recommendations under the title Additional Matters. Some of those are being addressed. Some of those are outstanding matters that we have sought some discussion with the Commonwealth on over many years, namely item f I think where the Commonwealth Government be requested to provide a complete listing of Commonwealth legislation which it believes extends to Norfolk Island or applies in Norfolk Island. I think those requests have been made on a regular basis. Unfortunately we still await that list and the production of that list but again the recommendation is that we actively pursue the provision of that type of material. There's additional recommendations that are contained there dealing with the New South Wales Report of the Independent Commission Against Corruption in relation to Lord Howe Island "Preserving Paradise" but again those relate to the general accountability and transparency mechanisms that we are pursuing with the Commonwealth ombudsman and others and in relation to the accountability and transparency mechanisms not just for the Legislative Assembly but also for the Public Service and at this stage I think it is appropriate that the Public Service and the management be commended for the active steps that they are taking in trying to ensure that there are those measures in place to give some feeling of comfort to Members of the community that all of those mechanisms are appropriate and in place and are workable. There's a further recommendation, number 9 that the Legislative Assembly make more use of the committee system. Mr Nobbs is to be commended for earlier this year bringing forward a motion that looks to establishing three additional committees. That is currently a matter that is on the Notice Paper. It hasn't been brought on for this sitting but it is something that we need to come to terms with. It is a motion that is validly before the House and needs to be dealt with irrespective of their recommendations contained in this report. It is a matter that is already in the system and

needs to be dealt with to finality and I think generally is supported by Members of the Legislative Assembly. The following recommendation 10, the Freedom of Information Ombudsman concepts be introduced into Norfolk Island, again I relate that back to the ongoing discussions with the Ombudsman's office and the regular communication that is moving between both the Norfolk Island Government and the Commonwealth Ombudsman's office in relation to those aspects of accountability and transparency. They are being actively pursued and will only strengthen the governance system on Norfolk Island well into the future. That's all the preliminary comment I have to make on this Report at this stage. I hope that Members of the Legislative Assembly will turn their attention to it and Mr Brown is looking to adopt this report and at some time I look forward to re-entering the debate

MR BROWN Madam Deputy Speaker, firstly could I thank the various Members who participated in this Select Committee. Ron Nobbs chaired the committee up until March 2003 and he put a lot of effort into it, both during that time and afterwards. George Smith was a Member until December 2003 when George resigned from the Legislative Assembly but I would like to thank all of the Members and also the committee's secretary Mrs Evans who put a lot of effort into assisting us with the preparation of what has been prepared. The Committee has tried to deal with what it felt were the important outstanding issues. Much of the Joint Standing Committee's report was dealt with in the Government's response which is attached as annexure c to the report but the Select Committee has dealt with I believe all of the issues which were not addressed in the Government response and the Select Committee has endeavored to deal with anything that it saw as outstanding in terms of the 1997 Commonwealth Grants Commission's report. As we worked our way through it became obvious that some things needed to be done and to the credit of the Chief Minister and the Norfolk Island Government many of the issues were already well under way by the time this report was finalised. In my view, that is something that can give the community confidence that the Norfolk Island Government is addressing the important issues in the area of governance and electoral matters and certainly the Government has been encouraged by the back bench Members of the Legislative Assembly in that regard. I hope that Members of the community will take the time to read the report and will let us have their views on the report. If they strongly agree with it, it would be nice to know. If they strongly disagree with the whole report or parts of the report that would also be very handy to know and certainly it would be handy to know that before we vote on the question of the document. There's nothing further that I wished to say Madam Deputy Speaker

MR NOBBS Madam Deputy Speaker thank you. I don't wish to comment on this report in any depth at this time except saying that there were five Members of the committee and obviously there would probably be six different views on things. Most people seem to think that I've got different views on different things but anyhow. The go is that there are different views on the matter and I was concerned in some areas in relation to the report but I believe it is important that it goes out and I'll make comment at a later date on those. The issue really is that the committee had to look at various contributions from the community in submissions and public hearings and the like which were held and look at past documents and come up with some recommendations in response to the terms of reference previously set out by the Legislative Assembly. I would hope that this report is widely circulated in the community and like Mr Brown I would seek public input before we discuss it again and then I would thank also the Members of the committee for their efforts and also to the secretarial staff and particularly to Mrs Gaye Evans in putting this document together. I would say that a community such as this, it's not the bees knees, it's not the answer to all our problems, it reflects though the fairly limited response from the community and I think that, that's an issue that people should take into account when they look at this particular document. Thank you Madam Deputy Speaker

MR BROWN Madam Deputy Speaker, I move that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

DELPTUY SPEAKER Thank you. Then I put the question for debate on the question that the Evidence Bill be agreed to in principle be adjourned for a subsequent day of sitting

QUESTION PUT
AGREED

The ayes have it thank you, the matter is adjourned

PLANNING ACT 2002 – VARIATION TO THE NORFOLK ISLAND PLAN

MR I BUFFETT Madam Deputy Speaker, pursuant to subsection 12(2) of the Planning Act 2002 I lay before the Legislative Assembly a draft plan for a variation to the Norfolk Island Plan together with a statement giving the reasons why i) the draft plan was not notified under section 11; and (ii) the variation is appropriate, and moved that in accordance with subsection 12(4) of the Planning Act 2002, this House resolves that the draft plan laid before this House, being a proposed variation to the Norfolk Island Plan approved by the Legislative Assembly on 25 February 2004 and commenced on 27 February 2004, and deemed to be the Plan under section 8 of the Planning Act 2002 be approved; and that for the purposes of subsection 13(1) of the Planning Act 2002 that the date of commencement of the approved Plan be 25 June 2004. this motion does four things. It identifies the year in which the plan was made; it reinstates environmental protection to the coastal areas where adjacent portions do not extend to mean high water mark, it amends access from 3.6 to four metres to cater for service vehicles and corrects typographic and cartographic errors that are in the plan. Madam Deputy Speaker the four matters are minor amendments and do not change the intent of the Norfolk Island Plan. I lay before the House the Plan incorporating those changes, and sets out in the attached document in tabular form the changes to be approved by this House and I ask that the House approve the particular amendments. Again I stress the point that amendments sought in the variation do not change the material intent of the plan that we have before us. I do lay that plan and the statement of reasons required under the Act, on the table

MR BROWN Madam Deputy Speaker, I'm not sure whether the Minister proposes to adjourn debate so that Members have the opportunity to look at the documents or whether he wishes it dealt with today

MR I BUFFETT Madam Deputy Speaker, on the basis that I previously circulated this documentation I would hope to have this matter settled today but if the majority of Members are not at that view then we need to wait that extra period, and I don't intend, if they haven't had the opportunity to look at it, to pursue it. I thought that Members may have had that opportunity on the basis that I previously circulated it

MR GARDNER Madam Deputy Speaker, if its any use I've had an opportunity to have a look at the paperwork that's been circulated by the Minister and I am comfortable that the proposed amendments are minor and technical in their nature and I have no difficulty with the provisions that are included in the amendments proposed

MRS JACK Madam Deputy Speaker, I'll just go along with the Chief Minister. I too have had access and I've looked at the detail and spoken to it and I'm more than happy

MR NOBBS Madam Deputy Speaker I've been away as you know and that's really no excuse but I was hoping that we would have had some extra time on this particular issue if I may

MR GARDNER Madam Deputy Speaker, if I could just qualify my remarks. I am appreciative of the fact that all Members haven't had the opportunity to look in detail at the proposed amendments and I would be comfortable if the Minister so chose to adjourn the matter to a subsequent day of sitting so long as that's not going to present any major difficulties in the administration of the Plan in that interim period

MR BROWN Madam Deputy Speaker, I would have no difficulty in the date remaining the June date but dealing with the matter at our July meeting. I would have no difficulty with that aspect of retrospectivity. I can see that the Minister had prepared a document. I don't recall actually having received it. The Clerk has kindly provided me with a copy now. On quickly flicking through it there do not appear to be any matters of great concern, but like Mr Nobbs I would like to have the opportunity to read it in a little more detail

MR I BUFFETT Madam Deputy Speaker, I'm left in the position that I need perhaps to put the question to the vote that the motion be agreed to

DEPUTY SPEAKER Then the motion which the Minister has put to us, the fairly lengthy motion is put, I put the question

MR D BUFFETT Madam Deputy Speaker, is there not the opportunity for this matter to be adjourned for another day bearing in mind the comments around the table. I would be happy to test that motion

MR I BUFFETT Madam Deputy Speaker, I thought these amendments were of such a minor nature that they didn't change the intent of the plan that we would have dealt with them today. They are issues that have arisen as a result of actually trying to use and make use of the plan in its present form and the subsequent legislation that accompanies it. It was a fairly substantial piece of legislation and the plan itself needed some sorting out of teething problems and these are those. I put the motion

MR BROWN Madam Deputy Speaker, I wonder at what the Minister has done because I'm not aware of a provision in our Standing Orders for a Member to put a motion. One can move a motion. One can move that the question be put but a Member does not have the power to usurp the role of the speaker and put the motion

DEPUTY SPEAKER Quite right Mr Brown

MR D BUFFETT Madam Deputy Speaker, I move that the matter be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

DEPUTY SPEAKER I believe with respect that we have a question before us that the motion be put and I believe that the Minister put that

MR BROWN Point of Order. There is no motion to the effect that the motion be put. There is now a motion for adjournment and an adjournment motion must take precedence

DEPUTY SPEAKER Under advising. Minister David Buffett would you be kind enough to repeat your motion

MR D BUFFETT Madam Deputy Speaker, my motion is that this matter be adjourned and made an order of the day for a subsequent day of sitting. Madam Deputy Speaker I'm not fussed as to whether the adjournment motion be made in respect of the substantive motion that is on the Notice Paper or in fact the motion made by Mr Buffett in terms that the matter be put. The matter is still a matter of adjournment

DEPUTY SPEAKER Thank you. Then I put the question that debate be adjourned for a subsequent day of sitting

QUESTION PUT

Would the Clerk please call the House

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

The result of voting Honourable Members the ayes four the noes five, the motion to adjourn is lost. Then I seek a motion from the Minister in respect to putting the question

MR I BUFFETT Madam Deputy Speaker, I put the question that the motion be agreed to

DEPUTY SPEAKER Then I put the question that the substantive motion be agreed to

MR BROWN Point of Order. We already had a motion. A Member from the floor does not have the power to put a motion. The Speaker has the power to put a motion

MR I BUFFETT Madam Deputy Speaker, let me apologise. I misread the word. I put the question

DEPUTY SPEAKER Thank you Mr Buffett. Thank you Mr Brown. There being no

MR BROWN I repeat my Point of Order

DEPUTY SPEAKER Mr Ivens Buffett has moved a motion. He has moved that the motion be put

MR BROWN No that's not correct with respect

DEPUTY SPEAKER He has moved that the question be put

- MR BROWN He has said, I put the motion
- DEPUTY SPEAKER Minister would kindly suggest that we put the question
- MR I BUFFETT Madam Deputy Speaker I thought I had just apologised in having used the wrong word. Let me read what is written in front of me as the method that I should follow. "There being no further debate I put the question that the motion be agreed to"
- MR BROWN Point of Order. The Minister is confusing his role as a Member of the House with that of the Speaker. Only the Speaker has the power to use those words
- MR I BUFFETT Madam Deputy Speaker, okay. I'm in your hands
- DEPUTY SPEAKER Then I put the question that the motion be agreed to

QUESTION PUT

Would the Clerk please call the House

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

The result of voting Honourable Members the ayes six, the noes three, the motion is carried

Thank you Honourable Members, we move to Orders of the Day

APPROPRIATION BILL 2004-2005

Honourable Members, we resume on the question that the Bill be agreed to in principle and Mr Donaldson has the call to resume

MR DONALDSON Madam Deputy Speaker, thank you. At the May sitting of this House I presented the Appropriation Bill 2004-2005 and at that sitting I moved that the Bill be agreed to in principle. I gave details about the appropriation sought, its relationship to expected income, details of the categories of expenditure contained in the Bill, and the process utilized in developing the Bill. I'll just recap a couple of those important items at the moment. The total expenditure sought by the Bill was \$13,316,000. it was divided into salaries and wages of \$5.7m, recurrent expenses of \$6.5m and capital expenses of \$1.045m. the total budgeted income was \$13,059,300 resulting in a projected deficit of \$257,500. I also made mention of the current revenue review that has commenced and Members will be aware of the options paper prepared for us by the Commonwealth Treasury which discussed six revenue options for our consideration. At this stage, none of the options have been settled on and further analysis will be required to ensure that

whatever option or options are pursued will be an improvement with the existing revenue raising methods. To help achieve this aim, the current year's budget and the next years proposed budget provides funds for further analysis of the options and the ongoing development of a fair and equitable revenue raising strategy. The Administration will in the next week be calling for expressions of interest from persons or organizations having professional skills necessary to undertake this task. The purpose of this exercise is to develop a fair equitable and most importantly sustainable revenue base for the Norfolk Island Government. The current budget and resultant Appropriation Bill that's before the House today does not take into account any additional revenue expected to flow from the ongoing revenue review and any new revenue materializing throughout the year can be applied either to second priority expenditure or the creation of reserve funds within the Administration. Madam Deputy Speaker on the subject of reserve funds the preparation of this year's budget for both the revenue fund and the Government Business Enterprises highlighted the need to create reserves or sinking funds for future major capital purchases and therefore to avoid the problem that we've been experiencing for years of having to find funds from current year earnings to replace major infrastructure assets. To assist in identifying and quantifying such amount the Administration officers have commenced a programme of forward estimates. This programme looks at expected needs in the short term, the medium term and the long term, and by long term I mean over the next fifteen years. Once expenditure requirements are known the income targets of the revenue review can be met. I mentioned this earlier in the Questions Without Notice section, but before moving that the Bill be agreed to in principle there is one more matter I would like to make mention of and that is the recently announced increase in teacher's salaries that was not known of when the Appropriation Bill was developed and tabled last May. The New South Wales teachers have recently been granted an increase of 3% and this increase will be effective as from the 1st July this year. There will be a further 3.5% in six months time on the 1st January 2005. the increase will apply to teacher's salaries on Norfolk Island. This Bill does not include funds to cover the expected increase in salaries, an amount of approximately \$115,000 nor is it my intention to seek an amendment at today's meeting to include an amount for this purpose in the Bill. My preferred option is if necessary to deal with the matter at the half yearly review by which time the Legislative Assembly has had the opportunity to explore and develop other options for adoption this issue. In summing up I believe the Appropriation Bill is a responsible Bill that will provide funding required to allow the Administration to continue to provide the level of service it has been providing in previous years and furthermore the Bill achieves this within the existing revenue source framework. I commend the Bill to the House

MRS JACK

Madam Deputy Speaker. As I mentioned in debate last month I was having trouble with this Appropriation Bill and I continue to have concerns. The Minister has mentioned, and I know I keep harping back to Government Business Enterprises but the funds that the Minister is looking for equate to roughly 25% of his income is coming from the Government Business Enterprises and so I will begin on those particular sections within the Administration. The Minister mentioned sinking funds. Now we are all in agreement that they are necessary. My concerns remain on the lack of knowledge of what totals are going to be sought and the appropriate legislation to run in tandem with those so that they cannot at any stage be taken by perhaps this Government if they come into being straight away, or any future Governments to take from Peter to pay Paul. In order to get to the sinking funds I have asked the Minister where are they coming from. Are they coming out of reserves. Are they being deducted so that the Government Business Enterprises have less capital to start up the beginning of a financial year. Are they going to become available through an increase in income which will be brought about by an increase in charges or are they coming about by decreasing the transfer of monies to the revenue fund. The last two effect this Bill. If we are going to see a decrease in transfer to the revenue fund we are going to see a decrease in the income that's going to be made

available to operate. As for getting that income increase through a rise in charges, I see that as just more cost to the community and to some of the young families who have contacted me they are already undergoing tremendous pressure strain and I'm wondering how much more they can continue. Mr Brown has already mentioned that accommodation houses are seeing reduced numbers coming through their doors, reduced bed nights. They still have the dollar cold bed tax to pay. How much more viable are some of these places going to remain. The customs duty has seen a tremendous reduction and I see problems when you take this over to the retail sector because many people in the retail sector are also complaining to me of their troubles in continuing to operate and I hope that we don't see any businesses closing down in the next financial year. When you look at the Telecom GBE they have had to downplay income from what they were hoping to get from outward calls in the 03/04 budget from something like \$1.95m to \$1.81m. they are saying that in the budget forecast for 04/05 that revenue downturn will continue. I seriously doubt that this will get anywhere near it. I hope I'm wrong but I seriously doubt it and the reasons for that are that the voice over internet protocol that people are now using can bypass Telecom completely. I was talking to a gentleman this morning who spoke for two and a half hours over his wireless internet and it cost him \$7. now there are others who aren't aware of this but the public are not mushrooms and they will discover this. You can go over to Australia and buy a satellite phone completely bypassing Norfolk Telecom. You can get a rebate on that phone, go through a particular provider that advertises on channel 7, pay 82 cents per minute and you have a mobile number in Australia and when you call a fellow mobile holder in Australia they do not get charged satellite rates so quite frankly, what is the point in paying \$1.50 per minute when you can do it for .82 cents per minute. I do know that they have put in the budget for some moneys to get the DSL operating on some 80n lines, that is the digital subscriber line. I don't know when that is due to come in or how much they will be asking on those lines. It is a move in the right direction but I personally feel that it is a move too late. We come to the electricity department where they are saying that instead of getting \$85000 for management fees that they are also going to offer a transfer to the revenue fund of \$200,000. my concern is that with that \$85000 management fee and an extra \$200,000 transfer to the revenue fund they still haven't paid back any of the money that half a million dollars that was borrowed from the airport fund, we've maintained a high price on the electricity for 38 cents per unit, and we haven't paid any of that half a million dollars back, so I'm concerned that if we haven't been able to pay back that half a million dollars and the airport runway reseal is reliant on that, how can they also attempt to do any capital expenditure, repay the half a million dollars, pay out the \$85000 as well as the \$200,000. just a concern. The cascade sale of rock, whether it was misleading or they see it as fact, I just see in the Government Business Enterprises documentation this morning, I was always under the impression that the royalties paid to the sale of rock was \$28 per tonne, I see that they have increased it to \$32 per tonne and I'm just wondering has this been passed by the board and how it is going to affect the people who deal in crushed rock, which is all of us because whether we are doing a garage or pouring for a floor just how is that going to increase the ultimate sale, the cost price to the community. The Minister has already mentioned if we cross over now to the revenue fund to education, he has mentioned the fact that he is not going to put an amendment forward with regard to the extra \$113,000 needed for teachers. I personally think he should. It's a known cost and we should cater for it. Bigger Governments than ours have included it in their budget as of yesterday, the New South Wales Government has. I just feel that this Legislative Assembly is due to finish in November if we last till then and the budget review processes begin then. To leave an incoming Government with the concerns of where we are going to get \$113,000 from is poor management principles. I was considering a negative response when asked to assent to this Appropriation Bill. I have concerns. I think they are legitimate concerns. I feel that for too many years various Members myself included may have been assenting to these under protest. I just look forward to seeing what other Members feelings are. Perhaps all my concerns are groundless but I look forward to following the debate on this issue. Thank you

MR DONALDSON

Madam Deputy Speaker, if I could just respond to a couple of those matters raised by Mrs Jack. I too share her concerns but probably not to the same depth on the Government Business Enterprises. We had a revenue budget meeting for Government Business Enterprises last Wednesday at which stage virtually balanced and workable Government Business Enterprises budgets were presented to Members for consideration. I was quite surprised that the amendments made to those budgets weren't to cut costs but were to increase costs. We had a move that was agreed to by the people that a fire station be established at the airport and \$400,000 be put aside for that. We also had someone amend the Government Business Enterprises budget for Telecom in the nature of \$85000 for an emergency generator. That \$85000 was in reserve funds before the meeting on Wednesday. We also decided at that meeting to create these reserve funds as sinking funds, and it was a very proper thing to do, so that when the telephone exchange needs replacing or the electricity generators need replacing, when the large fire service vehicles need replacing we have funds available to do it but just those items I've mentioned just now have added almost a million dollars to the total Government Business Enterprises expenses or overflow of funds. As a result of that the Government Business Enterprises budget has gone back to the Service to be rehashed. Now Mrs Jack has expressed some concern about how we going to be able to afford it. Clearly some of them can be met from reserves within the undertakings but my prediction is and I haven't had a look at the final result yet because it's still being worked on by the Service but my prediction is that various costs, income lines on the Government Business Enterprises budgets will have to increase. We might have to increase electricity, we might have to increase telephones, we might have to increase the price of liquor at the Liquor Bond. These things haven't been decided on yet but as a result of a meeting we had last Wednesday where all Members had an opportunity to comment and to put forward amendments to the Government Business Enterprises budgets, there have been some major changes made. There seems to be some criticism that the revenue fund relies on its income, 25% according to Mrs Jack from GBE management fees and dividends. That's been a decision that we've been living with for probably twenty years of self Government now. I would like to move away from it a little bit and have more a user pay type tax within the revenue fund but it has to happen slowly and it will happen as part of the outcome of the revenue review that's being undertaken at the moment. Once again the Revenue Review can't just happen overnight, we are not of a mind to say let's go ahead and increase customs duty by 2%, let's go ahead and double FIL, let's go ahead and increase the accommodation bed tax. These things have to be properly thought out and considered. Similarly any new taxation systems that we want to bring in have got to be properly researched, properly planned and properly implemented. Possibly one of the new taxation systems that will come out of all this at the end of the review that's being undertaken at the moment is some sort of goods tax or goods and services tax, but we don't know how much it's going to be at the moment. There was discussion back in 1999 that a 3% GST would replace all existing taxes. Further research has said that if we are going to replace all existing taxes our GST would have to be about 25%. To me that is not acceptable but we are going along a responsible path of reviewing our revenue, coming up with a sustainable, fair and equitable revenue scheme and hopefully implementing it as soon as possible. I would like to see that achieved in the life of this Legislative Assembly. Part of the strategy for doing that is passing the Appropriation Bill today. Virtually what the Appropriation Bill does is provide funds for the Administration to continue for the next twelve months. Without that I shudder to think what would happen. We would be without funds. The Appropriation Bill contains no new initiatives whatsoever. It relies on our traditional sources of income which as I said are subject to review. Thank you Mr Speaker

MS NICHOLAS

Thank you Mr Speaker. Mrs Jack and I have probably had lengthy and heated discussion about our concerns in respect of this Bill and in particular she has made mention of the sinking funds being sequestered and I too feel that

is a very important issue as is the whole issue of our Government Business Enterprises but I've already said most of this. I said some of this last month and I'll not repeat it. It's not the done thing to deny supply. The Service doesn't get paid and so on. However I must express extreme in the Bill itself and the whole issue of finance in the time of this Legislative Assembly. This is the last Appropriation Bill which this Legislative Assembly will consider and a review will take place late in the year or perhaps early in the term of the next Legislative Assembly. We've done our dash. That's it folks. I had hoped that by now we would have reached a point of what is to be done to ensure Norfolk Island financial, economic stability. It's not to be. At least this time round. There is a need to address requirements as opposed to wish lists but cannot adequately finance them unless and until the Administration and the Government Business Enterprises are running efficiently according to sound business principles and service delivery. Remembering always that it is the public purse which finances the entire structure. In March last year the Minister for Finance delivered a speech in this House during which he foreshadowed a stage two to the budget process in which he said and I quote, stage two is the longer term approach where the revenue base would be broadened made more equitable, more robust and able to meet the needs of the Norfolk Island community for the foreseeable future. I had high hopes then. Those hopes have been dashed yet again with this budget. Mr Speaker as I said, it's not the done thing to deny supply and as indicated when the Bill was tabled at our last sitting, I vote for it, but under protest. Thank you

MR ROBINSON

Thank you Mr Speaker. I echo some of the sentiments expressed by my colleague there. But for me of course the biggest disappointment of this budget is that there's no money set aside whatsoever for self Government advancement, for an Offshore Finance Centre, business development or primary industry development. How can we progress if we don't look at what we should be financing. I can understand wanting to cut costs but on some of these important issues we shouldn't be doing that

MR BROWN

Thank you Mr Speaker. This Legislative Assembly is fortunate in that it has a professional person as Minister for Finance and the present Minister has been able to ensure that the paperwork provides a clear trail as to how we run our affairs. One of the difficulties I suppose that chartered accountants have is a little bit like the difficulty that lawyers have. We tend to look at the past a little more than we tend to look at the future. Because we are needing to record the past and we are needing to ensure compliance with requirements of the past. I would like to suggest that the time has come for a very significant review of our whole financial system. What has happened for many years is that we've had to ensure that we have enough money to pay the ever growing cost of the Public Service and that has been our number one priority. And in order to fund that ever growing cost we've slowly chipped away at the progressive type of expenditure. Our roads are a perfect example. They're disgraceful. And it will now cost a fortune to fix those roads whereas had they been properly maintained over time, had the road gangs been provided with the funds over time to carry out that proper maintenance, the problem would have been nowhere near the present size. That's just one example. I doubt that we can afford to continue with the Public Service the size of our present Public Service. I doubt that we can afford to continue doing all of the things that we presently do. I believe that we need to bravely review all of our present functions and decide which of them really are Government functions and which of them are functions which should be put out to the private sector. Some things might not need to be done with the frequency with which we do them. For example do you really need every license to be issued yearly. I know that our drivers license are longer than a year but perhaps there are many licenses that can be issued for a much longer period. Perhaps there are areas which we need to consider privatizing and a glaring example of that is the Liquor Bond store. There are two difficulties with the Liquor Bond store, one is Governments are not good at running businesses of that kind, and the

second is that we are all a little confused. On the one hand we say it's naughty to drink and drive and we don't want you drinking too much because it's bad for your health but on the other hand we very happily tax the drinking man just as we tax the smoking man and we extract quite a lot of money from that. But I would like to suggest that it is possible to extract the same amount of money each year by privatising it. Then the support role within the Public Service would not longer be required, the capital presently invested in stock would be recovered, true rent would be received for the premises and so forth. I would like to suggest that it is time that we ceased to hide from the problem of the cost of the school. Years 11 and 12 Madam Deputy Speaker were introduced some years ago on the basis of the absolute assurance of the Minister of the day that the families of the students going into years 11 and 12 would meet 80% of the cost of those years and that's the reason that Years 11 and 12 were introduced. The Public Service took something like eighteen months before it sent out the Bills and once the parents go the Bills they refused to pay. By that time the Legislative Assembly was ready to change, ready for a new election and many jumped on the bandwagon of saying well if I'm elected I won't even force those Bills for the school fees. No-one said, well hang on a minute, we'd better go back to square one. We can't have years 11 and 12 and have no fees paid. It's time the viability of years 11 and 12 is examined,. I'm not necessarily saying that that would save a lot of money because I would certainly support a vastly improved scheme of scholarships to use that money in order to support local families to send children away for the continuation of their education in places where they can obtain a wide range of subject choice, where they can learn to achieve more of a competitive spirit than is possible in a small place, where they can not only do mathematics, but do different grades of it. You can't do all of that in a class of ten. We need to be prepared to look at this question of localization of teachers salaries. It's almost happened on a couple of occasions in the past but one of the strongest lobbying groups in Australia is the New South Wales Teachers Federation and the New South Wales Teachers Federation has on each occasion managed to prevent progress in that occasion. But it's time it occurred. It may be that, that progress can only be achieved by moving into the private school system. That does not mean that one would need to abandon the relationship with the New South Wales Department but it may be that moving into the private school system would enable the cost of education to be brought down to a more appropriate level in an environment where people don't pay fees. Now if the Teachers Federation are going to be able to convince the Parents and Citizens Association and if the P & C is going to be able to convince a majority of Members of the Legislative Assembly that education should be achieved at just any cost, and that there's no room for consideration of cost saving then in that event there needs to be school fees. You can't have it both ways. You can't say we want unlimited funding but we are not prepared to pay a cent towards it. Let's look at school teachers for just a moment. School teachers come across with whatever number of children they may have. We educate those children free. Completely free. On the mainland they pay various forms of tax and those various forms of tax are used to put together the funds to run the education system. You can't have it both ways. There are parts of our Administration such as Forestry, which seem to have been sacred cows. It's time every part of the Administration was looked at. It's time that someone had a close look at whether it is a fact that Forestry starts work in the dark and if that's the case I can understand the suggested need for them to have a barbeque till the sun comes up. But who is looking to see if that's correct. I agree it would be an Occupational Health and Safety Issue to require them to actually start work in the dark but has anyone thought of suggesting that they start work once it's light. That might save the difficulty that is suggested by some within the community that they can be so tired by early in the afternoon that they need another barbeque while the community pays. There are numerous parts of the Administration where very significant savings can be achieved or where the role can be more properly contracted out. Now some will say to us, aah but when you contract something out people want to make a profit. Course they will. They'll make a profit based on what it cost them to deliver the service and provide the product for whatever. They will not

just take over the Administration's cost structure and say, well we want so many percent on top of that. Some have mentioned the Cascade cliff and I think it's the perfect example of the undesirability of Government being involved and the Administration being involved in commercial matters at all. We've heard a lot of debate today about whether or not the royalty on the rock is going to go from \$28 per tonne to \$32 per tonne. When that project started the Minister of the day, Minister Robertson, guaranteed that the price would be no more than \$17 per tonne so we started with \$17, then there's talk of \$28 and now there's talk of \$32 but do you know what actually gets charged to someone who takes a truckload of rock across the weighbridge. It's not \$28 per tonne. It's over \$48. Where does the other \$20 odd go? It disappears somewhere within the Administration. That is the answer. It is clearly on the basis of the documents not being used to repay the loan. It is in some fashion being consumed by the Administration. We look at Telecom. Mrs Jack raised the issue of Telecom. Several months ago a telephone consultant came to the Island and he met with us. He sat just here between where I'm sitting and Mr Nobbs and I asked him at the time whether we should be concerned about the possibility that telephone calls over the internet might damage Norfolk Telecom's revenue and our consultant said to us, you won't have to worry about that for many years. Now whether he was right or wrong at the time he certainly would be incorrect if he said it now. It certainly is possible for people to make telephone calls over the internet. Now one reaction that we can make is that we'll find a way of blocking that so that people can't do it and we'll force them to use our expensive service which we use to tax people. Should communication be a method of tax. I'm not convinced of that. I would have preferred to see the Government go to Telstra, Reach, whoever it may be, and say look if we knock .30cents per minute off our charge will you knock .30cents per minute off what you charge us. I expect they probably would have agreed to do it but my understanding is that they have taken a view that while ever the Norfolk Island Government wishes to rip every cent it can out of Norfolk Telecom they will continue to charge us at the sorts of rates they presently do so we can be here and we can ring Australia for \$1.50 per minute and we can ring New Zealand for \$1.80 per minute or whatever the price to New Zealand is, but if we go to Brisbane and walk into any of the little convenient stores in the city we can buy a little card which will allow us to ring England for .4cents per minute. That's a heck of a lot further from Australia than Norfolk Island is and yet there you are. 4. and 5 cents per minute to heaps of parts of the world. Our Telecom charges are too expensive. It's a tax which is an unfair tax. Some will say to you look, you can use the phone or not use the phone. Certainly if you're making a private call to your family you can decide how long you want to take and you could decide to write them a letter rather than ring them but a business has to be able to make phone calls and really it has to be able to do them at a sensible price. Mrs Jack mentioned satellite phones. You can certainly buy them now. They certainly operate in Norfolk Island. I've seen many of them at different times. Many of them people have brought to the island and taken back with them and there are satellite phones on the island now. They work quite well and they are massively cheaper than Norfolk Telecom. I think we need to address the question of the extent to which our Telecom revenues are under threat for future years. Whether or not they achieve their budget this year will remain to be seen but I believe we can be almost certain that those sorts of numbers aren't going to continue in the future. Some Members have mentioned the difficulties of the electricity service where it has a large loan to repay and no funds to repay it. It would be interesting to look at precisely how many more years it will take to complete the reticulation upgrade around the island because that's where a lot of the electricity money goes. It's where a fair bit of the Telecom money goes to I suppose. We need to be energetic in pursuing the possibility of alternative forms of energy, particularly in an environment where at present financial encouragement is available to assist us. But where does all of that take us, Madam Deputy Speaker. I will of course support the budget today. It would be irresponsible to take any other view but I really do encourage the Minister to do as he has been asked to do on a previous occasion and provide us with a report as to the potential to privatize the Bond Store and a report as to the potential to contract out Forestry. I hope that

all Members after seeing those reports will be prepared to give consideration to a similar approach in terms of much of the Administration. I believe that it will be possible to halve the size of the Administration. And some will say to me ah but, there'll be people without jobs and some of them find it hard to get jobs elsewhere. Well what I would say to you is, a hardworking person who is already very experienced in let us say Forestry, will have no difficulty getting a job with whatever contractor takes over the work because that contractor will do far more work than is presently done and good staff will have no problem. Staff that are lazy, staff that don't bother going to work very often, staff that are incompetent might well have a problem and that might at the end of the day have an impact of our social welfare vote because if someone is simply unemployable, then we've got to have a look at whether he should be provided with some form of social welfare assistance. The interesting thing about that is the social welfare assistance would have a massively lesser cost than the cost of continuing to employ people within the service who can't deliver the necessary units of productivity. As I said I propose to support the Bill but I really do express the hope that during the remainder of the life of this Legislative Assembly our Government will have a very serious look at this whole issue with a view to setting Norfolk Island onto a new platform which is sustainable for the next twenty five years rather than year after year, sit here working out which bits of roadwork's we can cut out, which bits of building maintenance we can cut out, which bits of other capital type expenditure we can cut out, how we can keep pensions low or whatever in order to fund the ever growing demands of the wage burden within the Public Service including the school thank you

MR NOBBS

Madam Deputy Speaker thank you. I've sat here and listened with interest to the debate and I think this would be something like my seventh or eighth budget around this table and not a lot has changed and once again I sympathise with the Minister for Finance because we go through all the discussions in relation to our budget up until the budget is tabled here in the House and there are still people who quite obviously and quite rightly have their own say but anyhow it is a cumulative arrangement I guess of ideas and what have you from various people and I would just say a couple of things. As far as the history is concerned I believe that whether you are a financial expert or a legal expert or what have you it's a wonderful thing and we should take a lot of notice of it actually. If you look back on the history of expenditure from the Administration in 1990/91 expenditure was \$6.2m. In 2000/01 the total expenditure was \$9.7m. That's an increase of \$3.5m. In the subsequent three years, up until this budget, with it included actually, there is an increase of \$3.6m. We've jumped from \$9.7m in 2000/01 to \$13.3m this year and I really question where the money's going because that is a significant increase. That is the first point I want to make. The second point I want to make is the terminology used. I agree with what the Minister for Finance is trying to do by establishing a sinking fund but I just remind him that we are surrounded by water and the connotation of a sinking fund in a water environment is that we are sinking. If we are, those figures from \$9.7m actual expenditure to \$13.3m this year is quite the opposite. Another point I want to make is in relation to privatization. This has been thrown around a bit and it's been around for quite some time. Particularly in relation to the Bond Store. If you want to give me the Bond Store I'll run it no worries at all. Quite a gold mine. Whether it continues along that road I don't know. But given the last item on the agenda for today, if that's passed whether there'll be a major impact on the Bond, I still feel that the Liquor Bond has been a financial gold mine for the Norfolk Island community and I believe that it's important that not only do we control the funds so generated but we also control the ability to control the consumption of alcohol but funding arrangements and the like which I will speak on further, later in the morning. My concern is that the budget is a foregone conclusion. It's a waste of time to kick holes in it today but I will say that the percentage on Administration salaries for this year seems to have fallen just a little bit on the percentage of the overall expenditure in the budget. Whether this is a trick of the smoking mirrors or whatever you would like to say that this funding has been siphoned off in other areas, I'm not too sure but it is something that we

should look at because generally when you look at the Norfolk Island's revenue fund budget, nearly half normally is on salaries and wages and the rest is on the other particular issues that they need in their works and also for public general works such as roads and the like. I will be supporting the budget and that's all I have to say at this point in time

MRS JACK Madam Deputy Speaker, thank you. I would just like to say something over what Mr Brown said where he said it would be irresponsible not to agree to this Bill. I would just like to say that if I did refuse to agree to this Bill I wouldn't see it as being irresponsible but I suppose as a result of sheer frustration in a lack of accomplishment in getting to goals that I thought this Legislative Assembly was aiming for. Things like looking at the revenue and reviewing it and ending up as the Minister has said before, with an option chosen and becoming operational. The Minister for Finance has said it is his wish that we do keep on pursuing it, that the tender process is going to start looking for a consultant to decide which one, or to lead us along the path of what revenue option would be the best and how to initiate it and so on, and I feel that within the time that this Legislative Assembly has left to get to where the Minister wants to be at, I think it's a big wish. What I would say is that if I do agree to it that it would be irresponsible of me not to push my ideas and to push for some of those hopes as much as I can in the last six months, and I find it still a very big ask to agree to it

MR BROWN Madam Deputy Speaker, I made some suggestions a moment ago about financial reform. I should have added that in my belief, if those suggestions about financial reform are not embraced, we will be looking at the need to introduce very significant additional taxation measures so one could suggest that it would be appropriate to adopt the phrase reform or pay because those are the choices. We can't just say, don't like the idea of reform because if we continue the way we are going and Mr Nobbs quite correctly pointed out, the growth in the cost of Government over recent years, if we continue down our present track there will be massive additional taxation requirements. Madam Deputy Speaker I wonder if I could move that the question be put

DEPUTY SPEAKER I'm not sure whether the Chief Minister would be precluded by that motion Mr Brown. Are you willing Mr Brown..

MR BROWN Madam Deputy Speaker, not only am I willing but I'm game to see precisely what the Chief Minister's definition of brief is today and I withdraw my motion

MR GARDNER Madam Deputy Speaker, I have about six lines here I think. If I may. Look like Mr Nobbs I think this is his and my eighth budget that we've sat through and to be quite honest and frank I don't think the system that we've pursued and the way we've come to finalise the budget has changed in those eight years, if at all. It's still the same process and it doesn't matter what happens in the next few years, it will still be the same process. We will still be bickering over whether we should spend \$100,000 or \$100,000 there. We will all still have wonderful ideas about how we can improve things. Privatization, I think has been raised this morning. This is a valid thing that we need to explore. It is part of our role and part of the responsibilities that we have as a legislature to ensure that we provide and look after the welfare of the people of Norfolk Island that's what we attempt to do and that's what we should continue to do. Madam Deputy Speaker I guess I just wanted to start in my brief comments to say that I'm disappointed earlier today to hear that we might be looking at a \$1m surplus in our revenue fund for this year. I think that was a question that the Minister for Finance answered earlier today. Disappointed in that, that is not an excess that has been created or a surplus that's been created because we've done wonderfully well with our revenue raising measures. It's because we've underspent on the whole. Underspent to the tune of a million dollars in capital works, in recurrent expenditure

and those sorts of things. That's not a good position for us to be in if we are serious about our budget process we need to be serious about ensuring that we can commit to the budget process and the money's that we've allocated in those particular areas. Granted there are some reasons in some areas why those moneys have been Underspent. One of them on roads is tied obviously to the availability of crushed rock material and I understand those things but it is not a good practice to get into to continually not spend the moneys that you've allocated for important projects like that. However I'm heartened by some of the other things that hang in the air, that I think Mrs Jack and others around the table are committed to ensuring that long term, for the future benefit of Norfolk Island we need to sign off on in the last remaining few months of the term of this Legislative Assembly the next Legislative Assembly and the next Government and successive Governments on a better platform to take this island forward into the future and I'm talking about things raised earlier by Mr Brown. The alternative energy things. There's potentially a \$5m project there for alternative energy. The correspondence has been traded between the different parties at the moment but we need to settle on it, we need to lock into it, and we need to go ahead with it. The Kingston pier refurbishment is another \$2.6m project and is something that is progressing. It's frustrating because it's going too slow but we are trying to fire that up and keep it on a roll to make sure that it does achieve and deliver for this community. The recently proposed breakwater proposal for Norfolk Island has a potential of \$5.2m injection of funds into the community for major capital infrastructure works on the island as well as the \$7m or thereabouts for the proposed airport project. They are major capital and infrastructure projects Madam Deputy Speaker for this island that are going to achieve the goal of putting subsequent Legislative Assembly's on a much better footing than we faced and previous Assembly's have faced. It will take away in my view some of the burden of trying to provide for some of those things, but we have to commit to them, we have to get on with them and certainly I'm committed to trying to achieve that in the remaining term of this Assembly to assist or give a leg up to the Legislative Assembly that follows as far as trying to address some of those matters. There is criticism about the cost of growth in Government. I accept some of that criticism but we also need to be very careful that many of us around this table have got up on our little fruit boxes from time to time and we've said, look we want the extra responsibilities, and we want the extra powers. Our Select Committee Report talks about by the year 2009, the thirtieth anniversary, August 10th 2009, having in place and signed off the transfer of all responsibility for land, the transfer of a whole lot other responsibilities to schedule 2. they are all in their own way, because that's what we're pursuing, going to add to the cost of governance on Norfolk Island. I agree that we just need to manage it properly and manage it skillfully so that it doesn't become a cross that we bear around our neck that will drag us under to use Mr Nobbs analogy about the water surrounding us that sinks us at the end of the day. We have to pay very careful attention to that. Madam Deputy Speaker those are my very brief comments. I spoke enough at the last Sitting on this matter. I support the Bill

MR I BUFFETT

Madam Deputy Speaker, I promise to be slightly briefer. Simply to say this. One of the perhaps most concrete suggestions made by Mr Brown today was the fact that we have to re-examine our financial position and whether we can continue to do all these things. My clear recollection is that exactly the request of the Legislative Assembly that asked the Commonwealth Grants Commission to come along and do such a thing. There are thirty-seven findings of that Commonwealth Grants Commission and my firm belief is that in that report, neither of the succeeding Legislative Assembly's have taken the opportunity to sit down and look at what is the true capacity of this island to support number one, the system of Government that we aspire to, the services that we aspire to provide, the level of that service we aspire to provide. Madam Deputy Speaker one of the issues that I stood for this parliament on was hoping that we would do this. We have four or five more sittings and we still haven't done that. I'm not too sure who should bring it on, whether we should decide collectively to go and have a look at those issues, or

whether we continue to ignore it but I believe that those things have all be examines and we have to take some mature steps in saying we believe this community is capable of doing one or two things and we decide on a level and actually do it. That's exactly what's been missing in this whole process and it continues to go missing because we haven't taken those steps to face up to the issues that we asked that independent body of the Commonwealth Grants Commission to look at. Hopefully the next Legislative Assembly may do that and they may well be able to decide the basis upon which to either increase, decrease, tax, rate or whatever needs to be done, but it's all in there including the reform of the Public Service. A lot of that's been achieved. There are some things that need to be further tuned or refined but certainly there's been changes and I think until we do that we will continue to have budgets presented like this

MR BROWN

I move that the question be put

DEPUTY SPEAKER

I believe that this time, that will be an acceptable motion Mr Brown and I put it without hesitation. There being no further debate I put the question that the Bill be agreed to in principle

QUESTION PUT
AGREED

The ayes have it thank you, the Bill is agreed to in principle

Is it the wish of the House to dispense with the detail stage? Thank you. Mr Donaldson

MR DONALDSON

Madam Deputy Speaker, I move that the Bill be agreed to

DEPUTY SPEAKER

Is there debate? Then I put the question that the Bill be agreed to

QUESTION PUT
AGREED

The Bill is agreed to

SUSPENSION

Honourable Members,
it's now approaching 1pm. It seems like an appropriate time to suspend the sitting for the lunch break and I would suggest that we resume at 2.15. Does that meet with your approval. The House stands suspended until 2.15 pm

EVIDENCE BILL 2004

Honourable Members, we resume on the question that the Bill be agreed to in principle and Mr Gardner has the call to resume

MR GARDNER

Madam Deputy Speaker, thank you. Without going into the detail that I went into at the last sitting of the House, it is my proposal today to provide a brief update on the consultation process in relation to this Bill and at an appropriate time to adjourn the matter. Madam Deputy Speaker the Bill that has come to the House is extensive obviously in its detail regarding evidence law in Norfolk Island. The consultation process that I've spoken of earlier has involved a number of persons including

the police, the magistrates, a number of the legal firms, the solicitors on the island, including the President of the Bar Association, obviously members of the Legislative Assembly. I'm pleased to advise that there have been responses received to my comment on the Bill from persons, particularly the police, the Senior Magistrate and a couple of the legal practitioners on the island, the President of the Bar Association in regard to the content of the Bill that's being debated. I think the latest comment on the Bill was received from the Sergeant of Police only this morning and I've circulated that to members but I have sought further input from members of the legal profession to whom it was originally circulated so that Members are aware of any concerns that they might have prior to the passage of the legislation. I don't intend at this stage to say more but would look to any additional comment from Members on top of the comments that were provided at the last sitting then would look at an appropriate time to adjourn the matter to the July sitting and hopefully by then we would have had the opportunity to give full consideration to the advise and comments that we have received in relation to this

DEPUTY SPEAKER Thank you Chief Minister. Is there further debate at this time. I return to you Chief Minister

MR GARDNER Madam Deputy Speaker, I move that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

DEPUTY SPEAKER Thank you. Then I put the question for debate on the question that the Evidence Bill be agreed to in principle be adjourned for a subsequent day of sitting

QUESTION PUT
AGREED

The ayes have it thank you, that motion is adjourned

IMMIGRATION AMENDMENT BILL

Honourable Members, we resume on the question that the Bill be agreed to in principle and Mr Gardner has the call to resume

MR GARDNER Madam Deputy Speaker, as I said at the last sitting of the House on the introduction of it, is proposed to go hand in hand with the amendments to the Administrative Review Tribunal Act and Madam Deputy Speaker I read both of the explanatory memoranda to these Bills into Hansard at the last sitting which gave an overview and explanation and I provided some supplementary comment on those explanatory memoranda at that time. Again, I don't propose to go into it in great detail other than to refresh our Members and the listening public's memories in regard to the purpose of the legislation where we need to shift the determining of appeals against decisions against the Immigration Act from the current Minister with responsibility for the Department of Territories and Regional Services to the Administrative Review Tribunal of Norfolk Island that's in relation to immigration appeals that are lodged in relation to General Entry Permit applications and residency applications and also shift the responsibility for the determination of appeals against visitors permits from the Office of the Administrator as it currently stands to the Administrative Review Tribunal to deal with those matters. Thank you Madam Deputy Speaker I will be looking to finalise these matters this afternoon and seek support for the Bill from Members around the table

MR BROWN Madam Deputy Speaker, transfer of the responsibility for immigration appeals from Canberra to our own Administrative Review Tribunal is long overdue and I fully support it

MR D BUFFETT Madam Deputy Speaker, we have pressed for a long period of time now to have this devolution process with immigration placed accordingly and the Chief Minister has brought this Bill forward in company with the following Act that he has alluded to on an earlier occasion and on this occasion for this part and for the other part when it comes, it will have my support

MR BROWN Madam Deputy Speaker, I should have indicated because the listening public might not be aware of this, that appeals under the present system take a long, long time. Nine to eighteen months is not an unusual period. Some may have been longer. By using our Administrative Review Tribunal that time will be massively shortened. That will give certainty to people in planning their lives and that too is something which is worthwhile, thank you

MR NOBBS Madam Deputy Speaker thank you. Most certainly this is long overdue to bring the reviews back to Norfolk Island but there's a couple of issues that I need to address. I asked the Minister last time what was the make up of the Migration Review Tribunal and what were the qualifications for membership of that Review Tribunal and I wonder if he now has that information to give to us. Do you want to give it now

MR GARDNER Madam Deputy Speaker, if I can respond to that. I did take that on board when it came up in the debate on the Administrative Tribunal Act debate and that's why I hadn't touched on it as yet, but I certainly do have a response and I'm happy to provide it in relation to the Immigration Amendment Bill

MR NOBBS Madam Deputy Speaker perhaps the Chief Minister could deal with them both at the same time because they do intermingle don't they

MR GARDNER Madam Deputy Speaker, I understand that I can't deal with them both at the same time, we need to deal with them separately but if it's going to assist Mr Nobbs I can provide that information now. As has been alluded to by Mr Nobbs, in the debate on the Administrative Review Tribunal Amendment Bill, it was requested that I find out the qualification for membership and the like for the Migration Review Tribunal. Madam Deputy Speaker I've made the appropriate enquires and have been informed that there are specific qualifications for Membership of the Migration Review Tribunal however I was informed that Members generally have a legal background and a professional background. The Membership of the Migration Review Tribunal as it is currently comprised consists of a principal Member, four senior Members, nine full time Members and numerous part time Members from New South Wales, Victoria, South Australia, Western Australia and the Australian Capital Territory

MR NOBBS Madam Deputy Speaker I also forgot to mention then, what the costs are. What would be the cost to Norfolk Island for providing a Member

MR GARDNER Madam Deputy Speaker, as I said at the last Sitting, it is envisaged that because of the practices of the Administrative Review Tribunal are able to enter into as far as hearing matters, they are able to hear them by electronic means, by phone, email etc and so it is envisaged that any costs or any proposed costs associated with travel to the island will be negligible, there appears to be no requirement for that to happen. They deal primarily with paperwork and processes that have been

ADMINISTRATIVE REVIEW TRIBUNAL BILL 2004

Honourable Members, we resume on the question that the Bill be agreed to in principle and Mr Gardner has the call to resume

MR GARDNER Madam Deputy Speaker, again without going into the detail that I provided to the House in the form of an explanatory memorandum last month and obviously again without covering the debate the purpose of this Bill I look to Members for any input in relation to this Bill because it does actually go further than just providing for the structure of the Administrative Review Tribunal to hear immigration matters. It also deals with the configuration and the responsibilities of the Administrative Review Tribunal when hearing matters, overcome some of the current difficulties and long term difficulties that have been experienced since the Administrative Review Tribunal Act was passed in relation to the attendance of the presiding Member on Norfolk Island. I think that most Members are aware that the presiding Member of the Administrative Review Tribunal is the Chief Magistrate of Norfolk Island and the Australian Capital Territory Mr Ron Cahill and it is not always possible in every event for him to be able to be here and so basically it's for him to provide mechanisms again for administrative ease of the workings of the Administrative Review Tribunal and subsequent avoidance of any unforeseen delays because of the inability of the presiding Member to be able to attend in Norfolk Island and I again commend the Bill to the House

DEPUTY SPEAKER

Is there debate?

MR BROWN Madam Deputy Speaker, I feel that we need to support this Bill because in the absence of support the immigration amendments will have no meaning because the immigration Amendment anticipate the Administrative Review Tribunal Bill being on the panel in some fashion. I would have liked to have seen a sunset clause where the Administrative Review Tribunal Member was no longer required after a certain length of time but if we reached the stage where in practical terms that is recognized there's nothing to prevent the legislation being amended at the stage to achieve that so I don't see any harm or dangers in the existing Bill and I'm more than happy to support it

MR I BUFFETT

Madam Deputy Speaker, I too support the Bill. I note in the proposed amendments to the Administrative Review Tribunal Bill that there are costs in respect to immigration appeals. I notice there's application fees dealt with in this Bill but one other matter. I notice there's continued loading of external source, for example, the Chief Magistrate of Norfolk Island of duties that he needs to carry out for and in respect of the Territory and to my mind the question long outstanding is, should we be addressing the real question of having somebody virtually on a permanent basis here to deal with those issues and that is perhaps a stipendiary magistrate actually working on it on a cost basis on Norfolk Island for Norfolk Island. Without going into that I too support the Bill

MR BROWN

Madam Deputy Speaker, I would not like to be seen in supporting the Bill as supporting the concept of a full time stipendiary magistrate. I think our present magistrates do a marvelous job. I think there is room to relieve the Chief Magistrate of some of his duties, because he is an extremely busy person and in any event at some stage he will retire. Those issues are not being dealt with in the Bill, and I happily support the Bill

MR GARDNER

Madam Deputy Speaker, as I said earlier, I think the body of the Bill is seen to be relieving the Chief Magistrate of some of those duties by actually not requiring his attendance for certain matters and that actually those responsibilities are referred to the Deputy presiding Member who is resident on Norfolk

AGREED

Thank you. I now put the question that the remainder of the Bill be agreed to

QUESTION PUT
AGREED

Thank you.

MR GARDNER
amended be agreed to

Madam Deputy Speaker, I move that the Bill as

DEPUTY SPEAKER
debate I put the question that the Bill be agreed to

Thank you. Is there debate? There being no

QUESTION PUT
AGREED

The ayes have it. The Bill as amended is agreed to

PLANNING BILL 2004

Honourable Members, we resume on the question that the Bill be agreed to in principle and Mr Ivens Buffett has the call to resume

MR I BUFFETT
at the last sitting. I did at that time read the explanatory memorandum to the Bill. It's a straightforward Bill that deals with some matters that have arisen out of the use of the Planning Act 2002 and recommend that the clauses sort to be amended, be amended and dealt with to its entirety if possible

Madam Deputy Speaker, we adjourned this matter

MR BROWN
brief amendment and that amendment perhaps if I outline it to the Members would be headed repeal of section 78(2). 78(2) is repealed. I seek leave to move that amendment. Thank you Madam Deputy Speaker I so move. Madam Deputy Speaker section 78(2) is a section which provides that the Administrative Review Tribunal cannot deal with a decision which has been made in conformance with the recommendation of a person appointed under section 91 of the Act and section 91 is a section that allows the appointment of a person, 91(2) in fact says that the executive Member may appoint by notice published in the Gazette a person to investigate any matters relating to the matters to which this section applies and make recommendations on the matter. Madam Deputy Speaker this is an extraordinary exclusion of the powers of the Administrative Review Tribunal and it should urgently be resolved in my submission by the repeal of section 78(2), thank you

Madam Deputy Speaker, what Mr Brown has just

MR I BUFFETT
mentioned here refers initially to section 91. Last week I circulated to Members a copy of advise that I received following Mr Brown's letter regarding what section 91 actually did. Madam Deputy Speaker I understand that not many Members have had the opportunity to absorb that and Mr Brown has raised this issue today and I am more than willing to adjourn this matter to allow the matters to be dealt with so the rest of the Members who have not got back to me to express a view, and Mr Brown is aware I think of the advise that I have received in respect of section 91 and at the appropriate time, given what has been said, I will adjourn the matter. We may reassess the proposals which have been forward by Mr Brown for all Members to look at and we'll deal with this Bill at the next sitting. I think that's a cleaner way of doing it rather than most Members here not perhaps being fully aware of

what section 78(2) says in relation to part 91 and at the appropriate time I will also move that the matter be adjourned if Mr Brown is happy with that

MR BROWN Madam Deputy Speaker, that's a very sound suggestion and I certainly agree with that

DEPUTY SPEAKER In that case Mr Brown do you wish your proposed amendment dealt with

MR BROWN Madam Deputy Speaker, no as I understand it, the Minister is proposing to adjourn the Bill and I am more than happy for my amendment to be adjourned as part of the adjournment of the total Bill

DEPUTY SPEAKER Then is there any further debate at this stage

MR GARDNER Madam Deputy Speaker, it's an interesting question. My understanding in reading section 91 is basically it establishes a person to inquire into matters and give them very broad ranging powers that are equivalent to the powers of a Royal Commission. I guess at the end of the day the query that Mr Brown raises is the authority or the standing of the two bodies one being the Administrative Review Tribunal and the other that is something akin to the Royal Commission and the ability for one of those to review the other. Certainly it's a very important question in my mind and it needs resolving and I certainly am supportive of the adjournment so that Members can be given the necessary information to make an informed decision on the matter

MR NOBBS Madam Deputy Speaker I'm a little surprised because I thought there was still some discussion between the Minister and Mr Brown the other day in relation to this at an earlier meeting but I find it difficult to understand why we would delete the provision allowing for an enquiry and that's what I think we would be doing although I'm running blind here and that's why I need it to be adjourned because I think what we are doing is cutting out the provision to have an independent enquiry if the Minister so desires

MR ROBINSON Madam Deputy Speaker thank you. A similar clause to this was introduced into the Australian legislation to save the industrialists going through the same processes as everyone else. Now I'm not known as a greenie but I think the same laws should govern everyone on Norfolk Island and not to be so as to leave ourselves open to all sorts of accusations

MR BROWN Madam Deputy Speaker, just to calm Mr Nobbs a little. I'm not suggesting that section 91 be changed. That's the section that allows the appointment of the person to inquire. All that I'm suggesting is that any decision made by the Minister whether made after considering a report from such a person or in some other fashion should be subject to review. I agree with Mr Nobbs that it's appropriate to have the provision for enquiries of that kind thank you

DEPUTY SPEAKER Mr Buffett, I'll just seek clarification from you if I may. The Bill agreed in principle. Have we moved beyond that and into the detail stage to allow Mr Brown to put his motion

MR I BUFFETT Madam Deputy Speaker, I was of the view that the Bill is in exactly the same position as we left it at the last sitting and we continue to another day during which time we will be able to

DEPUTY SPEAKER So it's as yet to be agreed in principle at this stage. Fine. If you would move a motion accordingly

MR I BUFFETT Madam Deputy Speaker, I move that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

DEPUTY SPEAKER Mr Brown. Next week you can put your amendment formally

MR BROWN Madam Deputy Speaker, I don't know that we're coming together next week but certainly at the next Sitting

DEPUTY SPEAKER Of course. I'm sorry Mr Brown. At the next Sitting indeed. Thank you. Then I put the question for debate on the question that the Planning Amendment Bill 2004 be agreed to in principle be adjourned for a subsequent day of sitting

QUESTION PUT
AGREED

The ayes have it thank you, that motion is adjourned

BUILDING AMENDMENT BILL 2004

Honourable Members, we resume on the question that the Bill be agreed to in principle and Mr Ivens Buffett has the call to resume

MR I BUFFETT Madam Deputy Speaker, this too is an amendment to the Building Act 2002 which picks up some matters which were overlooked. They are minor matters in terms of the operation of the Act but we need to have them so that the sections can be fully dealt with. Madam Deputy Speaker I would be hoping that this Bill would pass through all stages so that we can finalise this matter today

DEPUTY SPEAKER Thank you. Is there debate

MR BROWN Madam Deputy Speaker, the Bill is a simple Bill and I certainly have no difficulty in supporting it

DEPUTY SPEAKER Thank you Mr Brown. Is there further debate at this time. Then I put the question that the Bill be agreed to in principle

QUESTION PUT
AGREED

The ayes have it thank you, the Bill is agreed to in principle

Is it the wish of the House to dispense with the detail stage? Thank you. I seek a final call Mr Ivens Buffett

MR I BUFFETT Madam Deputy Speaker, I move that the Bill be agreed to

DEPUTY SPEAKER Is there further debate? Then I put the question that the Bill be agreed to

QUESTION PUT
AGREED

The Bill is agreed to

LEGISLATIVE ASSEMBLY REGISTER OF MEMBERS INTEREST BILL 2004

Honourable Members, we resume on the question that the Bill be agreed to in principle and Mr Gardner has the call to resume

MR GARDNER Madam Deputy Speaker, this obviously is continuing on from the introduction of the Bill into the House at the Sitting last month and I made some preliminary comment on the content in relation to the Select Committee Report earlier today that this is an initiative that has resulted from wide ranging discussion over many, many years in the establishment of a Register of Members Interest and the establishment of a code of conduct for Members of the Legislative Assembly again, part of the improvement of governance on Norfolk Island and putting in place measures for proper accountability and transparency for persons that sit around this table. Madam Deputy Speaker it's not my proposal to seek to finalise this today again, rather to provide an update of where we are, look to input from Members. The consultation process is still continuing and I think it is important that, that continues so that Members are generally comfortable with the provisions that are within the body of the Bill and something that will be in place long after most of us have gone, continuing to provide that level of necessary oversight of persons holding that position as they do in this legislature. Madam Deputy Speaker I have circulated to Members some proposed detail stage amendments. I know we're not at that stage at this point in time and I do also realize that flowing from the consultation process over the next few weeks there may well be some more detail stage amendments. Suffice to say Madam Deputy Speaker I am very pleased with the continued comments that I'm receiving from Members around this table. I'm pleased with comments that I've received from the Office of the Clerk and the Deputy Clerk in relation to this matter and they're continuing desire to see that when we do put something in place and click something into place to Norfolk Island it is specifically tailored for Norfolk Island to suit our particular environment. That does not necessarily mean that we are just going to pick up something wholes bolus from another jurisdiction and impose it in Norfolk Island. We need to be conscious of our size, the size of our legislature in particular and the need of the community, the desire of the community to see that we as Members of the Legislative Assembly are held accountable for not only our actions but also in the way we perform and present ourselves in general. It is important that we go through this process. I don't believe there is urgency to this and hence my desire to see it continue to be discussed openly by Members and I purpose to again workshop to the provisions with my colleagues on the Legislative Assembly and with the input from the clerk's office it is also important that we get this right and in saying that, there will need to be in my view, necessary amendments to our standing orders to give some of the machinery to make this thing work properly and I hope to bring back proposed amendments to our standing orders to give this the necessary wheels that will be required to make it work in tandem with the passage of the legislation at a subsequent day of sitting

DEPUTY SPEAKER
this time. I return to you Chief Minister

Thank you Chief Minister. Is there further debate at

MR GARDNER Madam Deputy Speaker, I move that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

DEPUTY SPEAKER Thank you. Then I put the question that debate be so adjourned for a subsequent day of sitting

QUESTION PUT
AGREED

The ayes have it thank you, the Bill is adjourned

ENACTMENTS REPRINTING AMENDMENT BILL 2004

Honourable Members, we resume on the question that the Bill be agreed to in principle and Mr Gardner has the call to resume

MR GARDNER Madam Deputy Speaker, thank you. As I said last month and again without reading the explanatory memorandum and the hansard as I did last month, just to briefly explain, these amendments are more of a technical nature than they are of anything else in relation to the primary legislation. It really just does clarify areas that could potentially cause confusion when people are viewing parts of Norfolk Island legislation to ensure that any confusion is removed and I believe that the provisions in this Bill will do exactly that and I commend it to the House

MR BROWN Madam Deputy Speaker, this does not affect anyone's rights it endeavors to carry out some necessary housekeeping. In part it endeavors to keep up to date with technology by making it clear that a consolidated copy of an Act, that is, an Act that's had all the changes incorporated into it, is a reprint. I do not have any difficulty in supporting the Bill. It's a clarification that might or might not be absolutely necessary but it's definitely worthwhile

DEPUTY SPEAKER Thank you Mr Brown. Is there further participation in debate. Then I put the question that the Bill be agreed to in principle

QUESTION PUT
AGREED

The Bill is agreed to in principle. Is it the wish of the House to dispense with the detail stage. Mr Gardner I seek a final call

MR GARDNER Madam Deputy Speaker I move that the Bill be agreed to

DEPUTY SPEAKER Is there further debate. Being no further debate I put the question that the Bill be agreed to

QUESTION PUT
AGREED

The Bill is agreed to

ROAD TRAFFIC AMENDMENT BILL 2004

Honourable Members we resume on the question that the Bill be agreed to in principle and Mr David Buffett has the call to resume

MR D BUFFETT

Thank you Madam Deputy Speaker. When this Bill was introduced at our last sitting I explained at reasonable length it's major purpose is a safety measure in the community initiated from a number of quarters. From the DAA Working Group recommendations, from Coroner recommendations, from Hospital Reports, from Court Records, resolutions of this Legislative Assembly, for example Mr Brown's motion of October 2003 requested the Executive Member to bring forward legislation on three counts. Firstly to prohibit the carriage of children on the back of trucks, to prohibit the carriage of children whilst standing in motor vehicles and to prohibit the driving of a vehicle while any part of a body of the driver was projecting outside the vehicle. And that particular motion was added to at the next meeting which was November 2003 indeed an amendment from yourself Madam Deputy Speaker, and it related to seat belt provisions and those provisions were passed by the legislature and so the legislation that followed Madam Deputy Speaker, was publicly displayed a number of months ago, and was formally introduced at our last sitting of May 2004 in response to all of those things that I've just given an overview of, including the resolutions of the Legislative Assembly. To just give an overview again, this legislation provides for major safety measures such as seat belts, no back of trucks, no mobile phones whilst driving, helmets for motor cyclists, safe behaviour in motor vehicles, provisions for driving under the influence, and I do mention that measures do not alter the existing blood alcohol limit at 0.08 except for some specified areas and there are measures for registration and inspection of vehicles that reinforce the sort of provisions that we have at this moment. There is also a proposal for a Road Safety Committee. I do again remind Members that these measures are responses to requests that have been made from many areas and that has been brought forward from the legislature. I do want to say Madam Deputy Speaker, that the proposed legislation has generated some major debate and I particularly acknowledge the role taken by Cheryl Lecren and others representing the younger generation of the island who have had a passion for the Island and its attributes and I acknowledge the role that they have played in generating healthy discussion and I acknowledge it with appreciation. Their letter to me has been distributed amongst all of the Members and Members will remember this, and it has been published in the local newspaper. Madam Deputy Speaker we are now at the stage of endeavouring to settle the principle of the legislation and then to move to examination detail, and I do foreshadow that when we come to the detail I will have two detail stage amendments of which we have spoken amongst Members, and Members have requested me to bring forward and I will do those when that stage is reached Madam Deputy Speaker, thank you

MR ROBINSON

Thank you Madam Deputy Speaker. I wonder if the Minister could tell us how many of those who fell off the back of a truck was sitting down contained by 300 mm tray sides, did the Minister find out the cost of installing belts for us, and I put it to the Minister that a large portion of our tourists come here to get away from their oppressive draconian road laws

MR NOBBS

Thank you Madam Deputy Speaker. Nothing's happened in the month since the last meeting to change my mind on the issue that I brought out at the last meeting and that's in relation to improvements to the Liquor Act and improvements to the Dangerous Drugs Act and also a process of education before we move into this type of operation that we have. I still believe there are some issues within this Act which are acceptable, probably overdue, some of them, but there are others in relation to the breathalyzer and also to seat belts and the like which there should be more consultation with the community and there should be more education to the community before anything happens. Now as I said at the last meeting the DAA Working Group Committee had a report done three years ago, and we've only just moved into the situation now where we have somebody on the ground now, and it was only thanks to the Lions and a few other people who gave us assistance early that we have somebody on the ground at the present

time who can undertake this type of activity and I won't be supporting and I would ask that the matter be adjourned actually to give more time for these particular issues to be dealt with, thank you

MR BROWN

Madam Deputy Speaker I support the overwhelming majority of the Bill but I do understand Mr Nobbs view. I do understand Mr Robinson's view and certainly I've received copies of correspondence, I've read letters to the newspaper, which indicate that our proposal does not have universal support in the community. Perhaps we can do more in terms of conveying our point of view before we actually pass the legislation, whether it be in its present form or in an amended form. I think some things are just beyond question. Some of the reforms are necessary. But how do you answer the suggestion that we're changing Norfolk Island when we do that. I think part of the answer lies in the fact that we might not be actually changing Norfolk Island, we might be reacting to change that's already occurred in Norfolk Island. I think if we look at the number of vehicles that are on the island, I think if you look at the speeds at which those vehicles are capable of traveling, I think if you look at the extent which some of those vehicles are driven at significant speeds and in dangerous fashions all of that thrusts upon us an obligation to ensure that we protect the community generally. I don't think that it's necessarily valid to say I should have the right to do as I please. Because one can only have that right if no other member of the community is being endangered but where other members of the community are being endangered be it physically or financially then I think there's an obligation to make sure that we carefully think through the situation and provide the protection which every member of the community is entitled to expect us to provide. We might be talking of someone who is injured in a single vehicle accident where he was the only occupant of the vehicle, so just the driver, and that person might say to us if I want to run the risk of suffering those injuries, I should be able to. Now if that person was not going to endanger other people in rescuing him from the vehicle, was not going to be any form of financial drain on the community in terms of medical treatment, in perhaps a charter flight to fly him to the mainland for some form of urgent treatment then if those factors weren't there then I think that you would need to say well, we shouldn't interfere with a person's lifestyle any more than we absolutely have to. But if we look a little wider we realize that as has happened in the past, a person might strike a vehicle occupied by other people, some of those other people may be badly injured or even worse, substantial property damage might occur, perhaps to motor vehicles, but perhaps to buildings as a result of vehicles running into them but the largest concern I have is potential injury to members of the community or our visitors and the dramatic impact that could have on their lifestyle. I would hate to think that because we were not prepared to make a decision, someone ended up in a hospital for the rest of his life but how far do we go with all of that. I'm not sure of the answer. Mr Robinson has suggested that perhaps we reduce the speed limit and then some of what we are talking of might not be necessary. I think that we should look at that. Interestingly I did not see a lot of support for that in the letters in the newspaper. I thought that some of the people who had written letters complaining about the infringement of their rights would have said yes, well we're prepared to give a little to make this happen but I don't recall any of them doing that. Certainly I do recall some people saying while we realize that two vehicles traveling at 60 kilometers an hour will collide at 120 whereas two traveling at 40 will only collide at 80, some expressed a view that an 80 kilometer allowed collision is still a significant collision and I don't have statistics available to me to tell me the difference between all of those but I certainly would value a further adjournment to enable people to come to us and say well I really do agree with it and if we have to go down to 35 kilometers an hour, bearing in mind how small the place is I wouldn't have a problem with that. On the other hand people might say go to hell with that. We travel slowly enough now over the bumpy roads. One aspect that has had a lot of attention is the potential prohibition of riding on the back of open vehicles. Normally a utility or a truck. I must say that I do not have a difficulty with that reform. I think that, that reform is necessary. It's unfortunate if there are

families with two adults and three children who only have a two seat utility and rely on people riding in the back. I doubt that there are many of those but for example, they wouldn't go out in the wet if there were, but I think that, that is a very significant safety issue that we cannot just ignore. I think the other major issue probably is the breathalyzer and there are a few components of that issue. One is the angle that Mr Nobbs has been working on for some years now and that is the responsible use of alcohol in the first place. I agree with Mr Nobbs, there's room for more education there. We've spoken about the possibility of one driver not consuming intoxicating liquor and being the driver for his group of friends on the particular night. That's a good concept and it certainly works in other places. Mr Nobbs has told us that we now have a councilor and we have had for quite some months. I don't know how successful that programs been. I'm sure the responsible minister will address that question in due course. We might find that additional resources are needed. We might find that we are not quite going down the right track ./ we might find that in the Norfolk Island environment it's just not working at all, but a very significant proportion of the concern which has been expressed about a breathalyzer is the potential for the constabulary to establish themselves out the front of hotels, clubs, restaurants, and simply process the passing parade. Is that a bad thing. I'm not sure. It certainly would very quickly cause people to realize that we have had to make changes. I accept that some of our visitors really do like the fact that you don't need to put on a seatbelt. You don't need to worry about whether you're .005 or .008 or .009 but I don't think any of them expect some to be driving along at .24. I would prefer to see the breathalyzer at least initially restricted to situations of someone who has firstly had an accident, and that's our present situation with blood testing. Secondly someone driving in an irresponsible manner and if there is to be any form of random testing then perhaps we can have a system where straight random testing has no result other than the keys being taken away. Now that would overcome e the difficulties that Mr Nobbs has spoken of and it would overcome other difficulties too and once someone has lost their keys a couple of times they would realize the difficulties of getting the rest of the way home and then getting to the police station in the morning to collect the keys and then getting back the vehicle. Maybe that's an angle that could overcome for the time being those protests and maybe that would be sufficient but if it was tried and found not to work well we would have to then look at what we would do next. The Minister has told us that he proposes to seek a further adjournment today. I commend him in that regard but more importantly I commend him for having got this Bill to the stage which it presently is, for having generated the amount of public comment which has been generated and for being prepared to seek further comment before we finalise it, thank you

MRS JACK

Madam Deputy Speaker, Mr Brown has put some of my views very well. There's another view that I thought could be given and as well as the single passenger, the driver of the car in an accident and it comes from talking to a person who was anti this Bill to some extent but it was something that, that person said to me and it was of a person viewing a car driving in an erratic manner with children on the back of the truck, being concerned and not wanting to call the police and give the number of that truck because that's something that, they didn't do. So I also feel that we must stand and do our bit on behalf of those who are unwilling, who see themselves as dobbing in a fellow member of the community. We must protect those people on the back of trucks. I also had no problems with much of this Bill. I had a problem with Mr Robinson's view of a side of 300mm because many people don't like sitting on the tray of the truck, they want to put a chair or cushion or whatever to sit on and all of a sudden the tool box is 600mm and the tray is 300mm and all of a sudden you've got sides of the trays going higher and higher so I would just rather have no exceptions and just keep people off the back of a truck. Lowering the speed limit, I find we have difficulty enough in policing the speed. I certainly would find it just as difficult whatever the speed was. I also commend the Minister for being prepared to put this aside for another two months will it be if he's away next month. I also thought we were going to look at the load on the back of a truck and securing of loads on backs of

trucks. I would like to have that looked at because as I mentioned the other day and it was in the Waste Management aspect of getting the truck to the Waste Management Centre but not driving a truck around the island but apart from that I look forward to hearing from more members of the community. I've certainly listened to a few and they range from put it all though, don't put any of it through, and all the options in between and so it's the case that we all face of in some ways we are damned if we do and we're damned if we don't which is what Mr Ivens Buffett said last month. I think by being responsible and taking the hard options that one must eventually say yes to the Bill, thank you

MR D BUFFETT

Madam Deputy Speaker I thank Members for the contributions they have made, not only today but at other times and during other processes that we've needed to go through with this particular piece of legislation. Again I reinforce the appreciation of the community contributions that have been made. Can I just respond to a couple of points that have been made. One was the comment about the reduction of the speed limit. I think that this would have some beneficial effect but I think it's useful to mention this also that there is rather the perception that all of the accidents occur at speed and in highway situations when in reality at least a third of accidents that have happened in other places and I understand that that may not be exactly the same here, but have occurred at lower speeds. In other words, in the 50 and 60 and below situation. So lowering the speed limit doesn't necessarily eliminate some of the difficulties we are trying to address. That's all I'm trying to say at this moment. Mrs Jack just mentioned the worthwhile arrangement of having an amendment that would secure loads on vehicles. That was raised the other day and I've enquired about that. We in fact do have provision under the current Motor Vehicle Regulations to provide for the covering and securing of loads so whilst I wasn't necessarily full bottle with that the other day I just confirm that we have such a situation. I've also foreshadowed that I do have a couple of amendments for the detail stage which will address a couple of other points that have been made at earlier times also. One for example covers that matter of ensuring that you should not allow people who are not properly licensed or maybe under age to actually have your approval to go out and drive your vehicle. There is a proposal I have to tidy that and that is a suggestion that's been made to me also so Madam Deputy Speaker I value those comments and I can see that indeed there are others. I would have hoped also although it has not necessarily come to pass at this moment that some of those suggestions that members have made although I've encouraged to respond to some may be put into an amendment form also that we might have equally had an opportunity to put on the table as I've endeavored to do with those couple of amendments so that we might consider them today but we can give further consideration to that. I would like to encourage members to do this today if they feel they are able. I would like to ask members if they would look at the principle of the Bill because I think Members have acknowledged that in the principle, we need to be active in a number of ways. The exact ways, we are yet walking through and I'm very happy to pause on the ways and we talk about that further but I would like to ask members to endorse the principle and if members would be agreeable I would seek to adjourn the matter so that the detail we would continue to walk through

MR NOBBS

Madam Deputy Speaker, to support the principle you have to know the detail. I believe that we don't know enough detail on this Bill to actually go ahead in those areas. Just out of interest I was down at the Rocks last Saturday night, a fairly lively spot in Sydney and very late on Saturday night actually because I was going from an engagement I had and the thing was, the issue of honing and boom boxes and all those sorts of things that we complain about here were very much alive and well in the Rocks last Saturday night and they've got all the gear that is relevant to stop that sort of thing floating around in that area so if people think that because of seat belts and because of the breathalyzer and everything that these sort of things will go away including accidents, there were some horrendous ones in the news over the last few weeks or so and those

people were wearing seat belts as well but speed was the big issue in those accidents, but I think we should also look at, if we are in fact looking at how goods things are elsewhere in other places, we should also look at where the speed is reduced considerably, especially in suburban areas, because that's what Norfolk really is, a suburban area, it's not a 100 mile an hour open highway situation, it's just a suburban area and those councils and states and what have you have actually reduced speed in those areas down to about 40 ks in some areas, so I have no problems with the speed set here. We have a speed gun and I'll probably get caught in the next few hours but there is a speed gun on the island and maybe we could do a little more enforcing in that area. I'm not in favour of endorsing the issue in principal. I think we should look at the further issues that have been brought up including reducing the speed and also, really what are we talking about with seat belts. Are we talking about a lump of rope or the full blown Australian requirements which I understand that the Japanese imports won't actually live up to – or should I say, those things should be specified and I'm all for the situation that we should carry out an education program if there are those who don't wish to be involved in reducing these sort of activities then the community itself should deal with it. I don't think we should be penalized for the activities of just a few and I think it can be done. This is a very good community with community minded people on the island here. If people are in strife they've always dipped in and given a hand and I mean if there are people in strife then I think we've got to recognize that and I don't mind a drink at the best of times myself and I've said it before, and I'll say it again and I will probably say it till I die, that I don't mind that sort of thing myself but I do believe that if someone has a 4real problem with it that there should be more done to help them and that's what we haven't done here and we should be through responsible serving of alcohol and those sorts of programs develop something that will assist people who have a problem in this area and I will be outspoken and somebody will probably have a shot at me later on today, but that's fair enough. That's my belief. Instead of going down and belting the whole community we should be looking at those particular aspects of what really is the problem here. And addressing those before we get onto this draconian type of legislation that's proposed I believe in certain sections of the Act and yet there are other sections of it I believe we really need to implement and we've needed to implement for several years now. Thank you Madam Deputy Speaker

MR BROWN Madam Deputy Speaker, it is clear that we do not have consensus on this matter but I think it's such an important matter that we should try harder to achieve consensus and for that reason I would like to move that debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

DEPUTY SPEAKER Then I put the question that debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

QUESTION PUT
AGREED

Debate is so adjourned Honourable Members

FIXING OF THE NEXT SITTING DATE

We have concluded Orders of the Day. Fixing of the next sitting day Honourable Members

MR BROWN Madam Deputy Speaker I hope we'll achieve consensus on this motion. I move that the House at its rising adjourn until Wednesday 21 July 2004, at 10.00 am.

DEPUTY SPEAKER
that the motion be agreed to.

Thank you Is there any debate. The question is

QUESTION PUT
AGREED

That motion is agreed thank you

ADJOURNMENT

MR ROBINSON
now adjourn

Madam Deputy Speaker, I move that the House do

DEPUTY SPEAKER

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

MR D BUFFETT

There is one thing that I would like to mention Madam Deputy Speaker. During this month of June the Clerk, Robin Eleanor Adams, achieved twenty years as clerk of this Legislative Assembly and I would like on behalf of Members to congratulate her on that achievement and also to express appreciation for her work and her guidance and indeed wisdom on occasions, to successive Members of this Legislative Assembly and to acknowledge her and to warmly thank her for her participation of that period of time

MEMBERS

Hear, hear

DEPUTY SPEAKER

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

QUESTION PUT
AGREED

Therefore Honourable Members this House stands adjourned until Wednesday 21 July 2004, at 10.00 am.

