

MR PRESIDENT: Thank you. Honourable Members we commence with the Prayer of the Legislative Assembly

Prayer

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

MR PRESIDENT: Thank you. Honourable Members are there Condolences this morning?

Condolences

MR CHRISTIAN: There are no Condolences Mr President

MR PRESIDENT: Thank you. May I at the outset Honourable Members make mention of some visitors in the Public Gallery this morning and say welcome to them. I would like to mention Mr and Mrs Ken Wright. Mr Wright is Deputy President of the Legislative Council of Victoria and he is visiting Norfolk Island with Mrs Wright. Particularly he is interested in the Commonwealth Parliamentary Association and it is in that role that he is now visiting the Island. I would also like to mention the Honourable and Mrs Rob Talbot. Mr Talbot a former Minister for Tourism in the New Zealand Government and indeed now a regular visitor to this place. May I on behalf of everyone say welcome to those visitors in the Gallery this morning. May I equally on your behalf Members, offer the best wishes of this Assembly to the Norfolk Island World Bowls Team who leaves the Island today to participate in Bowls in Worthington in England and the Members of the Norfolk Island Team are Dan Yager, Barry Wilson, Graeme Woolley, Spider Web, Rod Karl and Jack Fraser. On behalf of everyone I do wish them well and very good sportsmanship in their pleasant task ahead in the United Kingdom.

Presentation of Petitions

We move to Petitions. Are there any Petitions?

Giving of Notices

MR BROWN: I wish to raise a Point of Order. The Point of Order relates to yourself and I wish to draw to the Houses' attention that the House does not presently have a President as the Standing Orders clearly require that the President be a Member of the House and in accordance with the Standing Orders I draw to the attention of the Clerk the fact that the person presently sitting in the President's Chair has vacated his office as a result of a breach of Sections 39 and 65 of the Norfolk Island Act and I draw to the attention of the Clerk and of the House Standing Order No 4 in relation to the question of the election of a President

MR PRESIDENT: Thank you for drawing that to attention. You will realise Mr Brown that a similar matter was drawn to my attention in the life of the last Assembly and in fact a Member drew my attention to that in respect of your own office and questioned the fact that you may or may not be a Member and the ruling at that time, which is the ruling this time, that it is not open to this House nor indeed to the President to make a substantive ruling upon that but Members are elected and there are processes for those electoral arrangements to be challenged but not within the context of this House, that is the Membership of this House, nor indeed on a ruling by the President

MR BROWN: With the greatest of respect, the position to which you referred in the previous Assembly related to the question of an ordinary Member, not a Member who purported to sit as the President of the Assembly. It is known to all Members that there is a saving provision in the legislation if a person who has vacated his seat nevertheless votes in the House but there is no saving provision which enables a person who is not a Member to be the President of the House and I do draw to the attention of the Clerk and of all Members the seriousness of the situation

MR PRESIDENT: Yes. Thank you Mr Brown. Are there any Notices?

Questions Without Notice

Are there any Questions Without Notice?

MR SANDERS: Thank you Mr President or in point of fact do I call you Mr Chairman. However I have a question which I direct to Mr Brown and the question is how many persons have placed their names on the Employment Register?

MR BROWN: I have not checked this for a little over a week. At the last time that I checked I was told that there was one name on the Register

MR SANDERS: Thank you. I address the next question Mr Chairman to Mr King and the question is, is a special benefit being paid to any unemployed person on Norfolk Island and if so has the unemployed person listed himself or herself on the Employment Register and (a) do you propose to continue to pay social welfare benefits to unemployed persons who have not listed themselves on the Employment Register?

MR KING: Mr President yes there is at least at this present time, one person who is unemployed who is receiving a special benefit under the Social Services Act. No I'm not sure whether that person has listed their name on the Register of unemployed people and yes if there is a demonstration of real need I will continue to pay a special benefit to those people who are unemployed. The fact that they may not enter their name on the unemployed or the Employment Register is perhaps a reflection of their confidence or lack of confidence in the person conducting the Register

MR BROWN: Point of Order. If Mr King is casting any form of aspersion in the direction of the Member of the Public Service who does maintain that Register then I would ask that it be withdrawn

MR PRESIDENT: Yes Mr King, I didn't interpret it so but if that was the case I would need you to withdraw that please

MR KING: I wouldn't wish it to be seen that way Mr President and I'll withdraw it

MR SANDERS: I have a supplementary question to that. Mr King can it be assumed then that you Mr King are now creating a dole on Norfolk Island for the first time

MR KING: Mr President the social services system is not only for the aged and infirm, I think it will serve all Members of this House to keep in mind that it is also for the young and vulnerable. There are young people who are unemployed. There are young people who are underemployed. If they demonstrate a need I will satisfy that need

MR BATES: Mr President my first question is to the Minister for Finance Mr Bennett and the question is how high in the Minister's priority list is a review of the Customs Ordinance in order to minimise any loss of revenue that could be attributed to abuse under the present existing legislation?

MR BENNETT: Thank you Mr President. The matter of the Customs or the Review of the Customs Ordinance and the Customs Regulations and indeed the policy that surrounds those is a very high priority on my things to do. In fact I have already commenced the process of reviewing both the Customs Ordinance and the Regulations. This will take some time. It is a fairly large piece of legislation, it's very complex and it will involve a number of discussions with a number of people including the Customs Department and the Police. There have been criticisms made about some of the shortcomings in the Customs Ordinance and it is to those and to many other modifications that the review will be addressing. I have advised Members of this review and will be keeping them informed as we proceed along that track

MR BATES: Mr President I have a further question for Mr Bennett and the question is, at a previous meeting I asked if Mr Bennett would investigate the possibility of providing a telephone and possibly electricity at the Headstone tip. Could the Minister advise this House if he has made any progress in this matter?

MR BENNETT: Thank you Mr President. Yes indeed I did follow up the question from Mr Bates and made enquiries as to the cost and the practicality of putting both the telephone and electricity to Headstone. The cost of putting the telephone down to the tip is approximately \$2,700. I have no difficulties with it myself and will be taking it up with the executives later this week on the basis that it needs to be funded from the Revenue Fund and not to be charged against the Telecom vote. I do consider the telephone at Headstone Tip to be necessary and will proceed as quickly as I am able to to put that into place

MR BATES: Mr President I have a couple of questions for Mr King and the first one, is it your intention to allow Members to have input into road priorities or do you yourself intend to make the decisions as to which roads receive major attention

MR KING: Mr President I intend to make a Statement on roads a little later on in the meeting. I haven't touched specifically on that point but perhaps if Mr Bates cares to note that statement questions can arise

MR BATES: No problem. I have a further question for Mr King and it is, is the Minister aware of any dispute this morning with lighterage workers and if he is would he care to comment?

MR KING: Yes. Mr President you'll be aware that as a result of a reshuffle in executive responsibilities that that responsibility has been passed to Mr Christian, but I'm happy to answer that question

MR CHRISTIAN: Yes, I don't mind if Mr King answers

MR KING: I did in fact deal with the matter. Mr President, yes it is true that a dispute arose this morning between the lighterage workers and the shipping line W W Shipping Line I think it's called, but in any event, the principles who operate the Moana and that dispute arose largely out of a change in attitude by the principles of the shipping line regarding the payment of overtime or the charging to them of overtime rates for the moving and stowing of lighterage gear and as a consequence of that the hours of the lighterage and stevedore workers were reduced and as a consequence of that it hurt their pocket and as a consequence of that they entered into dispute. I did this morning immediately prior to this meeting have a discussion with the local agent, the Lighterage Manager and a representative of the Lighterage Workers and the dispute has now been resolved although I have to say Mr President that I haven't been particularly happy with the attitude of the principle of the shipping line and I believe there is probably alot more to it than the penny pinching attitude or attitude they've taken towards this particular matter, but yes there has been a dispute, the dispute is now resolved and work will commence on the unloading very shortly I would think

MR SANDERS: Mr President I have a supplementary question on that. Is it Mr King's intention to force overtime rates on any business here regardless of whether the business can afford it just to satisfy the wishes of himself and perhaps a few other greedy persons?

MR KING: I've got to say Mr President

MR PRESIDENT: Yes, could I just ask you Mr Sanders to withdraw the matter of referring to the Members of the House as greedy in that sort of uncomplimentary way

MR SANDERS: Those that have no consideration of others that have invested alot of money

MR KING: Yes, I would have preferred to respond to the earlier question Mr President but, no, I certainly wouldn't take that attitude with any of these things but I would take a serious view of anyone from outside who wants to come along and disrupt longstanding arrangements which involve the livelihood of local people

MR SEMPLE: Thank you Mr President. Mr Sanders, on the 29th June I asked you a question, is it true that Mr Robinson, Mr Brown and

yourself have interests in an airline

MR SANDERS: Point of Order. Definately a Point of Order Mr President. I don't propose to be available to answer any questions to anybody in this House as a non executive, I am not obliged to

MR SEMPLE: Well could I direct that question to Mr Brown

MR BROWN: I'm happy to listen to a question

MR PRESIDENT: Are you directing it to the appropriate Minister who has portfolio responsibility Mr Semple?

MR SEMPLE: Is was at the time but as the question involved Mr Robinson, Mr Brown and Mr Sanders I think it should go to

MR SANDERS: Mr President if I may, I had proposed to briefly correct one part of my reply in the time for Statements but I would also like to draw another Point of Order that Mr Semple seems to think that he can ask questions about peoples private business. I shouldn't have replied in the first place but I do propose to correct the reply that I made

MR PRESIDENT: Would you like to do that in personal Statements Mr Sanders?

MR SANDERS: Yes if I may

MR PRESIDENT: Well can I give you an opportunity and you might prompt me so that I don't pass you by without giving you that opportunity and that might respond to that part. Mr Semple if I could just make this point to you, Question time is one that directs Questions to people who have portfolio responsibilities and if you would endeavour to direct them in that way it might be helpful

MR SEMPLE: My apologies Mr President. If I may ask Mr Christian a question. At the same meeting I again asked a question of Mr Sanders but I realise that you aren't in a position to answer it so if I may ask Mr Christian the same question. Is it correct that some time ago the ANPWS imported large quantities of tordon and still intends to use this chemical even though native trees could be in jeopardy by its continued use and if I may I would like to table some more photos of tordon's effect on trees on Philip Island and Norfolk Island

MR CHRISTIAN: Mr President it is correct that ANPWS imported a large amount of tordon. The problem arose particularly in an area of Mt Pitt where it was used for cut stump treatment. The contractors were actually did the job were over anxious with the way they applied the tordon and caused alot of damage particularly to the Norfolk pine. Some of that damage can still be seen up there with the deformation of the tips of the branches. At that time I was in charge of the Forestry and in charge of Poisons, we put a restriction on ANPWS to stop its use at that stage until we got the whole thing sorted out. This was done and the ANPWS were then very very careful to instruct the contractors in the use it and to supervise the use of it. Since then there hasn't been a problem but originally there were massive overdoses used in the area both there and I believe on Philip Island which caused the problem. The Health Branch are looking into, at this stage, the tightening of the control in the use of all herbicides and poisons on Norfolk Island and this will come within that area but at this stage it is being used by ANPWS in a much more careful fashion

MR SANDERS: Mr President if I may assist Mr Christian on this one. When the question was asked by Mr Semple I the following day contacted Mr Neil Tavener from Building and Health who was compiling a list of what was considered dangerous and acceptable and so far I think he was still waiting for the information for some of the products that were supposed to go on that list

MR PRESIDENT: Thank you Mr Sanders. Mr Sanders could I seek some consistency. A moment ago you did ask me to rule that in fact you need not respond to questions and now you have endeavoured to want to do that, if I could just seek that we do it one way or the other in this particular instance I have accepted the clarification and there the

matter rests

MR SANDERS: In the first instance Mr President it was of a personal nature which I am not obliged to answer questions of such things in this House. The second one was one that as an Executive Member with that responsibility I followed it up to the best of my ability and I thought that I would assist Mr Christian who may not have known how far I had progressed with that

MR SEMPLE: Thank you Mr President. Another question for Mr Christian. From 1788 to about 1840 the large offshore Island to ourself was spelt Phillip named after the leader of the first fleet and the first Governor of New South Wales, Captain Arthur Phillip. After 1840 til about the mid 1980's the accepted spelling was Philip with only one L, or at least that's how it appeared on charts and maps. How this came about I'm not completely clear but probably the cartographer

MR BROWN: Point of Order. Is this a question or a history lesson

MR PRESIDENT: I'm interpreting it as a question at this stage

MR SEMPLE: In recent years there've been moves in certain areas to revert to the original spelling. Sound arguments come forward from both sides as to what should be the official spelling of Philip Island

MR BROWN: Point of Order. With the greatest of respect this seems to be a history lesson. There's not a question in it

MR PRESIDENT: Yes. I'm assuming that the next sentence is going to ask a question Mr Semple

MR SEMPLE: Would Mr Christian look into the matter and find out what is the official spelling of Philip Island, either with one L or two L's

MR CHRISTIAN: Mr President I will take that on board. From memory, this was discussed a couple of years back and I can't remember what the answer or the reason was but yes, I'll take it on board and do what I have to to sort it out

MR SANDERS: I have quite a few but I'll just ask a couple if I may Mr President and the first one is to Mr Brown. How long has the Administration been charging overtime charges to shipping companies for positioning the crane and lighterage equipment at the wharves

MR BROWN: I take it Mr Sanders you are asking me that question in relation to my responsibility for the Public Service. I'm afraid I don't know the answer to the question. I was quite surprised to hear today that a charge was being made at all and I certainly would disassociate myself from the critical remarks that were made by Mr King in relation to the shipping company. I would be happy to speak with Mr Bennett and see if we can come up with an answer for you by the next meeting as to when the charges commenced

MR SANDERS: Thank you. I have one for Mr King. Is it a fact that you and Mr Ernie Christian propose to apply to the Remuneration Tribunal for increase in your executive salaries and (a) is this increase to possibly be as much as 100% and (b) do you and Mr Christian propose to increase the salaries to the Public Service of a similar amount and (c) or is this proposed increase to compensate you for the many hours that you sit writing your speeches in your office on executive salary

MR KING: How long did it take you to write that out Brownie? Well Bill, it's obvious that you needn't get paid any more because Mr Brown sits in the House and writes out your work for you but let me say this Mr President

MR SANDERS: Mr King if he could confine himself to the fact that he reckons that anybody's writing other than mine I'll eat my damned hat

MR KING: Let me say, no, I don't intend to make a

personal submission, well, certainly not at this point in time. I will if necessary make a submission. There's general agreement among members that there is a need to make a submission to the Remuneration Tribunal in the matter of Members salary and I think that everyone in the community understands that the wages down here are absolutely ludicrous and hardly sufficient to attract the right calibre of people down here. We've had a history in the past of course of the remuneration being only sufficient to attract people who have supplementary sources of income like hotels and airlines and the like so it needs to be sufficient to attract people from all sectors of the community, but, in the meantime I'll continue to go broke but I'll wait and if at the appropriate time I need to make a submission I certainly intend to. I hadn't contemplated anything in the order of a 100% increase, that appears to be quite ludicrous although I would think that the amount of time and effort that's got to be expended on doing an executive job down here would certainly justify probably a great deal more than that but then I'm not greedy, as Mr Sanders' suggested in an earlier statement, and I shan't be making any ridiculous claims

MR ROBINSON: Thank you. My question is addressed to Mr Brown in relation to the last question asked by Mr Sanders. Could Mr Brown please give us an indication what the salaries were of the Mosman Council while you were there on a sister city relationship exercise?

MR BROWN: Yes I certainly did visit Mosman Council in Sydney during the course of the last few weeks and I spent some time with the Town Clerk talking with him about a range of matters and I was interested to hear him say that an Alderman at Mosman Council which has a budget of about \$14,000,000 per year receives approximately \$3,000 per year and the Mayor receives approximately \$15,000 per year but from that \$15,000 the Mayor is responsible to meet the cost of his own entertainment including civic functions

MR ROBINSON: My next question is addressed to the Minister for Finance and Electricity, more as an information seeking exercise, is the undergrounding of electricity cable through Burnt Pine going accordingly to schedule, if not, could you please tell us what the hold up is

MR BENNETT: Thank you Mr President. No it's not going according to plan, in fact I'm not even certain whether the plan has been even finalised. Members will recall that the undergrounding option was one that involved co-ordination between the Electricity Department the Telecom and the Roads people was thought that it would be desirable to have the services underground, and undergrounded before the Taylors Road was upgraded. The initial estimates I understand were considered and the project looked as though it was a goer. Since that time however, the costs of, particularly undergrounding the electricity have been reassessed and they are quite enormous and it does now raise the question of first of all whether we can afford it at this time where the economy is a little bit tight and secondly if we can't afford it for the moment do we hold up other works such as the roads. Now the decision on progressing the whole project will be taken jointly because it does cross into other executive member's portfolios. I understand that in fact some executives have done a tour of the area and are aware of the difficulties that are there and perhaps they have a better idea of the costs. It's not a matter that I've involved myself very deeply at this time but it's a matter that I'll get to in due course

MR BATES: Mr President, this is really a supplementary question to the previous question to Mr Brown and the question is, did Mr Brown also enquire as to how many hours an Alderman and the Mayor of Mosman City Council are required to perform and the range of their responsibilities and what support staff they have to carry out those duties

MR BROWN: It certainly seemed to me that an Alderman at Mosman would spend a similar time to that which a non executive would spend in Norfolk Island

MR KING: Point of Order Mr President. Mr Brown is not addressing the question. He was asked whether he enquired not for his own impressions

MR PRESIDENT: Yes. I don't take that as a Point of Order at this time I would see it as being all encompassing in responding to the question

MR BROWN: In the case of the Mayor it certainly appeared to me that the time which would be spent by the Mayor at his council duties would be somewhat similar to the time spent by an executive here in Norfolk Island

MR BATES: Another question Mr President. I'm wondering if Mr Brown has made some suppositions. I'm wondering if to get his previous answer in the right context if he would care to make those enquiries and give us an informative answer

MR BROWN: I would be quite happy to make further enquiries in that regard. One of the difficulties of course is assessing just how much of an executives workload here in Norfolk Island arises unnecessarily. Unnecessarily could result from an executive trying to take the place of the Public Service and to do work himself that is properly done by the public service. It could equally arise from an executive going through a lengthy learning period while he settles into his role so it's not a simple matter to compare but I'll happily do my best

MR SANDERS: Thank you Mr President. I have two questions to Mr Brown in relation to education and it is how many children are studying years 11 and 12 and (a) how many of these children are local children and (b) what is the cost of years 11 and 12 to the public purse and (c) is this cost approximately the amount that Mr Ernie Christian and Mr David Buffett led this House to believe

MR BROWN: Mr Sanders I'll need to request some of that information and provide it to you at the next meeting. I can tell you however that there were, and this information came to me from the Headmaster this morning, there were seven students originally enrolled in Year 11 this year, one has withdrawn leaving six students completing year 11 this year. That is a considerably lower number of course that that which had been indicated to Members at the time that a decision was made to proceed with years 11 and 12. For next year it is anticipated that there will be six students in year 12 and eight students are presently anticipated to be enrolling in year 11. That can vary of course depending on people moving to the Island in that period and depending on the eventual decisions of families as to where they wish their children to receive education in years 11 and 12 but at the moment the indication is that there will be a total of fourteen students in years 11 and 12 next year and the Headmaster has informed me that those students will be taught in one class in order to attempt to keep the costs to within reasonable bounds

MR SANDERS: A further question to Mr Brown on education matters. Why weren't fees charged for years 11 and 12 and (a) was it because the officer in the Public Service was rarely in his place of employment or (b) was it because there was soon to be an election and that it could possibly cost votes or (c) do you propose to continue to have these negligent people create further costs to the public purse by their inaction?

MR BROWN: Mr Sanders it has been understanding that for quite some time there had been agreement that a charge of \$1000 per student per term would be made. As at the date at which this Sixth Norfolk Island Legislative Assembly was elected it appeared nothing had been done by way of charging those students who had been enrolled in year 11 this year. I did cause action to be taken. The first action I took was to seek a legal advise to ensure that within the present law it was possible to make the charges. The advise came back to me to the effect that provided a child has reached the age of fifteen the present legislation does enable a charge to be made but the charge needs to be fixed by the Administrator. I then sought action from the Public Service in relation to approaching the Administrator to enable the charge to be set and the advise that I received was to the effect that some thought should be given as to whether to charge at all for the first two terms of this year. It was suggested that those students in the first two terms were to an extent guinea pigs and that they were carrying the burden of commencing a new system. I spoke with most Assembly Members in relation

to that and there was general agreement that the charges should be levied as from the commencement of first term in this year and during the course of the last week I have sought further advise as to the form in which those charges need to be made, I don't yet have that advise at hand although I do expect it within the course of the next few days and it would be my intention, provided it complies with the law to cause accounts to be issued during the course of the next week or so at the rate of \$1000 per term for the first three terms of this year and for a further account to issue in respect of the fourth term at its commencement

MR SANDERS: Thank you Mr President. I direct this question to Mr Ernie Christian and the question is are you aware of a legal opinion that the person elected as President of this House at its last meeting has in fact ceased to be a Member of the House as a result of being paid at his full public service salary while attending meetings at the Legislative Assembly which is in contravention of the provisions of the Norfolk Island Act and whether or not you are so aware what do you propose to do about it

MR CHRISTIAN: I am not aware of that legal opinion Mr Sanders but I will check it out

MR SANDERS: Perhaps Mr President Mr Ernie Christian could possibly not recall that it was tabled here at the last meeting but perhaps I could ask the same question to Mr King. Would you like me to go through the question again or..

MR KING: No. I'll be quite truthful and say Mr President that I haven't read it. I do intend to read it. I think it's a matter that's got to be looked at fairly closed and resolved one way or the other. I mean, how else can we avoid this repetition, tedious, boring business that they keep raising every meeting

MR BROWN: Point of Order. I take offence at the words that were just used by Mr King and I ask that they be withdrawn

MR PRESIDENT: Could you just identify exactly which Mr Brown

MR BROWN: Yes. Mr King suggested that each of Mr Sanders and I had been raising tedious and boring matters at each meeting

MR PRESIDENT: Yes, in respect of those matter I would ask that you withdraw

MR KING: You regard those as being offensive Mr President. In that case I withdraw

MR SANDERS: Thank you Mr President. I direct this question to Mr Geoff Bennett and the question is, do you propose to make a statement to this House to correct your statement before the last election that we need to break the Buffett Government, especially as you have just created a further Buffett Government

MR BENNETT: I'm intrigued by the question. Perhaps Mr Sanders might expand on it a bit more. I'm not quite aware of

MR PRESIDENT: Yes. This is question time. In other words we are not seeking a debate on the matter

MR SANDERS: Yes. I'm more than happy to expand on it. Mr Bennett along with Mr King on various occasions had made mention of the need to break the system that was in existence at the time. Mr Bennett would have collected large, and also Mr King, large proportion of their support from the electorate on such a statement and I was wondering if there was a proposal to make a statement to the House to correct the misleading statements that had been made prior to the election

MR BENNETT: Mr President. I'm not so sure about, you know, how many statements or whatever, but I could say this, I don't see the role of the President in this House as being a Member of the Government nor in fact influencing the Government. What's happened in previous Assembly's, I've noted, but I have no intention of devolving any responsibilities that I have in a Government sense to the President. The President clearly has a role in the Legislative Assembly and I see his

role clearly as being a ceremonial role, an organisation role for the Assembly but not involving the Government. I wouldn't be proposing to have my portfolio organised by the President and I've said that to Mr Buffett personally. I think that's the way it is

MR SANDERS: I have a further one to Mr Bennett if I may and the question is you were quoted in the Norfolk Islander in Saturday the 18th July 1992 as saying and I quote "it can be safely said that what happened was a simple extension of democratic process, a process in which the whole community is involved" and it says underneath, he was referring to the necessity of gathering the opinion of the electorate, evaluating that opinion and as an elected representative deciding accordingly, and the question is, when was the whole community involved and on whose authority do you assume to be that person to gather the opinion of the electorate, evaluating that opinion and deciding accordingly and finally do you have the guts to do as you said in the paper and that is, go to the electorate for an opinion or is that just another misleading statement

MR BENNETT: Thank you Mr President. It's amazing how words printed on a piece of paper can be read and misread. Democracy is a matter for the whole community. That's the matter. Democracy is about the people being involved in Government, and there was no suggestion whatsoever that I went to all the people at all. It's simply a statement of fact. Democracy is about involving all the people. I can't remember the rest of the question but they all, the rest of the parts of the question all related to that particular thing. I have no fears about going to the electorate at any time. I don't think the issue has been raised in any formal sense. I don't have a problem

MR SANDERS: Would Mr Bennett have the courage to take it to the electorate to see if his decision was correct

MR KING: Mr President may I raise a Point of Order please. I'm sorry to prolong things and the agony but Standing Order 103 says that questions may be put to a Member who is an executive member having responsibilities relating to public affairs with which he is officially connected, to proceedings pending in the House or to any matter of Administration for which he is responsible. The crux of Mr Sanders' questions to Mr Bennett do not meet the requirements of that Standing Order

MR SANDERS: I think Mr President, I also raise a Point of Order and it's Standing Order 67 which says, no Member may interrupt another Member while speaking unless to call attention to a Point of Order suddenly arising. This wasn't suddenly arising. This has been in existence for a few weeks. I believe that Mr King's interruption is totally improper

MR PRESIDENT: Yes. Mr Sanders, may I firstly rule in respect of your Point of Order which is 67. I don't interpret Mr King's raising a Point of Order as being an interruption in the context of that Standing Order and I now secondly turn to Mr King's Point of Order which is that the queries that you have been raising have not been within the strict terms of Questions Without Notice to be put in respect of Standing Order No 103 and I'm inclined to the fact that that is becoming more of a personal application than in fact one that refers to the responsibilities of Mr Bennett's portfolio

MR SANDERS: If you so wish

MR PRESIDENT: Thank you. Question time has expired Honourable Members

Question on Notice

MR BROWN: There is a Question on Notice

MR PRESIDENT: Sorry Mr Brown. There is a Question on Notice, that is Question No 1, it's Mr Semple to the Minister for Health. Is that to be responded to?

MR BROWN: Yes. I'll partly respond to it. There's a lengthy Question on Notice in my name from Mr Semple and it might help if

I read it. Will the Minister inform the House who has ultimate responsibility for taking decisions relating to educational matters on Norfolk Island at the present time, the Headmaster, the Chief Administrative Officer or yourself? In view of the fact that - (a) in NSW one quarter of the State Schools have elected school councils comprising parents, staff and community representatives involved with school decision making; and (b) this concept could only benefit the school on Norfolk Island as it would mean that decisions relating to all matters regarding the school would not be left up to one person who may or may not be fully aware of what are the right decisions affecting school policy, is it envisaged that a school council will be established in relation to Norfolk Island Central School in the near future? Firstly, I would note that education is not yet a schedule 2 matter so its not yet a matter totally within the control of the Norfolk Island Government. It is in fact conducted pursuant to a Memorandum of Understanding with the Commonwealth and I have in fact recently provided a copy of that Memorandum of Understanding to Mr Semple. I think it would be fair to say that the precise chain of responsibility is not as clear as it could be and responsibility in different areas clearly rests at the moment with different people but it's the Memorandum of Understanding that is the source of responsibility at the moment. The question goes on to suggest several facts. I'm not able to say whether or not either or both of those suggestions are facts. I do not know whether in a quarter of the NSW schools there are school councils and I do not know whether the concept could only benefit the school on Norfolk Island. I do know that the advise that I have been given from the relevant officer within the Public Service is that he does not feel that a School Council would be beneficial here but it is something that I propose to discuss with the Headmaster and if the Headmaster has a strong view about it then it certainly will be considered

Presentation of Papers

MR PRESIDENT: We now move on to Presentation of Papers. Are there any Papers to present?

MR BENNETT: Thank you Mr President. I'm required under section 32 of the Public Moneys Ordinance to table details of virements that have occurred and the particular list of virements that I'm referring to now and of which I'll table a copy relate to the period leading up to the 30th June 1992, at the end of the financial year. I did have them ready to be tabled at the last Sitting but I omitted to do it at that time and I'm also required to, within a prescribed time, table the details of expenditure in the 5/02/01 vote which is the expenditure at the discretion of the Executive Member and I do have a list of the expenditure that occurred in the period 1st July 1991 to the 30th June 1992. I table those Mr President and move that the Papers be noted

MR PRESIDENT: Thank you. The question is that the Papers be noted

MR BENNETT: Mr President I did say at the early part of the life of this Assembly that I would try to explain to Members and indeed to the public who are interested in the way that money is shifted around in the Revenue Account and so I'll try to explain what has happened with this last group of virements. It is not unusual that towards the end of the financial year that some particular votes exhaust themselves of funds and that there are applications made to have funds in other areas left unspent, transferred to another vote. There are four or five in this list and one of them Mr President was transferring an amount of \$3,300 out of the Assembly Travel Vote, unspent funds to the Assembly plant and equipment vote which allowed the purchase of the fax machine. There was some unspent funds in one of the works votes and a sum of \$9,400 was used for a consultancy and a plant hire to do with the quarry. There was a salary saving in vote 10/11/01 and \$22,000 from that saving was transferred to the Social Service Benefit vote. Out of the Administration incidental expenditure vote there was some unspent funds of \$13,500 which was transferred to the legal requisite vote where there's been a shortfall in that area. There was a transfer between the roads vote to the bitumen sprayer vote of \$7,000 by error, accident or whatever, there was the \$7,000 that had been allocated for the shelter for the bitumen sprayer had been transferred out and I simply just put it back in and there was a transfer of \$7,700 from vote 7/2/02 in the education area which is requisites and printing and it was transferred to education

votes for, one for furniture and one for plant and equipment. Mr President I hope that explains that part of it. The second explanation is in relation to the expenditure that occurred during the last financial year in vote 5/02/01 which is the executive members discretionary vote. The funds spent in that vote of \$36,728 and I don't propose to read them all but the substantial ones were \$4,200 for computer equipment, there was a sum of \$3,500 for temporary relief in the Forestry area in terms of wages, there was around about \$10,000 for consultancies, the principal one being the federal electorate this year and there was \$4,400 for a photocopier for the Assembly and a whole collection of miscellaneous small bits and pieces, bi election costs, equipment for a zodiac vote and the Tourist Minister's Council. Those are now on the table Mr President and available to Members

MR ROBINSON: The question is I believe that it be noted. My only concern is that some \$7,000 was accidentally transferred. Have you come up with a system to prevent this sort of accident happening again

MR BENNETT: I'm not sure whether it was an accident, an error or what it was, it simply was identified as savings to bitumen sprayer and it was listed as having a certain cost. There was no description on what that amount of money would do. It was my assumption that that was for the cost of the tar truck. There was about \$7,000 left over. We had the tar truck, we'de paid all the bills so I didn't think it was necessary. I hadn't realised because there was no advise on the file to that effect that there was a need for a shelter for it and it was, so yes, to the extent that it might be called an accident I'm learning as I go and I'll make sure I don't do that one again

MR PRESIDENT: Further participation? The question is that the Paper be noted

QUESTION PUT
AGREED

Are there any further Papers to be presented?

MR BENNETT: Yes. Just one further Paper Mr President. I'm required to table any exemptions made on Customs Duty due on imports and I so table an exemption that was made on a headstone imported on the Captaine Wallace voyage 105 and the duty waived on that headstone was \$198. That's in accordance with the policy that the duty not be paid on headstones imported to the Island. I just might say Mr President by way of an addition to that that in the review of Customs I propose to take the matter of headstones and the importation of that into the Schedule and have it identified in such a way that we either decide that it's exempt and declare it in the Schedule as being exempt and not have to involve all this paperwork that surrounds the applications for duty exemption

MR BROWN: I table as a matter of interest a copy of the page three of the Courier Mail in Brisbane yesterday and it contains an article in relation to a director of a Government Department being investigated in relation to alleged irregularities of travel allowances

MR PRESIDENT: Further Papers? Then we will move on Members. Before I call on Statements could I give Mr Sanders an opportunity to make a personal statement

Personal Statement - W W Sanders MLA

MR SANDERS: Thank you Mr President. At a recent meeting of the Assembly I was asked a question did Mr Robinson, myself and Mr Brown have shares in an airline. I foolishly replied on behalf of everybody, which I should not have done

MR SEMPLE: Point of Order. The word was "interests" not "shares"

MR SANDERS: I'm quite happy that it be whatever they want to call it. Interest then. I replied no on behalf of all of us. I didn't ask whether Mr Semple was referring to a defunct airline which is out of business of which I do have an interest in or whether he was referring to an airline that is in operation of which I haven't got an interest in.

With regard to what the other two persons have Mr President I suggest that if it's of any importance to this House that Mr Semple ask them himself. I'm just referring to my stance

MR PRESIDENT: Thank you for your Personal Statement Mr Sanders

Statements

MR PRESIDENT: We move to Statements. Are there any Statements?

MR KING: Thank you Mr President. In view of the increasing number of calls from people wanting work done on particular roads I feel I should make a statement.

Because any road works is dependent almost entirely on the availability of crushed rock products my statement will lead into the matter of rock quarrying.

Members will be aware from the budget papers and other discussions I have had with them, that I have in excess of \$700,000 in allocated funds and stock-piles, to spend on roads this year - and I am keen to spend every penny.

I am comfortable in being able to do this provided that I have a sufficient supply of materials (largely road base and aggregate) and sufficient manpower - without these things I simply can't spend the money. But both things present minor problems.

We presently have in hand sufficient materials to guarantee, only a four months roads programme. A programme beyond four months is subject not only to availability of materials but availability of quality aggregate products at reasonable prices.

A quantity of rock sufficient to meet Island needs for twelve months has been located and negotiations are presently under way for the quarrying and crushing of that rock. I expect to be able to complete those negotiations shortly, after which I will consult with members about a programme which will take us well into the next financial year.

In the meantime Mr President the order of road work for the next four months is

- repairs to failed sections of Cascade Road
- reconstruction of Mission Road
- repairs and reseal to a large section of Collins Head Road
- reseal (as a protective measure) the new section of Cascade Road, and
- repairs and reseal of Peters Highway.

Patching will take place during the same period as materials and staffing permit.

I mentioned also Mr President that manpower presents a problem. Members will be aware that an allocation of \$56,000 was made in the budget for "contract patching". There is not now nor has there been for some months, any patching contract. It occurs to me Mr President that the Government and the Assembly have an obligation in these difficult economic times to ensure that the expenditure of public monies is in the best possible interests of the community and that includes the easing of employment difficulties among permanently resident people. There have been instances in the past where road patching contracts have resulted in work going to holders of entry permits. Our first obligation is to our own people Mr President and the only way to ensure that they benefit from this particular expenditure is to virement those funds from "contract patching: and to urge the Public Service Board to create some, temporary positions on the roads. I will not be a party to entering into contracts which do not guarantee work for locals.

Mr President, if I am able to solve the two minor problems I have mentioned that will take me down the road some sixteen months or so. Between now and then it is necessary for me to secure or at least to ensure a supply of rock for the medium term. This is not a simple matter.

In a recent report by a quarry specialist, Mr Andrew Lyall, two sources of rock have been identified. To access those sources however, will require commercial negotiations with private land owners.

Because of the commercial implication of the report I do not intend to table it at this stage Mr President. Suffice for me at this point to touch on a few of the findings. The title of the Report is "Report on Current and future Quarry needs including "Rock for a Future Port".

Mr Lyall's opinion of the Cascade Cliff face is that it simply would not yield sufficient rock for any major harbour development. A cut of about 50 ms and the creation of benches would for example yield about 200,000

tonnes of rock and because the exercise would involve the removal of a substantial quantity of overburden costs would be excessive. If the cut were extended deeper into the cliff face, the rock source diminishes, the ratio of overburden becomes greater and costs become even more excessive, probably prohibitive.

Mr Lyall widened his brief to examine the question of reducing the degree of hazard posed by the cliff face in its present condition and reported his opinion that a minimum plan of hazard reduction should include closing access to the area except for lighterage and quarrying and probably fishermen, creating safety signs and periodically (probably yearly) blasting loose rocks off the face of the cliff. I am inclined at this stage to follow Mr Lyall's recommendation not only in the interests of public safety but in the interests of our tourist industry. I'm sure it's not necessary Mr President for me to go into detail about the kind of accident which would attract damaging publicity.

The Government cannot go on ignoring this problem. It must take whatever reasonable steps are necessary to reduce or minimise the dangers of the cliff face, thank you Mr President

MR SANDERS: Mr President I move that the Statement be noted and if I may, I ask Mr King if there's been any consideration of priority for the upgrading of the road from the exist of the carpark at the terminal building to the first cattlestop closest to the Powerhouse. The reason for my question Mr President is that I believe that first impressions are quite lasting impressions and every single tourist that arrives on Norfolk travels along that road and I think it's imperative that it be upgraded and made look attractive.

MR PRESIDENT: The question is that the Statement be noted

MR KING: Yes, well I'm quite happy to look at that. I take that point. It's a fairly valid point and I'll certainly do that. In fact the matter was raised with me and I've probably been a little bit remiss in not talking to the Works Manager about re-arranging the priorities but I can certainly have a look at that in the very near future.

MR BATES: Yes Mr President. I would like to thank Mr King for his informative Statement. It was with a little bit of concern that some weeks ago I came across a letter that he had written to the Works Manager approving certain road works and I was pleased to hear him say that he did intend to consult with Members on future road works because I think that roadworks are things that each and every one of us have an interest in and we come up against it when we're talking to the public and I for one would certainly like to have my say on which roads get done and which ones don't. I liked the part about trying to create some form of employment. I think at this present time, money spent in that direction is good for the economy, but I also note, or was very interested to hear what our resident engineer or the engineer at the Administration had to say about the possibilities of recycling some of the metal already on our roads and that type of thing, and I think that metal is always going to be a problem to us. We only have so much of it and I would certainly like to know more about those processes while we still have the engineer here resident with us because I think he has a lot to offer us in our road works. I think that's about all for now Mr President

MR KING: Mr President I just want to respond to the point about consultation with Members. I think it would be remiss of me to get into the situation where we all sit around a table and argue and barter for roads that our nearest to our complaining constituents to be done. I don't think that's a proper situation to get into, but what I would like to do in terms of consulting with Members is to determine the ranking factors of roads having regard to such things of course, as the condition of the roads and the vehicle movements per day. I don't think it would be particularly wise, in fact it would be an undesirable situation if in the end we just sit around the table all arguing for our own particular roads to be done but somewhere in the near future we'll put together a ranking list

MR BATES: Mr President I'm a little disappointed in the Minister's attitude. I think it could only be constructive if we all had input into this. That's my view anyway. I'd certainly like some input into it anyway

MR PRESIDENT: Thank you. The question is that the Statement be noted

QUESTION PUT
AGREED

MR BROWN: I wish to make two Statements if I could. Firstly in relation to rental cars. Submissions have been made by the Norfolk Island Rentacar Association complaining about unfair competition as a result of the entry of a number of accommodation houses into the rental car business. This is a matter which is of concern to a number of Members and it's a matter which has been discussed amongst Members and it's quite possible that it will result in some form of action by the Government. I mention it today so that all persons can be notice of the problem and in particular it might be wise to suggest that if there are any other accommodation proprietors who are contemplating bringing in cars for the purpose of renting them or providing them for their guests then it may be wise to defer further contemplation of that course until a decision has been made by the Government as to whether or not it proposes to take action be it along the lines requested by the Rentacar Association or along some other lines.

The second statement I wish to make relates to the question of change in the Norfolk Island Public Sector. At the last Sitting of the House I laid on the table a paper entitled the Norfolk Island Public Sector - Proposals for Change. I said that the Paper was tabled for discussion and consultation purposes and I referred to the Statements to that effect on the first page of the Paper. Since the last meeting of this House I have commenced the consultation process. I've written to the Public Service Board, the Chief Administrative Officer, the Public Service Association, the Public Sector Remuneration Tribunal, the Hospital Board, the Hospital Staff Association, the Government Tourist Bureau, the principal of the School and a number of community groups such as the Chamber of Commerce, the Parents and Citizens Association and the Accommodation and Tourist Association. In each case I've provided a copy of the paper and I've said that I will consult with the relevant personal group. I've also written to the Norfolk Island Government Auditor seeking his views. A copy of the Paper has been lodged at the Public Library and additional copies are available from the Clerk's office. This Paper will not doubt be discussed widely during the coming weeks and I will not pre-empt that discussion by going into elaborate detail today but it might help if I make a few brief comments. The Paper consists of three elements. First there is a four page overview dealing with the key points of the proposals. Secondly there is a draft Government Charter of aims, goals and objectives. I emphasise that it is just a draft and is intended to demonstrate what such a document could look like rather than attempting to predict it's actual contents. The third element is a draft Public Sector Bill 1992. The total package deals with many of the issues that have been live in the community over the past couple of years, particularly the perceived need for long term and medium term planning. The package proposes a central role for the planning process linking it with the budgetary and appropriation processes. The planning process is also intended to focus public sector activities on the particular programmes and projects which the elected politicians decide to pursue. This has a number of advantages. It allows clear objectives to be set for the public sector thereby leading to the ability to measure performance against those objectives. This in turn lays the ground work for a new concept of accountability within the public sector. The reason for this is that if performance against objectives can be measured then the politicians performance in setting the objectives and the public sectors performance in achieving them can be seen by the community more clearly. This will lead I hope to a greater degree of public understanding of the activities of the public sector and therefore to much greater accountability. In addition, the paper proposes some important structural changes. It places emphasis on managerial flexibility allowing the senior public sector managers to use resources flexibly in order to achieve the results set by the political process. The internal structure of the component parts of the public sector would be a matter for the manager of each component to determine. This of course is quite different from the existing model where the structure is much less fluid. The manager's would have the right to hire employees, either on standard terms and conditions agreed beforehand by a body representative of the employees, the managers and the Government or else

on a performance related basis. There would be significant difference between these two types of employment. Employment on the former basis, what is called an award basis would be more secure than performance related employment. The power of a manager to terminate an employee's services for inadequate performance would not be subject to appeal for performance related employees but would be subject to appeal for award employees. The Paper also proposes a revised approach to procurements. At present some procurements are dealt with by the Tenders Board and some are not. Broadly speaking, capital purchases tend to be dealt with under the Tender Procedure whereas other forms of procurement are dealt with less consistently. Also the present Tenders Board is non statutory. This means that if something goes wrong there is no easy way to look into it or even be confident what the rules are. The Bill therefore proposes a Procurement Board which would consider procurements on a uniformed basis. The Board would consist of each executive member, another Member of the Assembly chosen by resolution of the Assembly and the equivalent of the Chief Administrative Officer position. Three members would constitute a quorum, records would need to be kept and the Board would be subject to a special audit procedure that could be triggered by resolution of the Legislative Assembly. The paper also proposes to simply the question of authority for expenditure in order to prevent the use of devices to minimise the need for statutory appropriations. The paper proposes a revision of the situation with respect to public servants who are also Assembly Members. Consistently with my pre-election commitments to the Community the paper proposes that after a three month transition period Members of the Legislative Assembly would not also be able to retain public sector employment. That is a short summary of the contents of the paper. It is an important paper and I look forward to continuing the consultations that I have begun over the last few days. I mentioned earlier that copies of the paper will be available from the Clerk's office. I didn't mention whether or not there would be a charge for such copies. There would be a small charge if members of the community wished to obtain copies. I am unable to give precise details of that charge at this stage unfortunately but I expect that it would be something in the \$2-5 range

MR KING: Mr President I move that the Statement be noted. Mr President I fully support the idea of an examination of the public sector and members and listeners ought to be aware that the public sector simply doesn't include the Norfolk Island Administration or the Public Service as we know it but it takes in the wider area of the Legislative Assembly, the Government, Tourist Bureau and other semi Government organisations. I support it if there's a sensible and objective approach to it, which I'm sure there is at this stage but I will not support it or will not continue with my support of it if it simply turns into a rehash of the old kick the Public Service campaigns of which we've seen many over a number of years and I'm not suggesting for one minute that Mr Brown would embark upon it with that objective in mind, but I make my point fairly clear on that. I don't simply want it to be seen as an exercise in kicking the public servants. I don't want it simply to be an exercise in designing a mechanism which will enable career paths to be destroyed just so that you can have a facility to throw someone out as quickly and cleanly and as quietly as possible from the Public Service but at this stage I offer it my full support

MR BROWN: Could I correct some ... I attempted to make comment just a moment ago about the ability to obtain copies of the paper. I did correctly say that I expect there would be a small charge for it, I think I said between \$2-5 and that charge will be worked out during the course of today. What I didn't make clear is that the most appropriate place to obtain a copy will be in fact from the Legal Clerk at the Administration offices rather than from the Clerk to the Legislative Assembly

MR PRESIDENT: Thank you. The question is that the Statement be noted

QUESTION PUT
AGREED

MR PRESIDENT: Are there any further Statements?

MR BENNETT: Thank you Mr President. I want to make a short Statement on the new telephone exchange. Members will be aware that the

last Assembly allocated a budget of \$1,400,000 to instal into the Norfolk Telecom a new telephone exchange. Of that \$1,400,000 the contract price for the actual exchange was just a fraction under \$1,250,000 the balance was taken up by a number of consultancies, staff training and indeed the software that will be necessary to transfer the information from the telephone exchange to the Administration in a form compatible with the billing process in the Administration, and that's not cheap software by the way.

The new Telephone Exchange for Norfolk Island is an Ericsson AXE 103 digital exchange and it is currently scheduled to be cut over or switched on on the 1st September next. The installation has been under the supervision of the Ericsson's Project Engineer Mr Rolf Lindstrom with the assistance of Norfolk Telecom Staff, Alan Summerscales, Sputty Douran, Lou Quintal and Kim Davies. To enable the day to day running of the Undertaking to be unaffected during the installation of the new exchange the services of Hudson Pratley, former Technical Officer, Norfolk Telecom, was engaged to assist in this area.

Mr President the new exchange will be equipped with 2000 local telephone lines as compared to the current 1,400 we've now got at full capacity, but this exchange can be expanded to meet any future demand. There will be some changes to a few things.

The local numbering system will be increased to five digits with each local telephone number having an additional digit "2" before the existing numbers. Full information about that will be contained in some further press releases which will be made available to the local paper, just to make sure that people don't become confused by it and in addition,, the new telephone book will be printed with the new telephone numbers, or I should say, with the old telephone numbers with the new digit added.

The overseas IDD circuits will be changed with this new exchange to both way circuits, representing in itself a significant increase in availability of telephone lines off Island. There are currently nine lines. This will increase to twenty.

Upon the cut over, to the new exchange subscribers will notice a slight change in the dial tone and the following changes to dialling procedures for local and international calls will come into effect. I said earlier that in respect of local calls, you'll need to insert an additional digit "2" before local calls. For international calls, including Australia, the IDD access number will be 00, so you will simply dial 00 followed by the country code, area code and the required number. That represents a little bit of a change from the situation at the moment where to make a telephone call to Australia, you simply dial "9", and then the area code, straight in and the telephone number. Following the installation of the exchange the IDD access will become 00, and not 9 and the country code for Australia will be used and that is 61. That information will also be explained in a very digestible form. There will be changes to the numbers for operator connected calls. Advice and information about those will be provided.

The new Telephone Exchange contains or will contain eight recorded information messages read in both English and then in Norfolk by David (Diddles) Evans and Darlene Buffett. These will be to assist people who have the old phone book or old numbers and dial in the pre-recorded message will tell them to add a digit or exactly what to do in that situation.

Telephone accounts will be issued monthly itemising IDD calls for the first and this itemisation will include the number dialled, the date call was made, the time call was made, the duration of call and the cost of call and that will appear on your Telephone account.

Mr President shortly after cutover/connection to the new Telephone Exchange, Norfolk Telecom will be offering its customers the following enhanced subscribers facilities for the small charge of \$10.00 per annum per facility and these additional features include call waiting, enquiry services, outgoing call barring, hotline service, immediate diversion to a desired number, diversion on busy to a desired number and diversion on no reply and if I could just explain that a little bit better. The hotline facility for example allows you to have a preprogrammed number, the moment you pick up the receiver it will dial that number. That number will be recorded in the exchange and that's a useful mechanism for emergency services for example. On the outgoing call barring this will allow telephone subscribers to have their own pin number so they can prevent people using the telephone for ISD calls without their knowledge.

I'm sure parents of some children who like to call people overseas must be heartened by that Mr President.

There is the immediate call diversion which is commonly referred to as

follow me. This means that if somebody wants to reach you you can programme in another telephone number where you might be if you are not at home so that if they ring you at home it will automatically transfer the call to the number at the premises or house where you're going, and that also has some interesting or necessary features in terms of emergencies or whatever. A similar system is diverting the telephone call if there's no reply. After a certain number of rings you might programme it in to say, try another number. I could be at another number so that service will be available or if you're on the line and somebody else is ringing in and you want to make sure that that person doesn't hang up and go away you can arrange for the second call to be diverted somewhere and lastly, the call waiting provision simply allows you, whilst you are on the telephone, to be aware that there's another call coming in and at that time you can either ignore the incoming call or you can terminate the call that you've got and initiate the new call or you can hold the call that you're on and find out who's also ringing you. The enquiry services Mr President are things like add on conference phone, hold enquiry for transfer and a full three party service arrangement. There is a lot of technical detail in what I've just said and I just want to say that this information will be put together in a very readable form. I don't want people to start ringing the telephone exchange and pestering them with calls at this early stage while they are flat out trying to get the last parts of the new exchange in in time for the cut over. I will make this document available perhaps by mail drop to all mail boxes or through the Norfolk Islander or both. We are keen for people to be very aware of the change, very aware of the new services that will be available and very aware of the new type of telephone accounts etc. Thank you

MR PRESIDENT: Any further Statements?

MESSAGE NO 49 FROM THE OFFICE OF THE ADMINISTRATOR

MR PRESIDENT: There being no further Statements we move on to Messages Honourable Members. I have to report that I have received the following message from the Office of the Administrator, it is message No 49. On the 30th June 1992 pursuant to subsection 21(2) of the Norfolk Island Act 1979 (a) I declare my assent to the Appropriation Act 1992-93 which is Act No 8 of 1992 and (b) I reserve for the pleasure of the Governor General the Statute Law Revision (Ministerial Powers) Act 1992. Dated this 6th day of July 1992. Alan Kerr Administrator.

Any Reports from Select and Standing Committees?

NOTICES

In that event we move to Notices Honourable Members.

NO 1 - TERMINATION OF OLD EXECUTIVE OFFICES

MR KING: Mr President I move that the appointment of (a) Michael William King to the executive office designated Minister for Community Services; and (b) Ernest Christian to the executive office designated Minister for Immigration and Tourism be terminated, and that the Administrator be advised accordingly. Mr President this motion and the two following are purely mechanical motions arising out of a reshuffle of executive responsibilities. I'm hopeful that all three motions are successful and that we can get on with the business of Government. If of course the first motion is successful, and the following two fail then I'm out of a job. Thank you Mr President

MR BROWN: I fully support both sackings

MR SANDERS: I fully agree with the comments made by Mr Brown, but I also wish to add that I'm totally opposed that Mr Ernie Christian should have authority on immigration matters and I'm very pleased to see the sacking, although I do notice in the paper coming on

MR KING: Point of Order Mr President, I'm sorry Bill. You can say that to the next motion. We are addressing the termination of matters here not the appointment of executive responsibility

MR SANDERS: I'm debating the termination of these offices

MR PRESIDENT: Fine. On the termination basis, Mr Sanders

MR SANDERS: And I'm referring to why I am pleased that these two positions are being terminated and my reason for Mr Ernie Christian's one is on the matter of immigration as Mr Christian has been instrumental in actual fact of creating most of the immigration problems that have existed on Norfolk Island and worst than that Mr President he was actually caught rorting the system towards the end of the

MR PRESIDENT: Order. Order Mr Sanders. That is not a proper comment in respect of Members of the Assembly

MR SANDERS: He wasn't a member of the Assembly at the time Mr President but he indeed was rorting the system

MR PRESIDENT: I'm referring to, referring to Members of the Assembly Mr Sanders in a manner that might be thought to have imputations or referring to improper motives or the like. Personal reflections

MR SANDERS: It wasn't intended... no that's not true... it was intended as personal because he in actual fact

MR PRESIDENT: Yes, then if it was intended to be personal I must ask you to withdraw it. You'll understand that I have a need to enforce the Standing Orders Mr Sanders

MR SANDERS: I do understand that. Its I was just wondering Mr President how I was going to be able to say it without being offensive. This Mr President has been a matter that has actually been, or was almost a court action

MR PRESIDENT: Yes Mr Sanders, it's not a matter for debate. I would ask that those parts that are considered offensive be withdrawn

MR SANDERS: As you wish Mr President

MR PRESIDENT: Thank you

MR SANDERS: I'll just say in conclusion. Well. There's very little else to say of course other than there is obviously the numbers to have this motion passed and the new appointments particularly in light of, as Mr King has previously told me that Lester Semple takes his directions from Mr King so there'll be full support in this one

MR KING: I beg your pardon

MR BROWN: I would just like to say one more thing and that is that I'm very sorry that Elva is not here today to see justice being done

MR PRESIDENT: Any further debate? Then I'll put the question. The question is that the motion be agreed to

QUESTION PUT
AGREED

NO 2 - VARIATION OF DESIGNATION OF EXECUTIVE OFFICES

MR KING: Mr President I move that for the purposes of section 12 of the Norfolk Island Act 1979, the resolution of the Legislative Assembly made under that section on 20 May 1992 be amended (a) by omitting the designation "Minister for Community Services" and substituting the designation "Minister for tourism and Works"; and (b) by omitting the designation "Minister for Immigration and Tourism" and substituting the designation "Minister for Immigration and Lands". Thank you Mr President I have no further debate on it

MR PRESIDENT: Debate? Then I put the question and the question is that the motion be agreed to

QUESTION PUT
AGREED

NO 3 - APPOINTMENT OF NEW EXECUTIVE OFFICES

MR BENNETT: Thank you Mr President. I move that (a) Michael William King be chosen to be appointed to the executive office designated Minister for Tourism and Works; and (b) Ernest Christian be chosen to be appointed to the executive office designated Minister for Immigration and Lands, and that the Administrator be advised accordingly. I have no further debate Mr President

MR BROWN: I seek Leave to move an amendment

MR PRESIDENT: Is Leave granted? Mr Brown

MR BROWN: I move that in paragraph (b) of Mr Bennett's motion the name "Ernest Christian" be deleted and "William Winton Sanders" be inserted in its place. If I could speak to it. Honourable Members at our last meeting Mr Sanders was removed from his executive office because a majority of the Members of the House had a disagreement with the way he had handled part of his Tourism responsibilities. The Tourism portfolio is now proposed in this motion to be given to Mr King and there has never been any argument as to Mr Sanders' performance in any other area of his executive responsibility. During the debate at our last meeting on a number of occasions I suggested to Members that it would be appropriate for Members to telephone a particular gentleman at Air New Zealand and another gentleman at Qantas because much was made in the debate in relation to Mr Sanders sacking of a suggestion that Air New Zealand and Qantas were very concerned at the terminations which had occurred at the Tourist Bureau and that unless some significant action was taken by the Legislative Assembly in relation to those terminations Qantas and Air New Zealand would not be inclined to put alot of effort into the promotion of Norfolk Island. Now I asked on a number of occasions that Members ring the two gentlemen who were suggested to have made those statements and to my knowledge apart from Mr Sanders having rung the gentleman at Air New Zealand and my having also spoken to him, not one of you chose to make those calls. Since the dismissal of Mr Sanders, the Chairman of the Tourist Bureau has visited Ansett Express in Sydney and has visited each of Qantas and Air New Zealand in Auckland and he has been very well received in each of those places. He in fact went armed with a letter from Mr Ernie Christian as Minister for Tourism at the time

MR CHRISTIAN: Point of Order. He didn't go with a letter from me purporting to be Minister

MR PRESIDENT: Yes. I don't take that as a Point of Order Mr Christian but I will give you the opportunity to speak on the matter so that you have an opportunity to put your view

MR BROWN: I wasn't suggesting anything improper on Mr Christian's part so if that was read into what I said, I certainly apologise. He went with a letter in which Mr Christian basically introduced him to the airlines and assured the airlines that the actions which had occurred at the Tourist Bureau were necessary and in which Mr Christian said that both the Chairman and the Tourist Bureau had the support of the Legislative Assembly and certainly having received that letter, each of the airlines were very comfortable. I would still like before you vote on this motion to suggest that we now suspend the meeting and that you do now each of you go and speak by telephone with the two gentlemen to whom I've referred, Mr Hamilton at Air New Zealand and Mr Blackford at Qantas and I would like you to satisfy yourselves as to just what discussions did occur between Mr Bennett and each of those gentlemen and I would like you to satisfy yourselves as to whether or not Mr Bennett may have misunderstood some of the things that were said to him. It certainly would be fair to say that during the term of the last Assembly Qantas and Air New Zealand were not happy about the way that Tourism was being handled in Norfolk Island. It would be fair to say that they felt the Island had lost direction. It would be fair to say that there seemed to be more attention given to the question of whether Norfolk Island was to be a domestic or an international route then to the other aspects of the promotion of tourism and it would be fair to say that each of them had probably come to the conclusion that until such time as Norfolk Island got its act together there wasn't alot of point in their putting time effort or money into it. In the case of Qantas at least it would also be fair to say that every Qantas manager would be giving some consideration to the forthcoming impact of the Qantas

privatisation. Until now much of what Qantas has done has been done as the Australian flag carrier and in many cases for political reasons. For political reasons Qantas would certainly want to continue flying to Norfolk Island while it is wholly Government owned but once privatised it would be reasonable to expect that Qantas would examine whether or not it's making a profit on the run to Norfolk Island

MR BATES: Point of Order Mr President. Point of Order 65. I think Mr Brown is digressing from the motion before the House. I also find Point of Order 68, that alot of this is tedious and not relevant

MR PRESIDENT: Mr Bates, at this time I consider that Mr Brown's matters being raised are relevant to the amendment that he has made to this particular motion

MR BROWN: Yes. I suggest that it would be quite relevent for Qantas to be giving thought to whether or not it makes a profit in its operations to Norfolk Island and it would be quite relevant for it to be taking a view that unless its Norfolk Island operatioons do make a profit come the time of privatisation Norfolk Island might be dropped. Now what I have just said is very different to a suggestion by either of Qantas and Air New Zealand that they wish to be involved in a local political issue and that they were not happy to continue dealing with Norfolk Island because of what had happened at hte Tourist Bureau and in fact, Mr Christian's letter tot he airlines would indicate that he had already formed that view himself so my suggestion is that you go and ring those two gentlemen before we vote on this because if you come to the same conclusion that I have then the removal of Mr Sanders was clearly in error and it is clearly quite proper that he be reinstated today to enable Members to make those calls, is it appropriate for me to move that the House do now suspend for fifteen minutes

MR PRESIDENT: I wouldn't normally entertain that motion at this time Mr Brown but I would look to Members to see what they would want to do

MR BATES: Can we debate that Mr President, can we debate that?

MR PRESIDENT: I will give you the call so that you could add your views but before we get to that stage I did say that I would give Mr Christian the opportunity to speak to respond to some comments made earlier

MR BROWN: Yes, well that's all I wish to say at this stage

MR CHRISTIAN: Mr President I just wanted to say that the letter was signed as "Executive Member" which I was quite entitled to do at that stage, I'de been duly sworn in

MR BATES: Mr President I could say quite clearly that if we adjourn for fifteen minutes I have no intention of making phone calls. That part of the debate at the previous meeting had no bearing on the decision I made or came to. My decision was based on other arguments. I could make all the phone calls in the world, but it would not change the opinion I formed through either issues. Mr Brown continues to keep pushing, let's go ahead and make phone calls.. make phone calls. Well he can make phone calls but I have no intention of making any phone calls

MR ROBINSON: Thank you. Like Mr Brown I believe it would be a good idea to suspend but obviously the numbers aren't there. I don't have too many problems with part a. but now that the six Members of this House have extracted revenge on Mr Sanders for the Tourist Bureau dismissals we find that they now expect us to support a man for executive position who would a. dig a hole and sell himself for topsoil in order to pay for the project b. a man who promised people that the mess made by the Water Assurance Scheme would be made good c. a man who said that the upgrading of the Burnt Pine roadway would be finished by the end of last June. The only way I would support Mr Christian in an executive office is if there were a Minister for Bovine Excrement

MR PRESIDENT: Order. Order Mr Robinson.

MR ROBINSON: You may have a point Mr President

MR PRESIDENT: Yes and I would ask you to withdraw that
MR ROBINSON: I withdraw my offer of support

MR PRESIDENT: Thank you. I am really talking about the
inappropriate comments

MR ROBINSON: Oh yes. I think I have. Then again perhaps
you've messed that up too. I support Mr Brown's motion

MR PRESIDENT: Further debate. Then what we have .. Mr Brown,
did you want to pursue the matter of

MR BROWN: If all Members are of a view that they are not
interested in making the phone call there would clearly be no point but I
certainly do hope that Members will make that call so that justice can be
done for Mr Sanders. He has been quite unfairly treated at this stage.
It would seem that no-one's interested

MR PRESIDENT: Yes. I will now proceed to put the motion of
amendment Mr Brown and that is Mr Brown's amendment that Mr Ernest
Christian be deleted and Mr W W Sanders be inserted. That is the
amendment that is in front of us Honourable Members

QUESTION PUT

Clerk if you would please call the House

MR BROWN	AYE
MR BUFFETT	NO
MR BATES	NO
MR SEMPLE	NO
MR BENNETT	NO
MR ROBINSON	AYE
MR CHRISTIAN	NO
MR KING	NO
MR SANDERS	AYE

Result of voting Honourable Members, the AYES THREE the NOES SIX, the
noes have it. We now proceed to the substantive motion

MR BROWN: Could I seek leave to move a further amendment? I
move that the name Ernest Christian be deleted and the name Cedric Newton
Ion-Robinson inserted in its place

MR PRESIDENT: The second amendment we have is that Mr Ernest
Christian be deleted and Mr Robinson be inserted. No debate? Then I
will put that question

MR BROWN: I'm sorry. I was distracted by a rude gesture
being made by a person leaving the Chamber. I don't know whether that
was directed to me or to you in the Chair Sir but it was an American
gentleman that was leaving and it was most disturbing that such a gesture
was made in this House. I have moved an amendment nominating Mr Robinson
for this executive office and I do so because he was a Member of the last
Assembly and is now quite an experienced Member. He has become quite a
fluent Speaker and he's a person who has to be respected for the diligent
homework that he does before his meetings. He would, without doubt, be
an excellent executive and I hope that Members will support the amendment
that I've moved

MR PRESIDENT: Thank you. Further debate?

MR SANDERS: Mr President, I totally support the current
amendment. I consider Mr Robinson an excellent choice. He has no
personal barrow to push. He is not in the slightest power hungry and the
majority of the others are, he thinks out matters clearly and on matters
of preserving the Island his past record is excellent. I totally support
it

MR PRESIDENT: Thank you. Any further participation? Mr
Robinson

MR ROBINSON: Does that mean you will have to turn the sand

glass Mr President?

MR PRESIDENT: Yes it might for a minute but I don't think so. I'm about to put the matter to the House in a voting sense and one Member has just gone next door for a minute. There is a procedure for that as you know Honourable Members to turn the glass and wait two minutes but I don't think we need to go through that procedure unless you're going to insist upon it, I think it could be probably a bit more simple than that. I therefore put the question to the House that the amendment, that is, that Mr Ernest Christian's name be deleted and Mr Ric Robinson's name be inserted. The question is that that be agreed to

Clerk if you would please call the House

MR BROWN	AYE
MR BUFFETT	NO
MR BATES	NO
MR SEMPLE	NO
MR BENNETT	NO
MR ROBINSON	AYE
MR CHRISTIAN	NO
MR KING	NO
MR SANDERS	AYE

Result of voting Honourable Members, the AYES THREE the NOES SIX, the noes have it

MR BROWN: I move a further amendment? I move that the name Ernest Christian be deleted and the name Brian George Bates be inserted in its place

MR BATES: Mr President I decline.. It saves us going around the merry-go-round once more

MR BROWN: Could I move a further amendment that the name Ernest Christian be deleted and the name Lester Reid Semple be inserted in its place

MR SEMPLE: Mr President I decline

MR SANDERS: Mr President I'm fascinated that all these people have declined when they in actual fact prior to election had said that they would stand for executive office. Perhaps I should move a further amendment Mr President that Mr Ernest Christian's name be deleted and Mr David Ernest Buffett be in its place

MR PRESIDENT: Yes. And he declines thank you. Is there any further participation in the debate? Then we are at the original motion Honourable Members as it stands on the Notice Paper and I will put that question to the House that the motion be agreed to

QUESTION PUT

If the Clerk could again please call the House

MR BROWN	NO
MR BUFFETT	AYE
MR BATES	AYE
MR SEMPLE	AYE
MR BENNETT	AYE
MR ROBINSON	NO
MR CHRISTIAN	AYE
MR KING	AYE
MR SANDERS	NO

Result of voting Honourable Members, the AYES SIX the NOES THREE the motion is agreed

NO 4 - OPEN AIR ENTERTAINMENT CENTRE - APPROVAL OF BUILDING APPLICATION BY EXECUTIVE MEMBER

MR CHRISTIAN: Mr President, I move that this House notes the intention of the executive member to approve building application 68/1992, made by the Church of England jointly with Mr M. Prentice, to

develop an open-air entertainment centre consisting of a stage, pool, terraced seating for 200 persons, and control room including toilet facilities, subject to the conditions recommended by the Norfolk Island Building Board and specified in the document circulated to members.

Mr President at the outset let me say that the document previously circulated to members by Mr Sanders was a blank consent form. I'll just make that clear, because the way in which the document was published in the newspaper earlier this month made some people think that approval had already been given. However that is not the case.

Mr President, the reason this motion has now been moved is to allow an opportunity to members of this House to express their views on this very significant building application. Of course, the responsibility under the Building Ordinance for approving applications of this kind rests with the executive member but in making a decision on the application I would prefer to take into account the views expressed by members here today.

This particular application has had a long history. It was first submitted in early 1991, and was considered at numerous Building Board meetings between June 91 and November 1991. In November 1991, I rejected the application. However, I said that I would re-consider the application if it was accompanied by an environmental impact statement.

Consequently, the proponents had a very detailed environmental impact statement prepared by a consulting engineer. The EIS assesses the following factors - water use (hydrology, ground water and related health issues), land-use controls, flora/fauna, electricity supply, tourism policies, infrastructure effects (roads, other services), noise (from the show and generator, road and aircraft), air pollution, lighting and socio-economic aspects. It is a very full report, and I commend it to members.

After the preparation of the impact statement, the matter was again considered by the Building Board on a number of occasions. On 29 June, the Board recommended approval of the application subject to the conditions set out in the document which I have circulated.

It is my present intention, as the motion states, to approve the application. But, as I've said, before doing so I would like to be able to take account of the views of members as expressed in this House.

I think that is all I have to say thank you Mr President. I will leave the matter to other members to debate.

MR ROBINSON: Thank you. One quick little question. Until you're sworn in as an executive member are you the executive member for building at this stage? However, further on the application itself I can assure you that the Building Board were very scrupulous in their deliberations on this and there is quite a considerable list of conditions which apply to the approval

MR CHRISTIAN: Mr President I would like to table those conditions

MR BATES: Mr President I should say at the outset that I do not have a great difficulty with the concept of the proposal. I can see short term and long term benefits to the Island economy, however, I do have some comments on the environmental impact statement and briefly they relate to its public exposure and also who, if anyone, has ever evaluated it. My concerns also turn to the wetland areas and possible damage to bird populations. This matter needs some further consideration along with possible government consideration of all other wetland areas.

I have made enquiries and although the wetland areas on this site have suffered degradation in recent years I believe that with proper management there may even be ways for them to be improved in conjunction with this project. In short Mr President, at the appropriate time I would like to see the matter adjourned so that more of the public can consider the EIS and I would also like to see the EIS properly evaluated and if the proposal is approved more attention be given to rehabilitation of the wetland areas. I think even something along those lines may be able to be added to the restrictions already put on it by the Building Board and I would just like to see it adjourned for at least til the next meeting so that these things can be properly considered

MR SANDERS: Thank you Mr President. I was actually on the Building Board, I'll rephrase that, I was at the Building Board for a couple of meetings while this matter was being discussed. I was there as a replacement to Mr Ric Robinson while he was absent from the Island. My understanding is that the Building Board has done everything that was required of them to do so, it's the duty of the executive member to

consider all the applications such as this, all of them actually, on their merits and he must take into consideration the Building Ordinance, the Development Plan, the Environmental Act and any Government policies.

This they have done and I personally can find nothing in any of those documents mentioned that should prevent this application other than the public interest, and there was 113 people I believe wrote in, some of them not residents, but there was 113 persons showed interest enough to want to have the application deferred and the second one that should have been of consideration is that there is a policy that rural land should remain rural where possible. This application is not a matter of personal opinion, likes or dislikes, it's the duty of the executive member to find out whether the application fits within the bounds of the guidance that he should be considering and if it is suitable for the area he must agree. if he can find nothing in the laws or the policies to prevent this application then it should be signed with his approval

MR KING:

Thank you Mr President. I've read all the papers on this matter Mr President and I've tried to do that with an open mind and I didn't feel influenced even at the outset of my consideration by the emotion charged statements of the proprietor or the proposer of this thing as simply too greedy. I in fact have been an admirer of Mr Prentice for some time. He's a man who has built a successful and thriving business over a very short period of time. He's expanded from a very basic tour operator to providing much sought after evening entertainment, entertainment in both educational and fun value. Entertainment which has indeed been well and favourably attended and received by the majority of the tourists or patrons and if he's made a quid out of that well good luck to him but Mr President, that background alone doesn't justify carte blanche approval of any further educative entertainment proposal. Whilst his success and experience are relevant factors to take into account there are other considerations. My approach has been to examine the nature of the objections raised by the community and endeavour to test whether those objections have been met by the environmental impact statement or by other material and Mr Sanders referred to the 100 odd people who signed a statement objecting to the proposal basically on the ground that it was contrary to the public interest and they made three basic points in that claim. One, that it is a commercial development in the rural area which should remain natural, two, that the new facility will take business away from existing long established businesses and three that its presentation would cheapen and detract from the genuine history of Norfolk and its people. In the first place Mr President, Members will be aware that there is no land use planning legislation presently operative in the Island which has any specific application to this proposal and until all stages of the Environment Act are operative the executive member is guided largely by the Norfolk Island Development Plan known as the Harrison Grierson Plan, and that plan which has been adopted by the Norfolk Island Government as a strategy argues that land use policy must be to conserve the quality of the rural environment. It doesn't preclude commercial development in rural areas, it doesn't support intrusion on the equality of rural environment and it doesn't support exclusion of commercial development from the rural environment, however, it does contemplate low impact commercial development by given examples of acceptable commercialism in rural areas such as tourist tea houses or a craft shop. Personally Mr President I'm not convinced that the proposed development falls into the category contemplated by Harrison Grierson. In the second place Mr President I don't accept that it is a valid concern or consideration that the proposed activity will intrude on the business operations of others. This has never been a relevant factor in the consideration of other commercial proposals. Business people operate largely in a free marketplace with a great deal of freedom to pursue whatever activity they desire and even if laws or regulations did impose limits on various categories of commercial ventures there are in any event no similar entertainment venues in existence. Lastly, I simply can't be convinced that the facility will cheapen the Island's history. Mr Prentice has a proven record in the presentation of educative entertainment and he's not likely, and indeed it wouldn't be in his commercial interest, to tarnish his reputation with a cheap and unprofessional production. Having said all that Mr President I read the Environmental Impact Statement prepared on the proposal and I've also read correspondence to and from the Conservation Society on the matter. In a letter dated 21 April to the then responsible executive member the Society said "legislation is the Government's clearest expression of policy. Section 26 of the Environment Act incorporates a process of public decision making on whether an

Environmental Impact Statement is to be made on a proposal in an arena of debate. This invites an expectation that the public will be well informed when environmentally sensitive proposals are to be dealt with". I close that quote." The Environmental Impact Statement expressed a similar view about the process of Environmental Assessment and I quote from the Environmental Impact Statement "the Environmental Assessment Process usually involves two steps. Firstly the preparation of a document which provides information on the existing environment and predictions about the environmental effects which could flow from the proposal and secondly and most importantly review of the environmental impact Statement by the public and or government officers to consider the accuracy of the environmental impact statement and in view of the predicted effects recommend whether or how the proposal should proceed" and I close that quote from the Environmental Impact Statement. That process Mr President has not been completed. As far as I am aware the only copy of the Environmental Impact Statement which has been made public is one which was deposited at the public library. Now agreed at the last meeting of this Assembly the Environmental Impact Statement was tabled and it was from that point in time publicly and freely available, perhaps not freely but certainly widely available but I don't recall any Gazette Notice which invited public review of the Environmental Impact Statement and accordingly I concluded that the process of consideration of the application is incomplete. Mr President this is a very sensitive issue which required the fullest possible consideration and I know that the matter has gone on now for a long while and a lot of time and money has been devoted to it and I don't want to unnecessarily delay it, however, if I voted for the motion as it presently stands, I would appear to support the proposal knowing that the full process of consideration and review has not been completed. I recognise that this House cannot dictate to Mr Christian on how to exercise his authority but it is entirely relevant for Mr Christian to take into account the opinions of Members and a great deal of the Members have expressed their views. Others may wish to express further views on the matter but at an appropriate time I intend to move an amendment to the motion designed to call upon Mr Christian to ensure that the process of review and consideration is completed and you may care to let me know when the appropriate time is to move that amendment

MR SANDERS: Sorry Mr President I was asking you if you were going to speak on it

MR PRESIDENT: No

MR SANDERS: My apologies. But perhaps whilst I'm here I could say that I was under the assumption that as far as the law was concerned that all of the laws that are in force have been complied with

MR BENNETT: Thank you Mr President. I don't intend to go over the ground that's already been covered. As I see it there are three principle issues surrounding the proposal, whether there should be such a facility offered for example by way of entertainment, where it should be or should not be and lastly the one that seems to have injected itself into the debate certainly in the community, who should be allowed to operate it. As Mr Sanders has said, the thing has complied with every piece of legislation there is, I think that he made the comment where there is no impediment the executive member sort of is obliged to act. There are a couple of concerns I've got and I was pleased to hear somebody talk about the possibility of an adjournment and perhaps I should have got hold of this problem that I saw a little bit earlier but I reread the document again last night and it occurred to me that the site for it is in the flight path of 1129 runway and the lighting of the particular activity whilst I note that it has a facility for dimmers, I'm just wondering whether anything has taken into account of a delayed night operation of a RPT aircraft and what effect that that would have if you have the kind of wattage lighting in this project and whether CAA for example have got a view on such a structure with such lighting almost at the threshold of a runway. It's not a huge issue I don't think, I haven't seen anything in the report about it but I'm sure that perhaps the Building Board may have discussed it. I think it's time that I raised it either tomorrow or the next day the CAA people are over here on the Island and you know, I would be happy to find out from them officially whether there was any impediment as far as lighting affecting the night operations of passenger aircraft, so that was one of the concerns, the second concern I had was in respect to the conditions that

were placed on the application or the approval by the Building Board and I wondered whether there had been an inclusion of a requirement to dismantle and restore the area to its original form should the venture fail or should the venture in time be no longer viable. I note that it's in a rural area and the general policy has been that rural areas should stay rural, I note also that Harrison and Grierson provide in their development plan a degree of flexibility as to development in rural areas but the point made by Mr King about the low impact of such development is a factor that I would want to think again about whether the activity is in fact no low impact in terms of what Harrison and Grierson were suggesting. I'll leave the debate there but I would be happy to support any motion that didn't actually deal with it to finality today. I'm not afraid of making a decision on it but I wouldn't want to make a decision against the thing if the two or three concerns I've got are fairly easily resolved

MR SANDERS: Thank you Mr President. I just wanted to comment on a couple of matters that Mr Bennett has raised and that was returning the property to its natural condition. My understanding is that that was the original condition of the use of land given by the Church. I don't think it has anything to do with the Building Board but it has to do with the agreement with the Church and Mr Prentice. The other matter that I would like to mention is, as I said previously, I did go and have an on site inspection with the Building Board at the time and my conclusion was that if there is going to be such a thing then I felt that perhaps it was perhaps one of the most desirable places that you could have put it. There was in effect, no damage to any trees, the grazing area itself was that buffalo grass which is, I think a little bit worse than useless, the proposal as explained to us on site rather than reading about it on a piece of paper fell within everything that I was aware of, the damage to the wetlands as raised by Mr Bates would be non-existent, and in actual fact it created a little bit more by the excavation there for an artificial lake, it wasn't to intrude on what already existed and everything there was to virtually remain intact, the only thing that was... was the earthmoving would have been for the making of the artificial lake which if it was done on my property I wouldn't be real upset if they left it there, but if they wanted to the earth would still be there to replace it. There was a natural gradual slope which was my understanding, as how the seating arrangements were going to be and the amount of earth and what have you that would have been necessary to be removed from there was a reasonably insignificant amount and that was a problem, or sorry, if it needed to be replaced it would have been pretty easy with the modern equipment that is on the Island at the moment. The proposal for the road which is partly there anyhow, but I think they had to make it all weather for the facilities which were to be on the top, I think, very adequate. I passed the comment as did many others about the light and the noise and what have you thinking of the neighbours who would have been or who possibly could have been effected by it and that would have been Puss Anderson on the northern side and Mr Weslake on the southern side and the Chaplain's house, the Rectory. I was informed that as far as noise is concerned that because nobody was going to be able to prevent anybody from actually going onto the property and having a look it was in their interest to make sure that nobody outside of that group would actually hear it otherwise they were going to have a free concert so with a couple of assurances like that and with it not being able to in effect, effect the neighbours, I couldn't see any reason, and I have been involved with the Harrison and Grierson development plan right from its very first beginnings and also with the Environmental Act and I could see nothing that should prevent it, and in actual fact I thought that if it was possibly refused it was possibly subject to a law challenge if it was decided but I don't think it is a matter of likes or dislikes by Mr Christian. It doesn't matter whether he thinks the idea is atrocious. He should act in accordance with the law and that's the decision that he's going to have to make

MR BATES: Yes Mr President. As I said earlier I don't have a lot of difficulty with the concept of the proposal. I do have difficulty as I said, with the EIS. I don't think it's received sufficient exposure to the public. I did seek some advice on it as late as last night and a few questions were raised. Some of the matters in it do seem to be inconclusive. One of the matters that was raised with me is the matter of the boundary. It's not obvious from the EIS but I understand that the boundary of the property, the creek itself forms a boundary between two portions, both of which I understand are owned by

the Church but when creeks form boundaries it's very difficult to be precise as to just exactly where that boundary does fall in and I notice that the building is very close to the creek bank. It's quite possible that the Building Board has looked at this type of concept. I think that as far as the wetlands are concerned is if it's done correctly the wetlands can be improved given a period of twenty or thirty years, but I do think some of the matters in the EIS are inconclusive. There is no contour map of the area which helps to further consider the impact on it.

I would just like to see that we do have a little bit more public input, that people do get a chance if they wish to study the EIS, that somebody can make an appraisal of the EIS and we can look at the difficulties that may have come from it. I would very much like, in the interests of the public, to have it put off til at least the next meeting so that some of these issues can be looked at. At the appropriate time, if nobody else would I would like to move the adjournment

MR PRESIDENT: There are two things foreshadowed Honourable Members. Firstly Mr King has foreshadowed an amendment to the motion in front of us and Mr Bates has foreshadowed adjournment. I would suggest that we look at it in this order, because then it might assist the process. Maybe if we're at the stage of Mr King moving his amendment we can see how that is viewed and depending on how that is viewed then Mr Bates may or may not wish to pursue his motion of adjournment. Could we look at it in that order and then maybe we'll be able to decide how you would want to finalise this

MR SANDERS: That sounds pretty good to me. I think it would possibly, after Mr King moves his amendment, could we then adjourn because it would give us all that time to consider whatever is proposed

MR PRESIDENT: Mr King, are you at the stage of?

MR KING: Yes Mr President if you wish. My motion of amendment doesn't really envisage a return to the House but nevertheless I will put it in any event and Members can decide upon it and I'll talk briefly to it after I've put the motion of amendment. I want to move an amendment in these terms Mr President "That the motion as it stands be amended by deletion of the word 'approve' appearing in the second line and substituting with the words 'decide the' and deletion of a number of words appearing in the last three lines of the motion beginning with 'subject' in the third last line right through to 'members' and substituting these words 'but calls upon the executive member firstly to take adequate steps before reaching his decision to ensure that the public is given reasonable opportunity to review the Environmental Impact Statement and secondly before reaching his decision to take that review fully into account'". Would it be helpful if I read that right through Mr President?

MR PRESIDENT: Please. If you could read it to us in your proposed amended form

MR KING: That this House notes the intention of the executive member to decide the building application 68/1992, made by the Church of England jointly with Mr M. Prentice, to develop an open-air entertainment centre consisting of a stage, pool, terraced seating for 200 persons, and control room including toilet facilities, but calls upon the executive member firstly to take adequate steps before reaching his decision to ensure that the public is given reasonable opportunity to review the Environmental Impact Statement and secondly before reaching his decision to take that review fully into account

MR PRESIDENT: Thankyou. Well done

MR KING: If I could talk briefly to that. Mr President as I said before my amendment doesn't envisage a return to this House. What it seeks to do is satisfy the Conservation Society firstly in its desire to have the Environmental Impact Statement widely considered and reviewed and secondly to satisfy the process set out in the Environmental Impact Statement itself. The motion if approved would then put the executive member in a situation where firstly he would have to take adequate steps which might include perhaps gazetting the availability of the Environmental Impact Statement and calling upon public opinion or review and allow him then to take that review into account and perhaps also take into account the further views of members

and avoid the necessity of having to come back to this House, allow him to make his decision thank you

MR SANDERS: Thank you Mr President. I don't really see any need to have the second part, although I can't remember the exact words, of Mr King's proposed amendment other than that I find it offensive it's almost as if he's just appointed Mr Christian as a new executive member and now there seems a direct attempt to direct his discretion. Either he is good enough to make those decisions himself and it's appropriate that he does so and he's well aware of it, he knows of what's happened in the first place, all of the work that's gone into it, if there needs any further gazetting of notices or something, there shouldn't be any difficulty with that, but to turn around and then direct his discretion after that I personally find it offensive

MR KING: Mr President I though I had made that adequately clear and I wasn't trying to do that at all, in fact I was trying to avoid any suggestion that we should dictate to the executive member. What I'm simply putting is a means of the House finally disposing of this matter and putting it back into his arena where he can make his decision and ask him to follow a process towards making his decision

MR SANDERS: Mr President, the normal procedure would be for the executive member to do that. He doesn't need to have it dictated to him by having it as part of the motion. I'm only referring to the last piece

MR ROBINSON: Just one little comment. It would appear that this sound stage is going to take longer to end up constructing than the Sydney Opera House the way we're going. Perhaps we should just leave it up to Mr Christian to deal with it as he sees fit

MR SANDERS: There's probably much merit in the remarks just made by Mr Robinson. There's going to be support for the actions that are taken and there's going to be criticism also for the same action. Mr Christian is the person that's going to have to wear it surely it should be his decision

MR BATES: Mr President, I think that if the matter were adjourned and each and every one of us could, or the public could have access to each and every one of us to give us further views on this EIS I don't see that adjourning it conflicts very much with Mr King's amendment. I'm not certain what degree of urgency there is from Mr Prentice's point of view, I'm not really trying to delay it too long but if there is no tremendous urgency to have a decision very quickly I would still like to go ahead with my proposal to adjourn the matter to make it an order of the day for the next sitting. At an appropriate time I would like to do that Mr President

MR SEMPLE: I feel that there has been adequate time for those people who do have a genuine concern over the project to have gone and looked into it, and I tend to agree with Mr Sanders that it's up to Mr Christian now. I have no problems. I have been out there on a couple of occasions looking at it, at the area, mainly from a conservationists point of view and I believe that the development of the area can only enhance it and I have no problems with it going ahead

MR BATES: Mr President just going back to one small point I made before about the boundary. Now if the creek is the boundary and if this is close to the creek and sure enough the church owns both pieces of land but the future of one piece of land they may not always own the second piece of land, and this thing maybe pretty well spot on the boundary which may even be a breach of building practices or whatever, I think there is also, as I said before, I don't think a lot of people have seen this environmental impact statement it may have been available to them, but I think that if they were given a few weeks just to really have a look at it I don't think it ever has been studied by anybody I don't think anybody's ever made an assessment of it, and informed assessment of it and I still think there is some wisdom in adjourning it, if it is appropriate I will move that the matter be adjourned made an order of the day for the next sitting

MR PRESIDENT: All right well I think we've probably

reached that stage, are you comfortable that we get on and do that Mr Sanders,

MR SANDERS: I'd just like to make one comment beforehand Mr President, that's with regard to the boundary, that it is swampy land in the area and the creek is very wide, and I'm not too sure whether all of the Building Board members did, but I certainly had a look to see whether it would conform with areas, the distance away from boundaries, and the room there, so far as the adjournment of debate that up to the Members

MR PRESIDENT: Honourable members I will now put the motion that this matter be adjourned and made a order of the day for the next sitting

MR ROBINSON: Mr President haven't we got Mr Kings motion

MR PRESIDENT: Yes

MR ROBINSON: Of change

MR PRESIDENT: Yes, that means we have a substantive motion and amendment in front of us, and it is that package that is sort to be adjourned, that is as I interpret it if you want me to adjust it in some way you please say so to me, that's as I see it at this moment, and I therefore put the matter of adjournment those of that opinion say I, contrary no the Ayes have it. The next item to be called Honourable members is notice number 5 Legal Profession Bill 1992 Mr Brown

MR BROWN: At our last meeting I tabled by way of an information paper, a draft of the Legal Profession Bill 1992 and I now present that Bill, and I move that it be agreed to in principle

MR PRESIDENT: The question is the Bill be agreed to in principle

MR BROWN: The general aims of this Bill are to replace the inadequate provisions of the Federal Judiciary Act 1903 with respect to legal practitioners with adequate local legislation. Members will of course know that in the last round of transfers of powers under the Norfolk Island Act, the matter of legal profession was transferred to the executive authority of the Norfolk Island Government, that being the case it is appropriate that this measure be introduced. The present law relating to legal practitioners in Norfolk Island is to be found in section 55D of the Judiciary Act of the Commonwealth. That section deals with the legal practitioners right to practice as a barrister or solicitor in the Territories. It is a simple enough piece of legislation, but it certainly has its inadequacies. The legislation essentially provides that if a practitioner is on the roll of a mainland Supreme Court, the person is entitled to practise as a lawyer in the Territory, unless the entitlement to practise is suspended under the law of the State in which the practitioner is enrolled. The disciplinary provisions are rudimentary and merely provide that the Supreme Court of a Territory may order a persons entitlement to practise in the Territory to be suspended, or revoked, if the Court is satisfied that the person is guilty of conduct that justifies it, in acting in that manner. What the Judiciary Act does not provide is a system of oversight by professional bodies, detailed disciplinary arrangements rules dealing with trust money held by legal practitioners and provisions relating to a review procedure with respect to fees charged by legal practitioners. The aim of this Act is to rectify those inadequacies, and bring the Island into line with mainland jurisdictions. In doing so, however, some special features of Norfolk Island need to be taken into consideration. First there is no Norfolk Island Law Society, nor, given the size of the Island and of its legal profession is there ever likely to be. Therefore the Act makes provision for practitioners to be attached to a relevant mainland professional body for oversight and disciplinary purposes. Secondly, practitioners in other jurisdictions are responsible subject to the law enforce in those jurisdictions for organising audits of their trust accounts. As well inspectors employed by law societies may inspect the trust accounts. These provisions would not be appropriate in Norfolk Island, and in practice it is unlikely that mainland law societies would want routinely incur the expense of sending trust account inspectors to

the Island. For those reasons it is proposed to give the function of auditing solicitors trust accounts to the Norfolk Island Government Auditor. The Norfolk Island Government Auditor would audit trust accounts confidentially and would report not to the Government but to the relevant mainland professional body. A practitioner would need to pay a fee for this service, in order to defray the cost to the Government of the extra work involved. The other main change made from the sort of arrangements that one would expect on the mainland is that the Island would not be what is known as a primary admission jurisdiction, that is a newly qualified person or a person from another country would first need to be admitted into a mainland Australian jurisdiction, before being eligible for admission in Norfolk Island. The reason for this approach is that the scrutiny of overseas qualifications and for that matter Australian qualifications is a matter undertaken elsewhere by such bodies as barristers and solicitors admission boards. It would be impracticable to set up such a board in Norfolk Island, and so the legislation is framed in such a way that a person must be currently admitted to practise in a mainland jurisdiction before the person is eligible to practise in Norfolk Island. That probably adequately explains the thrust of the Bill. Extensive consultations will need to be undertaken on the Bill. Arrangements will need to be made with mainland law societies and bar associations. The views of the judges of the Supreme Court and of the magistrates will need to be sort. The views of local and visiting practitioners will need to be sort, as to the practicability of arrangements proposed by the Bill. In view of the proposed roll for that officer, the Norfolk Island Government Auditor will also need to be consulted, and I have written to each of the people to whom I've just referred. I think I've said enough to show that the Bill is needed, and I will now continue with the consultation process. There is a summary which I now table, and I commend the Bill to you.

MR PRESIDENT: Further debate. No further debate then Mr Brown an adjournment proposed

MR BROWN: I move that the debate be adjourned and the resumption of debate be made an order of the day for the next sitting

MR PRESIDENT: Thank you, The question is debate be adjourned and resumption of debate made an order of the day for the next sitting. Those of that opinion say Aye to the contrary No and abstentions, the Ayes have it Thank you. Notice number 6 Road Traffic Amendment No. 2 Bill of 1992, Mr Semple

MR SEMPLE: Mr President, I present the Road Traffic Amendment No 2 Bill 1992, and move that the Bill be agreed to in principle

MR PRESIDENT: Thank you. The question is that the Bill be agreed to in principle. Mr Semple

MR SEMPLE: Mr President, the purpose of this Bill is to amend the Road Traffic Act 1982, in order to change the provisions dealing with the age of which it is possible to obtain a learners licence for an ordinary vehicle such as a motor car. The Road Traffic Act in its present form, provides that a full drivers licence can be obtained at the age of 16 years, but that a person below that age of 16 years cannot drive a vehicle on a public road except for a motor cycle of limited cylinder capacity. This arrangement is a little odd when ones considers that the ability to drive a car on a road arises at the same time as the ability to obtain a full drivers licence. In affect the present Act is arranged in such a way that a 16 year old is given no time to learn to drive even under supervision. Consequently, this Bill proposes that the age at which it is possible to drive a ordinary motor vehicle such as a car, on a road, to be reduced to 15 years and 9 months. However, the age for obtaining a full drivers licence would remain at 16 years. The consequence is that in the 3 months between these two ages a person would only be able to drive a car on a road under a learners licence. Further the Bill proposes that in respect of persons in between those two ages the accompanying qualified driver must be at least 25 years old. The purpose of this provision is to prevent young drivers learning under the supervision of their friends and acquaintances, who are only a few months older than themselves. In all fairness I should make mention of Sergeant McIntosh's comments and I quote "It is my opinion that if changes are going to be made to the Act, then they should bring us into line with

other States and Territories where the minimum driving age for a motor car is 16 years and 9 months". I cant support his views for the following reasons, Firstly, restricted motor cycle permits are granted at the age of 15 years, children do therefore have some experience by handling these machines in traffic, before they apply for a car drivers licence. Secondly, because 15 year old's are on a learners permit, and only able to drive during daylight hours on small machines, I believe that they do respect this privilege and generally ride cautiously, any breach of road rules and their permits can be cancelled no questions asked. Verbally Norfolk has a speed limit of only 50 kilometres per hour. And fourthly I believe it would be unreasonable to expect a 15 year old to have to wait another one year and 9 months before he or she could apply for a car learners permit. I would support though any moves to introduce a young driver education programme, prior to a young person gaining a car drivers licence at 16. I think that adequately explains the purposes of this Bill, and more details are given in the summary which I now table, I commend the Bill.

MR PRESIDENT: Mr Brown

MR BROWN: I would be very reluctant to support this Bill if it is the fact that the police do not support it's passage. I think that the police are people to whom one should listen, in areas such as this, and if it is the considered view of our police that in fact the age for holding of a licence should be increased then we should listen carefully to that too. I know that both of my sons who are now 9 and 13 would love to be able to get a licence at the moment, and it would be a bit silly to say that its unfair that the 9 year old would have to wait. The fact of the matter is that in other places there is a particular age which you can obtain a licence, it was decided that a younger age could be applicable here, and that is what has applied until now, but if the police are saying to us that they have sound reasons for suggesting that the age should be increased, then we need to listen to that.

MR PRESIDENT: Further debate Mr King

MR KING Mr President, I would commend Mr Semple for bring this forward as a private members Bill, I emphasis as a private members Bill, because it is probably the first private members Bill for quite some time, would I be correct in saying that, perhaps some years, its a matter which falls in my executive area, I don't necessarily support it I'll certainly listen to the debate keenly on it and talk around I think perhaps, it doesn't really achieve that objectives that Mr Semple is trying to achieve and there are some deficiencies in it, nevertheless, I applaud Mr Semple for his initiative as a private member bringing the Bill forward.

MR PRESIDENT: Thank you, further debate. Mr Sanders

MR SANDERS: Thank you Mr President, I assume that there is no urgency in this matter, and that it will lay on the table for consideration

MR PRESIDENT: Mr Christian

MR CHRISTIAN: Mr President, I commend Lester for bringing this forward, I'm inclined to be a little of the mind, of Mr King it doesn't quite achieve what Lester was after. I wouldn't support it at this stage in it's present form.

MR PRESIDENT: Thank you. Further debate. No further debate. Mr Semple

MR SEMPLE: I move that the debate be adjourned and that the resumption of debate be made an order of the day for the next sitting

MR PRESIDENT: The question is that debate be adjourned, resumption of debate made an order the day for the next sitting, those of that opinion say Aye no abstentions, the ayes have it, thank you. Order of the day honourable members, order of the day No 2 The select committee matter. Mr Bates you would normally have the call but Mr Bennett has indicated that he would want to move a particular motion of withdrawal and would you be happy if he takes the call

MR BATES: Yes

MR PRESIDENT: Mr Bennett

MR BENNETT: Thank you Mr President I move that order of the day No 2 of the notice paper be withdrawn.

MR PRESIDENT: The question before us honourable members is that order of the day No 2 be withdrawn. I put that question to house Yes Mr Brown

MR BROWN: I'm not particularly happy to support or withdraw a motion there are many things happened in relation to this Tourist Bureau question, many statements were made as part of the sacking of Mr Sanders, and to enable Mr Sanders name to be cleared and to enable the truth to come out, it is perhaps appropriate that the committee actually do be formed and that it actually do inquire into the whole of what went on. Including the sacking.

MR PRESIDENT: Further debate. Mr Sanders

MR SANDERS: I totally support the comments made by Mr Brown, everybody has been to ready in my opinion to jump to conclusions. I believe that the matter should be dealt with properly. So I wouldn't support a withdrawal.

MR PRESIDENT: Thank you. Further debate. Then I put the question honourable members the question is the motion be agreed to. Those of that opinion say aye, contrary no, the clerk please call the house.

Mr Brown No
Mr Buffett Aye
Mr Bates Aye
Mr Semple Aye
Mr Bennett Aye
Mr Robinson No
Mr Christian Aye
Mr King Aye
Mr Sanders No

MR PRESIDENT: The result of voting honourable members the AYES six the NOES three the AYES have it.

MR SANDERS: Do think we should have a recount

MR PRESIDENT: The order of the day No 2 is withdrawn. Fixing of the next sitting day honourable members. Mr Christian

MR CHRISTIAN: Mr President, I move that the house at its rising, adjourn until Wednesday 26 August 1992 at 10 am.

MR PRESIDENT: The next sitting day the 26 August which I think is the normal time frame that we had earlier agreed upon. No it is a week later to take into account a number of factors that had already been explored by members, at an earlier time. Any debate? No then the motion is 26 August at 10 o'clock. Those of that opinion say aye. Contrary no, abstentions, the ayes have it. Thank you. We move to adjournment. Mr Bates?

MR BATES: I move that the house now adjourn.

MR PRESIDENT: The question is that the House do now adjourn. Debate. Mr Bates.

MR BATES: Yes Mr president, It would be fair to say that the first few months of this Assembly, have not been incident free. In less than three months we've had three different Minister for Tourism, and a change in presidency, no doubt this in is self has had unsettling affects, not only within the community but also beyond. It is unfortunate that at a time when the Island confidence and economic recovery needs a boost. Members and especially executive members time has been directed away from the real work ahead and directed towards

finding solutions to the internal working arrangements of this House and the Government. I know that all ministers of the Government are working hard on matters that need attention, and also know that they do not need to many non-constructive diversions from those tasks. I know that this Assembly is capable of working together for the future benefit of the community, and I also know that the best way to restore community confidence is through strong and confident leadership. We have to get on with the important job of economic recovery, and I urge all members to set aside personal issues and other non-constructive matters and concentrate the efforts towards that goal. If we all decide that point scoring and personal issues are out, and team work and economic recovery are in we'll be well on the way towards good and successful Government.

MR PRESIDENT: Further debate. The I put the question honourable members, there being no further debate, that this House stands adjourned until Wednesday 26 August those of that opinion say Aye, to the contrary No, any abstentions, the Ayes have it. Therefore honourable members this House does stand adjourned until Wednesday 26 August at 10 O'clock in the morning.