

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, Amen

MR PRESIDENT: Honourable Members if you would feel comfortable in removing your jackets because it is a bit close this morning, feel free to do that

Condolences

MR PRESIDENT: There are no Condolences this morning

Petitions

MR PRESIDENT: Petitions. Are there any Petitions this morning Honourable Members?

Notices

MR PRESIDENT Notices. Are there any Notices?

Questions without Notice

MR PRESIDENT Questions without notice. Are there any Questions without notice

MRS SAMPSON: Thank you Mr President. I'll direct this question to Mr Bennett. Could the Minister please give some indication as to whether the returns from the Foenkaads are up to expectations

MR BENNETT: Thank you Mr President. I can't give a substantive response to that. I was advised last night week that the 14th December, today, is the day when the principle agent will be lodging his returns and so I will have a better idea some time later today and also there is an also fairly detailed report expected from that authority as to the activities thus far and the success and failures of it so if Mrs Sampson would care to take note that I will advise her as soon as that's in, give her a copy of the report and an assessment of its success

MRS SAMPSON: Thank you Mr President. I'll take Mr Bennett's answer and I'll put it on Questions on Notice for next time because I think the public are most interested in the returns from it. The next question for Mr Bennett is, would the Minister let the House and more specifically the public, know the progress made regarding plans for developing an Offshore Finance Centre

MR BENNETT: Thank you Mr President. Just bear with me one second, I have some papers here which I'll be able to refer to. Mr President, Members will be aware that the matter of investigating the possibilities of establishing an Offshore Finance Centre in the Island has been around since November 1993 at which time a memo was sent to all Members outlining my own reaction to a conference of the Commonwealth Parliamentary Association in Cyprus which had as one of its topics a question of what is required of small countries to attract and adequately regulate Offshore Finance Centre activities. At the time and in that memorandum Members were advised that the Offshore Finance Centre in itself might provide the economy with a very useful boost that may reach the stage where it satisfactorily augments tourism to be able to take the pressure of that industry as the only industry for the Island but it's not without its problems. It is a very sensitive area and it needs to be developed very carefully. The Government would have to be absolutely satisfied that it could be regulated and supervised to such a degree

that would prevent any unsavoury activities occurring here. It would have to be established in concert with the Australian Government, their assistance would be required in a couple of areas. One to assist us to ensure that regulatory and supervisory arrangements were as watertight as they can be. There would be a need for the Australian Government to assist by some legislative amendments to Commonwealth Legislative and also their oversight on any legislation that we would be required to enact here. To date there have been two rounds of discussions with the Treasury, one in Canberra and one in London on the issue and each side sort of indicating the direction that they would like to go and for our part, we were most interested in assessing the concerns of the Australian Treasury and indeed the Australian Parliament to such a step. These discussions will continue but let me say this, that we have given assurances to them that we are not about to recreate what used to be known as the tax haven, we are about examining the creation of a legitimate international offshore financial centre controlled, adequately supervised and adequately regulated. It is not and will not be a vehicle to allow Australian companies and indeed Australian individuals to avoid any tax liabilities they have in that country and that is the assurances that will be given to the Commonwealth and that appears at this early stage to be one of their greatest concerns. It is possible to do it and that's the direction we'll be taking in that respect. In the course of the last year there have also been interviews undertaken with two international experts in the field, one in the Isle of Man and one who resides in Jersey, and I think Members have all been copied with an outline of the capabilities and qualifications of those two gentlemen and in recent days we had a further visit from a former solicitor on the Island, Bill Ahern who has since he left Norfolk Island been engaged in offshore finance centre activities for the last seven years in Hong Kong and he provided or was able to provide to members at least a different perspective to what they have heard from me over the last year and also to provide to the working group an accurate assessment of the steps that need to be taken to inch this project along. Mr President there is no absolute guarantee that we can get it up of the ground. It does look quite exciting. I am very confident that it can be controlled and will not be allowed to run away with itself, this is part of the concerns of some of the centres around the world who have poor regulatory arrangements, thus allowing the industry itself to run the show but the quality offshore finance centres have the opposite approach. They have a very strong regulatory authority and they control almost absolutely. That doesn't mean they

don't listen to the industry but they are the authority. Mr President that is where we are up to at this stage, we have to just decide the direction we will take from here and if we decide that it will involve the preparation of an argument that will go to the Commonwealth government that would show the good reasons for them assisting us in the formation of such a centre, the advantages to both sides and the like and having taken that step there are two or three other stages to be taken in the process before we could give any real indication that the centre was to be established. I will keep members informed Mr President as it develops

MRS SAMPSON: Thank you Mr President. One last one for Mr Bennett. What are the up to date positions regarding the incoming mail as there have been serious delays in receipt of information from overseas education centres that relate to enrolments for next year and I'll just make a quite selfish comment, I also have been caught up in this delay of information

MR BENNETT Mr President, as at this morning there were 86 bags of air parcel post backlog in Sydney. I'm advised that the 86 bags plus any delivery's of today and tomorrow are likely to be sent to the Island on Friday's ANSETT freighter. It is normal at this time of the year to get quite an upsurge of air parcel post, in fact, mail of all kinds and the postal authority here is well aware of the need to get parcels and letters posted to Norfolk Island as quickly as possible. They are in constant contact with Australia Post and I am confident that the best can be done between now and Christmas. As to the matter of the delay in

some of the mail that Mrs Sampson has referred to, unfortunately alot of that mail is being caught up in the decision by Australia Post to no longer send surface mail by air to Norfolk Island. As I mentioned I think the last time I spoke about it that it was a peculiar arrangement to Norfolk Island and I think one or perhaps both of the other external territories, surface mail by air. To Norfolk Island, because the airline was not charging a concessional rate for that kind of mail from which they earn a very low return they made the decision in July to no longer send it. Now the articles that are caught up are stuff that would normally be posted ordinary mail within Australia and it is possible that with the postcode of 2899 and in many cases you see Norfolk Island, New South Wales, 2899, the despatcher of the mail, that is, the person sending the parcels or large envelopes are simply believing that they are sending it to another part of New South Wales where airmail is really not that important and delivery by land is quite frequent. Mr President, after the decision was taken to not send surface mail by air which is ordinary mail we spent some time discussing with Australia Post the concern about the effect of the post code and the often inclusion of Norfolk Island, New South Wales in the addresses and they've assured me that letters and small packages up to 500g that would normally come surface mail by air would be taken out and sent by air but there is little that can be done about larger packages. Mrs Sampson is referring to University and other tertiary education material which is generally bulky and that unfortunately is caught up. There really is little that I can do about that at this time but to say that efforts will need to be made to make sure that the despatchers of the mail are aware that surface mail to Norfolk Island take six weeks and not six days in the state. What the future brings in terms of the larger question of delivery of mail, what that will bring I am not yet able to advise. We are still looking at it. It's a very complex question and at the end of the day it may not resolve the particular problem that Mrs Sampson has

MR ADAMS: Thank you Mr President. This is a question for Mr Bennett as Minister for Finance. What statutory protection have shareholders got on Norfolk Island. Which body looks after shareholders protection and in what manner

MR BENNETT: Mr President the Companies Act which is administered by the Registrar of Companies is not a mechanism in itself for protecting shareholders rights however, the Registry of Companies has a duty to control Companies registered here by ensuring that the provisions of the Act are complied with and what I'm referring to there is the lodgement of annual returns, the appointment of auditors and the holding of annual and general meetings, the occasions at which shareholders have an opportunity to not only see how company's have performed and the things that have occurred in it but are able to attend and voice their approval or disapproval. There are just a handful of instances where some companies have been tardy in lodging their annual returns and in holding annual general meetings and this matter was drawn to my attention earlier this year and is being followed up. The end result if it doesn't prove to be successful and they don't comply the options open to us are to prosecute or to issue penalty notices both of which I'm happy to use and in terms of the prosecution angle we have to be assured that it is in the best interests of the community and that takes into account the likelihood of succeeding and getting the thing resolved without expending great amounts of money in court costs and the like. Just to reiterate, the outstanding matters and there are only a handful of those, are being followed up now and I'll continue to keep Mr Adams informed

MR ADAMS Thank you Mr President. A question for Mrs Lozzi Cuthbertson the Minister for Employment. Is it a fact that a TEP holder is conducting a fee for service counselling business on Norfolk Island and if so, what would be your recommendations on the matter

MRS LOZZI CUTHBERTSON Thank you Mr President. I am aware that this TEP person is providing this service which is greatly needed and I know she is inundated with

clients and requests for help. I had assumed that she had applied for an extension of her permit to in fact carry out this work. I must confess never to having checked it out personally or asking about it. I certainly shall find out if she has applied for this permission and will ensure that she does if she hasn't but I wish to point out that even the courts have referred work to her and so has the Police and so on so it is something that is being done very openly and at the request of the authorities but I shall certainly look into it

MR ADAMS Thank you Mr President. A question for the Minister for Shipping, Mr King. Can you advise of the progress on the shipping matter since your return from the meeting with the Joint Standing Committee

MR KING Mr President, I don't think I'll bore Members with the recitation of why I went to the JSC except to recall to Member's minds that there were two reasons for an additional hearing by the Joint Standing Committee and that was the emergence of some local proponents of a stern loaded vessel arrangement for Norfolk Island and the postal imbalances issue in which it was thought the Joint Standing Committee had a role. My submission given to the Joint Standing Committee was basically as instructed by members and that was that if there were to be a new shipping arrangement in Norfolk Island, particularly a stern loading vessel then it ought to be government or administration owned. My further submission was that at this point in time we were unconvinced regarding the operation of a stern loaded vessel. The Joint Standing Committee gave me an informal indication that they may table their report in the House of Reps before its rising this term, now the Reps rose I think last week and it appears that the Report hasn't been tabled at this time, so we can expect that it will be tabled in the Federal Parliament, possibly when the House resumes in February. Mr President the working group comprises Members of this Assembly has met since my return. We've agreed that we should proceed with our own investigations into shipping irrespective of what the Joint Standing Committee may come up with in its recommendations and that in accordance with approval given by Members at an informal meeting some six weeks or so ago that we would proceed with a desk top study of the information that we already have with a view to ascertaining how much further we can proceed in the matter with our present information and we are presently in the process of having a brief or reference prepared for that desk top study to take place. The working group has also met with the local proponents of the stern loaded vessel arrangement when in fact only one member of the partnership, the working group has met with. During that meeting we had maintained our position regarding the wish of the Members of this House to operate our own stern loaded vessel if that was the way that we were going to proceed. We have however said to Mr Evans who is the single person from the local operation that we met with, that if there was information available to us from them which might convince us a) as to whether given the local conditions an SLV would work in Norfolk Island, would they be prepared to give us that information and b) would they be prepared to provide to a mutually agreed independent third party, their financial information so that we could put to that third party questions as to whether the proposed local operation might fall over financially somewhere down the track and leave high and dry as it were without a shipping service, so we have put that position to the local operators. They have not yet returned to us. I had envisaged that they would have returned by this point in time with a yeah or a nay as to whether they would provide this information to us understanding that either way if the Administration or the government proceeds with ownership of an SLV or we agree to their proceeding with an SLV operation we still need to be convinced that it is going to work so one way or another we need to be convinced. We also agreed on a procedure where we might be able to ascertain whether an environmental impact statement would be needed in the Ball Bay area, if a facility of the nature proposed by these local people were to proceed in that area. Understandably there is some reluctance on their part to provide us with a deal of this information because we are in fact competing with them but by a process involving third parties where we don't need to have direct

access to that information we may be able to solve some of those difficulties. Thank you. Sorry for the long winded answer

MR ADAMS: Thank you Mr President. A question to the Minister for the Environment Mr Christian. Can you please advise the House on the progress of Norfolk Island's fruit fly free status

MR CHRISTIAN: Thank you Mr President. I'm not at this time able to tell Mr Adams that potential trading partners like New Zealand and Australia have unilaterally declared Norfolk Island to be fruit fly free, what I can say though is that the monitoring programme for fruit fly is continuing and none have been found at this time

MR ADAMS: Thank you Mr President. Another question for the Minister for the Environment, can you advise the progress on the Cockpit Cascade regeneration initiative

MR CHRISTIAN: Thank you Mr President. The Cockpit Cascade regeneration issue is alive and well. At this stage a draft outline on proposed works or the general way that I think things should run down there has been sent to the Administrator and if we get his agreement in principle to proceed then things will happen fairly rapidly

MR BATES: Thank you Mr President. My first question is for Mr Christian. Some weeks ago I handed Mr Christian some information on special funding projects in connection with EcoTourism and I'm wondering if the Minister has had time to consider those and if he has, if he's willing to tell us

MR CHRISTIAN: Thank you Mr President. I have read the document that Brian gave me but at this time I have no comment on it. It's probably a appropriate document for the Minister for Tourism but I do agree with the principles of EcoTourism in general

MR BATES: Thank you Mr President. A further question for Mr Christian in connection with his responsibilities for commerce. The previous Assembly introduced legislation that was intended to prohibit the words "duty free" on shop fronts since this was misleading to visitors. This does not seem to have worked so could the Minister inform the House what he intends to do about it

MR CHRISTIAN: Thank you Mr President. I am aware that there was certain legislation that was introduced and in fact approved to prevent using the words "duty free" in the name of a business or even in promotional material but the laws may have been deficient. There is, sitting on my table at the moment, a document called the Fair Trading Bill which should remedy the situation that Mr Bates has outlined once that comes back before the House. At the moment Mr President I can't give a time frame for that process but it will certainly be early in the New Year

MR BATES: Thank you Mr President. A further question for Mr Christian with his responsibilities for foreshores. Is the Minister aware that the Kingston seaway is dangerous to both lighterage operations and private boat owners at low water and does he have any plans to deepen it

MR CHRISTIAN: Thank you Mr President. Yes, I am aware that the area adjacent to the Kingston jetty has become quite shallow and boats in fact can't use it at low tide and some weeks back I was approached by the President of the Fishing Club to see if the Assembly would be receptive to a proposal to carry out some work there and I said I would and am still awaiting that proposal. We acknowledge that there is a problem

MR BATES: Thank you Mr President. A question for Mrs Lozzi Cuthbertson in her responsibility for Health. Has the Minister given any oral or written directions or instructions to the Director of the Hospital Enterprise other than those which have been laid before the Assembly under Section 19(4) of the Hospital Act

MRS LOZZI CUTHBERTSON: Thank you Mr President. If by directions you mean to do something specifically which the Director had not thought of herself or we were not discussing specifically or in general terms, no I haven't given those kind of direction but we regularly talk about work that has to be done in the Hospital, the purchase of equipment, the hiring of new staff, that kind of thing and we generally agree or I may put forward other suggestions which she considers and so on. I'm not quite certain what kind of direction you had in mind

MR BATES: Well perhaps a supplementary question. Does the Minister consider that section 19(4) of the Hospital Act allows her complete powers at the Hospital

MRS LOZZI CUTHBERTSON: Mr President. I find that question so ridiculous, I want to laugh. I have no complete powers at the Hospital, I'm well aware of it Mr Bates. I have discussed it with you so many times it's a joke for you to put the question. I have very limited

MR BATES: Point of Order Mr President. I think there's something in the Standing Orders about laughing at a question of the Member or making fun of him

MR PRESIDENT: Standing Orders certainly require that Members have proper regard for each other. Maybe I should just refer to your original question. Are you really seeking a legal opinion from the Minister in asking her whether she exercises those powers Mr Bates?

MR BATES: I'm trying to ascertain whether the Minister really feels she has powers other than those vested in her by legislation, by the Hospital Act

MR PRESIDENT: Standing Orders do cover the matter of asking for a legal opinion, that's the reason I just wanted to clarify that

MR BATES: No, I don't need a legal opinion Mr President

MR PRESIDENT: Further questions without notice?

MRS ANDERSON: Thank you Mr President. I have a question for Mr King as Minister for Works. Could the Minister please advise, will it be necessary to dig up the road verge outside Barney Duffy's restaurant yet again in the near future because this is causing a traffic hazard and an intolerable dust situation

MR KING: Mr President I have no idea whether Mr Bennett's workers are going to dig up that section of the road again. Absolutely none, and I think that if he has any intentions of doing that then he should disclose them right now to Mrs Anderson

MRS ANDERSON: Thank you Mr President. I have a question for Mr Christian as Minister for the Environment

MR PRESIDENT: You mean Mr Bennett has escaped?

MR BENNETT: If I could comment. It really isn't a laughing matter. Some people have expressed concern and I suppose we should be dealing with those in a serious matter. The facts are that we have over the last year or so commenced and

completed the undergrounding of not only water through that part of the Island past Barney Duffy's, but telephone lines have gone underground, low and high voltage, there isn't any more that my Departments have got to put underground and so I can fairly safely say that whilst the big cable for the high voltage is yet to be put through the trenches, I'm advised that there will be no need to dig up that any more. Now we haven't pulled the big wire through yet, the tests on the wiring from the powerhouse to the Hospital have been successful in as much as the wire went through quite okay. We believe we've got enough trenches along there to pull the wire through without having to dig it up any further but that should be the end of it and the trenches have been done in such a way that in the future will limit also, carving up the road. You may have seen some very large trenches there, big enough for people to walk through rather than digging up. The end result is that all the power poles that you now see from the powerhouse through to at least Richard Bataille's or very shortly, also come down and so the Island will be much more beautiful as a result. We apologise for any inconvenience caused but it's in the process of beautification for the area

MRS ANDERSON: Thank you and I thank Mr King for redirecting that question for me. My next question is to Mr Christian, Minister for the Environment. Can the Minister please advise if it is not an infringement of the Building Code or the Environment Act to paint a building orange, black and yellow, and if so what steps does he intend to take to have the situation rectified

MR CHRISTIAN: Thank you Mr President. I've received a number of complaints about an eating house that was recently redecorated. I'm awaiting at this time information as to what authority I may be able to exercise in that area but I draw Member's attention to the Minutes of the Norfolk Island Building Board held on the 8th December 1994 when the said eating house had a number of applications before the Board and those applications were approved, one of them wasn't for the repainting of the building, but the Board wished to have recorded the unanimous disapproval of the exterior colour of the premises, so I'm awaiting further advise Mr President

MRS ANDERSON: Thank you Mr President. I have a question for Mr King. Could the Minister please advise what progress has been made in assessing the suitability or otherwise of the introduction of gaming machines into Norfolk Island

MR KING: Thank you Mr President. None whatsoever. I've done nothing further about it and as Member's will recall, my next step is to await the receipt of the Social Impact Study which will be passed among Members. Beyond that, it is really a matter for the community but until we get that I won't be proceeding any further with it whatsoever

MR PRESIDENT: Time has expired Honourable Members. I see that there are a couple more who wish to raise questions. Do you want to extend? Yes, five minutes. That is agreed

MR BATES: Thank you Mr President. I'm not sure after asking my last question, if it was answered. I wonder if we might ask it again

MR PRESIDENT: Did you consider that you had responded to that question Mrs Cuthbertson

MRS LOZZI CUTHBERTSON: I certainly did respond. I indicated that I do not think that I have any powers apart from the Act

MR PRESIDENT: Yes, if that has been responded to it is not appropriate to ask it again

MRS SAMPSON: Thank you Mr President. One to Mrs Cuthbertson. Would the Minister please inform this House of the number of students who sat for their HSC this year and the number who are expected to do Year 12 in 1995

MRS LOZZI CUTHBERTSON: Thank you Mr President. This year five students sat at the Norfolk Island Central School for the HSC and all of them hopefully will pass but we will not know that until January. At the moment we anticipate that twelve students will undertake Year 12 at the Norfolk Island Central School next year

MRS SAMPSON: Thank you Mr President. Another question on education. As there appear to be approximately five families leaving the Island, allegedly for education purposes, could the Minister advise if there are any deficiencies at the school that could be a reason for their departure

MRS LOZZI CUTHBERTSON: Thank you Mr President. No I don't believe there are any deficiencies at the school causing this departure but I really do not know the specific reasons these five families are leaving. I hesitate to intrude on their privacy to find out, but certainly none of them have been in touch with myself to say 'we are leaving because the school is deficient. I will find out from the Principal if he has received such advise and I certainly will advise Mrs Sampson of the result

MRS SAMPSON: Thank you Mr President. Has the Minister had any indication that the demanded 10% payrise for teachers under the New South Wales Teachers Federation has been granted and if so, what are the implications for the Norfolk Island budget

MRS LOZZI CUTHBERTSON: Thank you Mr President. I have been following the dispute in New South Wales over the pay claim of the New South Wales Teachers Federation. I have not read in any of the newspapers that I've consulted or heard on the news that the matter has been settled. I believe there are still negotiations ongoing. I will try to establish just at what stage the situation is but we have some savings in the budget from various sources and hopefully we should be able to cover whatever is the proportion that will have to be paid for the remainder of this year, out of the existing budget but until we know exactly what is approved in New South Wales in this issue, we will not know for certain

MR PRESIDENT: Thank you. Mrs Sampson, final question and that will run our time

MRS SAMPSON: May I ask for a further ten minutes

MR PRESIDENT: A further? Ten minutes. Ten minutes is proposed Honourable Members, how do you view that? Agreed

MRS SAMPSON: Thank you Mr President. Now that the nurses salaries have been settled for the time being are there other areas of the Hospital that need reviewing, both from the Hospital's side and from the public perception

MRS LOZZI CUTHBERTSON: Thank you Mr President. Yes there is some work still needs to be done to improve conditions at the Hospital and certainly we always should be looking at improving services. With regard to work as I mentioned at the previous meeting the relocation of the maternity ward is being undertaken right now and when it is finalised it will be a much more comfortable and much more serviceable unit than it is at present. In the space vacated by the maternity ward, additional accommodation for elderly inpatients will be provided so that the people who are long term patients at the hospital have better facilities and the possibility of greater privacy. Also, a quote has been called for the fencing of some space around the Hospital and particularly around the elderly inpatients accommodation so

that elderly patients who want to walk and drift around will not incur the danger of getting onto the carpark and being involved in an accident. That area will also be beautified with vines and trees and other things so it will not look like a prison. There is going to be a nurses call system installed which looks like it will cost us a considerable amount of money but will certainly make the calling of nurses by patients or by people coming after hours at the Hospital, much easier. The final cost is not as yet clear because we are making some further consultations on that. The question of improving services will begin with the arrival of a full time physiotherapist early next year who apart from providing service for fees will also provide additional services to the elderly patients and promote greater mobility and involve them in whatever suitable exercises can be devised for them to ensure that they do not deteriorate faster than they need to. Also a programme for elderly people in the community will then be devised and we will talk about that in greater detail when it is available. Further the Health Advisory Council I believe is planning to look at the larger issues of promoting public health and proposing public health programmes rather than waiting for people to get ill, hopefully will try to promote their remaining healthier longer. So that is all envisaged for next year, 1995

MRS SAMPSON: I thank Mrs Cuthbertson for that. I have two questions for the Minister for the Airport. Has the Minister contacted Ansett as requested by the Committee on the 5th of this month about the alarming number of mechanical problems that are occurring in the F28's and if not, why not

MR KING: Mr President I hate to do this. It gives the impression that I'm trying to get out of answering the questions but I'm not. Airports are Mr Bennett's responsibility but the question relates to airlines which is my responsibility. So I think it is probably appropriate that I do answer it. I think it's for me

MRS SAMPSON: I'm sorry I misled you. It's airlines and not airports

MR KING: It is an area of confusion. That is a matter about which all Members have expressed some concern. The current plant operated to Norfolk Island by Ansett is aging. I have in mind as a result of an informal discussion among Members early last week to write to Chief Management of Ansett to talk to them further about the plant that they use here. I have spoken this morning with a person on Norfolk Island who is in our employ who will be talking with this person in Senior Management this morning to get some further indication if he is able to about any proposals to replace the F28's on the Norfolk Island route, but irrespective of that I will be writing to the Chief Management of Ansett in the very near future

MRS SAMPSON: Thank you for that answer. And another one and I won't make the mistake of putting it to the wrong person. As much was made of taking on apprentices in the public service could the Minister please advise of the progress being made as the school year has now finished and no doubt interested people are waiting for some indication as to where these apprenticeships will be offered and when

MR KING: Mr President, I have expressed some disappointment to management of the public service in recent times, on lack of progress in this matter but I understand that arrangements are presently in hand to put together a policy or a plan so that we can identify where those apprenticeship positions might be available and I sincerely hope that that plan will be available in the near future, as quickly as possible. That's all I can say at this point in time

MRS SAMPSON: Three short questions for the Minister for the Environment. At the last meeting the Minister stated that the Environment Bill was unworkable but

gave no remedies. Could he advise this House as to what he intends to do about it

MR CHRISTIAN: Thank you Mr President. The Environment Bill is a massive piece of legislation in itself. It's not something that is able to be fixed in two or even three weeks. There will need to be a number of suggested amendments, solutions, options or whatever you want to call them, brought before the Membership of this House and the public service is in the process of having those options developed. Mr President I may add to that that the recent formation of the Land Review Working Group will in fact touch on some of the aspects of the Environment Act that relates to land matters and it will be dealt with in that forum

MRS SAMPSON: To Mr Christian. What progress has been made on reinstating the sponsorship arrangement at the radio station

MR CHRISTIAN: Thank you Mr President. Mrs Sampson would probably be heartened to know that I have had discussions with the personnel in Administration responsible for management and oversight of the radio station with a view to making the radio station self sufficient. That would probably involve some form of sponsorship programme and we will be discussing the options available to us in the next few days

MRS SAMPSON: The last question and you'll be pleased to hear that this is the end of it, what action is the Minister going to instigate from the Waste Minimisation Study Proposal

MR CHRISTIAN: Thank you Mr President. There are a number of recommendations in the Waste Management Report. A number of them are fairly easy to implement, in fact a process has already started there. We have prevented the dumping of batteries over Headstone now and they are being set aside until a more permanent method of dealing with them or disposing of them can be arrived at. We're placing more emphasis at all of the tips used here on the Island with the sorting of rubbish and I'm presently having discussions with the Health and Building people about the possibility of having three bins rather than one in the public places, for instance, through Burnt Pine, where glass, aluminium, papers and plastics can be put into two separate bins and I might go on to say Mr President that during budget review time which will probably happen late January early February, the implications to the waste management report will be studied in depth because some of their recommendations would range to implement them and the cost would range from a couple of hundred thousand to maybe 800,000 so it's a significant document and needs to be given thorough thought

MR PRESIDENT: Thank you. Any further Questions Without Notice this morning Honourable Members. No. That concludes Questions Without Notice thank you

Presentation of Papers

MR PRESIDENT Presentation of papers. May I firstly in Presentation of papers table this morning Honourable Members a report from the Norfolk Island Government Auditor to the President of the Legislative Assembly of Norfolk Island. It's the independent Audit Report and I table this report in terms of Section 51(d)(1) of the Norfolk Island Act of 1979. In doing so I draw your attention to the Administration of Norfolk Island Financial Statements for the year ended 30th June 1994 which was tabled on the 21st September 1994 as an unaudited version. This Audit Report refers to that document that was tabled and in very brief terms it presents a satisfactory audit report in respect of those documents. They are tabled for the information of Members

MR BENNETT: Mr President I have some regulations to table. In accordance

with paragraph 41(2)(a) of the Interpretation Ordinance 1979 I table the Postal Service Rates Regulations of 1994. Mr President I seek leave to make a short statement about those if I may

MR PRESIDENT: Yes, leave is granted Mr Bennett

MR BENNETT: Mr President the Regulations just tabled relate to the setting of Postal Fees and Charges for mail despatched from Norfolk Island to Australia. I should assure the House that the effect of these Regulations will mean that the nexus between the Australia Post charges and the Norfolk Island Postal Charges is now broken. This means that should Australia Post increase charges our postal rates will not necessarily also increase. The regulations also remove an anomaly relating to mail from Norfolk Island to Northern New South Wales, that is, N3 in the old schedule and it also clarifies Christmas Postcard rates. Unfortunately due to incorrect advise given to our postal service in 1993 that the Australian Greeting Card Rate would rise to 45♥, our own Christmas issue was printed in England with this rate. The cost of changing the artwork was many hundreds of dollars and so the discount this year was not possible however, I assure the House that the discount will be reinstated next Christmas. As an aside Mr President, given Mrs Olive Gregory's presence in the public gallery today I must as Minister responsible for the Postal Service record my admiration for the 1994 Christmas issue based upon her artwork, thank you Mr President

MR KING: Mr President I table the current Administrative Arrangements for the Seventh Norfolk Island Legislative Assembly effective from 24th November 1994

MR KING Mr President I table the tourist arrival figures for November 1994

MR BENNETT: Mr President I table a list of virements that have occurred since the 15th November 1994. Attached to this list are copies of directions given by me in their respect

MR BENNETT: Mr President I table the Financial Indicators for the months of November and move that the Paper be noted

MR PRESIDENT The question is that the paper be noted

MR BENNETT Mr President, very briefly. The Paper just tabled also incorporates the five months of the financial year but I'm happy to say that we're moving along quite steadily. Revenue is running at 98% of budget at this time, expenditure for the period is running at 85%. Of particular interest to Members would be the strong performance of customs duty. It is running at 103% of budget which represents a 24% upward change from the same period which occurred last year.

A very pleasing result. Mr President at the end of December we will be taking out figures for the half year in both this form and also in a more consolidated form which will also include performances from the Government Business Enterprises. They will form part of the discussions that we will have in the budget review period from about the middle of January onwards. Thank you Mr President

MR PRESIDENT: Thank you. Is there any debate on the question that the Financial Indicator papers be noted

QUESTION PUT
AGREED

The ayes have it thank you. Further Papers this morning. Papers are concluded

Statements

MR CHRISTIAN Thank you Mr President. I wish to make a short statement in regard to pasturage. Mr President the Norfolk Island Government made a decision to reduce the number of cattle depastured on commons and unfenced lands for the year 1993/94 and did not alter that reduced number for the 1994/95 year. The total number granted for those years was 255 head. The reduction in numbers was necessitated by the progressive fencing of both reserve areas and of private lands that were once available for grazing. Whilst the fencing of reserves still allowed for some restrictive grazing, the length of time permitted for that grazing has been severely restricted by the continuing dry conditions and the need to arrest degradation. Mr President, Members will also be aware that there are proposals to revegetate parts of the Cascade area and to arrest degradation of the hills in that part of the Island. A final plan of the proposal for the area has not been completed but I can say that there will be further restrictions to available grazing lands, the exact extent of which is not fully identified. Mr President this week's gazette will carry an invitation for applications to be made for grazing rights for the 1995/96 year which commences on the 1st April 1995 and I have asked the Community Services Manager to include an appropriate notice indicating to those who already enjoy rights of pasturage that there may be a need for a further reduction and to any applicants that it is unlikely additional rights will be approved. Mr President this early note is to allow cattle owners to consider management strategies prior to March of 1995 when it is anticipated that all of the proposals for additional fencing of reserve areas and a number of rights to be granted will be known. I do not anticipate an increase but on the contrary, a decrease in pasturage rights

MR PRESIDENT: Thank you Mr Christian. Further Statements Honourable Members

MR CHRISTIAN: Mr President I wish to make a short personal statement. Mr President, Members will be aware that a Pecuniary Interest Register does not exist here in Norfolk Island whereby the elected representatives of the community must declare their business interests. Mr President it is my view that from time to time all elected representatives should publicly state their business activities and of equal importance is the need for members with no commercial activity to state their type of employment and by whom they are employed. Mr President for the public record I have an interest in the following commercial activities - firstly since 1980 I have had an interest in earthmoving and civil engineering, secondly since 1987 I have had an interest in road transport and associated shipwork, thirdly since 1992 I have had an interest in aviation and lastly, since 1992 I have also pursued interests in shipping. Mr President I hope that the example I have set today will be taken aboard by all Members of this Assembly and I look forward to their pecuniary interest being publicly declared over the forthcoming months, thank you

MR KING: Mr President was that personal statement made under Standing Order 55 or was it made in the order of the business on the programme

MR PRESIDENT: I interpreted that that was a personal explanation that you had put forward Mr Christian and that you had raised the wont to do that prior to coming here this morning

MR KING: I see. And therefore unable to be debated

MR PRESIDENT: That's true. There are other ways Members may raise matters of course Mr King but I've interpreted it in that context. Anything further this morning in respect of Statements

MR BENNETT: Mr President I'm pleased to give the following progress report in relation to the redevelopment of the Norfolk Island Airport Terminal Building.

Members will recall that Airport Planning Pty Ltd, Airplan were appointed in October 1993 as project manager for the upgrading of the Norfolk Island Airport Terminal Building. The Airport Terminal Redevelopment has now reached the stage whereby tenders have been invited. Expressions of interest from potential building contractors was sought earlier this year in January in fact. Fifteen building contractors registered their interest, seven of which were local contractors. From these expressions of interest all local building contractors were selected, three from Australia and one from New Zealand. These were people selected to be the recipients of the official tender documents once they were released. Since the selection of potential tenderers, one local building contractor has indicated his intention to depart Norfolk Island and the documents which would have passed to him have now been passed to another local building contractor. The tender documents were received by Ansett Airfreight in Norfolk Island on Monday 5th December and hand delivered that day to the local building contractors by the Health Building Surveyor. At that time it was announced that tenders would close on the 4th January 1995. Since that time there have been comments raised by some of the potential tenderers about the shortness of time between now and the 4th January, given the festive season and the difficulty that that will bring for local tenderers to get all the prices they need. I've received a recommendation this morning that the tender closing date should be extended to the 1st February 1995 and I've accepted that advise. All local tenderers and the four from overseas will be advised accordingly today. Mr. President commencement of work on the redevelopment of the terminal will depend of course on the successful tenderer and the tender process which needs to be assessed by the Tenders Committee. However, it is not envisaged that work will commence prior to the end of February 1995. I will keep Members informed

MR PRESIDENT: Thank you Mr Bennett. Any further Statements this morning. Then Statements are concluded Honourable Members

Reports from Standing and Select Committees

The next is Reports from Standing and Select Committees. Are there any such Reports this morning?

MRS ANDERSON: Thank you Mr President. I should like to report that the Select Committee on Electoral and Constitutional Matters is now preparing its first draft report and I should like to thank the members of the community who have contributed to our deliberations. I have been approached in recent times by a couple of Members who have asked if it was too late to include something in the report. I would ask that if anybody else does want to contribute that they do so in the very near future because we must close off at some future point not too distant thank you Mr President

NOTICES

MR PRESIDENT: Thank you. We are at Notices Honourable Members

NO 1 DETERMINATION OF GENERAL PERMIT QUOTA - IMMIGRATION ACT 1980 -

MR KING: Mr President I move that for the purposes of subsection 21(1) of the Immigration Act 1980, this House resolves that it be declared by instrument in writing that 17 general entry permits be granted during the period 9 February 1995 to 8 February 1996. Mr President the quota number contained in the motion was in accordance with existing population policy and in accordance with my practice of reviewing the quota each six months by conducting a six monthly review I am able to quickly take into account any extraordinary factors which have occurred when adjusting the quota for the subsequent six month period so it can be anticipated subject to influencing factors remaining much the same that a further quota of a

similar number will be set in August 1995 thank you

MR BATES: Thank you Mr President. Listening to Mr King this quota number seems to be a figure that matches the policy on growth and population and since that is an accepted policy and this happens to be the number then on that basis I support the motion. However Mr President I continually say that I don't really support the concept of a quota figure as the answer, for instance, who are these people going to be. Are they going to boost the economy or later are they going to become a burden on it. Now, what are our future aims and how does immigration support and enhance those aims. We should have the ability to be more selective, more definite on who these people are and how the community will benefit. At present, families are leaving the Island, advertised vacancies are attracting up to over a dozen applicants and there are about forty names currently appearing on our unemployment register as persons being underemployed so I ask myself how is this quota increase going to fix those problems and frankly Mr President I don't know. Perhaps none of the seventeen who benefit from the quota increase would have any real impact on the issues raised at all, and maybe it will be the eighteenth or the nineteenth down the track that could be a real benefit to the community and they will simply miss out because of the quota. Mr President I did speak briefly with Mr King this morning asking him why he didn't refer this matter to the Immigration Committee because I have spoken to some of the Members of the Committee and I'm a Member of it too, and he explained to me that as it is in keeping with the Policy then it is not his policy to refer it to the Committee. I wonder if he may like to comment on that or not but I think I understand why he hasn't referred it to the Committee from what he told me this morning

MR KING: Well Mr President I didn't say that it wasn't my policy to refer it to the Immigration Committee I said it is a matter of policy - it has never been referred to the Immigration Committee unless and I concede that I'm getting old and a little forgetful but I can't remember one time when the quota calculation or quota number was referred to the Committee either in my time as an Immigration Officer or in my time as the Minister. It is in accordance with an existing agreed policy. It hasn't departed from that, on the surface there doesn't appear to me to be any necessity to refer it to the Immigration Committee. As to who might benefit from the seventeen numbers, well I don't know, I guess they will be doled out in accordance with existing policy and I know that the existing policy is not the be all and end all and it will never be the be all and end all in Immigration. I mean, it's the worst area in Administration or Government to be involved in because you can't keep everyone happy. I would like to think that it met economic objectives, it met social objectives, I can't be too sure. What we can do is simply continue to review and redefine existing policy. Mr Bates has a role to play in that area being a Member of the Immigration Committee. As to how this seventeen might benefit the economy or any other aspect of the community well, again, it's up to - not only Mr Bates as a Member of the Committee but for the whole Committee to take a leading role in making the assessments and identifying where the benefits or major benefits lie in dealing with the individual applications and their merits

MRS SAMPSON: Thank you Mr President. As a past member of the Immigration Committee I might take up with Mr Bates that the Immigration Committee is advisory only so any comments, advice or recommendations that they may make can in matters of personal immigration or policy can be overruled by the Minister so I would put it back to Mr King that the directions on immigration entirely rest with the Minister. I don't feel that the Immigration Committee has much input

MR KING: Just on that point Mr President. I don't want to draw this into a peripheral argument but let me say that it would be foolish Minister who would disregard totally the advice of a statutory body that has a statutory footing, it is no longer an ad hoc baseless committee and I repeat again, it would be foolish

Minister who would disregard the advise of a statutory body so they do have a meaningful...

MRS SAMPSON: I just make the comment that for Mr King, Ministers have in the past disregarded advise from Immigration Committees, thank you

MR PRESIDENT: And those Ministers remain anonymous no doubt. Is there any further participation Honourable Members. No further participation then I put the question which is that the motion be agreed to

QUESTION PUT
AGREED

The ayes have it thank you

NO 2 - TOURIST ACCOMMODATION ACT 1984 - DETERMINATION OF QUOTAS

MR KING: Mr President I move that this House, under the Tourist Accommodation Act 1984 - (a)revokes all resolutions made for the purposes of section 8; and (b)resolves that, for the purposes of that section - (i) under subsection (1) - the maximum number of tourist accommodation houses is 42; (ii) under subsection (3)(b) - the maximum number of guests who may be accommodated in all tourist accommodation houses registered under the Act is 1256; and (iii) under subsection (3)(c) - the maximum number of accommodation units that may be permitted in a particular tourist accommodation house specified in column 1 in the Schedule is the number specified opposite in column 2 in the Schedule which I'm about to table is the number specific opposite in Column 2 in the Schedule which I'm about to table and which has appeared on the Legislative Assembly Notice Paper No 9. Mr President, this is a rather cumbersome way of doing a rather simple thing. That feature is not strange to us. The only change embodied in all of this is a change which will permit the transfer of four bed licences from one apartment complex to another in accordance with the existing policy which is embodied in the legislation. I've explained this to Members, and I'm not sure whether the Members see any necessity for me to mention any names but in any event I'm aware that the entire tourist accommodation industry is aware of the changes that are taking place. There's nothing underhand. There is nothing sinister about it. It involves the acquisition by one current owner of another tourist accommodation house and the transfer of four bed licences from the tourist accommodation house that they will be acquiring to one which they presently own in accordance with the policy. I'll add further explanation if Members find it necessary Mr President

MRS ANDERSON: Thank you Mr President. Perhaps just for the sake of clarification Mr King could confirm that under subsection 1 the maximum number of tourist accommodation houses is 43 but that is no change from the previous number and that the number of guests that may be accommodated under the Act is 1,256, that that also is the previous number and there has been no change in those figures

MR KING: Well just a small change Mr President and this is my fault. The formal notice paper talks of 42 tourist accommodation houses, the earlier explanatory papers which I gave you spoke of 43. Let me explain that. Because one is no longer. There were two accommodation houses and this House dealt with this question. It involved the apartments of Bumboras which were amalgamated with the apartments at Shiralee, the number which is set by this House under 8b(1) is self reducing so where it was set at 43 before if a registration is cancelled it self reduces to 42 so that explains that reduction of 1 and certainly the number 1256 representing the number of registered beds has not altered at all nor will the existing number of units which are permitted under the Act

MR CHRISTIAN: Thank you Mr President. I certainly support Mr King's motion. If at the end of a day what we do here allows a more effective use of every accommodation bed that's available in Norfolk Island, well I think that's a good thing

MR PRESIDENT: Thank you. Further participation Honourable Members. Further debate. No further debate. The question before us is that this motion be agreed to and I put that question

QUESTION PUT
AGREED

The ayes have it thank you, the motion is agreed

NO 3 - TOURISM POLICIES - ENDORSEMENT BY SEVENTH ASSEMBLY

MR KING: Mr President I move that this House -
(1) adopts as an interim measure the tourism policies endorsed by successive Legislative Assemblies, and
(2) requests the executive member to undertake a thorough review of the policies in the light of - (i) the effectiveness of the policies since initial adoption (ii) public comment and expectations (iii) contribution of tourism to the island economy over the next five years; and
(3) requests the executive member to return to this House by April 1995 with policy recommendations arising from the review. Thank you Mr President.
I've indicated earlier to Members my reasons for bringing this motion forward and in fact I anticipated earlier on that I might adjourn this motion today. Let me make some more comments a little later on. At this point let me table the Tourism Policies referred to in the motion. Basically, Mr President

MR PRESIDENT: They are those dated Wednesday 17 September 1986, are they not

MR KING: That's correct. Basically, these tourism policies have guided Norfolk's tourism effort for some twelve or thirteen years, having their origins not in 1986 but in the 1981 Select Committee Enquiry into Tourism. Some of them, although very few have been amended from time to time and I've referred previously to changes which have occurred for example in the policy which deals with the desired level of tourism. Changes which have been introduced to policy only after those expressed desired levels have been exceeded. Mr President over the past couple of years I've attracted a degree of criticism about my handling of the tourism responsibility and some of it is justified I suppose and some of it may be not justified but over the last couple of months I've been criticised for expressing publicly the view that it is desirable to limit tourism and tourism growth in the Island. That view, not my personal view, that's not correct, it is my personal view but not only my personal view, it is a view which is embodied in the existing policy. Maybe it shouldn't be. Maybe it ought to be altered. Maybe it ought to be thrown out and whilst I don't particularly want to get into that debate again Mr President I want to give those critics and indeed the rest of the community an opportunity to express their views on the future of tourism in Norfolk Island. Ultimately I will be calling on Members of this Assembly to consider for example, whether the policies are meaningful and realistic, whether they are appropriate for the late 1990's, whether in fact they complement each other, for example it might be decided that the level of tourism by the turn of the Century should be say 40,000 or 50,000 people. In that case, it may be no longer appropriate or realistic to continue with a ceiling on tourist accommodation houses as presently envisaged by Policy No 12. Members should consider whether each of the policies has been effective and if not whether we should be putting more machinery in place to make them work, for example, have we ensured as per policy number 5. that the benefits of tourism have gone mostly to Norfolk Island

residents. Ca wha. It might be Mr President that Members see no advantage in adjourning this motion today. On the other hand I would be grateful for some initial observation and if Members want an initial period of time to give me some initial observations then by all means let's seek an adjournment. I don't mind. If an adjournment is called for and granted today then I wouldn't envisage a review or results of a review being ready by April and I may need to seek an extension of that date a little bit further along the track. Thank you. That's my contribution today

MR CHRISTIAN: Thank you Mr President. I support what Mr King is attempting to achieve here. The existing policy has been around for quite some time, there are some points in it that may need to be modified or updated. I don't see any benefit in not dealing with this motion today. I'm quite happy for it to be dealt with to finality if you like and allow Mr King to get on with his review. We need to bear in mind that if it sits on the table now, it will be sitting there for approximately two months and that may put Mr King's review back to maybe June next year and it just delays the process. I'm happy for us to go forward today

MRS ANDERSON: Thank you Mr President. I think that the tourist policies need to be reviewed, they have been set since 1986. Times have changed, I'm not suggesting that they need changing but I certainly feel that they need reviewing. I would go along with what Mr Christian says that there is no point in adjourning this motion as Mr King has undertaken to have full consultation with the community and with the other Members I see no reason for an adjournment thank you Mr President

MRS LOZZI CUTHBERTSON: Thank you Mr President. I certainly support what the previous two speakers have said. It is opportune to review policies that have been in place for a number of years, eight years and see whether the community and the industry has input to make to improve them or to make them more relevant and I see no point in waiting for an adjournment

MRS SAMPSON: Thank you Mr President. I was around in 1986 when these policies were put to the House and reading through them there are some clauses which are to my mind totally out of date and I would be quite happy to support a review of them as soon as possible thank you

MR BENNETT: Mr President I also applaud the process of review. The Tourist Policies that we are looking at dated 17 September 1986 actually arose from a Select Committee Report in 1981 and the 1986 policies are substantially the same as they were back in 1981 so they have aged somewhat and I think members only have to read through it and find that some of the things have passed us by completely. Others have been done and I'll refer to a couple of those in a minute, and I think there is probably also a need to renumber and get them into some more meaningful sequence. If I could just briefly comment about a couple of them it might illustrate my desire to support the move to get the motion through today and get on with it. Especially Policy No 7, the most beneficial length of stay for visitors in the Island is considered to be ten days or longer. Now we've seen over the period of the last decade they're coming down and down and down and yet we continue to see our apparent marketing strategies not addressing that decline, allowing perhaps the major wholesalers or airlines to look at ways of getting more revenue by selling more seats therefore shorter stays at lowers prices for a package and the like. The Select Committee Report in 1981 spent some time addressing the question of the optimum length of stay and outlined a number of advantages to the Island by following that or encouraging that, I mean, we certainly can't dictate that that happens and I certainly acknowledge that people's holiday patterns have changed a little bit but that doesn't stop us from trying to wind the number of days back upwards. It's been suggested and I think it is fact that there are varying views about the optimum length of stay within the tourist industry. For

example, whilst the airlines would prefer to have a shorter stay and turn people over more and perhaps the shops might, it's more beneficial for the accommodation proprietors to have a longer stay and less services of rooms and the like so there are competing arguments but I think what we are on about is trying to present the Island to a visitor in a way that would be long remembered and might cause many returns. I would be happy to see that particular policy reconsidered and in line perhaps with some marketing strategies that might attempt to alleviate the decline in the number of days. Mr President, policy number 11 interests me greatly. This is the policy that suggests that both the Australian and Norfolk Island Governments should exercise control over tourism, transit air passengers, airline schedules etc and in fact that was the case back in 1986 but it is no longer the case in many instances now, for example, we were part of a regulated airline service arrangement in 1986, we are now in a deregulated area and I might add that that deregulation occurred without any consultation with the Norfolk Island Government and I think, my own view is that it has exposed us a little bit to perhaps the whims of airlines. We no longer have either the political clout or the commercial clout to deal with airlines coming in here in a deregulated market. If we were for example, able to regulate, we might be able to sit down with airlines and talk about long term strategies, aircraft type, fares and all the rest of it in a meaningful way, so I guess when this particular policy comes up for reconsideration then I would be delighted to have my two bobs worth about it. I'm quite passionate about the need for regulation in the air services here and I was very sad to see that all the long term policies that were set in place by the Commonwealth years ago, carefully thought out ideas and policies toward the Island, were developed and implemented as a direct response to the accepted need for the protection of the Island's economy and it's environment. Now we had policies separately, policies existing elsewhere but at the stroke of a pen all that went aside and even our own department was saying that they couldn't assist us by helping us to promote some changes to that Civil Aviation Authority Bill which deregulated it because it would be inconsistent with Commonwealth Government's general policy. Now on the one hand, several Ministers including Tom McVeigh and Clive Holding and a few others reiterated the fact that Norfolk Island's aviation policies could well be or ought to be different to the others. I mean, even going back to 1976, Justice Nimmo said that there should be only one airline operator to take over from Qantas and what he had in mind was a regulated arrangement, not a de-regulated arrangement, otherwise you could never guarantee that you would have more than one. Of more interest to Members, when the airport was to be upgraded in 1982 and you may well remember the drama. At the time there was a divided community, but let me quote from the recommendations of the Parliamentary Standing Committee of Public Works Report related to this airline. They said in Recommendation 3, "the Australian and Norfolk Island Governments should negotiate to ensure that controls of tourism, transit air passengers, airline schedules and types of aircraft using the Norfolk Island aerodrome are effective in preserving the Norfolk Island economy and environment". Recommendation 4 says importantly, "subject to the effect of controls indicated in Recommendation 3 the Committee recommends the construction of a work in this reference". So they hinged the upgrading of the airport to that very important control. We lost that also, so there are lots of interesting snippets from the past that need to be injected into it. I think that if we had it strengthened or regulated arrangements we could deal with the issue of aging F28 Aircraft a little bit more forcefully. We could deal with the airfare question more successfully. Part of the deregulation was the abolishment of the independent airfares committee and the response to our approach to the Commonwealth to remain regulated and referring to not having the independent airfare committee was, well the prices surveillance authority in the Trade Practices group would be the watchdog for airfares. Despite pointing out to the Commonwealth that neither of those pieces of legislation extended here and we've now got no body watching over our airfares nor do we have as I said, the political or commercial clout to stand up to an airline as big as Ansett. If we were regulated, we might have a chance, so there are two that I am quite passionate about and would talk about and assist

and plenty of others. Thank you Mr President, I applaud the motion and my view is that it should be progressed to finality today also

MRS SAMPSON: Thank you Mr President. If I can put a few more words back into this debate. The No 9, it says "all weather activities are encouraged as a legitimate means of levelling the seasonal troughs in tourism patterns, now from 1986 to now it is noted that the secondary schools and the universities have all changed their terms or semesters. We have now gone through I think the New South Wales Secondary Schools now have four terms instead of three, the Universities have changed from three terms to two semesters so once again you get an entirely different pattern of activity over there and holidays which once again must reflect back through troughs which have been to my mind, levelled out by more holidays and less activity on the mainland

MR ADAMS: Thank you Mr President. I think it's a worthwhile initiative to actually review these policies, particularly in view of their age. One thing in particular which interests me is item 12 where it talks about controls in the accommodation industry. I think in this day and age I believe careful expanding of accommodation numbers could be worthwhile. Now I would only advocate any expanding, not in a large establishment form but in lower unit form or home rentals. I realise in the earlier days of this Assembly Mr President I supported the expressions of interest for a large hotel here. I am now a little unsure if that is the best way to proceed on the expansion of our tourist accommodation industry. I think also these lines as well, homestay has a place in the Norfolk Island accommodation industry. It was actually the original way that tourist accommodation started on Norfolk Island and it certainly gives the tourists a social experience with the Norfolk Island people which I believe by and large is fairly lacking at the moment. The present situation is, if any locals want to enter the accommodation market the ticket to enter is approximately \$300,000 give or take. I think for most desiring locals those are fairly well fantasy figures and what it in effect does, it makes it an exclusive industry for locals and it keeps them as spectators or servants of the tourist accommodation industry. In 1991 the then Tourism Minister I believe called for expressions of interest in expanding the tourist accommodation. At that time 25 expressions of interest were received. Virtually all Mr President from new players as I understand it. All were for small developments specifically as I've mentioned low unit numbers, homestay, things along those lines. I think the advantage of that would be a much better distribution of income to locals without the monster of excessive development and significantly, a low level of impact on resources rather than concentrating the demand on resources so I think it is most worthwhile for us to reach conclusion on the motion today and get the review rolling

MR PRESIDENT: Thank you Mr Adams. Any further contributions? No further contributions? The question before us is that the motion be agreed to

QUESTION PUT

AGREED

The ayes have it. That motion is agreed Honourable Members

ORDERS OF THE DAY

NO 1 - ESTABLISHMENT OF A NORFOLK ISLAND PARKS AND FORESTRY SERVICE

Notices are concluded. We commence to Orders of the Day. We are resuming debate on the question that this motion be agreed to and Mr Adams, you have the call in respect to this matter and the original question is published on our Notice Paper.

There are also two amendments that are foreshadowed in respect of this matter

MR ADAMS: Thank you Mr President. Members I commence again on the motion as tabled in the previous meeting of the House on the 23rd November. The concept of the motion is to provide a fundamental basis for global public lands management for Norfolk Island. The motion requires the Legislative Assembly to assume an increasing role in the area of public lands management, it requires the Legislative Assembly to increase resources allocation and human resource development in this area. Mr President the concepts in the tabled paper indicate a means for this to happen. The expanding of Forestry into a Parks and Forestry Service is an ideal way for the Assembly to be able to infuse over a period of time, a progressively increasing commitment to nature conservation on the Island, to the rehabilitation of Phillip Island and to expanding of our capabilities in the Forestry area. Mr President I might add that any increase resource allocation to Forestry will provide extra revenue and return to the public purse as the demand for forest products, be it posts or other gum products or native trees from the nursery is at a level where it is becoming impossible to keep up with as there is simply not enough people on the ground to service forestry's other tasks and still cope with escalating forest product demand. Mr President, one of the concepts in the tabled paper is the joint co-operative management between the Commonwealth and Norfolk Island in the areas of national parks and botanical gardens with a call on Norfolk Island to progressively shoulder more responsibility in these areas. Mr President

I envisage a joint co-operative management arrangement between Norfolk and the Commonwealth to be one of task sharing, pooling of resources and joint carriage of programmes with over a period of time the Commonwealth role progressively becoming one more of providing guidance, technical advice, assistance with the maintenance of international protocol which extends to Norfolk Island and I consider the perimeters of this joint arrangement agreement will need to be discussed with ANCA.

Mr President, the Commonwealth's environment resource input into Norfolk Island takes many forms as I've mentioned. For instance human resources, scientific research, be it by organisations or individuals, ANCA, and there is funding from a range of Commonwealth sources. The concept in the paper is the oversight of this resource input be a function of the National Park Authority. Mr President, as I've said previously ANCA has indicated that they have no problem with the concept of the National Parks Authority. The concept of the Public Lands Management Committee is to provide wider local focus and to ensure community input into the overall public lands management through programmes and policy input. Mr President, I think it is most desirable to have as much community input and consultation as possible.

Mr President, I've spoken about the desirability of ensuring a process of acquiring new employees taken on by the Parks and Forestry Service to reach a prescribed level of qualification. Recently I've written to Charles Sturt University in Wagga for information regarding courses that would be applicable in our scenario, to people employed under this proposed system and I've received a reply in the last few days indicating that there are courses most suitable to us. For instance there is an Associate Diploma in Applied Science in Park Management. It's a four year distance education course and the price on that Mr President is \$1178 per year. Quite a manageable amount, and the advantage of somebody studying an reaching a qualification or level of expertise under this system is that the employee would not have to go away for long periods of time. Would actually be on the ground working, getting on with programmes and at the same time their level of expertise is increasing. I would suggest that employees taken on by the Parks and Forestry Service accept a position on the understanding that they would undertake to reach the required level of accreditation along the lines I mentioned, in other words I would suggest that they would be required to enter into a cadetship arrangement. Mr President, also in the motion and in the paper is the path for us to undertake the rehabilitation of Phillip Island building on the sterling work of people and organisations such as Owen and Beryl Evans, ANCA, the Fishing Club, Flora and Fauna, Honey McCoy and many other individuals and organisations who over the years have put much into the care of Phillip Island. Mr President the motion calls for the declaring of Norfolk Island's part of the Norfolk Island National Park. I think this provides a reasonable framework for the management and

protection of Phillip Island and more correctly I believe it reflects its status, Phillip Island's status as a conservation area as opposed to the present listing as a Forestry Reserve. ANCA also in 1989 also agreed that the National Park and Botanic Gardens Act 1984 was desirable to be extended to Phillip Island, with I might add, I believe some amendments. Mr President I consider the sooner we commence on the programme rehabilitation of Phillip Island the better. Members, a vote of yes, ensures that this will happen. This motion and the concepts in the tabled paper is very much in keeping with the previous preferred Government options, also the MOU of recent times and NIMPAC recommendations. It is also in keeping with the community's increasing wish that Norfolk Island begins to assume the responsibility for the rehabilitation of Phillip Island in particular and other areas of the environment in general. Mr President, I believe if this motion is accepted by the House today a reasonable summary of expectation would be as follows - the commencement of the rehabilitation of Phillip Island as soon as possible in a proper and structured manner, a manner that satisfied the twin requirements of both the local community in that the Norfolk Island Legislative Assembly makes a structured and increasing commitment to Phillip Island and the environment and the Commonwealth, insofar as the Commonwealth can now be confident that our environmental capabilities are increasing and the international protocol's extend here are being safeguarded. It adds a further dimension to our progress along the road to self government through a greatly increasing inhouse capability in environmental matters. It also will provide real career paths to Norfolk Island residents as the level of resources allocation increases. It provides also for the increasing resource allocation to the Parks and Forestry Service which it would need to increase the sales of Forestry and nursery products to the Island. Mr President, I commend the motion to the House

MR PRESIDENT: Thank you Mr Adams. Did you at this stage want to bring forward your amendment?

MR ADAMS: I will so move the amendment. Would I need to read out the amendment?

MR PRESIDENT: Could you just read out those two items one and two which are the amendments to Item A of your original motion and Item D of your original motion

MR ADAMS: Mr President I will now read out the amendments. I intend to move that the amendments to (a) be as follows -

(a) supports the concept to establish a Norfolk Island Parks and Forestry Service, as exemplified in the paper presented to the Assembly by Mr Adams, MLA, on 23rd November 1994; and

(2) Delete from paragraph (d) the words "pursue the objectives in the tabled paper and outlined in this motion", substitute "progress the matters outlined in this motion urgently".

MR PRESIDENT: Thank you. Debate in respect of the amendments. Did you want to have first opportunity Mr Adams

MR ADAMS: No I'm keen to hear Member's input thank you

MR CHRISTIAN: Thank you Mr President. Members will be aware that I had amendments foreshadowed on the Notice Paper and it is now my intention to withdraw those and the amendments that Robert has proposed satisfy my concerns. I support what Robert is attempting to achieve here, I do think we need to go forward with the Phillip Island issue. I believe that declaring it as part of the Norfolk Island National Park and Botanic Gardens is the way to go. I note Mr Bennett has an amendment further down the line and I'll foreshadow here that I don't intend

supporting that amendment for a number of reasons and I'll elaborate on them at the appropriate time but Mr President, I think it's heartening that we are going forward. I hope that we can demonstrate to the Commonwealth that we are responsible about environmental matters bearing in mind that one of the points of reference with the Land Review Working Group is that responsibility for lands that the Commonwealth at present administer will eventually transfer to the Norfolk Island Government and I think this needs to be seen as part of that overall process. It is also heartening to see that backbenchers for the want of a better word can actually sink their teeth into something and not feel left out of the Legislative Assembly process. I commend Mr Adams for coming forward

MR KING: Mr President thank you. I'm certainly alot more comfortable with this amended motion. In fact I think I'm happy enough to support it. I hear some of the words which are mentioned in debate which are words that I was looking to hear. I'm glad that a concession has been made that there is a requirement for discussions and consultation with the Australian Nature Conservation Agency. I'm comforted by Mr Adams saying that his proposal is, and he may correct me if I'm wrong but I'm sure that I heard him say that his motion is consistent and in keeping with the Memorandum of Understanding and I'm sure I'm comfortable in I think, hearing, that he is continuing with his approach, in fact, it's embodied in the motion. His approach that Phillip Island should be declared part of the Norfolk Island National Park under our local statute so I'm happy with all those things. I'm not so happy with what I see on the Notice Paper regarding a further motion of amendment but like Mr Christian I will address that at the appropriate time, thank you

MR BUFFETT: Yes, if I may Madam Deputy President. I think this is a good motion, that is, with the amendments that have been proposed by Mr Adams. It is obviously a motion as he has described in great detail and done it well I might say which proposes a concept for the Norfolk Island National Parks and Forestry and recognises that action is forthwith required in respect of Phillip Island as well as other areas. I think that there are three reasons that can be identified to emphasise why this motion really is of value. The first one is this, there is really an opportunity in this process to acknowledge the work undertaken in the Island by ANCA, previously known as the ANPWS, Australian National Parks and Wildlife Service. As ANPWS under the Directorship of Professor Derek Ovington they commenced an association with the Island. It's almost twenty years ago now that that took place. The service was invited in quite early stages to prepare a plan of management for what was then the Mount Pitt Reserve. It is now known as the National Park area and it was an exhaustive and quite interesting process. In retrospect you would think of it as one of the first major plans putting aside the Coldham, Harrison and Grierson Plan, of management that went through the public consultation process which was, I suppose you might say, reasonably new within the Norfolk Island sphere in those earlier times. This plan was put into its final shape and the Norfolk Island National Park legislation resulted from all of that and then the ANPWS was commissioned to manage the park with the Norfolk Island Advisory Committee and those arrangements continue today but in addition to that the ANPWS undertook major projects additional, at Norfolk Island's request, I've got to emphasise that, at Norfolk Island's request, for example, it undertook the rabbit eradication programme on Phillip Island. It prepared a new draft plan of management for the National Park and Botanic Gardens, it prepared a plan of management for Phillip Island. Some of those things have got to be brought to finality I might say but they have done alot of work in more recent times in respect of those two projects. They have undertaken rehabilitation strategy in the conservation areas such as weed control in the park, weed control of African Olive, Guava, Hawaiian Holly, Lantana and the like and they have undertaken the propagation of native species in those areas. They are important things to do. They have maintained visitor facilities again in those same areas. Roads and tracks in the parks and gardens, barbeque and picnic facilities, fences and the

like have been undertaken by that service. Very importantly they have undertaken some programmes with endangered species, that is the Green Parrot Captive Breeding Programme, the Morepork Owl Programme. There is no more delicate programme to have to undertake a species preservation when you've only got one left and that appears to have been done successfully, very successfully at this time and there have been a range of other things but it also must be said that in the process the service deployed very well credentialled conservators, experienced men here in the Island.

You will probably remember that the first one was Peter Coyne. He had a good degree, he was dedicated, he was hard working and since then we have had the services of four others with similar qualifications and experience. You will remember Neil Hermes and John Hicks, Michael Preece and now we have Paul Stephenson in the job. The last three have been supported by Deputies, and they are Mark Hallam, Tom Scotney and at present Hugh Yorkston and for ten years or more that particular service of which I am talking about have engaged locally based project officers, Derek Greenwood for example. Derek's been there for more than ten years and Margaret Christian about ten years I think, and local people have participated in contractual arrangements within the park, or on a casual work basis. I've mentioned all of that to really say that this is an extensive and very valuable range of doings in Norfolk Island, over a period of almost twenty years and the service that has done that, whether it be under the ANPWS title or ANCA title deserves acknowledgement and indeed it has. Let me just make a couple of mentions from letters that have been sent to me in the last few days, for example from the Conservation Society. "ANCA has a solid background and track record in respect to managing the National Estate areas". The Norfolk Island Flora and Fauna Society has equally made comments of encouragement in respect to the particular organisation and I would like to add my own appreciative acknowledgement of the service under its first Director Professor Ovington, with whom the Island then dealt and now Dr Peter Bridgewater. Now although I've said all of that I don't want you to think that we are in a Paradise here because the most attractive of situations do have their hiccups at times and there is a touchy situation that I think is entangled in this sterling service that is being performed by ANPWS or now ANCA. On the one hand we, that is Norfolk Island have become somewhat complacent and I think expecting that ANCA will do a great deal of the conservation and environment work, when we in fact, as other speakers have already highlighted, should be more active in shouldering the responsibility and on the other hand I think ANCA may have commenced the thought process that if they're carrying the major work in the conservation show as it runs along, that they may want to exhibit some attitude of being the proprietor in the process and that's not really how it is. Now without labouring those points Madam Deputy President, these difficulties that I have just mentioned that we are not doing enough ourselves and maybe ANCA is starting to act as though they might have some proprietorial interest in some areas, there is a remedy. A prompt remedy for both of them and that brings me to the second part as to why this motion is a good one because it contains a proposal to invite ANCA to continue their valuable input into the Norfolk Island scene on a basis which we Norfolk Island will play a very much more active role and it will be a phased role, and that particular role will not only have value in terms of local financial and management participation but it will utilise the expertise that Mr Adams for example made mention of a little while ago from local people. He mentioned Owen and Beryl Evans, and he mentioned Honey McCoy and one could mention John Anderson and others and the Guymers who have already written to us from various conservation organisations. It will allow a greater input for the Norfolk Island participants to be able to participate and that will be good, but as has been mentioned, on a phased basis and that as I understand, is the concept that is being put forward by Mr Adams. The detail of this arrangement you may well say, although it is exemplified in this paper, is yet to be worked out with ANCA and other players and I accept that and I am comfortable with that. What I am keen to do is to say to Members that I support the concept that is going on within this motion. The third reason that I think this motion is a good one is for a reason that firstly may appear peripheral at first mention but in fact its the real substance

of the argument for endorsement of this concept because we commenced in 1979 around the same time by way of interest that ANCA entered the field in our association with them, of progression to internal self government, which means doing our own thing in our own backyard and that includes conservation and environment matters and issues and accepting responsibility for those sensitive matters, are an important matter in picking up this responsibility. It's important as any other and I think in this process we have an opportunity to recognise it as such and for other people to recognise that we are carrying that particular responsibility in a serious way. If we are serious about self government and we are, then we've got to demonstrate it in conservation and environment issues. It is an essential part of doing our own thing and putting together our own package. So, having said all of that it goes without saying that I support the motion. Now there are a couple of other issues that are intertwined with all of that that I would like to just extract for a moment and talk about. The paper tabled on the 23rd November is really in two parts. One is the objectives which are spelt out and the other is the detail on how those objectives might be achieved. The objectives, I of course endorse because I consider that to be the concept. The detail I see to be a good example of how you can give the concept substance and I think it's important to stress that because some people may become bogged down on some of the other points and not allow it to progress but if it is seen in the conceptual stage and understand that the detail can be toed and froed a little, it might make people a little more comfortable, well certainly as I see the matter and I encourage others to see it in like manner. The motion also calls for declaration of Phillip Island under Norfolk Island National Parks and Botanic Gardens legislation. It's not my intent in supporting this motion that this piece of Norfolk Island, that is, Phillip Island be declared under Australian legislation. I think, although it may not be viewed by all, that such a declaration is unnecessary, it unnecessarily says Commonwealth we want to give you some legislative oversight over that piece of Norfolk Island land because as I see it, it has been made mention of earlier in this sitting that there is a land review process. This land review process at the end of the day if it is conducted satisfactorily and we play our part properly, will put in place things which will give comfort to the Commonwealth that we are handling land matters properly and land matters should then come to us for Norfolk Island's administration and ownership and care. Proper care. It would then mean that places such as Phillip Island should equally come to us, and it seems inappropriate then to try and encompass us under Australian legislation knowing that our aim further down the track is in fact to have it back again. Hence my reason for mentioning that. This is a positive way forward, I say Honourable Members. It's an initiative that has been given for us by Mr Adams and I commend him for that and his discussions with various community groups because I think we've all had letters from individuals and groups and there have been varying reactions to the presentation of that project. I would like to acknowledge the groups who have written, made contact about this matter, it shows their concern. I don't claim that all of the points of view are able to be accommodated in the process but I am confident that if we follow this course it will make advances for Norfolk Island in environmental and conservation matters and I think that's the important thing that needs to be emphasised in the process. I support the motion with the amendment as it stands

MRS LOZZI CUTHBERTSON: Thank you Madam Deputy President. I don't wish to reiterate so many of the excellent points that have been made to date but I certainly support the motion put forward by Mr Adams, because it is such a responsible commitment to the environment and it really, I see it as a wonderful step forward for this Assembly not only to speak about wanting a clean environment but to put its money where its mouth is and try to fund actual activities to ensure that the environment is maintained. I particularly support the transfer and development of expertise at the local level. I think we need to encourage local people to learn how to conserve and look after their environment and to promote in the younger generation the feeling that they can look after it for themselves, that

they know how to look after it, that they've had the training to look after it and that the government has supported them while in this training. I like the concept of joint management at first and the eventual transfer of the management to the Norfolk Island people. I have other things to say if Mr Bennett proceeds with his motion but I certainly support the motion as it is

MR BATES: Thank you Madam Deputy President. There has been a Phillip Island Management Plan existence for over five years and the Norfolk Island Government has done little if anything about it. If you look closer to home at places like the Selwyn Reserve, Hundred Acres and Headstone, the Government's record is not that crash hot either. Our Forestry section does what it can but it is grossly under resourced. In contrast, ANCA has had more resources, especially funds at its disposal and as Mr Buffett alluded to, it can boast certain successes ranging from eradication of rabbits, saving of endangered species, Green Parrots and Owls, improving tracks and roads, providing interpretive displays and removing noxious weeds etc. Also you have local residents, one in particular who not only devotes his time but funds as well. You have the Flora and Fauna Society and you have the Conservation Society all of which play an important role in nature conservation and environmental issues. All this on the surface looks good Madam Deputy President, and one could be forgiven for thinking the environment, the flora and fauna etc are in good hands and simply pass over it a little and pay more attention to other community issues such as education, health, welfare for instance so I ask Madam President, what is wrong. This motion has certainly brought forward comment. At one stage I began to think it was a pro ANCA or an anti ANCA motion and I'm sure that's not what Mr Adams intended but it seems to me at least that those who supported ANCA are against the motion and those who are against ANCA were in favour of it. As well as that there seemed to come through the old feeling that if we accepted any assistance from Australia we leave ourselves open for the payback and also the similar feeling that if we don't do more for ourselves Australia will not progress our way towards internal self government and that Australia will do these things itself and then perhaps the price we have to pay is eventual integration. Madam Deputy President I have to admit that all this has left me somewhat a little confused. The lobbying, the politics etc when behind it all I don't doubt for one minute that those directly involved really do care strongly for the real issues of flora and fauna, conservation and the environment.

If the issue is really pro or anti ANCA then the motion as amended in my opinion is fairly harmless. There are anomalies in it, since I believe that flora and fauna is still a retained function and therefore still is subject to Australian legislation and also that ANCA is bound by its own legislative limitations. If the motion is really one about progressing internal self government and proving that we can do it ourselves, perhaps we should not be trying to compete with ANCA but we should focus on the areas that ANCA is not available to assist us with. Perhaps we should prove ourselves by coming forward with multi management plans for places like the Selwyn Reserve, Hundred Acres, Two Chimneys Reserve etc and perhaps we should be tackling the boxed thorn problem at Headstone. Perhaps we could increase Forestry's resources and make these things our priorities and our reserves models for Forestry, recreation and nature conservation, and perhaps we could leave Phillip Island a little more to Owen and his group and also to ANCA. They've worked together well in the past and despite a few minor differences I'm sure they could work well together in the future. Perhaps we should set aside personal differences, competition and the political issues and face the real issues of nature conservation and the environment together. Madam Deputy President, I too love Phillip Island. In the past I have camped there and trekked over most of it.

It should not be forgotten and it is not. Things are happening out there and only a few will ever see or appreciate it but aren't the things closer to home just as important. Our reserves as I've mentioned. They could be enjoyed by all who pass through here. Eco Tourism is becoming a major word in tourism. If we need to prove ourselves I think we could prove ourselves in those areas and we could probably help both Phillip Island and Norfolk Island if we started with an

eradication programme for the boxed thorn and other noxious weeds. While there is danger of birds carrying Lantana, Hawaiian Holly and Boxed Thorn etc to Phillip Island we can do something towards Phillip Island's future as well as Norfolk's future right here at home by taking steps to avoid it. Madam Deputy President I wouldn't stand in the way of anyone who wants to do something for nature and the environment and that includes Mr Adams, it includes Owen and Beryl, it includes John Anderson, it includes the Flora and Fauna Society and the Conservation Society and it includes ANCA, so where does that leave me. Frankly Madam Deputy President.

Quite confused. So confused that I think I'm on the verge of abstaining on this motion. If I don't abstain I certainly won't go out against it because I think there's a lot of good things in it, but having said that I was especially interested in one comment made to me by Mrs Evans, and I think it was also in a letter she wrote to Members and that was concerning the lack of fresh drinking water on Phillip Island for land birds. Small issues like this I'm sure they're constructive and they're sensible and probably not beyond our resources to provide solutions for. We have proved that we can work with the Australian Government in the KAVHA area. We've had our differences but we've come to be able to manage that to the benefit of the community. I think that if we really want to prove to ourselves that we can do these things then perhaps we should be looking at these things I've mentioned, the things closer to home, the Selwyn Reserve the Hundred Acres Reserve the Box Thorn situation, I think we should be spending our money to increase our Forestry resources so that they can get on with these things and I think that we could make them a model that could stand us well in the future and be enjoyed by all, thank you Madam Deputy President

MR BENNETT: Much of what I wanted to say has been said and far more eloquently than I might. I just want to pick up on a comment that Mr Bates made about one of the perceptions being that this is a pro ANCA or anti ANCA motion or it might have that sort of colouring to it. I really think that that argument in the community has been grossly overplayed. I think it is fair to say that in a community of this size there is always going to be people who will be against something or greatly for something but I think most of us appreciate that the great majority of people are not unhappy with the ANCA involvement. I remember the Departmental Committee on the Restoration of Historic Buildings. At that time there was great consternation from a small section of the community that they were taking liberties they ought not take and on the other end of the spectrum there were people who were very strongly in favour of the IDC continuing. Subsequently the Island wanted to take more responsibility, there was great argument about whether the Island resources could sustain taking responsibility in such an area that tens and hundreds of thousands of dollars were needed each year but it happened. The KAVHA Board emerged and joint responsibility and a funding formula which saw us contributing far more than ever, contributing funds way beyond what we thought in 1986 would be at all possible but it has happened. There has been similar arguments with other major parts of the infrastructure. In the transfer of the airport for example there was quite a considerable group in the community who suggested that it should remain the Federal Airports Corporation and we should have nothing to do with it and yet on the other end there were many who thought we should by hook or by crook, take it over. I think it is probably fair to say that the same arguments to a lesser extent went on with the transfer of the electricity generation plant to the Island. Did we have the technical expertise or the resources to do that ourselves, or telecommunications for that matter. But one by one we've taken them over and in the main have done a pretty good job with them. I see this motion of Mr Adams as taking a step in the direction of an area where we've really not done much towards as a government in the past and I think that's regrettable but it's happened and we shouldn't cry over that. Perhaps there was a subconscious, or even conscious acceptance that somebody else was doing the job and paying the bills, why interfere but there comes a time when it is necessary to take some responsibility. Perhaps the fact that we've been left with the lower profile areas of reserves, Mr Bates mentioned Selwyn Reserve, Headstone, Two Chimneys and

many other ones, has not provided that impetus, the jewels in the crown, the National Park and Botanic Gardens and Phillip Island are out and we've been left with the scraps. Maybe that had some impact, I don't know. The major issues that I've heard about this question is whether we have the funding available or whether we will have, to meet the costs of our responsibility with first of all Phillip Island and secondly with the National Park and Botanic Garden, and the second part is whether we have the skill base necessary locally to inject into that or the overall ability to manage this new responsibility. I think as to the last point we've demonstrated that in a number of areas as I've mentioned. KAVHA, electricity, communications, the airport to a varying degree of success, but nonetheless we've taken the responsibility. As to funding, the motion doesn't, even though it makes reference to some detailed guidelines it doesn't suggest in any way that we are going to have to find \$500,000-\$600,000 next year. It talks about the strategy for commencing funding and building on that funding arrangement, just as we did in KAVHA over a long period of time to the stage where it might well be possible for us to fund all of our needs in conservation and management. Not all the needs per se, because I don't think there's enough money in the globe to throw at environmental difficulties not only here but around the world because it's a never ending demand for funds, but sufficient to enable us to progress and deal with conservation problems in a progressive way. A year ago when we were talking about the memorandum of understanding and draft management plan for Phillip Island, clearly there wasn't the -- the Island's funding resources were in pretty poor shape and I suppose that it is fair to say that we were expressing some doubts as to whether we could afford to put two bob into the Parks or Phillip island but alot has changed since then and I think the way is becoming clear for us to begin funding. We could enhance that funding in a variety of ways but one suggestion that popped into my mind this morning, it might upset a few members but let me say it anyway, it might be worth considering splitting the current forestry operation and separating out the commercial activities from the conservation management, weed control, all that part of it and to sell off the commercial activities, that is the ... of the gums and the tanalith plant and the milling and the like. That would provide quite a large lot of funds which we might be able to inject immediately into a range of conservation and management options, or a fund begin to build up so that we could exercise a responsibility - and that is funding as well - in a more meaningful and quicker way. Mr President, I support the thrust of the motion. I also had foreshadowed that - I have an amendment to that which if I am able to might just talk briefly about before I actually move it. I notice the Clerk is nodding to me. Perhaps I could get around it by saying that the motion calls for the park to be incorporated, Phillip Island to be incorporated with the National Parks and Botanic Gardens Act and I have held a view for a long time that it should be encompassed in a statute of its own. Mr King might remind me that I've wavered a little bit in the time, however the record does show that I've had that view for a while. And there's a lot of reasons. I did circulate to members a paper that was on the file that argued that so far as the legal regime is concerned the Crown Solicitor considered that the best option would be a 'stand alone' Act, rather than incorporating it into the existing National Park and Botanic Garden Act but to be a 'stand alone' Act modelled on that National Park and Botanic Garden Act. It went on to say the option of additional complimentary proclamation of the Commonwealth Act is not necessary, adding that while complimentary proclamation is worked generally satisfactorily in the National Park it has not been without problems from the legal point of view. But I think more importantly than that, Phillip Island is neither wholly a national park, a nature reserve or a forest reserve. It's something of all of that. It's something very special. It's something unique and I think taking the words of Minister Clyde Holding, it has a unique set of problems requiring a unique set of solutions. I think that is a pretty powerful argument for suggesting that special regulations, regulations different from those that apply to the National Park and Botanic Gardens should apply. They should be developed to deal with the very unique set of problems that we've got out there. Applying unique solutions to unique problems. Madam Deputy President at the

appropriate time I'll move the amendment to that and listen to the debate. I know I have some opposition to that.

DEPUTY PRESIDENT Thank you Mr Bennett. The matter we are addressing is the amendment proposed by Mr Adams. Thank you Mrs Sampson.

MRS SAMPSON I'll now come into the debate having sort of come in on the end of it. I have had a contract with National Parks for nearly six years now. I have had no problems with my contract. We've had a very amicable arrangement and I'm just stating that before I make any comments. Geoff you said that you might raise some backs up by saying that you should separate some of the forestry departments from their usual forestry work - like the Tanalith Plant, the nursery and the eucalypt. Now right at the beginning of this Assembly I did suggest that the nursery should be either leased out or privatised. The Tanalith Plant came up in the 4th Assembly to be sold off as a private concern, so you're not going to ruffle my feathers by stating that. I'm only coming into this to say that I support Mr Adams, I'm quite happy to go along with this, but I have found over the years that the Norfolk Island Government and the Commonwealth Government have tended to play down local knowledge and expertise. I won't go so far as to say it's been denigrated but I have found over the years that they haven't taken much notice and I feel that on this island there is much local knowledge that could be called into account for the progression of Mr Adams' paper here, plus Phillip Island, plus Parks and anything else that's periphery to this. I'll just leave it at that. Thank you.

MR BENNETT Thank you Madam Deputy President. I just want to make a comment about a remark that Mrs Simpson said. Just by way of clarification I didn't include the nursery in that privatisation option because I have a different point of view about the nursery. I think that's an integral part of the forestry activity and I wasn't really promoting the idea of selling off the asset at this time, but making the point that if funding became a big issue and we were required to get funds much quicker than we had demonstrated, there is the capacity to do that. There is the capacity to raise sufficient funds by having a look at that option and perhaps separating out the commercial activities of forestry, but I repeat again, that didn't include the nursery.

MR BUFFETT Madam Deputy President, a couple of comments made earlier by Mr Bennett just touched my memory bank and I'd just like to have an opportunity to make mention of a couple of things. There have been some queries raised as to whether we would have the skill base or be able to develop the skill base to undertake such a project and obviously it has been raised as a genuine concern. I just want to turn to a couple of instances whereby we have started reasonably small; we have started without any local skill base almost and have developed to something that is significant and when Mr Bennett mentioned the electricity and Telecom. Could I just lead you back. In about 1970 we had very few telephones in the situation that we know now and certainly the island didn't experience total reticulation with electricity and we got a consultant by the name of Bill Thorn who came to the island and undertook a study for us and made some recommendations along these lines. That we should negotiate an interest with an electricity authority that would come to the island - allow one of their officers to come to the island to operate it for us over a period of time - for which we would pay, and we would gradually train our own people. At that time both electricity and telephone were in the one basket. They were both operated by the same sort of undertaking although it wasn't an undertaking then. And we did that. We did that. We had people come to us from the Sydney County Council under a very good arrangement. They sent on secondment officers over quite a long period of time. Throughout that period we did two things. We gradually determined that we would split the two operations so that each would develop its own entity and that we would encourage local people to become trained and qualified to be the people who would run it.

And so at the beginning we depended totally upon external arrangements. Just as at this early stage we may have a major dependence, as we do now, upon ANCA. But given time, given time, just as the electricity undertaking now is fully staffed by Norfolk Island people and properly qualified, and just as Telecom now is fully staffed by Norfolk island people, properly qualified, and that's happened over a period of something like 25 years, there is no reason whatsoever why we cannot achieve it in the conservation area if we put our mind to it. If we wanted to pursue it rigorously, understanding that it will take time, and if we invest our time and our want to do something it can happen. It has happened then and there's no reason why it can't happen in this particular project.

MR BATES Thank you Madam Deputy President. It's probably fairly irrelevant I think to the issue before us, but in Mr Buffett's talking about the build up of the electricity and the Telecom to being fully controlled from within but I think it would be wrong if we didn't acknowledge that there was work done by the Electricity Board and interim Board and the expertise that the late Mr Phillip Bartle who was very instrumental in getting us to the stage where we are there today and I just really wanted to remind members of that. That was all.

MR BUFFETT It's a very proper reminder too Madam Deputy President.

DEPUTY PRESIDENT Honourable Members we have before us the two amendments put by Mr Adams and I would now ask you to give your opinion that the amendments as put be agreed to.

QUESTION PUT
QUESTION AGREED

MR BENNETT by agreeing to that it was going to put me out in the cold with my motion.

DEPUTY PRESIDENT As I understand it we have to put Mr Adams' amendments first.

MR BENNETT All right.

MR BUFFETT As I understand it yours is a separate section being addressed and it wouldn't cut across what we're talking about now.

DEPUTY PRESIDENT Perhaps for the sake of clarity I should put that question again.

QUESTION PUT
QUESTION AGREED

The ayes have it. Mr Bennett I believe you have participation.

MR BENNETT Thank you Madam Deputy President. My amendment is as such that paragraph (b) be amended by deleting all words after "declared" and substituting the following, the words, "as a cultural and ecological reserve as defined under a new and separate Norfolk Island statute to be known as the Phillip Island Act". Madam Deputy President that section, or part (b), would now read in totality, "is of the opinion that to enhance its future management Phillip Island should be declared as a cultural and ecological reserve as defined under a new and separate Norfolk Island statute to be known as the Phillip Act". Earlier in the debate I mentioned two things. One was some advice that had been received on 28 April 1989 from the office of the Chief Administrative Officer and in that advising to me he provided advice from the Crown Solicitor, the then Crown Solicitor, and that was a recommendation that Phillip Island be dealt with under a 'stand alone' Act and went on to say that it had worked fairly well with the National Park being proclaimed as

it had but it had not been without problems from a legal point of view. It also went on to say that the substantial reason for suggesting that it be included in a separate statute is as I said before, Phillip Island is a very special, very unique place. It is neither wholly a national park, it is neither totally a nature reserve, it is neither a forestry reserve. It's got something of everything. If we were to declare it, or have it declared or incorporated as an extension of the National Parks and Botanic Garden Act we would have to substantially amend some of the regulations, that is the Norfolk Island regulations that apply to deal with the special circumstance out there. I think that it ought to have its own specially prepared, specially considered set of regulations which deal with, as I said, the unique set of problems out at Phillip Island. That's the purpose for it, there is no politics in that at all. That's the view I had in 1989. I have it today. I've been brought back onto the rails in recent times and that's my contribution to the debate. I commend the amendment.

MR BUFFETT Can I just ask what's specific about the technical reasons, the cultural and ecological, the words to be used.

MR BENNETT Well Mr President, Madam Deputy President, as I said it is not fully a national park, it's not fully a nature reserve, it's not fully a forest reserve. What is it? It has very strong, very long-standing cultural significance to Norfolk Island and I thought that that needed to be recognised in it, and it is ecologically unique. So I guess I was reaching for words that were different to nature reserve, different to forestry reserve, different to national park but might encapsulate the special qualities that we are on about wanting to conserve and manage. That is both culturally and ecologically. I hope that explains it.

MRS SAMPSON Thank you Madam Deputy President. I was interested in this a few weeks ago and consulted with Toon Buffett and the CAO on the status of Nepean Island and I was told that it was declared a reserve for the conservation of flora and fauna. Now is this perhaps what Mr Bennett is aiming for with Phillip Island.

MR BENNETT More than that.

MRS SAMPSON Okay. Now you were saying that it is cultural. Now fishing and egg collection and camping on Nepean Island I presume takes place, just as well as it does on Phillip Island. Is the cultural piece, what shall we say, incorporating more than you feel that this is necessary.

MR BENNETT No. Through you Madam Deputy President, it doesn't add any more than that but it just recognises it in a more, recognises it in a more formal way.

DEPUTY PRESIDENT Thank you. Mrs Sampson do you have more.

MRS SAMPSON No, I'll leave it there thank you.

MR KING Thank you Madam Deputy President. Mr Bennett anticipates my getting stuck into him but I'm not going to do that. But I am going to say that I was very surprised to see this on the programme. In fact you could have knocked me over with a feather, as it does in my view represent a very quick turn-around, or turn-around by Mr Bennett, and Mr Bennett has said in the earlier part of his debate that he has maintained or held a view for a long time in respect of Phillip Island, yet it wasn't so long ago in this House that Mr Bennett added his support to my motion regarding the execution of the Memorandum of Understanding.

MR BENNETT

MR KING Well I concede that you had some qualification but nevertheless

you supported it and that Memorandum of Understanding spoke about a number of certain directions that we should head. It was an endorsement by this House of, I guess, a direction that added some momentum. In fact had there not been a hiatus in the work of the Administration on this matter in the last six months, we wouldn't be around this table talking about this issue again. But Mr Bennett also maintained the position, it reflected in his vote in this House, on a most recent occasion, when he endorsed Mr Christian's plans to take steps to satisfy the obligations or the undertakings expressed in this Memorandum of Understanding, which included the integration of Phillip Island with the National Park. Now a couple of months down the track Mr Bennett changes his mind again. Now the reasons why Mr Bennett changes his mind are never going to be clear to me. I mean I have my suspicions, but I'm not going to, I'm not going to suggest what they are here and now. But they are for him to consider. As I mentioned earlier on Madam Deputy President, the Memorandum of Understanding that I've referred to was not an agreement which was concocted by me over a beer with Dr Peter Bridgewater at the Workers Club. It was something which came to this House over long and exhausting debate. I won't say it was exhaustive debate, but it was exhausting debate over a number of months. A great deal of attention was given to that Memorandum of Understanding unlike Memorandums of Understanding which don't have the endorsement of this House. And there are many of those, they don't require the endorsement of this House. But one of the provisions in that was the acknowledgement at point 3 of integrated management of Phillip Island in the existing National Park and it is that point which appears to be overlooked or overturned or overridden by Mr Bennett's proposed amendment. We of course have a number of Memoranda of Understanding or Agreements with the Commonwealth Government or with various Commonwealth Agencies. We have agreements on education for example, police, KAVHA, Immigration, postal matters - a recently executed Memorandum of Understanding. Now I would have to say Madam Deputy President that people are going to question the value of these Agreements if we are prone to simply renigging at any point in time.

We have a Memorandum of Understanding in relation to education which we are presently consulting the other party about changes so that we can pursue the issue of localisation of teachers salaries. Why are we negotiating change? Why don't we simply ignore it as we are proposing to do here. We have a Memorandum of Understanding on the matter of Immigration which prevents me from granting certain long term entry permits to certain persons. One point in case where my being prevented from granting a General Entry Permit, not that I have a desire to do so, but if I did I would be prevented from doing that under the terms of the Memorandum of Understanding and that is likely to result in a cost to the Norfolk Island public purse of tens of thousands of dollars. Why don't I simply ignore it? Now I don't ignore it because these are matters of maintaining or preserving the honour and the dignity of this government, of the Norfolk Island Government whether it be under the Sixth Assembly the Seventh Assembly or whatever. We are or we purport to be Madam Deputy President, honourable people. Another point which appears perhaps to have been overlooked in this proposed amendment of Mr Bennett's is the fact that land is a retained function of responsibility, a function of responsibility which is retained by the Commonwealth so that if any Bill or Act passed by this House would need to be reserved for the pleasure of the Governor General who would only act under the advice of the Federal Executive. Now let me return to a few days ago when I cautioned Members that there is the possibility that if there were further delays in our progressing this matter and if we didn't go ahead and proclaim or declare Philip Island under our own statute or a statute, I refer specifically to our existing 1984 statute rather than a new one, then we run the risk of being vulnerable and allow the Commonwealth to advance with their declaration under their own statute and leave us out in the cold. Now I would suggest that that is an unacceptable risk to Members, and that may be a point that Mr Bennett has overlooked that land is a retained function that requires that process. What sort of advice may be given to the Governor General in respect of that Act given perhaps our procrastination in the matter or the fact that we seem to be going around and around in circles is a point which needs to be overlooked, but in any event it

would be a long process of assent and commencement, a period of time during which as I mentioned we could well lose the momentum and the ability to proclaim under an existing or a piece of legislation of our own. We have that initiative now and we should take it and I won't be supporting Mr Bennett's motion. I think there are a number of other reasons why one might not but those are the two I'm focussing on at this point

MR BENNETT: Thank you Madam Deputy President. I would just like to respond to a couple of things there. Mr King has referred to it as a quick turnaround. I don't really see it as a quick turnaround in the same way as he did. I spent last night reading all the hansards and I don't think that's quite evident. I mean, the fact of our support of the MOU or not is really irrelevant. As far as I see it this motion doesn't cost the MOU. Mr King seems to be taking a very narrow construction of the MOU. I think it needs a wider construction. I think that what is being attempted fits in with that. The relevant words are "the government takes into consideration the means by which have regard to", not "thou shalt apply ABC" it says "have regard to". Mr President the question of changing ones mind is an interesting question and I think I just might say a couple of words about that because I think the role of government and the role of the parliament sometimes gets confused and on occasion one can see Members sometimes burying their heads in the sand to stand on an expression position, preferring to be oblivious to the wishes of the weight of the community opinion. One of the wonderful attributes about democracy in Norfolk Island is that when a majority see that the government or the parliament is going the wrong way, they shout long and hard and are capable of reversing positions. Let's not forget the quarantine station in the '70's where seven of the eight councillors favoured the quarantine station, one opposed it, went to referendum and it got rolled. I don't think we should forget that as elected Members we've not been elected to make all the decisions without reference to the people. Obviously, government must be permitted to exercise executive authority or the executive member's exercise that authority however, on major policy issues its the peoples views which we obliged to represent and often this means expressing a view contrary to what we as individuals might prefer. We do not have the mandate to disregard popular opinion in favour of personal ideals. Mr President, I turn back to the hansard, I particularly read them because I wanted to see as someone separate from this arrangement whether I really as an individual could have understood the process that we were going on with, the MOU, the Draft Plan of Management and the like and I think that the people could be forgiven for being confused about what we were on about. We talked about it over a long period of time, the life of the Sixth Assembly was on four occasions I think, and if you listen to the long debates over six or seven pages it is a little uncertain. We talk about joint proclamation. Now to most people out there, what's joint proclamation. Many of them wouldn't understand and I wouldn't expect them to understand. We didn't explain it well enough. So I think the people's minds became alerted to this through a variety of ways. Alerted to potential problems with perhaps these being overplayed, the fact of thinking they might lose control over Philip Island, lose control over the National Park. Those were the issues which really stirred people on to try to get to understand what the whole issue of the Memorandum of Understanding, the proclamations, accepting the draft plan of management and the like. In a very short period of time, 280 odd people signed a petition. Some members expressed a concern that maybe many of those signatories didn't understand what the issue was about. Well perhaps that's right. For somebody to become informed about an issue is a real task here, it is a real task, and I don't think that we should be in any way criticising people from getting the general gist of something and support the thrust. That's what they did with that Petition. 280 people were concerned with what was going on and may not have fully understood it but they wanted the brakes to be put on and shout and be heard. That's what's happened. It was that attention that occurred in the last couple of weeks that brought my attention back to the fact that I, in 1989, took the position of wanting Phillip Island to be separately, or to have separate legislation. I was

reminded that I had changed my mind. I think it's important that question of the role of the government and the department and we oughtn't to lose sight of that. Some of the bigger issues do gather quite some momentum out there and I think we are obliged to listen to it whether we like what they are saying or not. We are obliged to listen. I think I've listened this time. Thank you.

MRS LOZZI-CUTHBERTSON Thank you Madam Deputy President. Quite frankly, after listening to Mr Bennett in detail I could not discern any good or sufficient reason as to why Phillip Island should not be declared under the National Parks and Botanic Garden provisions as has been supported generally by everyone else. I could see no advantage for declaring it under a separate Act. Just because it's a unique place and it should have its unique Act, really is fairly superficial a reason. It doesn't specify exactly what benefit would flow from having it in such a separate category. Whereas on the other hand we might lose real benefit we already have by certain arrangements that exist. For example, Norfolk Island enjoys a unique advantage not provided to any other similar National Park in any Australian State or Territory. That advantage is that the current National Park is proclaimed under Commonwealth law but declared under our own enactment and operates under Norfolk Island regulations. Therefore officers of ANCA are bound by the Regulations made by the Norfolk Island Government are approved by this House, not in Canberra. Now that's a really important advantage and I would hate us to lose or jeopardise it in any way. Now if we start changing the goal post and an important concept about which we argued extensively a couple of meetings ago and accuse the Commonwealth of trying to do, if we start changing the goal posts now in regard to this Act, in regard to the Memorandum of Understanding that was only signed about a year ago, without consultation, without putting a good and cogent reason forward to the Commonwealth with whom we entered into the Memorandum of Understanding how can we expect the Commonwealth to honour its commitments to us and to say, "Look you're not dependable. You're not trustworthy. You move unilaterally without any good and clear reasons". I would hate to take that risk.

If Mr Bennett could convince other people that this amendment really would produce benefits for Phillip Island, then I would say let's not vote on it, but let's discuss it and see what flows out of it with ANCA and with the Commonwealth Government, and let's see what amendments should be made to the MOU to enhance it.

But until I see good reasons why we should move in this direction, we stand too much to lose and Phillip Island would also lose, and our status as a government would be lost as a dependable, trustworthy group of people who will stand by their agreement, and if they want to change then proceed along lines that are clearly understood by both sides for bringing about those changes. Thank you Madam Deputy President.

MR BATES Thank you Madam Deputy President. Like Mr King, I was a little surprised to see this motion before us at 10 o'clock this morning. I got down here fairly late and picked it up a few minutes before 10. No it seems that there are quite large issues at stake here and I think it would be a shame for the amendment to go through this morning without further discussion. But I wouldn't to slow down Mr Adams progression of his motion. So it leaves me in the dilemma of as to whether, certainly if it's a matter of supporting Mr Bennett's Motion then I think it should be adjourned until the next meeting. If there's not enough support for it then it's probably better if we deal with the original motion here today. But I just make those thoughts known to the House that I wouldn't want his amendment to take on a vote today without further consultation with the community.

MR CHRISTIAN Thank you Madam Deputy President. I had indicated previously that I didn't support Mr Bennett's amendment here. I think Mrs Lozzi Cuthbertson has said everything that needs to be said but I think what Mr Bennett was trying to achieve, or the real reason behind his amendment, was a degree of protection for Phillip Island and Madam Deputy President I believe that protection can be provided under the existing framework that we work within by way of regulation. Protection

can also be provided for the special status of Phillip Island by whatever management plan for Phillip Island as eventually agreed. The management plan for Phillip Island isn't necessarily the same plan that's adopted for the rest of the park of the Botanic Gardens. They are individual pieces of real estate if you like, and any management plan that's eventually agreed to will recognise that and it needs to be clearly understood by all members and the wider community that Norfolk Island Assembly has a real role in developing a management plan, and if we don't agree with anything that's in the plan, we jump up and down until it's changed. I think what Mr Adams has outlined is the way to go. I think a Park Authority somewhere down the line structured similarly to KAVHA is the way to go and I don't think we need to waste any more time with Mr Bennett's amendment today, because it's not going to get up and we shouldn't hold up Mr Adams good work, we should get on with the job.

MRS SAMPSON Thank you Madam Deputy President. I'm sitting here having some problems with what I would consider a double standard on Memorandums of Understanding. When it came to teachers' salaries Mrs Lozzi Cuthbertson, and the rest of this Assembly, was quite in agreement that these things weren't set in concrete. Now we come back to this one that's signed in 1993, which was the last House, Mr King makes much benefit that it was not in this House, no, it wasn't in this House, it was the last House, and he's now saying that the thing should be set in concrete. As I say, I just, I just make note that I'm having problems with Memorandums of Understanding and just how flexible are they? I'll leave it at that.

DEPUTY PRESIDENT Mr King, did you wish to comment.

MR KING No thank you.

MRS LOZZI-CUTHBERTSON Madam Deputy President, I'll just make a small comment. I did say there if we want to change the Memorandum of Understanding, it should be negotiated before we move away from it. You need to negotiate with them. Yes.

MR BENNETT We don't have to change it.

MR CHRISTIAN Madam Deputy President I move that the question be put.

DEPUTY PRESIDENT The question is that the question be put.

QUESTION PUT
QUESTION AGREED

The question before us is the amendment moved by Mr Bennett. There being no further debate I put the question that the amendment be agreed to.

QUESTION PUT

Madam Clerk would you call the House please.

MR BENNETT I think we can safely say it was all in favour

DEPUTY PRESIDENT Is that agreed Honourable Members? Is that in order Mr Buffett?

MR BUFFETT: Fine - especially

MR BENNETT: Yes, I'll go along with that

DEPUTY PRESIDENT Fine. The House will not be called then. Is there further debate on the motion as amended by Mr Adams amendments?

MR KING Yes, thank you Madam Deputy President. Just a couple more words. I will be supporting this motion on the very clear understanding that I don't have the degree of difficulty with proclamation under the Commonwealth statute that other members around this House have. It has been put to me and I accept that the proclamation of Phillip Island under the National Parks and Wildlife Conservation Act of the Commonwealth is essential to a continuing involvement of the ANCA in Phillip Island and continuing funding, rather than the ad hoc or laissez faire approach that, forget the last expression, the ad hoc approach that has been taken in recent years. So I wanted to make that very clear that I am voting for this motion in that understanding Madam Deputy President. Thank you.

DEPUTY PRESIDENT Thank you Mr King. Further participation. Thank you Honourable Members. There being no further debate I put the question that the motion as amended be agreed to.

MR BATES Haven't we voted on that amendment yet? No. No. Sorry

DEPUTY PRESIDENT: I put the question that the motion as amended be agreed to.

QUESTION PUT
QUESTION AGREED

ORDER OF THE DAY NO 2 - LEGISLATIVE ASSEMBLY (SPEAKER) AMENDMENT BILL 1994

Thank you Honourable Members. Honourable Members, Order of the Day No 2 - Legislative Assembly Speaker Amendment Bill 1994. Mr King you have the call.

MR KING Thank you Madam Deputy President. At an informal meeting of Members last Monday the question was raised about the absence of a transitional provision in this Bill. At the time my advice was that the change to the Norfolk Island Act 1979 prevails and consequential changes to the Legislative Assembly Ordinance can in no way affect the continuance in office of the President or the Deputy President. However following this query being raised, I sought advice from the Government's Legal Advisers to confirm the earlier advice from the former Legislative Counsel. I've now received advice dated recently, 12th December. That advice in part says, and I quote Madam Deputy President, "The President of the Legislative Assembly is elected by Members in accordance with section 41 of the Norfolk Island Act 1979 of the Commonwealth. The circumstances in which the President or Deputy President ceases to hold office are set out in section 41(3) of that Act. Consequential amendments to the Legislative Assembly Ordinance 1979 to reflect a change in title arising from Commonwealth legislative change can in no way affect the position of President or Speaker". The advice draws attention to section 25(b) of the Act's Interpretation Act 1901 of the Commonwealth. This has the affect to ensure that a change in title of a statutory position does not affect the validity of the pre-existing appointment to that position. Therefore I am assured there is no need out of caution or otherwise to amend the Bill before the House. Madam Deputy President, on 8th December 1994 an Omnibus Bill was introduced into the House of Representatives to make changes to a number of statutes relating to the environment, sport and territories portfolio. This Bill includes the changes to the Norfolk Island Act to alter the titles of the presiding officers as requested by the Legislative Assembly. The Commonwealth was adjourned after its first reading and will be debated when the Australian Parliament resumes on 31st January 1995. As this House will realise, matters involving the Legislative Assembly do not appear in the schedules to the Norfolk Island Act. Accordingly when this Bill is passed it will be necessary for the Administrator to reserve it for the Governor General's assent. It may therefore be some time before the Bill becomes law. The Bill, as I said at the November sitting, is purely technical in nature and I commend it to the House.

DEPUTY PRESIDENT Thank you Mr King. The question before us is that the Bill be agreed to in principal. Is there any participation?

MR BUFFETT Madam Deputy President if I might have an opportunity to speak.

Madam Deputy President, the substantive motion to initiate the change that we have in front of us now, which is deletion of the reference to "President" in our doings here and insertion of the term "Speaker" and "Deputy President", "Deputy Speaker" as is appropriate also, was made in the last Assembly. That is really 6th Norfolk Island Legislative Assembly, and I think it is fair to say that it was initiated in a climate when political scoring may have been considered a fairly highly developed art form at that time. Thankfully this Assembly has improved its priorities and its getting on with meaningful matters that are beneficial to the community. That motion was an expression of that Assembly. It does not bind this Assembly which is its successor - 7th Assembly. I think it's important to make that point. Both the terms - presiding officer titles that is - are time-honoured, that is President and Speaker. Within the Commonwealth's sphere, and in this instance I'm talking about the wider Commonwealth of Nations so to speak, both terms are used and they're used in a variety of combinations. In the Australian scene, both terms are used, usually the term "Speaker" is used in the Lower House and the term "President" is used in the Upper House. In some parts of the Commonwealth different terms are used. For example, in some of the Channel Islands they use different terminology, depending upon how their situation has evolved. I'm mentioning all of those things to really point out that there is probably a fairly wide and varying combination, but each has adopted that which they have more or less grown up with and become comfortable with. There isn't necessarily magic in the use of one term or another.

Now having mentioned that I'd just like to draw your attention to Norfolk Island's situation. The head of the elected group in the Norfolk Island sphere has really traditionally drawn upon the title "President". It wasn't thought up just for the Norfolk Island Legislative Assembly when it commenced in 1979. Certainly that was put forward, but it was in use longer, it has been in use longer than that. Prior to that there was a Council and the President of Committees was the person who was the elected person there. Then there was the President of the Norfolk Island Council. Before that there was an Advisory Council that had a President. There was an Executive Council which had a President. There was a Council of Elders which had a President. Now just by mentioning those I've gone back to 1896. Our tendency really, for about a hundred years - has been to use the term President. I'm trying to demonstrate to you that its one that has grown with us and it has served us well. Put simply, I don't really see the need to change it, and certainly I don't think we need to change it to succumb to what might have been termed politicking on another occasion. If you're concerned about the President being confused with those who exercise authority, and that has been mentioned when we've discussed this matter before - I'd just like to draw again upon some of the historical precedents that I've just referred to. Just within more recent times, in other words, before the immediate commencement of the Norfolk Island Legislative Assembly, there was the Norfolk Island Council and there was the term "President of Committees". Now you will know that the President in those circumstances didn't exercise authority. It was somebody else. It was the Administrator in those particular days. And that was clearly recognised within the community. In other circumstances the Council was purely an advisory body and in other circumstances again they had some limited areas of authority. If you went back to - quite towards the beginning again in the 1890's - there was again the President of the Council of Elders, but the authority was exercised by the then Chief Magistrate. By somebody else. So I'm just trying to demonstrate that there have been situations in which people might like our present situation, and they were well recognised in the community and handled accordingly to the situation of that day. I therefore don't believe that if there are concerns about the exercise of some areas of authority, that just changing the title is the answer. I think that's "tinkering" the title and it's not necessarily addressing the problem if you feel

that there is a problem of that nature. You might recall us talking about this in another context in another place, and we thought that it may be beneficial if some educational material was brought forward which might explain, for example, the range of things that are done in various quarters within the sphere in which we operate, including Ministers, Members themselves, areas of the Public Service, Statutory Authorities and Statutory instruments; people exercising statutory authority as well as establishments. For example, relationship with the Hospital, relationship with the Tourist Bureau - which are statutory functions. I'm just trying to say that I don't think if people perceive that there might be some confusion in dealing in a community sense or with a wide variety of functions such as I've exemplified, that changing the titles is necessarily a way of solving that difficulty. I'm just trying to emphasise to you Madam Deputy President and to Members that I don't think that there is a real need to change something that has been with us for quite a lengthy period of time and served us well during those earlier times and I am sure could serve us well in a continuing situation. Within our small situation here it might be said that you should comply with a whole host of other places but the role that is presently undertaken by the President certainly is that of presiding in this House where one could see the role of Speaker being applicable in some circumstances, although I don't think that it should replace that that we've been comfortable with for a while; but there is also a wider community role, and this shouldn't be confused with the role of the Executives in which the President has some - probably more ceremonial - but nevertheless community representation role, and I would be inclined to think that maybe the term President that we have at this moment might serve that role better than maybe the Speaker particular proposal that's before us. I make mention of those things Madam Deputy President for the consideration of members.

DEPUTY PRESIDENT Thank you Mr Buffett. Have you anything ...

MR BUFFETT Well yes, but if nobody's going to jump up I'll just make mention of another thing. Mr King, for example, has mentioned that there has been this legislation introduced into the Federal Parliament and I need to just make mention that they will probably not touch it until they resume towards the end of January or February. My counsel to Members would be to remain in the mode that we presently experience and clearly signal to the Commonwealth authorities that that is the view of this Assembly. There may have been other views of other Assemblies, but so be it. That would be the current view of this Assembly. And that would give them an opportunity not to pursue that particular segment within what is in an Omnibus Bill. It's not a Bill especially for us. It's a Bill that they have that covers a whole host of other things and we're just plugged into it, and I'm saying that we can be unplugged from it.

MR ADAMS Thank you Madam Deputy President. Personally I don't see any advantage in changing the title from President to Speaker. It seems to me to have little if any advantages accruing to the formal functions of this House. The title, I believe, is a long established term and it's a community recognised one. Madam Deputy President, as my opinion has now been sought I will not support the change. I believe changes should only be brought to add, expand or generally improve a situation. I don't believe the proposed name change is any improvement to our situation and I won't be supporting the Bill.

MRS SAMPSON Thank you Madam Deputy President. I agree with Mr Adams and I take note of Mr Buffett's remarks. Probably some years I might have supported a change of name but I think Assemblies change. I think the cohesion of members change and I feel the responsibility that members have to their Speaker or their President change, and I feel that this Assembly has supported our President and as such I would like to see him keep the title. I leave it at that thank you.

MR KING Thank you Madam Deputy President. Let me thank Mr Buffett for

his, for his history lesson. I mean it was interesting. I'm not sure that it was relevant to the debate. I think the history since 1979 ... all those years. This indeed has come about as I mentioned at the first reading of this Bill as a result of an expression by the Sixth Legislative Assembly and there have been occasions since this Seventh Legislative Assembly was put into office where opinions have been sought as to what Members feel about that expression that was made by the former Assembly. The impression I got from a majority of Members was that the same view still existed or prevailed and therefore the message sent out to the Commonwealth was, yep, sure you should proceed. I guess it's fair to say that my difficulties arise from the level of confusion in our self governing days and the difficulties that creates may not be apparent to those who haven't had executive authority under our self governing arrangements. Let me talk about those a little bit more in just a moment. I concede the different terminologies used in other places but what Mr Buffett didn't inform you, and I think perhaps he ought to, that in a unicameral House, that is a House where there is, a Parliament where there is only one House, rather than an Upper House as well or a House of Review, that the term President is not used. The term Speaker is used. The term President is only used where there is a House of Review or an Upper House. A bicameral situation. Now that is the fact of the situation and that is what gives rise to a lot of confusion if we're trying to conduct ourselves as a self-governing authority, gives rise to a lot of confusion with those, among those with whom we mix or conduct our affairs off-shore. And that is a particularly worth-while point to keep in mind. There has been a tendency to confuse which I suggested earlier on mainly only recognised by those who have been in executive office. And that confusion is that there is a clear perception among a lot of people out in the community and off-shore that the President of the Assembly is in fact the President of Norfolk Island and therefore the Head of Government, the Head of State, the supreme body or person in the island and in a lot of respects deference is made to the President where it might or should otherwise have been directed or requests or whatever the nature of the association or relationship which was sought to be developed or to have been directed, and that is to the government area. I don't have any personal difficulties with Mr Buffett. Some of these difficulties have arisen because of Mr Buffett's reluctance to take executive office. I would welcome the day when Mr Buffett chooses to return to the executive ranks of the Assembly. I would welcome it if it were the case that Mr Buffett, as well as being President, had pursued or undertaken executive authority, and I could accept that the President, as it were, if he had executive authority, should be put in a position of, or should be perceived to be in a position of authority. I have no difficulty, no personal difficulty with that. What I do have a difficulty with is the perception that is being, that has come about out in the community and among those with whom we seek to have some sort of political relationship. Perhaps it is tinkering. Perhaps it won't have the desired affect. It certainly has nothing to do with my own political aspirations. I want to assure members one hundred percent about that. I do have a view that there ought to be a clearly designated Head of Government for Norfolk Island. That has created untold difficulties and confusion. I happen to be that person now but I will not assume the title of Chief Minister and if I'm called upon to do so I would stand down from my ministry. It is not for me that I am seeking these changes, it is respect for the pursuit of self-government which was established in 1979 and the confusion which has arisen as a result of the state of affairs. Principally as a result of Mr Buffett being reluctant to undertake executive office. Which I can understand and appreciate. So tinkering perhaps it is, but if it's a general improvement it will be a welcome improvement from the situation which exists now.

MR CHRISTIAN: Thank you Madam Deputy President. This is an issue that continues to rise from time to time, it's been put down I think before in the time of the 5th Assembly. I don't intend to support it today. David's outlined a number of reasons that I agree with and I can also sympathise with Mike, but as far as the Norfolk Island community goes, there is no confusion between the role of an

executive and the role of the President, or the Deputy President. I think it's a process that's clearly understood. To change it now may lead to some confusion and I don't think that's a situation that we should create. I honestly believe that there are other more important things that we should be getting on with and Phillip Island is one; addressing the economic situation in Norfolk is another. I don't think we should be sitting here arguing about what we're going to call somebody. What I do need to make clear at this meeting today though is that this basically is unfinished business left over from a previous Assembly and in the event that this Bill doesn't get up today it is by no means to be taken as an indication or otherwise of the support for Mr King. I mean someone had to bring this before the House to deal with it to finality and I would hope that people out there don't interpret this a vote of no confidence in Mr King in the event that it doesn't get up because that's definitely not the case. Mr King continues to have my support as a minister.

MRS LOZZI CUTHBERTSON Thank you Madam Deputy President. I've listened to the debate with considerable difficulties of making up my own mind. I totally support much of what Mr King has said. To have the correct name for the correct position is important. Not just for the impression we create overseas but simply for our own thinking, our own clarification of just where we're going, what we're doing and what the positions in government are. I also am sympathetic to the fact that historically the position of President has played a significant role in the development of Norfolk Island and its community, but what amazes me is that this Bill has sat on the table and has been mentioned now for a month, and there's been not one single letter, one single protestation by the Norfolk Island community against it. So that indicates to me that not many people out there feel very strongly about the title of president. That in fact they don't mind the position's title being changed to one more in line with reality. I don't like the fact that this Bill has come forward because of the animosity and nasty feelings that existed in the 6th Assembly. I do not like that at all. But it is a reflection of the reality of what the position entails and I think I will be guided by that and support the Bill and the fact that the Norfolk Island community itself has not spoken against it.

MR BATES Thank you Madam Deputy President. It was almost 12 months to the day, as a matter of fact it was 15th December 1993 when this issue was raised in the previous Assembly. I didn't support it then and I don't have any great inclination to support it now. I notice at that particular time Mr King said that he would prefer to have a Select Committee of the House look at a whole heap of issues and I believe he initiated that soon after the beginning of this Assembly, and that's the Committee which you, Madam Deputy President, spoke about earlier today. Now I don't know if that Committee addressed this issue or not, but I think if it has been addressing that particular issue then it's premature for that on this Bill here today. If it hasn't been considered by that Committee well then there's no need to delay it waiting for that Committee's report. But I see it, well it was myself who initiated the concept of having a paper brought before us to, and Mr Buffett alluded to this earlier, that the roles of the different areas within the Public Administration are all clearly defined so that we ourselves understand just what each and every person is expected to do and what their roles clearly are, and I've urged members to get behind me clearly with that one so that at least this Assembly can say this is how we're going to work even if the next one tosses it out. And I'd like to see that come forward a little bit quicker than it is. But clearly in the public out there the President is a well known term and clearly this Assembly has a Head, has a President. Now the role of Speaker is an honourable role, but I don't think it's quite so clear that if we have a Speaker that the Assembly has a Head. I think it's a little bit more confusing. I think it's quite clear, we've got a President, we've a Head of the Assembly. We've got a spokesman for the Assembly. We've got someone to do a ceremonial thing. We've got someone to bring us together and lead us in those issues. Now even if the

Government doesn't have a Head, or doesn't have a Head that stands out, I don't think that's the fault of the Assembly. If the Government refuses to call one of its ministers a Chief Minister, well so be it. Just because the Government doesn't have a figure that stands out in the community as the head of the Government then there's really no reason why the Assembly shouldn't have a figure that stands out as Head of the Assembly. I think some of the words that have been said about previous Assemblies and the David Buffett syndrome thing were clearly motivated in some other earlier moves. I just simply don't see the need to change Madam Deputy President.

DEPUTY PRESIDENT I can mention that the matter of a separate Speaker has been looked at by the Electoral Committee.

MR KING Madam Deputy President, I wouldn't want to see this adjourned today. I really would like to see it finalised. I can see the way it's heading, but I need it to be finalised so that I can give as much notice as I possible can to the Commonwealth people who are dealing with this thing to make the appropriate changes and what not if that's the outcome of the Bill here today. I am a little disappointed that I've been put in a somewhat embarrassing situation - which is not the first time mind you down here - and I suspect it won't be the last but put in that situation by the reluctance of some to come forward with their opposition to this when they knew it was happening and to have the matter aired prior to having the thing go so far in the Australian scene and for my having to have communicated with the Australian authorities. Now I'm a little bit disappointed that that's happened and its put me in that situation but nevertheless I will obviously respect the outcome of the debate today and to take whatever steps are necessary to shortcut those processes which have gone on for so long. I move that the question be put

DEPUTY PRESIDENT: The question is that the question be put

QUESTION PUT
AGREED

The ayes have it. Honourable Members, there being no further debate I put the question that the Bill be agreed to in principle

QUESTION PUT

Madam Clerk would you please call the House

MR BUFFETT	NO
MRS ANDERSON	YES
MR BATES	NO
MRS LOZZI CUTHBERTSON	YES
MR BENNETT	YES
MRS SAMPSON	NO
MR ADAMS	NO
MR KING	YES
MR CHRISTIAN	NO

Honourable Members the ayes four the noes five, the noes have it the Bill is defeated

3. DOMESTIC VIOLENCE BILL

DEPUTY PRESIDENT: Honourable Members, Order of the Day No 3, the Domestic Violence Bill. Mrs Cuthbertson, I understand that you are seeking Leave to withdraw the Bill introduced at the last sitting of the House and to introduce a new Bill which

you are proposing to be considered through all stages at this Sitting. Is leave granted Honourable Members on all three counts

(A MEMBER INDICATED NO)

MR BUFFETT: May I suggest a course Madam Deputy President

DEPUTY PRESIDENT: Please Mr Buffett

MR BUFFETT: I don't know whether I read that picture right but I don't think that there is probably any difficulty in withdrawing the Bill that is already on the table and I don't think there is probably any difficulty in introducing the new one, I think it's bringing it all to conclusion today that might be the query so may I suggest this course. I'm comfortable to vote that it be withdrawn, and I'm comfortable to vote that the new one come in and then let's talk about where we go from there

DEPUTY PRESIDENT: Mrs Cuthbertson, would you seek leave to withdraw the existing Bill

MRS LOZZI CUTHBERTSON: Certainly Madam Deputy President, I so seek leave

DEPUTY PRESIDENT: Is leave granted? Thank you. Leave is granted

MRS LOZZI CUTHBERTSON: May I seek leave to introduce the new Bill Madam Deputy President

DEPUTY PRESIDENT: Leave is sought to introduce the new Bill without Notice, is Leave granted. Thank you, leave is granted. We may now proceed

MRS LOZZI CUTHBERTSON: Madam Deputy President if I may speak. I do understand the concern of Members to push the Bill through all stages, in fact I seriously thought about suggesting that the Bill should lie on the table until the next Sitting. I apologise to all Members for the long delay in presenting the final version which was caused by improvement in the language, the legal draftsman in Queensland has done an excellent job in simplifying the expression and making it much more readable and in trying to incorporate all that has been learnt in other parts of Australia about making this kind of Bill functional. I have no objection whatsoever in the Bill lying on the table until the next meeting of this Assembly

MR BUFFETT: Madam Deputy President I would like to just have some resume of the principle new parts that have been introduced so that we will just have them identified to us and that we might be able to give them some thought between now and when we next come together

MRS LOZZI CUTHBERTSON: Thank you Madam Deputy President. If I may go over some of the new things that have been introduced in this present Bill. The Bill draws the provision from Domestic Violence legislation in several Australian jurisdictions, as I mentioned. It broadens the scope of protection against domestic violence so that it is available not only to a spouse but also to a former spouse, a de facto spouse, a defined relative or a household associate. In effect it provides for no violence to occur in a house to whoever happens to live under the same roof. The relative includes the parent, the grandparent, child, sibling, uncle, aunt or cousin or a former de facto equivalent in those relationships. Household associate of a person means another person who resides in the same household but who is not a tenant or a boarder. The revised Bill provides for portability of protection orders which is most important in protecting people that might move here and it affords protection to people who might move to other jurisdictions who have this provision so we have a mutual arrangement with them. Alternatively such orders may

be brought to the Island may be varied by our Courts to make them more acceptable to the local conditions. The revised Bill as I mentioned in November, confers a duty on a Member of the Police Force to take action to apply for a protection order or an interim protection order if the Police Officer believes a person has been or is about to be the victim of domestic violence. This is a very important provision as it does not force the spouse of de facto to take the initial action and so many people who are being abused or being exposed to domestic violence are very reluctant to take the initial action. I would like to emphasise at this point that the action taken by the police in this instant is civil action not criminal action and it will be judged by the magistrate in the evidence that is presented in seeking such a protection order or interim protection order, it will be judged on the balance of probability and if such an order is issued people will not be left with a criminal conviction. The Bill also provides that a child may, if the court orders, be represented in proceedings separately from other parties and that such a presentation on request be arranged by the Administration. This simply ensures that a child's welfare and safety and whatever else is involved in the situation are protected separately from other people if it is thought that it is necessary. It will not happen unless it is obvious that it is necessary. The Bill includes a clause to allow an order to direct the respondent to provide certain personal property to an aggrieved person that is reasonably needed by the aggrieved person, in other words, if one of the parties moves out of the house taking children in a desperate hurry because of a violent situation they will be able to apply to the court and say we need our clothes, we need important necessary things to continue surviving and the court will have the authority to make that order. That is pretty important but you notice there will be certain personal property that an aggrieved person reasonably needs, not just any old thing. The limits of that clause are quite sensible. This Bill ensures that no proceedings that may identify the parties who are proceeding may be published and that provides that unless the court otherwise orders a hearing under this legislation it be closed to the public. This ensures that people who take personal matters of this kind before a court are protected. That their affairs are not brought to the public's attention in harmful or dispassionate ways. We want to protect peoples' privacy. The Bill includes provision to oblige the court to explain the effective orders to all parties involved, and that's very important. Whoever comes before the court and is affected by this Bill should fully understand what the consequences of orders and proceedings before court mean, and it provides that this explanation should be given in easy to understand, reasonable language. Protection orders will be made by the Court of Petty Sessions. It will be possible to make these periods of up to 12 months but an interim protection order may be made in urgent circumstances by a single magistrate and the magistrate will enjoy the protection of the Bench in such circumstances, but such an interim order may only last for a period of up to 10 days. After that the whole matter has to go before the full Bench, the three magistrates so that it is again given proper consideration, and all the details that are necessary can be canvassed in a cooler more reasonable manner. Madam Deputy President, as I mentioned last month, making a protection order against the person has the affect to suspending any current licence under the Gun Licence Ordinance 1958. Experience overseas and the statistics from all over the world overwhelmingly demonstrate that guns can be used in a moment of heat, in a moment where good judgement has flown out of the window and by that time all the people involved in the situation, including the perpetrator are extremely sorry for what has happened, but guns have very, very serious consequences if used in those circumstances, and we want to make sure that all people are protected from doing something they may regret very seriously later. We want to prevent death or injury in all conditions. Clause 30 of the Bill empowers a police officer to seize also any other weapon which they may reasonably believe and which perhaps the perpetrator has indicated he or she may use or threaten to use from the premises in which the domestic violence is occurring. Again, not always guns are utilised in situations like this and we should keep in mind that people do do things on the spur of the moment with terrible consequences. Madam Deputy President I believe

this Bill draws the best provision from equivalent laws in Australia and Territories, the Australian States and Territories, it takes account of problems which have arisen in the operation of domestic violence legislation elsewhere and as far as can be predicted attempts to minimise similar difficulties arising on Norfolk Island. The Bill, when eventually considered in detail by this House will achieve three important objectives. First it will provide a regime of protection for victims, or imminent victims of domestic violence; second, it significantly enhances Norfolk Island's legislation relating to the protection of children in peril. And if I may remind this House we have very little effective legislation to protect children. This legislation would not establish a huge bureaucracy as has happened in other places, but it would certainly give us an opportunity to protect children from situations in which they might come to harm. Third, its passage through the House will make crystal clear to the community locally and beyond, that the people of Norfolk Island through their elected representatives have no truck with perpetrators of domestic violence. Thank you Madam Deputy President.

DEPUTY PRESIDENT Honourable Members the question is that the Bill be agreed to in principle. Participation.

MRS LOZZI-CUTHBERTSON Madam Deputy President may I move that the debate be adjourned.

DEPUTY PRESIDENT The question is that the debate be adjourned and resumption of the debate made an order of the day for the next sitting.

QUESTION PUT
QUESTION AGREED

Honourable Members we come to the fixing of the next sitting day.

FIXING OF THE NEXT DAY OF SITTING

MR BATES Madam Deputy President, I move that the House at its rising adjourn until Monday, 13th February 1995 at 10.00 am.

DEPUTY PRESIDENT Debate Honourable Members.

MR BUFFETT I just observed Madam Deputy President that this will mean that we will not be sitting beyond the Christmas/New Year period and that we will come back early in February. It is not the normal sitting date but that's so that we can meet within the time frame of two months which is within our statutory limits and also so that it will not cut across activities the members might need to undertake during that two monthly period.

DEPUTY PRESIDENT Thank you Mr Buffett. Is there further debate. There being no further debate I put the question that the House do now adjourn. That the motion be agreed to.

QUESTION PUT
QUESTION AGREED

Thank you.

ADJOURNMENT DEBATE

Honourable Members we are to Adjournment debate.

MRS LOZZI CUTHBERTSON: Madam Deputy President I move that the House do now adjourn.

DEPUTY PRESIDENT The question is that the House do now adjourn.

MR BATES Thank you Madam Deputy President. Since this is the last scheduled meeting of this Assembly for this year I would just like to take the opportunity to wish my colleagues in the Assembly, and also in the community, a happy and a holy Christmas and a prosperous New Year, and I must say I did enjoy sitting here through the meeting and for a bit of that time seeing a little bit of rain outside. Thank you Madam Deputy President.

MR BUFFETT Madam Deputy President I wonder if I could firstly reciprocate Mr Bates' good wishes and also add my own to all members for a very happy Christmas and a happy New Year. I think it is fair to say that during this period leading up to Christmas in this particularly Assembly some new issues have been tackled; some good issues have been brought forward and I think that some community wellbeing is certainly being taken into account by the members who are sitting around this table now, and I wish them all well over the Christmas/New Year period, knowing that that has been the association in the past. May I also extend, Madam Deputy President, good wishes to people in the community; people who have shown an interest in things that we do in this chamber; the organisations that have had an interest in speaking with us and making representations to us and assisting us in various courses so that we in turn may join together at Christmas time and say to the totality of the Norfolk Island community we wish you well for Christmas and we hope that the New Year will be bright. We are working towards making it bright and we hope that that brightness will be there to be shared by all when 1995 comes along.

MR KING Thank you Madam Deputy President. I would also like to add my wishes for the festive season to my colleagues, and those in the community of course who have supported me during the year, and indeed those who haven't supported me, but have nevertheless given me the benefit of their wisdom and advice from time to time. I wanted to wait till last before I said anything in the adjournment debate because I really wanted to see how many of my colleagues were prepared to say something about maintaining their own dignity and self respect. Some weeks ago, and I referred to it in the adjournment debate in the last House, that members called upon Mr Christian to make a personal statement regarding his affairs. And that resulted in a bit of chatter in the community as to having to wait till next month to find out what the hell's going on - excuse my language - what is going on around the place. Well I guess they're not enlightened any further as a result of Mr Christian's statement today. Mr Christian's statement today was more or less throwing the gauntlet down and calling upon someone to pick it up. I can make a personal statement as well and I guess it would go something like expressing my interests in the preservation of parliamentary democracy and the preservation of honesty and the proper use of executive authority and the preservation of my own dignity and self respect and the self respect of this House. Regretfully I found Mr Christian's statement unconvincing and totally unsatisfactory and I regret to have to say that at the onset of the festive season because I quite like Mr Christian. I think he has an excellent mind on him, a very quick mind. I just wish that he would apply it for the interests of which he was elected and I guess I'll just muse on it over Christmas and have a couple of beers with Lopy and let him know which way I intend to proceed since I've now got the gauntlet in my hand. Thank you.

MR BUFFETT Madam Deputy President, I think Mr King is raising a question with the whole host of us about whether we feel comfortable about our dignity and self respect and I just need to make it plain to him that I don't feel wanting in that particular area, if he is asking people to say whether they are or are they not. If he's referring to Mr Christian's situation he has quite clearly come out today and stated to us where his areas of extra interests may lie, and that's healthy, because there have been queries raised about that around this table and elsewhere, and he having done that today quite clearly explains what that situation

is. If there are continuing concerns in specific areas then I'm sure you, Mr King in this particular instance, would have an opportunity to raise them specifically.

I'm not too sure that it is beneficial to either yourself, Mr Christian or any of us to just leave it on the saying that maybe democracy is at risk, honesty is at risk, executive something else is at risk. I think that they're very wide, sweeping statements that probably don't do justice to any situation and if you have specific areas of concern then maybe you might like to tackle them. But I think it's not appropriate just to start to swing the cat around. I certainly have heard what Mr Christian has said, and I'm comfortable with his statement that he has interests in these other areas. It will mean that we, as members of this Assembly, will need to know when certain matters are brought forward and being discussed that he may have an interest and we would look to him to continue his declaration there and he having identified them makes that proper for us to do. And I think that's a proper course. I think that's a proper course.

MR BENNETT Thank you Madam Deputy President. With respect I think Mr Buffett has missed the point of the exercise. It is true that we have no Pecuniary Interest Register on Norfolk Island. One of the unique things about the place is that most people know most things that are going on with most people and it wasn't the question of whether a members' involvement with this that or the other, it was a personal statement relating to the activities which caused concern at a meeting with members about whether there had been a conflict of interest or otherwise. We were not about asking for a declaration of interest because, quite frankly, everybody knows. We know you're an earth-mover and the rest of it so I just thought perhaps Mr Buffett had missed the point of asking for that personal statement which, I think by most members, was expected at the last meeting in relation to ...

MR BUFFETT I didn't ask for a statement.

MR BENNETT No, no, I didn't say you had asked for it, but we haven't had a statement. That is the point.

MRS LOZZI CUTHBERTSON I think I should apologise to Mr King because I was looking for this debate and then I forgot about it momentarily. I welcome Mr Christian's statement, but it did leave a great many areas uncovered, and like Mr King I'm not totally happy about it. A most important area which he has not covered, and I think he should have covered for everybody's sake, and we certainly canvassed this in discussions in meetings, he mentions that he has had shipping interests for over two years, interests in shipping for over two years. If that had been announced when he took a position on the Cargo Handling Committee that was established by this Assembly, it certainly escaped everybody else's notice. Mr King, who chaired that Committee, became aware of it after certain actions had taken place and it's when all this came to the surface ...

MR KING Madam Deputy President, could I raise a point of order please.

DEPUTY PRESIDENT Mr King.

MR KING My point of order is this, is section 62 or something of Standing Orders deals with imputations and reflections. I am aware that matters of this nature can only be dealt with by way of substantive motion. I don't want to make a debate on my standing order, but I draw your attention to section 62 of Standing Orders, Madam Deputy President, my belief that there are inferences contained in what Mrs Cuthbertson has said.

MR BUFFETT There were inferences in yours too, Mike.

MR KING Well, I believe that, yes, but I didn't further this debate

without a substantive motion. I mean you've accused me of swinging the cat around over my head

MR BUFFETT Hm.

MR KING And you too have thrown down a challenge to me to introduce a substantive motion. Well I'm quite happy to do that at the appropriate time but I don't think that furthering the debate without bringing out the facts is proper.

MR BUFFETT But you initiated it you see.

MR KING Well, I'm quite happy if Madam Deputy President is not calling that a point of order, I'm happy to continue with the debate and bring out the facts.

MRS LOZZI CUTHBERTSON I defer to somebody else's greater knowledge of Standing Orders and I'm certainly willing to cease these comments until we come forward with a substantive motion. But I am concerned about certain things that were lacking in that statement.

MR BATES Thank you Madam Deputy President. This issue has been around for a little while amongst the members and I was very unhappy about most of it. My own attitude towards it all. I had difficulty coming to grips with it and it was mostly that that motivated me into having a few words to say in the Adjournment Debate of the previous meeting, and I have to admit, having said that that I've been able to sleep again at night and I have cleared my conscience. So if anybody's suggesting that we have out consciences to live with over this issue I don't feel it's up to me to say any more. I think I made my feelings quite clear at the previous meeting, and as I say, that cleared my conscience. Thank you.

MR KING Madam Deputy President, I'm not sure that it's a matter of clearing one's conscience, it's a matter of deciding in one's mind if you're a member of this House what level of conduct you're going to expect, particularly of your executive members. It's not a matter of simply clearing your mind on a particular issue. I mean I have my own views and I hold onto them very strongly, certainly in this regard. Maybe in other areas I don't hold onto my views and principles all that dearly, but certainly I hold onto them very dearly in this regard; and I'm not going to act any differently in this Assembly as I might have acted in previous Assemblies. If there are difficulties that I see then I'm going to bring them to the fore and there is an expectation in the community that they be discussed and that they be discussed thoroughly in this forum. I mean to be accused of swinging cats madly and crazily around my head is simply ridiculous. I am not sure at this point of time whether I want to deal with this issue by way of substantive motion, that's my difficulty, and I'm not sure whether it's me because I don't want to be seen as the great white knight or the preserver of dignity, preserver of all honesty in the House. Every time something goes wrong Kingy's the one that starts whinging and moves for someone to be sacked. I mean I don't want to be seen as that. These are things that I have to mull over in my mind, so I'm not sure at this point in time whether I want to deal with this in a substantive, in a manner of a substantive motion. I recognise that if I do, that if my conscience tells me if I can't live with myself and it's up to me to do it because no-one else is going to do it, then I'll do it, and I will accept that if I do that and I fail, then I should move from the ministry myself. And I'm willing to make that sacrifice.

At this point in time I'm not going to make a substantive motion out of it, to do so I'd have to go through the rigmarole I guess of moving suspension of Standing Orders etc., etc. but if someone else wants to do that I'll follow along.

MRS SAMPSON Thank you Madam Deputy President. I seem to recall way back

when this matter came up, it came up in a Committee Meeting, and the whole committee of nine, were advised to let it drop. The Executives were going to deal with it. Now from a backbench point of view we let it drop. Now can I perhaps ask the other members how they read this comment in a Committee Meeting.

MR KING: ..inaudible..

MRS LOZZI CUTHBERTSON I have really completely different recollection of that. The matter was raised at Executives and it was brought to the MLA's, and the MLA's, at the MLA meeting Mr Christian agreed to make a statement to the House which would be debated and I'm still awaiting that particular statement to the House that could be debated. I certainly will be considering what I need to do about this matter in a future meeting of the House. I share some concerns that Mr Bates has mentioned but I also admire much of what Mr Christian has done. The bringing towards fruition the question of a vessel for Norfolk Island but there are questions that he has not answered for me to feel happy about the whole situation. And I think these questions need to be answered in public.

MR KING Just some brief words. I wouldn't, the community, those who are listening in are going to be totally confused and irate about this debate and I would want to make it very clear that I'm not suggesting that any dishonesty has occurred here. What I'm talking about is public perception and whether someone's conduct amounts to, in the minds of those who see it, unsatisfactory, or the perception is not acceptable or something like that. I mean it's not for me to state categorically that there's been something dishonest take place here. I'm talking largely of public perception. So I wanted to make those few brief words.

MR BUFFETT Madam Deputy President, I'm a bit sorry that our Christmas cheer has moved in this direction. I really feel that maybe if Mr King has a continuing area of concern, and others may have a continuing area of concern, they have a conversation with Mr Christian to identify those areas and if they feel that some further public statement is desired maybe they could talk to him about that, or if they continue to feel that it is not to be handled in that way then they can exercise their mind about some other method if they so wish. I'm not too sure if's going to be beneficial to prolong the matter at this very moment.

DEPUTY PRESIDENT: Thank you Mr Buffett. Further participation? Thank you Honourable Members. There being no further debate I put the question that the House do now adjourn

QUESTION PUT
AGREED

Thank you Honourable Members. This House stands adjourned until Monday the 13th February 1995 at 10.00 o'clock in the morning.

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