

**PRAYER**

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

Thank you Honourable Members. If you would feel more comfortable gentlemen without your coats would you please feel free to remove them

**CONDOLENCES**

There are no Condolences this morning

**PETITIONS**

We move to petitions. Are there any petitions this morning?. There are no petitions.

**GIVING OF NOTICES**

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

**QUESTIONS WITHOUT NOTICE**

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

MS NICHOLAS Thank you Mr Speaker. I direct a question to the Minister for Tourism and Commerce what action does the Minister intend to take to ensure that prescribed signage in respect to the sale of cigarettes to underage children is in place in retail outlets, especially having regard to the age of some of the juniors employed by one major outlet

MR SMITH Thank you Mr Speaker if there is a difficulty in that area I'm certainly prepared to take it up with the retailers who deal in those products

MRS JACK Mr Speaker thank you. To the Minister whose portfolio includes Police. How many crimes have the Police investigated during the past six months

MR SMITH Thank you Madam Deputy Speaker. I wouldn't have that information at my fingertips but if Mrs Jack would like to put that on notice, if it can wait until the next sitting I would certainly be prepared to do the investigations needed to find that out

MRS JACK Could I have a supplementary to that. As a supplementary, how many of these investigations have led to charges being made

MR SMITH Thank you Madam Deputy Speaker same answer. In getting the other information I can also get that information for Mrs Jack at the same time

MR BUFFETT Thank you Madam Deputy Speaker my question is to the Minister who has responsibility for the Public Service, Mr Smith. Madam Deputy Speaker I have some introductory words which just puts the scene for the question that I'm about to raise. Since about July 2001, that is last year, there have been a number of resignations by senior officers of the Public Service, the most recent

one was announced on Monday of this week. There has been a court case just concluded yesterday on conflict with senior management and there exist grave dissatisfaction and discomfort and horribly low morale at some levels of the Service. My question to the Minister is

MRS JACK Point of Order. Thank you Madam Deputy Speaker. Standing Order 72a, does that not come into being now

DEPUTY SPEAKER That requires that the House be closed if discussion were to take place in respect of a named or identifiable officer. At this time I'm not sure that an officer has been identified. I don't believe the officer at this time is identifiable. Thank you Mr Buffett

MR BUFFETT Thank you Madam Deputy Speaker. My question to the Minister is this, is the Minister aware of the situation and if so, I ask him what is the cause of these problems and thirdly I ask him, what he is doing about it

MR SMITH Thank you Madam Deputy Speaker. I am aware of discussion in the community about the issues that Mr Buffett has raised. He refers to July last year. I've been the Minister for the Public Service for the past eight or ten weeks since we've been elected. Mr Buffett is referring to the Public Service and therefore it does fall in my responsibility. He is asking if I know what the cause of the unhappiness is with some members of the Public Service in relation to what he is asking. Yes, I think I am quite aware of what the cause is of that general unhappiness. What am I doing about it. I have, as is rightly so, had discussions with Senior Management of the Public Service as has the Chief Minister in relation to that issue and that we have already put in train some moves that will improve the situation

MR BUFFETT Thank you Madam Deputy Speaker a couple of supplementary questions. Could the Minister elaborate and advise members of the House the measures that he has put in place to address these significant problems

MR SMITH Thank you Madam Deputy Speaker it appears that most of the unhappiness and I'm not too sure about general morale right across the Public Service, maybe there is, I haven't spoken to every single person in the Public Service but it does appear to relate to the change in Public Sector Management as we commenced down that path some years ago with the Public Sector Management Act that it has created some uncertainty in some people's minds in the public service about the tenure of their positions and I can understand where they are coming from with that. That is not the intention of the Public Sector Management reform, to make people lose their jobs and as far as I'm aware in the past twelve months I don't think anybody's been put in that position where they have actually lost their jobs. That's apart from people who have resigned from their positions. The way of us dealing with the situation as it currently stands is to make sure that people don't feel that they are being put into a position with their jobs and I think the Chief Minister has passed the same words on to senior management in the Service that there needs to be a recognition of people's feelings in the Service, and I don't use that word feelings lightly because there is some strong feelings as we all know because most of the people in the Service are long term residents or have certainly been in the Service for a long time and that needs to be taken into account. Senior Management recognises where that needs to go and have committed to making a difference in that area

MR BUFFETT Thank you Madam Deputy Speaker and thank you Minister for your response about that, but could I ask the Minister a supplementary question. To ask him whether he is satisfied with the treatment that is being provided from some elements of the Senior Management of the Service and is he concerned about the serious loss of some senior officers who have resigned and walked away from the Service of recent months

MR SMITH Thank you Madam Deputy Speaker I'll answer the second part of that question and that refers to the loss of the corporate memory if you like from the Administration certainly in the last twelve months. Sitting around this table we have three people who were senior managers in the Administration, three of them now in this position. I know of one other senior manager who regrettably is not with the Service any more. Mostly by choice of resignation and I use those words carefully with that because that wasn't totally how that worked out but yes, it certainly is regrettable that any of these people who have moved from the Administration at that level have moved on but that is people's choice in that sense

MR BUFFETT Thank you Madam Deputy Speaker could I ask the Minister further, what is his timeframe for providing a resolution to this ongoing difficulty

MR SMITH Thank you Madam Deputy Speaker I think I referred to that earlier on that action has already been taken to try to improve any areas where there are deficiencies. I and the Chief Minister have already done that. I need to add also that I have met a delegation of the Public Service Association related to what Mr Buffett is talking about. That has been taken on Board. The Chief Minister met with the PSA with me. We had a very fruitful discussion about that and their suggestions of where improvement need to be made in management areas where, if something is not done appropriately, that we very carefully monitor that. And look, I'm right on side with that too. I agree that nobody should be treated in a way that they might feel threatened, if that does happen and as far as time frames are concerned, I would have thought that we are already working on that. I will be very much keeping my eyes and ears open to how things will go from here on in. If I suggested a time frame I would guess I would only be guessing but I would like to think that that would be as soon as possible

MR NOBBS Thank you Madam Deputy Speaker. It's in relation to personalised number plates, and I don't know which Minister has it but the personalised number plates proposal, could I be advised as to the development of that proposal which has been around for a number of years now and where we are actually at with the personalized number plates development proposal and secondary, where some valuable samples which were provided two Assembly's ago are currently located and are they in a safe location

MR DONALDSON Thank you Madam Deputy Speaker and Mr Nobbs. I'm not sure if that question actually falls directly in my area but it has fallen in my area as far as budget goes because I'm aware that there was a \$30000 revenue item put in the original budget this year and that's now been taken out. It's been taken out because nothing has happened in the life of the Tenth Legislative Assembly regarding number plates. I think the issue really died on the vine some six or twelve months ago. I am willing to reactivate it to find out what has happened. As regards the second part of your question what's happened to the sample number plates, I will have to take that part of the question on notice too. I haven't heard of any sample number plates being stored anywhere or being delivered to the Administration so if that doesn't answer your question, I would be happy if you would put it on Notice for me

MR BROWN Thank you Madam Deputy Speaker. I direct this question to the Minister for Community Services and Tourism. Having regard to the present crisis in the Public Service, is the Minister prepared to ensure that objective exist interviews are held with all of those who have resigned from the Service in the last six months and is the Minister prepared to objectively review the crisis that has developed

MR SMITH Thank you Madam Deputy Speaker, if it was to achieve something that was going to benefit the Public Service in the long term, I certainly have no difficulty in doing as Mr Brown suggested and maybe he could give me

some more information after the meeting about his reasoning behind the question. I think I understand where he's come from with it. I'm quite happy to do it as long as it is going to make improvements to the Public Service in the end

MR NOBBS Thank you Madam Deputy Speaker I have a question for the Minister responsible for the Public Service, I understand it's Mr Smith. Could you provide advise as to where the insurance of the Millennium Tent now rests as its been in limbo for some time now. Have we come to a resolution on that and where in the Service is its insurance currently located

MR SMITH Thank you Madam Deputy Speaker I don't know. That's been a question we've been asking for quite some time. If Mr Nobbs would like to put that on notice, obviously I will try and find out as quickly as I can but if he wants it brought forward to the next meeting I'm certainly prepared to do that if he would like to put it on notice

MR NOBBS Thank you Madam Deputy Speaker is it a fact that there were certain insurance policies which were allowed to lapse in the last few months and has that issue been resolved at this particular point in time and at what cost to the Administration has a failure to renew those insurance policies

MR DONALDSON Thank you Madam Deputy Speaker, it is true that there have been some lapsed insurance policies in the Administration in the last eight months. In fact what happened was the third party bodily injury for motor vehicles lapsed on the 1<sup>st</sup> July or 30<sup>th</sup> June 2001 and although we were invited to renew it, the renewal was never auctioned, the premium was never paid and it meant that for a period of six months the Administration fleet was being driven around on the Island without third party motor vehicle insurance. We did negotiate insurance for it in December. I can't remember the exact figures but I'm not far out if I say the original premium was about \$8-9000 for this and the revised premium after renegotiation with another insurance company was in the mid twenties, so there was a significant increase in premium as a result of not renewing it on time

MR BUFFETT Thank you Madam Deputy Speaker could I ask a supplementary on that particular question that the Minister has just responded to. Is the Minister able to confirm that the original supplier of insurance in terms of the fleet that he has just mentioned in fact has withdrawn its insurance services from Norfolk Island and therefore is not insuring anything in Norfolk Island at this moment

MR DONALDSON Thank you Madam Deputy Speaker yes I do understand that subsequent to being offered the renewal of insurance back in June 2001 the company has withdrawn although I do understand that had we renewed the insurance at that stage it would have been valid for a further twelve months

MR BROWN Can the Minister advise whether the new insurance policy in terms of its coverage is absolutely identical to the policy which was not renewed and in particular can the Minister advise whether the vehicles covered by each policy, were identical

MR DONALDSON Thank you Madam Deputy Speaker no I don't have that fine detail available. In principle I think they are similar insurance policies, whether the total sum assured is the same I'm not sure. I think there is a reduced limit on the new one of half a million dollars bodily injury but if you like I would be happy to accept that question on notice and follow it up for the next meeting

MRS JACK Thank you Madam Deputy Speaker my question is to the Minister for Finance in his portfolio responsibility for electricity and I

would like to know what is the cause behind the three electric brownouts over the last two days

MR DONALDSON Thank you Madam Deputy Speaker. I was warned about this question and made some enquiries late yesterday afternoon and this morning about it, and I've been informed that the first blackout or brownout that we had was caused by a regulator failing at the powerhouse. That was repaired and the second one we had was caused by a 24 volt charger failing which was a consequence of the regulator failing the day before. Those two were linked. The third one we had is the most serious. It is not linked to the first two occurrences whatsoever. It's caused by or thought to be caused by an alternator failure. This alternator failure is being looked at by the moment by electricity staff who are yet to determine the extent of the problem and an announcement I guess will be made in due course but that set is not being used at the moment, a standby set or backup set is being used and that particular alternator or generator is out of commission at the moment

MRS JACK Thank you Madam Deputy Speaker this is a supplementary then. Are we likely to have more of these in the future. How many backups do we have

MR DONALDSON Thank you Madam Deputy Speaker as I understand it there are two banks of generators down there and they can be worked independently. Whether they can be interchanged between banks I'm not sure but I'm assured that the reason for the first two blackouts or brownouts that we had has been corrected. The third one which is more serious is still being looked at. What happens tomorrow or the next day I can't really tell but there's no imminent warning issued that we are likely to have a failure

MR NOBBS Thank you Madam Deputy Speaker I have a question for the Minister for Health. There have been two reports done on health of late, received in the last six months anyhow. Can the Minister please advise as to what he's done to progress a response to these recommendations in the report and if not, when does he anticipate that some action will be taken.

MR SMITH Thank you Madam Deputy Speaker. Mr Nobbs is quite correct. There are two reports that have been done in the past twelve months, one was called In the Pink and In the Red which was done by the Joint Standing Committee of the Commonwealth Parliament and the other was requested by a previous Minister for Health, Mr Gardner, from Griffith University to do a review into the Health Systems on Norfolk Island. In some ways both those reports say very similar things and the Commonwealth Government has already given us a draft response to their reaction to it. Those two reports are currently being assessed a group of people which includes myself, the Executive Director of Community Services and Tourism, the new Hospital Director and Mrs Jack as the Member assisting in Health. We've gone through about half the recommendations at this point. We are meeting again next week to go through the other half and the intention then is to bring it back to the Assembly Members for their comment on our comments. This is in relation to the In the Pink and In the Red Report in the main and then we need to give a response back to the Commonwealth on their draft response to the report and from there we decide where we go with all the health issues and I need to add that we are in the process of doing a review of all the health services which are provided on Norfolk Island which was the idea of the Griffith University Report to see if we could come up with some good ideas and in some ways they have and in other ways things have come out in these reports that we simply don't agree with so our next meeting is next week and we'll be reporting to members probably at Monday weeks MLA's meeting

MR NOBBS Thank you Madam Deputy Speaker could I ask a supplementary. In those Reports health was considered and funds have been provided to commence this. What progress has actually been made on ehealth to date

MR SMITH Thank you Madam Deputy Speaker in talking to the Executive Director for community Services and Tourism yesterday and they have been working on that and recognizing that it has taken some time to date to get anything happening in that, and he's looking at that

MRS JACK Thank you Madam Deputy Speaker, I don't know who is responsible for this, whether it's George. It concerns the contents of the Government Gazette and the Public Service prepares the work for it or whether it's Geoff because of the legal angles involved but I would just like to know why the court reports have stopped being put into the Government Gazette

MR SMITH Thank you Madam Deputy Speaker I don't mind fielding the question but I don't know what the answer is and if Mr Gardner does, he's nodding, he does

MR GARDNER Thank you Madam Deputy Speaker in response to that I've had approaches from differing peoples, organisations and certainly the Magistrates on the Island to explore the possibility of having the court reports reinstated or reconstituted as part of the Norfolk Island Government Gazette. The position which I believe is consistent with the advice is that the court reports should more appropriately be made available to the Norfolk Islander and it is then a decision for them, as publishers as to whether they would publish those reports and that's pretty much the practice as it occurs elsewhere

MR NOBBS Thank you Madam Deputy Speaker a question to the Minister for Finance to ask what has happened to a proposal to look at a superannuation scheme for the Island in which two proposals were put up by individual companies, one in Australia and one in New Zealand. Have these been progressed

MR DONALDSON Thank you Madam Deputy Speaker there's been discussion only in the life of the Tenth Legislative Assembly for the need of a superannuation within the Norfolk Island Administration and the Norfolk Island community generally. It's certainly a matter of priority because there is no compulsory superannuation on Norfolk Island. That's having a major effect on our pension scheme and the people who enter into the pension scheme because they don't have superannuation. Like I said, nothing has happened in the life of the Tenth Legislative Assembly to reactivate or investigate those previous two reports that have been delivered to the Government. I would be quite happy to take that on board and pursue it because it has raised its head in other venues in the last few weeks, but like I said, no progress has been made

MR NOBBS Thank you Madam Deputy Speaker just a supplementary. I ask the Minister, isn't he aware that there was an officer actually working on a proposal to provide information to these two particular proponents. It's not, no report was actually completed, is he aware that they were waiting on information

MR DONALDSON Thank you Madam Deputy Speaker I was aware about six or twelve months ago that there was some information sought and some information delivered to various people who wanted to set up a scheme or investigate setting up schemes for superannuation on Norfolk Island. As far as I know that information was given to the people but the information Mr Nobbs is referring to could be a subsequent event which I haven't any knowledge of

MR BROWN Thank you Madam Deputy Speaker, I direct this question to the Minister for Community Services and Tourism in relation to his responsibility for the public service, can the Minister advise whether planning approval has been obtained for the large shed presently being constructed in the Administration's rock storage area at the airport and if approval has not been obtained, is it proposed that anything will be done to rectify that

MR SMITH Thank you Madam Deputy Speaker I assume that planning approval was gained for that but if there is some question about whether it has or not I'm certainly willing to investigate that and take the appropriate action

MR NOBBS Thank you Madam Deputy Speaker a question to the Minister for Broadcasting. The dish has been a problem areas as we know. Is it true that there is a proposal to switch satellites this year. Is that correct, and if so what reception can we expect and on what Televisions stations can we expect to receive

MR SMITH Thank you Madam Deputy Speaker we have been told that that information is correct, that the Television Broadcast will change from the satellite that we are currently getting our signals from which is the Optus B3 I think and as that is running out of fuel as I'm led to understand, that another one is going to be put up which is expected some time this year. I'm not too sure exactly when and when that one goes up we will have a much improved signal to the reception we get now. Whether there are going to be other television or radio stations available, we're not sure at this particular time. It would certainly be great to have an improvement in what we already have and for those who may have forgotten, the reception we get now is from the national beam over Australia and we are just lucky that we are able to receive it and that's mainly because we bought a ten metre dish to be able to pick up the reception and gave us the continued television coverage, otherwise when they changed the B3 satellite we would have had no television coverage or overseas radio broadcasts at all. I'm assuming that with the new digital television services that that will come with the new satellite and if we were to change our systems here we may be able to broadcast digital television in the sense that it's being received in Australia now which does give people a lot more options, for example, I think the ABC can have up to four extra channels that come down on the same frequency and if you have the right equipment you can choose which ABC channel you want to watch and same with the commercials, but I'll keep people updated on what we find out about which stations will be broadcast and what we should be able to receive off that satellite and if and when that satellite comes into operation

MRS JACK Thank you Madam Deputy Speaker one half of this question is covered later on in today's proceedings but I would like to have the other half covered now by the Minister for Lands and the Environment. What cost recovery strategies are being considered for those commercial operators who make use of public facilities in the parks and reserves of the Island and are already in place

MR I BUFFETT Thank you Madam Deputy Speaker as I understand there is no direct cost recovery for the people who are currently using the parks and reserves areas. It's a good opportunity to advise the Assembly and the community at large that the draft plans of Management will be in place or will be tabled at the March Sitting of this House. I believe that once those draft Plans of Management for the Reserves and the public places are in place then we as an Assembly can consider what if any charges we should make for the use of those areas

MR BROWN Thank you Madam Deputy Speaker, I direct this question to the Minister for Community Services and Tourism. Can the Minister advise now that we have almost 30% more registered visitor beds than was the case a year or so ago, can the Minister advise precisely when all of the additional visitors will begin to arrive

MR SMITH Thank you Madam Deputy Speaker I don't know if I can give a precise answer to the question, which is kind of academic anyway but underlying that question is the question, where we are going with Tourism. It's my intention that when I table the tourist arrival figures to talk about that situation and if Mr Brown is happy we can continue the debate during that time rather than try and give an imprecise answer to his question

MR NOBBS Thank you Madam Deputy Speaker I ask the Minister responsible for the Public Service, what is the current Administration policy in relation to the purchase of vehicles

MR SMITH Thank you Madam Deputy Speaker as far as I'm aware it's the same as what it was when Mr Nobbs was Chief Minister some months ago. I don't think there's been any change to that policy at this point in time

MR NOBBS Thank you Madam Deputy Speaker I just ask the Minister if he is aware that there was a proposal put forward to import Jap imports and I was wondering if that has actually been formalized as it was not completed at the time of the last election

MR SMITH Thank you Madam Deputy Speaker I think there was a question there somewhere, but it does confirm to me that it hasn't changed since Mr Nobbs was the Minister responsible for the Public Service because that action has been taken in relation to importing vehicles where there was a move to import second hand vehicles from the Japanese second hand car market and I think that's how that is progressing and so far, proving to be a good way to go and it's a good policy to have

MRS JACK Thank you Madam Deputy Speaker a question for Mr Donaldson in his portfolio of licenses. How many homes on the Island are used to hold progressive dinners and has each one of these a separate license

MR DONALDSON Thank you Madam Deputy Speaker I'm sorry but I can't give an accurate answer to that one. I could speculate what the answer might be but it's probably best if I ask you to give it to me on notice and I'll research the answer and provide it at the next meeting

MRS JACK Thank you Madam Deputy Speaker just a supplementary to that. There are further questions here that will probably fall under the same issue of being put on notice so I'll take that up thank you

MR NOBBS Thank you I have a question for the Chief Minister. Will he be making a Statement in relation to the proposed visit of the Minister for Territories this weekend

MR GARDNER Thank you Madam Deputy Speaker I certainly can do that

MR NOBBS Can I ask the Minister, can he do it or is he going to do it

MR GARDNER I am clear in my own mind that I had said that I'm happy to do that

MR BUFFETT Thank you Madam Deputy Speaker at an earlier sitting a month or so ago, the question of a prospective additional airline operating to Norfolk Island was raised. My question to the appropriate Minister Mr Smith is, has the Minister any current news on this matter

MR SMITH Thank you Madam Deputy Speaker I didn't know that it was a matter raised in the House but however, there is often proposals put to the Government about operating air services to Norfolk Island in fact I received one yesterday. Whether it means anything in the end or not I'm not sure but what I think Mr Buffett is referring to is there is somebody who came and talked to myself and the Chief Minister about running an additional airline to Norfolk Island. At this point in time I have no proposal in front of me. I am aware that there are investigations being made by those particular people. I haven't been advised by them that they are going to do that or are not going to do that at this time

MRS JACK Thank you Madam Deputy Speaker just for Mr Donaldson as Minister for Finance, has he received the final figures for the Mini Games and if not, when can we expect them to be presented so that we might see if it was a profit or loss exercise

MR DONALDSON Thank you Madam Deputy Speaker there's two parts to that question, one is have we received figures from the Amateur Sports Association to see how they went and whether they had a surplus or deficit and the answer to that is no, we haven't received a report to my knowledge. The other part to the question is, has there been a costing done within the Administration accounts as to what their contribution to the Mini Games was as far as providing various services to the Games and once again the answer to that is no, not yet but I have called for one and I will call again for one because although it might not be a detailed profit and loss account, we will want to know how much for instance, the electricity fund has contributed towards the Games, how much the Legislative Assembly contributed towards the Games when they entertained the dignitaries and there's quite a bit of other expenditure spread around the Administration that really should for the information of members and the community generally be tallied up and communicated to them

MRS JACK Thank you Madam Deputy Speaker a supplementary. Will you be making these figures available when you have them

MR DONALDSON Thank you Madam Deputy Speaker yes most definitely

MR NOBBS Thank you Madam Deputy Speaker a question to the Minister for Education. How many children are currently enrolled at the Norfolk Island Central School and how does this compare to enrollments for last year and the year 2000

MR SMITH Thank you Madam Deputy Speaker the enrollment last Monday was 331 as the total school number for this year; last year we had 335 and the year before 320 and that's a fairly general figure because of course families move in and out of the Island throughout the year so the numbers do go up and down but currently 331

MR BUFFETT Thank you Madam Deputy Speaker a question to the Minister who has responsibility for the Public Service. The Public Sector legislation provides for a consultative committee. Can the Minister advise whether a Consultative Committee has been properly established pursuant to this legislation

MR SMITH Thank you Madam Deputy Speaker and thank you for the question Mr Buffett because I understand that last year sometime a consultative committee was formed but nothing much happened as I understand it although that might not be totally correct but I've been advised that just in recent weeks the consultative committee certainly has met in the form that it's supposed to and I understand that the discussions that were held were quite fruitful

MR BUFFETT Thank you Madam Deputy Speaker a supplementary question. Can the Minister advise the House whether the earlier difficulties that have been raised at question time about difficulties in the Public Service whether these have been referred to the Consultative Committee

MR SMITH Thank you Madam Deputy Speaker I'm not too sure. I wouldn't be able to give David an answer on that. I guess Mr Buffett is referring to his questions about the unhappiness in the Public Service. If that was an issue for the Consultative Committee, I'm not too sure

MR BUFFETT A range of matters that I referred to

MR SMITH Yes, I'm not too sure. I can check that out

MR NOBBS Thank you Madam Deputy Speaker supplementary. Can the Minister please advise the actual make up of this consultative committee please

MR SMITH Thank you Madam Deputy Speaker no, not precisely

MR NOBBS Supplementary to that. Is he not aware that the majority of members of the Committee are actually officers with a non executive role within the Administration

MR SMITH Thank you Madam Deputy Speaker I was in the Legislative Assembly when we set up the legislation of the Public Sector Management Act and I remember when the amendment was put in to have a consultative group. Yes I am aware of that

MR BUFFETT Thank you I have a question to the Chief Minister. The Minister for the Public Service has responded to a number of questions about difficulties within the Public Service this morning and he has alluded to discussions with the Chief Minister about certain aspects of that. As I had understood the answers, there is an element of certain action being taken but we are doing nothing more at this stage. Can the Chief Minister confirm that that is his attitude about the range of difficulties that have been described this morning

MR GARDNER Thank you Madame Deputy Speaker. As the Minister for the Public Service has indicated in response to earlier questions I have been involved in some discussion with Officers of the Administration, Members of the Public Service Association and also Members of the Legislative Assembly in relation to some of the problems, perceived problems within the Service at the moment. The discussions that we had have centred on just how we will go about resolving those issues and the difficulties that are around. I have made suggestions in those discussions that the Public Service Association needs to document those concerns so that we aren't seen to be acting purely on hearsay. I understand that that has been undertaken and that that information will be provided to the Minister with responsibility for the Public Service so that proper action can be taken in relation to those issues upon the receipt of that information, and I believe that that's the appropriate way that it be dealt with. If there are other issues that the Members of the Legislative Assembly have with those difficulties within the Service being experienced, my advice would be that we have a forum that can discuss those issues, take a position and make recommendation tot he responsible Minister to take a course of action if they feel as though that is not the appropriate course of action that's being taken at the moment. That's what I would suggest happen.

MR D. BUFFETT A supplementary. I thank the Chief Minister for his response. The supplementary is this. Could I ask him to use his influences Chief Minister to have those matters that he has referred to brought forward in a expeditious and timely manner.

MR GARDNER Thank you Madame Deputy Speaker. I'm happy to do that, I'm happy to agenda it as a matter for the Legislative Assembly for discussion at next Monday's MLA forum so that we can put together the necessary advice and instructions if necessary for the responsible Minister to take whatever action is deemed appropriate by the Members of the Assembly.

### QUESTIONS ON NOTICE

MADAME DEPUTY SPEAKER Mr Buffett

MR I BUFFETT Madame Deputy Speaker the Question on Notice No.15 that was put on the Notice Paper by Mr Brown. I'm not too sure whether that is a matter but the general question of noise abatement, I think there are 2 issues in respect of noise abatement. Noise abatement in terms of industrial noise from that side which falls under the Public Health Act under the general category of a nuisance element and that would fall under my portfolio or whether when you look specifically at the question that was asked it really probably is a matter for policing but let me make a suggestion that might help Mr Brown in coming to some conclusions in respect of the question asked. Mr Brown did ask will the appropriate Executive Member please advise whether the existing Norfolk Island legislation in relation to noise is adequate to prevent residents and visitors being kept awake by noisy parties at night, and if the existing legislation is inadequate in that regard, will the responsible Executive Members please advise what action he proposes to take in order to remedy the situation. I guess from where I sit the Executive Member probably is the Member for Justice under this in respect that if it's a policing issue but my understanding is that there is no specific legislation in respect of that issue. The matter of noise generally from the industrial side of things or from industry is being generally dealt with under the provisions of the nuisance clause in the Public Health Act, and I have asked for noise abatement generally on that side of the fence to be further looked at when we do the amending bits of legislation that fall under the general planning provisions of Norfolk. I guess the specific question of parties and how do you control noisy parties. It would be my view that probably under the Police Offences Act that the Police have some wide ranging powers and they may be able to do something under that but perhaps I could leave that side of the question to be dealt with by the Minister responsible for the Police or the Minister responsible for Justice whichever one it falls under.

MADAME DEPUTY SPEAKER Thank you Mr Buffett. Further answers to Question on Notice. Question No. 16 addressed to the Minister for Community Services and Tourism.

MR SMITH Thank you Madame Deputy Speaker. The question is will the Executive Member with responsibility for Health please advise the extent of support is provided by the Norfolk Island Government to the local District Nursing Service and will the Executive Member please also advise of the precise initiatives that have been taken by the Norfolk Island Government to assist our senior citizens in their home. I've been advised by the Director the Hospital Mr David Connell the following, and he says. Dear George I feel the following comments regarding aged care, the assistance given through the Distance Nursing Service and particularly as it relates to assisting our senior citizens in their home. Attached is a report by the Aged Care Clinical Nurse/Consultant which gives an overview of the services at this particular time, and I'll table that Madame Deputy Speaker when I've finished here. The District Nurse currently provides a service 3 days per week which is partially funded by the clients, part by the Enterprise, the Hospital Enterprise and the balance by the Channer

Trust. In discussion with respective staff in this area of work I feel that additional resources may be required in this field of health service provision in the future as the population continues to age which was highlighted in the recent census of the population. The Aged Care Advisory Committee formed last year has representation from the Hospital Board, the Hospital Director, the Assembly, the District Nurse, Physiotherapist and Aged Care Nurse/Consultant. This group is striving to undertake a lead role in developing aged care initiatives including maintaining aged citizens in their respective homes. It is currently in the process of better using a range of volunteers who have offered services and better utilising the community bus funded by the Department of Veteran Affairs. If I can make an additional comment that it's obvious that there may be some small resources needed to be put into that area which falls under the Hospital Board.

MADAME DEPUTY SPEAKER Thank you Mr Smith. Question No. 17 Mr Brown to the Minister for Commerce and Tourism having responsibility for civil works, a question about roads.

MR SMITH Madame Deputy Speaker this question is from Mr Brown asking the question will the responsible Executive Member please advise 1) how many private roads exist on Norfolk Island 2) how many portions are serviced by each of these roads 3) what is the condition of those roads and what is the Government's intention in relation to ensuring that each of those roads remains useable. Madame Deputy Speaker I have a print out from the Administration of those particular roads and the properties that are adjoining which gives the answer to the first 2 parts of the question. The third one the Government really needs to discuss that at this point in time particularly where I think Mr Buffett was telling me yesterday about the Commonwealth owned roads and what we're going to be doing with the legislation over the next 12 months. Maybe we can have a position on that at that particular time and I table that paper.

MR BROWN Can I ask a supplementary question please. Can the Minister please advise what regard has been paid to the recent decision of the High Court of Australia in Brodie v Singleton Shire Council. Is the Minister aware that that decision impacts extremely heavily on Government entities who fail to maintain roads and will the Minister ensure that the Norfolk Island community is not put at risk by Government failure in that regard.

MR SMITH There's a few parts to that question Madame Deputy Speaker. Yes I am aware of that decision and Mr Brown copied that to the previous Chief Minister who copied it to me. Behind all that I guess is how you approach the road situation. If we had plenty of money and plenty of metal we'd be able to improve any of the roads but currently we don't have much of either of those two particular things but that is certainly something to be considered.

MADAME DEPUTY SPEAKER Thank you Mr Smith. We move to the next question again for Mr Brown to ask the Chief Minister question No. 18.

MR GARDNER Thank you Madame Deputy Speaker. I'll read the question if I may. Will the Chief Minister please advise whether volunteers such as persons supervising and carrying out community service orders are yet adequately covered by insurance and if not, will the Chief Minister please advise what action is been taken to remedy that situation. I can advise Madame Deputy Speaker that my knowledge at this stage seems to indicate that those volunteers are not covered by insurance and it is interesting, and I'm pleased that the question has come forward because I am able for the second part of that question to be able to provide some update on how we are progressing that and how we are going to remedy that situation. Back as a result of a similar question dealing with professional indemnity insurance that Mr Brown asked me at the previous sitting of the House in January, I received then an e-mail from

the Senior Magistrate Mrs Elaine Sanders in regard to the possibility of the extension of professional indemnity insurance to members of the Community Justice Committee who are the people that supervise the community service orders and that for quite some time the Magistrate's were unable or have been unable to utilise community servicing orders in their sentencing regime simply because of the difficulties associated with no insurance being in place. I issued instructions at that time and responded to the Senior Magistrate that I had issued instructions to the Service to incorporate bodies such as the Community Justice Committee under the umbrella of the professional indemnity insurance being explored for Officers of the Administration, Members of the Assembly and others. That has happened. I have received back a draft policy entitled Indemnity for Persons acting in an Official Capacity. I have circulated that to Members of the Assembly and that document is hopefully soon to be finalised. There are quotations being sort for the extension of that insurance to Norfolk Island and I hope that I get some meaningful feedback from Members in relation to that. But certainly that is the state of play as far as what action is been taken to remedy the situation of those people not being covered by insurance.

MADAME DEPUTY SPEAKER Thank you Chief Minister. We move to the next question from Mr Brown to the Minister for Finance, question No. 19.

MR DONALDSON Thank you Madame Deputy Speaker. I'll read out the question. Will the Minister for Finance please advise whether any monies were expended from the Chief Executive's discretionary vote to purchase alcohol for the Administration Christmas party on the 20<sup>th</sup> of December 2001. If so does the use of those funds comply with the Public Monies Act. I've sought an answer to that question and I've been advised by the Legal Services Unit that such an action does comply with the terms of the Public Monies Act and further advised that the amount of money concerned was \$1,000. The spending of this \$1,000 was justified on the grounds of moral building and team work within the Administration and is considered by the CEO to be a legitimate use of those public monies. Thank you.

MADAME DEPUTY SPEAKER Thank you Mr Donaldson. The next question from Mr Brown to the Minister for Finance, question No. 20.

MR DONALDSON Thank you Madame Deputy Speaker. Once again I'll read out the question. Will the Minister for Finance please advise the source of a donation of beer which was, according to the Administration publication Rob Tull, dated the 17<sup>th</sup> of December 2001 donated for the Administration Christmas party on the 20<sup>th</sup> of December 2001. If that source was the Liquor Bond or one of its suppliers can the Minister advise whether similar donations are available to the general public. My answer to that is yes the source of the liquor was the Liquor Bond. It was sourced from a donation of beer to the Liquor Bond by Tooheys and Tooheys actually give the beer to the Liquor Bond for the distribution to organisations at the discretion of the Bond Manager. The quantities concerned were 10 cartons were made available, 6 cartons were used, 4 cartons were returned to the Bond. The 4 cartons that were returned to the Bond go into what is promotional stock which is kept separate to the trading stock and that will be used for sponsorship of events, fundraising or various other things, for example donations are made towards the Bounty Bowls, the Norfolk Island Country Musical Festival and they can either raffle those or consume them themselves. It's really a promotional gimmick I guess by the beer supplier. With regard to the second part of the question, is the same available to the public. There's a qualified answer to that. Yes it's available to the public but indirectly and it's available to the public in the way of free of charge product for the promotional of the suppliers product which is something we've already spoken of. Then I think that deals with the question.

MR BROWN Can the Minister please advise the basis on which the Bond Manager formed a view that providing free booze for the Administration Christmas party constituted promotion of the suppliers product.

MR DONALDSON Thank you Madame Deputy Speaker. Once again I could speculate on the answer to that but really I should go back to the Liquor Bond Manager and ask him for his reasoning on that. I'd be happy to take it On Notice.

MR BROWN Can I ask one further supplementary question. In seeking further information will the Minister please ascertain and advise the House whether the donation of the 10 cartons of beer of which 4 were returned and 6 used was an initiative of the Bond Manager or was it an initiative of some other person. If it was the initiative of some other person will the Minister please identify that person.

MR DONALDSON Yes I'd be happy to take that question On Notice. I can't provide the answer off the top of my head.

Madame Deputy Speaker Thank you. We move to the next question No. 21. Miss Nicholas to ask the Minister for Community Services and Tourism.

MR SMITH Thank you Madame Deputy Speaker. The question On Notice is made up of seven parts. It's in relation to Education. Firstly advise how long Years 11 and 12 have been available to Norfolk Island Central School. Provide an annual breakdown of the number of children who have undertaken Years 11 and 12. Advise the number of Teachers that have been required to accommodate Years 11 and 12 expressed as a student/teacher ratio. Provide detail of costs to educate each student in Years 11 and 12 on a per head per annum basis. Advise the number of pupils who have begun Year 11 and have continued through to finalise Year 12 on a per head per annum basis, and provide detail as to how many students have continued on to higher education after completing Years 11 and 12 on Norfolk Island, together with their success rate and of the different disciplines the students pursued and advise whether any attempt has been made to track the progress of those students and if so, what is their success rate in terms of qualifications accomplished. In the context I address the questions with these answers. The question 1 was how long has the additional years of schooling Years 11 and 12 been available at the Norfolk Island Central School, well Year 11 began in 1992 and Year 12 of course began in 1993. How many people have availed themselves of these additional years of schooling on a per annum basis. Since 1993 there have been 91 students who have completed, completed their Higher School Certificate. '93 there was 5, '94 there was 9, '95 there was 11, '96 there was 7, '97 there was 18, '98 there was 20, '99 there was 3, and 2000 was 7 and 2001 there was 11 who completed their Higher School Certificate. But the enrolments are the important numbers there and I think that's really where the question came from. In 1992 Year 11 there was an enrolment of 8, in 1993 Year 12 there was 5, Year 11 in 1993 there was 10 and went on to 9 pursuing Year 12. Year 11 in '94 there was 13 and 11 went on to Year 12. Year 11 in '95 there was 8 and resulted in 7 in '96. Year 11 in 1996 was 17 and year 12 there was 18 the following year. Year 11 in 1997 there was 21 and Year 12, 20 of those went on. Year 11 in 1998 there was 10, 3 went right through to Year 12. Year 11 in 1999 there was 13 and 7 of those went through to Year 12 in 2000. Year 11 in 2000 was 14 with 11 going through to Year 12 and 2001 in Year 11 there was 22 which resulted in 15 going through to Year 12. The current Year 11 there's 18 students. Question 3, how many Teachers have been required expressed as a student/teacher ratio. It's difficult to quantify the number of additional Teachers required for Years 11 and 12 in the past because staff numbers are related to student numbers. However in 2002 the additional Teachers would be 4. This would make a student/teacher ratio for 2002 of 1 Teacher to 7 students. However these Teachers teach a range of subjects from Years 7 to 12 as well as the other classes besides Year 11 and 12 and as such, and as specialists in their fields they have allowed the School to broaden their elective subject offerings in Year 9 and 10. This has meant that students can now study 3 elective subjects for the School Certificate instead of the usual 2. Part 4 of the question. What has been the cost to educate each of these students on a per head per annum basis. The broad cost per child across the School in terms of salaries per annum is

approximately \$5,000 per head. That's across the School. The cost to educate Year 11 and 12 students in 2002 is approximately \$7,000 per head. This means that it costs an extra \$2,000 per head for students in Years 11 and 12 and this calculates to approximately \$38-46 a week for each student in 2002 for years 11 and 12. Of course that's a fairly general figure and it's done as I said on the cost of the salaries attributed to that. How many people began year 11 and continued through to finalise Year 12 on a per head per annum basis, I've been through that. There are many reasons why students actually leave Year 11. Some find some form of alternate training e.g. apprenticeships and cadetships. Others leave the island with their families and still others find the demands of the senior school too taxing and leave. This leakage from Year 11 to Year 12 is common to all Schools in NSW. What success as a percentage of the per annum basis have these students had in terms of continuing on to higher education. Defining higher education is both University and TAFE or Technical Education. The following percentages apply to Year 12 students from the Norfolk Island Central School. 1993 60%, 1994 there was 88%, '95 was 81%, '96 there was 85%, '97 68%, '98 80%, '99 66%, 2000 71%, 2001 54%. In addition because Norfolk Island Central School now offers TAFE courses as a component of the Higher School Certificate offerings in both Hospitality and Information Technology 10 out of 11 students completed an Australian wide recognised Certificate 2 in one of their subjects, while one student gained Certificate 2 credentials in both. 28 of 91 students have gained University entrance, approximately 31% which is consistent with the figures in Australia. 48 students, 52% gained entry to TAFE or other private provider training not included in the TAFE certificates gained by the 2001 HSC class at School. Part 7 is what range of disciplines do these students take. These students took a wide range of disciplines from travel qualifications to aeronautical engineering and medicine and an appendix is attached which I will table Madame Deputy Speaker. Student names have been removed from the list but they are available to me if anybody does want to see them. Part 8, has any attempt been made to track the progress of these students, and if so what is their success rate in terms of qualifications accomplished. 15 of the 91 students or 16% have not continued to further education, 84% of HSC students have pursued further education successfully. The research shows that more education is a general comment that the Principal has put here that more education generates higher expectations for one's children. That is the family expectations will be that the children will also continue to find education rewarding if one or more of the parents have undergone greater than basic education. That relates to what success, this question about the Years 11 and 12 and there's different ways that you can read it and as he's saying whether a child goes on after Year 12 to University or to TAFE or whatever they do the more education they've got the better the success for a community like ours, because if they do that it's highly likely that their children will do the same thing and it always improves and I think that's something we all recognise the importance of education. Madame Deputy Speaker I'll attach the papers that have been given to me in relation to where we've been able to track the students who have gone through the School and what they are actually doing, the ones that have been through Year 11 and 12. I'll table that.

MADAME DEPUTY SPEAKER

Thank you Mr Smith.

MR NOBBS

Thank you. Mr Smith mentioned Certificate 2 of the TAFE course that's offered at the School. What's a Certificate 2.

MR SMITH

Madame Deputy Speaker if you're going through your apprenticeship for example you can do this x amount of Certificates that you can have. These days you can do them while you're still going to School which gives you a time advantage once you've left School and go into your next stage. It's something that never used to happen as I understand it, but now it gives a student a real advantage for when they move on from School.

MR NOBBS Well I just ask him what a Certificate 2 is please. That was all I asked, what a Certificate 2 being referred to in his answer that certain students had completed Certificate 2 and I was just wondering what it is.

MR SMITH The definition I couldn't give Mr Nobbs this morning.

MADAME DEPUTY SPEAKER We move to the next question, question No. 22 Mrs Jack to the Minister for Community Services and Tourism.

MR SMITH Thank you Madame Deputy Speaker. The question from Mrs Jack. For the purposes of employment in the Public Sector of Norfolk Island when is a local not a local. Madame Deputy Speaker the Public Sector Management Act 2000 does not give a definition for local. Section 36 of the Act provides that and I quote, subject to the Human Resources Policy a person must only be appointed to employment in the Public Service on the basis of competitive selection process undertaken in accordance with the merit principle. Chapter 7 of the Human Resources Policy and Procedures Manual sets out the recruitment process for the Public Service which provides amongst other things, under clause 7.3 recruitment process for permanent staff positions full time and part time, an applicant who is a resident of Norfolk Island where they are currently living on or off island will be preferred over an applicant of equal eligibility after a merit selection process.

MRS JACK Thank you Madame Deputy Speaker. I just have a supplementary that Mr Smith you have several Boards that answer to you. Some have the power of determining or assisting in employment. Have they been made aware of these policy or guidelines mentioned by you.

MR SMITH Madame Deputy Speaker I'm not too sure if all the Boards are aware of that. I can certainly make them aware of it.

MADAME DEPUTY SPEAKER Thank you. We move to the next question on the paper. Mrs Jack to ask the Minister for Community Services and Tourism. Again Mr Smith.

MR SMITH Thank you Madame Deputy Speaker. The questions are in 3 point forms. The first one will the Minister advise the House what are the applicable criteria for eligibility to serve on a Statutory Board for which the Minister has responsibility. 2. when a person is appointed to a Statutory Board for which the Minister has responsibility is he or she provided with background information on the role and the legal responsibilities of the Board and with a code of conduct. 3. why has the Minister only required persons serving on one of his Statutory Board's to enter an agreement for confidentiality. Madame Deputy Speaker before answering the specific questions I will give a brief background to the appointment of persons to voluntary Boards and Committee's. As Members are aware in the past advertisements were placed in the Norfolk Islander seeking applications from persons who wished to be appointed to vacancies on Statutory Boards and subject to the approval of the Legislative Assembly, such persons were appointed in accordance with the relevant legislation. This Government is determined that it will seek expressions of interest for membership to voluntary Statutory Boards and or Committees twice yearly and that a register of names will be maintained and consulted prior to appointment for persons to the Board. So in answer to the question 1. Will the Minister advise the House what are the applicable criteria for eligibility. The Social Services Board requires community members to be residents before they can be appointed as a member of the Board. The Public Service Board requires that on member is an employee. Some pieces of legislation specifically set out persons who are ineligible for appointment to Boards. Some pieces of legislation specifically state that persons holding a specific Statutory position are to be members of the Board, but there is not specific criteria for eligibility to

serve on other Statutory Boards within my areas of responsibility. However each piece of legislation usually clearly sets out the roles and responsibilities or powers and functions of the Board. If someone in the community indicates a desire to serve on a Statutory Board then they are obviously interested in their community and willing to give their time freely to assist the Government in providing advice in a particular area. In my view that makes them eligible for appointment to a Statutory Board for which I have responsibility. Question 2. When a person is appointed on a Statutory Board which the Minister has responsibility is he or she provided with background information on the role and legal responsibilities of the Board and with a code of conduct. Generally persons who have expressed an interest in being a member of a Board and who are subsequently approved by the Legislative Assembly for appointment to a Board are provided with a copy of their instrument of appointment and any relevant legislation, regulations and policies if any. To the best of my knowledge there is no set code of conduct for Board members, although the specific legislation covers various aspects of attended meetings, quorums their roles and responsibilities powers and functions. Question 3. Why has the Minister only required persons serving on one of his Statutory Boards to enter into an agreement for confidentiality. The requirement to sign an agreement of confidentiality has only been requested of one of my Boards at this time due to the personal information they have access to and the confidential nature of that matter. I propose that members of at least one of the Statutory Board within my area of responsibility will be requested to sign such an agreement due to the nature of information which they have access to. I need to make comment in addition that not all the Boards that I have in my responsibility at the moment have been appointed by myself, which I'm not standing away from any of those Boards but just to make that point. The Tourist Board for example, that has been around for quite some time. Most of those have continued to be appointed under my Ministry but not all of them are in that particular situation.

MRS JACK Thank Madame Deputy Speaker. I was just wondering what the Minister thinks of introducing tutorial type lessons for those interested in being on Boards bearing in mind that the more aware and informed the Board is then the more effective it will run and the less troubles or misinterpretation of their role would come into being.

MR SMITH Madame Deputy Speaker it depends. It depends what Board we're talking about. Like there's no way I'd need to go to the Tourist Board and tutor them in how the Board operates. It's possible in the case, and I think this is where Mrs Jack is referring to because we're interested in health issues and the Hospital Board, and that certainly has been through some dilemmas in the past months and that actually relates to the next question that's on there. Whether tutoring of Boards is a good idea or not I'm not too sure. Maybe that is something that Mrs Jack might like to discuss with us around the table here in relation to any of the Boards that we have. Often we hear of members of the Boards not fully understanding all the legislation, I can understand that. Maybe there is some good sense in that.

MADAME DEPUTY SPEAKER We move to Question No.24 Mrs Jack to ask the Minister for Community Services and Tourism.

MR SMITH Madame Deputy Speaker Mrs Jack asked what action has the Minister proposed to take to try and bring stability to the Hospital Board so that it can function with full membership at all times in light of the fact that the Chairmanship has changed 3 times in the past 12 months. It's an interesting question and there's various ways that I could answer this but I think the best way is just to be direct about it. When I took over the Health portfolio I discovered it was in a fair bit of turmoil with the issues that were surrounding the Board. The Hospital Board fully recognised that, that they were having difficulties amongst themselves in dealing with the Board itself. Part of stability was getting the Board up to date with the Acts and Mr Brown was actually asked in his role as a Lawyer to go to the Board and make sure that

they understood what the Act was about because there is contradictions in the Hospital Act and that has created some difficulties about the responsibilities of the Hospital Board because it's actually duplicated in what the Director does and that has caused some difficulties. As far as the Chairmanship changing 3 times in the past 12 months, I understand one of those Chairman was almost at the end of his time as I understand, replaced by another one who resigned after a few weeks as I understand, and replaced with the one who has just resigned just recently and that's Mrs Stevens and I pay tribute to her because she really tried very hard in her role as the Chair of the Norfolk Island Hospital Board. She has now resigned from that for various reasons. As for bringing stability to the Board I think that in working with the Board as I have in my short time as Minister for Health I think we're starting to come to a point now where it is going to become stable and some of the issues that have been causing difficulties are basically over and the Board is now running 2 members short. I must mention Bob Selby also who resigned a little while back and I thank Bob for the short time that I was there and his input into the Board but also for the time he was there before, thank you Bob. It's not an easy thing to be on some of these Statutory Boards. But I believe that we can bring stability around within the Hospital Board from here on in. What action I can take to do that, I think it's just the way that I'm going to do it that will bring that. I hope that I'm not proven wrong and that the Hospital Board will get on with the role it's supposed to do and be quite successful.

**MRS JACK** If the Minister could just answer the question on what action he is taking to bring stability into the Board and not more or less a statement line.

**MR SMITH** Probably the action that will constitute stability will be appointing someone to the Chair who can give the Board direction and stability.

**MR BROWN** In light of the Minister's advice that he will be appointing someone to the Chair of the Hospital Board and that that will bring stability what degree of oversight does he proposed to take so that he becomes quickly aware if he's newly developed technique is failing.

**MR SMITH** I don't know about this newly developed technique Madame Deputy Speaker but the oversight I would carry out a role which as long as it doesn't intervene in the Board's role would be in attendance at the Board meetings which obviously has assisted in the last couple of Board meetings that I had.

**MADAME DEPUTY SPEAKER** We move to question No. 25. Mrs Jack to put a question to the Chief Minister.

**MR GARDNER** Thank you Madame Deputy Speaker. I'll read the question as I did with my previous question. Is the Minister developing a charging regime which requires commercial operators to use and benefit from the wide range of public facilities provided by the Administration and KAVHA to contribute to the considerable cost of maintaining the public toilet facilities, lighting, BBQ areas, seating and rubbish bins. My answer to that Madame Deputy Speaker is that most facilities to which Mrs Jack refers in her question are within Reserves and Mr Ivens Buffett touched on the development of Plans of Management within Reserves to address that issue. However there have been in recent months charges levied for a venue within KAVHA under a licence issued under the Crown Lands Act by the Administrator. That dealt with the use of the Boatshed I think for the running of progressive dinners. As well within KAVHA the KAVHA Board itself over the last 2 years I would suggest have been developing a business plan for the KAVHA area but the finalisation of that plan will certainly be dependent upon proper consultation occurring with all stakeholders and I believe would require some statutory basis to have affect, similar to if not included in Plans of Management for the Reserves contained in KAVHA as the Plans of Management are for the rest of the island are being developed, and in relation to that I

think as far as the status of those Plans of Management are concerned the Minister for Land and Environment clearly identified how that's being handled and where it's travelling at this stage.

MRS JACK Thank you Madame Deputy Speaker. Is this proposed fee structure going to consider camping site fees, bearing in mind the large costs associated with keeping the toilets to the area in good working order over the Christmas break.

MR GARDNER It may be more appropriate to address that to the Minister for Land and Environment simply because I'm not sure whether camping licences are issued under the Crown Lands Act or under Reserves. I'm not sure on that, maybe the Minister for Land and Environment might be able to clarify that.

MR I. BUFFETT Madame Deputy Speaker permits are issued under the Crown Lands Act and in conjunction with the Reserves Act depending which area they are on. The question of charging across the board is one that I think the Chief Minister has highlighted that needs to be resolved on 2 fronts. Firstly the view and the attitude that the Assembly takes in respect of charging for facilities on Reserves generally and the question of how the KAVHA Management Board develops their Business Plan. Now obviously they are two conflicting regimes, not conflicting in the sense they are at loggerheads but I think there's room for discussion as to how I agree that who charges for what within the specific area known as KAVHA, and Madame Deputy Speaker that's exactly how I understand the matter is going to be handled.

MR NOBBS I ask the Chief Minister just in relation he spoke of a licence being issued recently by the Administrator for a use of a specific facility I understand within the Kingston area. Can he advise how the funds which are generated from that particular licence will be handled, do they go to KAVHA, do they go into the Reserves fund or where does that go and who is responsible for the disbursement of those funds so generated.

MR GARDNER Thank you Madam Deputy Speaker I can advise that my understanding of the situation on advise I've received from the Administrator's office is that those funds will be committed back to KAVHA for the required maintenance and upkeep of those facilities

MR NOBBS Thank you Madam Deputy Speaker does that see a commensurate reduction in the funds that are made available by the Norfolk Island Government to KAVHA

MR GARDNER Thank you Madam Deputy Speaker it offsets the costs incurred by KAVHA for hosting such facilities in those buildings

DEPUTY SPEAKER Thank you Chief Minister. No further Questions on the Paper Honourable Members

## **PRESENTATION OF PAPERS**

We move to Presentation of Papers

MR GARDNER Thank you Madam Deputy Speaker I'm required by Section 34(2) of the Immigration Act 1980 that I as the Executive Member report to the Legislative Assembly not later than the 31<sup>st</sup> March each year, the number of declarations of residency granted under section 33 of the Immigration Act during the year ended on the previous 31 December. I now accordingly report that there were 32 declarations of residency granted during the year ended 31 December 2001 and that consists of six declarations for spouses of residents who received their GEP's under the

special relationship provisions, eight declarations for children of residents who received their GEP's under the special relationship provisions, and eighteen declarations were for persons who obtained their GEP's through the quota and I table that report for the public record

MR I BUFFETT Thank you Madam Deputy Speaker. Pursuant to Standing Order 196 and to section 10(1) of the Planning Act 1996, today I am tabling a copy of the draft Norfolk Island Plan, the five draft maps that accompany that plan, The Strategic Plan Map, Zoning Map, Heritage Items Regulatory Map, Obstacle Limitation Surfaces Regulatory Map and the Coastal and Cliff Environment Regulatory Map, together with a report on the consultation undertaken on the draft Plan and copies of submissions received on the draft Plan. Madam Deputy Speaker I move Pursuant to Standing Order 199b that the House take note of the Papers.

DEPUTY SPEAKER The question is that the Paper be noted  
Honourable Members

MR I BUFFETT Thank you Madam Deputy Speaker. It is my intention to make copies of the Plan and the Report on the consultation process available in electronic form. Hard copies also will be available but this will take slightly longer because of the size of the documents. Copies of the large draft Maps will be available for perusal in the Office of the Registrar of Titles. Separate coloured copies are not available at this time because of size and printing constraint in the production of those particular maps. I would like to take this opportunity to briefly outline the process of consultation and draft Plan finalisation and to highlight some consequential changes that will result from the review of the Norfolk Island Plan. A review of the Plan was initiated by the then Executive Member in March 1999 and was due in accordance with the provisions of the Planning Act which requires that the Plan be reviewed every five years. The preparation of the Draft Plan is also an agreed prerequisite to the transfer of crown land to freehold title under the Commonwealth/Norfolk Island land initiative. A planning team consisting of Jodie Brown, Administration and Darren Crombie and Jim Kichenside from the Commonwealth Department of Transport and Regional Services was given charge of preparing the Draft Plan. The planning team are all qualified town planners who have a combined experience of over 30 years. At this point I take the opportunity to thank the Planning Team and those persons who have held the position of Executive Member responsible for Planning over the period of the review. Prior to preparing the Draft Plan the planning team undertook consultations with various community groups, government agencies, the Assembly and other interested persons. The Planning Act requires that the draft Plan be publicly exhibited for a minimum of 28 days. The current draft Plan was, however, publicly exhibited from 6 July 2001 until 28 September 2001. This extended consultation period enabled the community to have considerable opportunity to examine the Draft and to prepare submissions. Two public meetings were held in July and August 2001 to discuss the Draft Plan with the planning team. Over 250 people attended the public meetings. In the weeks surrounding the public meetings the planning team also met with government agencies and a number of interest groups and individuals to discuss specific issues. Over 50 hours of direct face to face contact was undertaken during these two periods. The planning team was also available to discuss the draft Plan during four separate days in Norfolk Mall. At the close of the exhibition period, 87 written submissions were received on the Draft Plan. This included two petitions with a total of 499 signatures. Madam Deputy Speaker I thank the community for the considerable time, effort and constructive comments that they put into the consultation phase. The submissions have been assessed by the planning team and summarised under 21 broad topics. Each of these 21 issues is discussed in detail in the Report on Public Submissions and Consultations. A number of changes are recommended to be made to the draft Plan, the most significant of which are:

- It is intended the removal of the KAVHA viewshed mapping and provisions;
- Splitting the area shown as Commercial zone in the Draft Plan into three (3) separate zones: Business, Mixed Use and Light Industrial;

- Reducing the Rural zone subdivision minimum to four (4) hectares;
- Reducing the Rural Residential zone subdivision minimum to 8000 square metres;
- Introducing minimum subdivision standards for the new Business, Mixed Use and Light Industry zones;
- It includes the removal of the proposed Cascade Industrial zone;
- There will be more areas included in the Rural Residential zone;
- There will also be a removal of the Industrial zone at the airport pending the completion of the Airport Land Use and Development Plan; and there will be more said about that issue further on
- Change of zoning for a number of reserves from Open Space to Conservation;
- There will be removal of the coastal public access objectives in the plan
- There will be changes to the building setback provisions; and also
- Plan mapping showing ownership of freehold land to mean high water mark and adding an up to date cadastral base has been included as part of those changes.

A number of other minor administrative and technical matters have also lead to changes in the draft exhibited Plan and they are discussed further in the Report. The draft Plan and the accompanying Report are comprehensive. It should be noted that in other jurisdictions there are usually three levels of planning controls and instruments, local, regional and state levels. In Norfolk Island's case there is one level but the issues are equally as complex as communities elsewhere. The Norfolk Island Planning Act 1996 provides three (3) options for the Legislative Assembly in considering the exhibited Draft which I have table this morning. Those three options are to approve the Draft; to approve the Draft subject to it being altered in a specified manner; or to reject the Draft.

The Draft Plan as amended subsequent to public consultations which I outlined earlier, is recommended for approval. I am tabling the draft Plan for one month for public information prior to recommending to the Assembly that it approves the Final Draft as tabled for gazettal. As mentioned, there are a number of consequential changes to the planning system that will result from the review of the Plan. These include changes to the Planning Act 1996 which are necessary for the functioning of the draft Plan as exhibited and a review of the roles and functions of the Planning Board. I have discussed the Board's role with its current members and officers within the Administration. There is at this stage general agreement that the Board's role could be more meaningful and productive by examining a broader range of environmental issues such as, for example, the effectiveness of the Norfolk Island Plan, water management, future population and immigration matters and subdivision control, all to achieve a sustainable Norfolk Island. Those matters are yet to be finalised and are the proposed future functions of the Norfolk Island Planning Board. I propose that we are on target to introduce a new Planning Act at the March Assembly meeting. In closing, I believe it is important to reiterate the basis upon which this revision has been done and that is, it has been done to achieve the principal aim and that principal aim is: "whilst recognising that Norfolk Island is first and foremost home to its residents, to provide for development which is consistent with the protection of Norfolk Island's natural environment, the preservation of the character and quality of landscape experience, the maintenance of the agricultural industry, the development of a sustainable tourism industry based on Norfolk Island's special characteristics, and the development of pleasant and functional places in which to live work and recreate". Thank you Madam Deputy Speaker

DEPUTY SPEAKER Thank you Mr Buffett. The question is that the Paper be noted. Is there debate Honourable Members

MR BUFFETT Thank you Madam Deputy Speaker, just some brief words at this stage because the matter will come forward at a subsequent sitting but I wanted to make some comment at this very early stage, brief though it may be. I thank the Minister for bringing this matter forward and explaining what he has just explained to us which has been very helpful. It can be seen that this Plan the Norfolk Island Plan is very complex indeed. There are metres of documents and an extremely wide range of

matters to evaluate. I won't address any of those detailed matters today. I just want to address one issue and the issue is this. I want to be clear about how accurately the Plan reflects the requirements of the Norfolk Island community, that is, the people who need to live their daily lives within its constraints and there are constraints of course. That is what this is about. It provides a framework in which people can and cannot do certain things. I of course have been to the public meetings about the plan and there were a number of concerns that were very forcibly expressed at that meeting. They included some many areas, some of them about KAVHA, about coastal strip, inequality of subdivisions sizes and a number of other specific things. They've already been mentioned by the Minister this morning in his presentation so I don't want to be repetitive about that, and there has been mention also of something like 87 submissions that were lodged in terms of the original draft. Now that original draft of July 2001 has of course been adjusted to take account, we assume of many of the comments. Whether the adjustments meets the community's expectations and approval remains to be seen of course and that's what this process is about now. The Minister has tabled this revised document, table it today. I encourage people to read as I'm in the process of reading it and I would like to hear from those who have views as to whether their concerns, their concerns expressed at public meetings, concerns expressed in some 87 submissions have been satisfied, or have not been satisfied. I would like to hear about that and consult with people. The Minister has said that he would like to finalise this matter at the next Sitting in March. My request to him is that it be the meeting after that so that there are some two months for the community's examination of this document so that it can be seen in light of whatever comments they had earlier made and to see how well that is reflected in the revised plan because this is a weighty matter. I mentioned that at the beginning. It is a huge amount of documentation and some significant considerations and I think it deserves that. Not that it goes on forever, but that time frame that gives opportunity for the maturity of that consideration.

MR NOBBS

Thank you Madam Deputy Speaker I wish to speak very briefly in relation to this, that the issue of a review of the Norfolk Island Plan is covered by the legislation but I think it was felt virtually from the kick off of the initial plan in I think 1996, that there was a need for a review not only of the Plan itself but also of the legislation, the Planning Act as the Minister spoke of a few minutes ago. This has taken time. I would particularly like to pay tribute to the two Ministers that have really had carriage of this particular area in the past as well as the present incumbent, and that is the current Chief Minister Mr Gardner initially and also Mr John McCoy who carried that initial work on. We now have the present Minister and I commend him for the effort that he has obviously put in, in the few weeks that he's been in office. It is really interesting that in the commencement of the review of the Plan that the Minister was in another role in the Office really responsible for moving it along and I know that he has wide eyepiece in this particular area. I know that he had concerns at the time and I'm sure that he will carry this issue through as quickly as possible because there is a need for us to move on in this stage although I agree with the previous speaker that we need for the community to fully understand and comprehend this Plan although everybody won't agree to it, but we need to come to a situation where the vast majority of the community does accept what's involved in the Plan. There will be discussions I guess in the weeks ahead. I just urge all the members of the community to take particular note of the revised Plan as it is revised. It was on display, sure, for several months but there have been some major revisions I believe and there is a need for the people to accept or reject those particular changes. I'm relative comfortable myself with what we've been told to date but I need as other members I'm sure, need to review fully the particular documents. I would suggest that the additional month may not hurt for this matter to be brought back to us and finalised to allow the community to progress their views on this particular subject and that's all I have to say at this point in time

MR GARDNER

Thank you Madam Deputy Speaker just some brief comments. I think like everybody that we need time to digest this significant document and its attendant documentation which is the Planning report on the public

submissions and consultations. The final draft Norfolk Island is a difficult document to really appreciate and understand unless you read it in conjunction with the report on the submissions and consultations because it makes it clearer as to why the changes have happened. How the discussions took place and everything else. I think the Minister has touched on that already this morning. There are some typographical errors in the report, there are some numbering errors in the report on the public submissions and consultations. I understand that that's an official document. That will be tidied up in this process over the next month or so depending on how far it goes. I'm pleased to see that this process is nearing an end. It has as I think Mr Nobbs pointed out, been going on for quite some time. I certainly had an involvement as Mr McCoy did in a previous Assembly and I think the process itself was initiated back in about 1998 by the then Minister for the Environment Mr Rick Robinson who was required by statute to initiate the review of the Norfolk Island Plan and so we've gone through a long process. There has been significant consultation to date but I agree that it is important over this next month or whatever period it is going to be that members of the community have an opportunity to digest this. Not just the draft as I said but also the report on the public submissions and consultations and if there are still remaining areas of concern to voice those to the members of the Legislative Assembly. I'm pleased to see it is somebody who has worked with the current plan. Pleased to see that some of the gray areas have been addressed. Pleased to see things better defined. Pleased that the document may be somewhat more workable than certainly I experienced with the current plan and pleased to see that there is more surety to planning contained in this document than I believe was in the previous one and that's not meant to be a criticism of the previous one. We had to have a document to start with. It went a long way to addressing Norfolk Island's planning concerns. The current plan. This goes that step further in addressing other areas of concern and I too would welcome approaches from members of the community who still see some difficulty with it, see that there may be some areas that have not been adequately addressed and I would welcome that input from them and I would like to commend the Minister as I think Mr Nobbs did for in the short time that he's been able to finalise this and bring this to the House and to the community for further discussion, thank you Madam Deputy Speaker

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

QUESTION PUT  
AGREED

That Paper is noted. Are there further Papers for presentation

MR GARDNER Thank you Madam Deputy Speaker I am required by Section 31 subsection 4 of the Legal Aid Act 1995 to table a report of the activities of the Legal Aid Advisory Committee for the six month period to the end of December 2001, however in tabling that report I also include the outstanding reports from the six month period ended December 1997 up to and including the six month period ending 31 December 2001. The reports addressing the matters are specified in subsection 31(4) and they namely are, a report of the Legal Aid Advisory Committee for the above period relating to the activities of that period, all the recommendations of the committee that have been accepted and a statement of reasons for the non acceptance of recommendations, the level of assistance provided to a body corporate in that period and enclosing a summary of the financial records of the fund in relation to the above period and in tabling those documents I include a synopsis and fairly clear report as well on the activities over that four and a half year period as well as the financial details and the report on the activities of the Committee and I so table that paper

DEPUTY SPEAKER Thank you Chief Minister. Any further Papers

MR DONALDSON Thank you Madam Deputy Speaker I have a Paper to present. I table the Financial Indicators for the six months ended 31<sup>st</sup> December 2001 and move that the paper be noted

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

MR DONALDSON Thank you Madam Deputy Speaker. I would just like to speak to the Paper. I have a rather lengthy commentary to make so please bear with me. Members will note from copies of the Revenue Fund Financial Indicators that have already been circulated that at the halfway point of this financial year the revenue is running at 99% of budget and total expenditure is 90% of budget or expressed in dollar terms this results in a \$17000 surplus at this half way point. At first glance this would appear to be a satisfactory result however this result must be interpreted in the light of further information. The further information that I speak of is the extent of the deficit in the original budget for the year ended 30<sup>th</sup> June 2002, the half year review of the budget which resulted in a revised deficit and the spending pattern throughout the year that has delayed some major capital and operational items until the second half of this financial year. I'll talk to the first one of those first and that's the extent of the original budget. In June 2001 the Ninth Legislative Assembly approved a budget with a deficit of \$397600. This budget included expenditure in the following categories, salaries and wages \$5.1m, current expenditure \$5.6m, capital expenditure \$1.2m, the total expenditure in that budget was \$12,470,000. In addition to that deficit budget the Ninth Legislative Assembly approved at the August 2000 meeting the transfer of appropriation instrument which transferred from the 2001 to the 2002 years \$530,200 for commitments made but not paid in the 2001 year. I add here that it is worthy of noting that none of that \$530,000 was brought to account in the financial year ending 30<sup>th</sup> June 2001. This effectively had the effect of increasing the current years deficit to \$927,600 and total expenditure approvals to \$12,534,000. It is this expenditure amount that the financial indicators refer to in expressing a percent of expenditure to budget. What this means is that since the transfer of appropriation in August 2001 this Government has been moving forward with a deficit budget of \$927,600. Now that's the first bit of information that you have to use to interpret the financial indicators which have been tabled. The second bit is the half yearly review that the Service has undertaken. The Public Service completed this half yearly review of the budget just recently, in fact as recent as yesterday, which was undertaken with a view of identifying savings and expenditure and identifying the need for additional expenditure. It also reviewed the income predications for the year that was contained in the original budget. In summary the following half yearly adjustments were identified. We had an adjustment of expenditure and this is additional expenditure that has been identified, additional expenditure in the welfare \$280,000, additional expenditure in the area of a loan or advance to the gaming enterprise which is a Government Business Undertaking of \$210,000, additional costs for the Police of \$30,000, additional insurance premiums payable of \$23,000 and additional telecommunications costs within the Public Service of \$20,000. There are other items too of lesser amounts and I haven't included them in the paper. It also identified savings in expenditure for that year. It identified \$704,000 worth of savings, the main components being \$220,000 from the Roads vote which was capital expenditure but I had here that there was originally \$500,000 put in the budget for capital expenditure on the roads. At the halfway point only \$5000 had been spent and that means between now and the end of the year there's \$275,000 still in the vote for capital expenditure. I am informed by the people involved in the Works Depot that that is about as much as they can spend on constructing their roads in the remainder of this financial year, so the \$275,000 is in therefore for capital road construction. It was further identified as savings in the area of salaries and wages and human resources for \$230,000. That was put in the budget at the beginning of the year and not required because there was a delay in getting the executive team in place and a delay in getting some of the other positions filled so that money has been identified as a saving. There was also carried forward from last year, \$50,000 for a revenue based investigation and

while that revenue based investigation is dearly needed, it will probably not be required before the 30<sup>th</sup> June this year and has been identified as a saving. The net effect of the additional expenditure and additional savings, is a saving of \$95000. I just comment there on the income side of the budget for the half yearly review. The original revenue estimates have been reviewed in the light of the downturn in tourism, mainly due to the demise of FlightWest and in total revenue predications have been adjusted downward by \$292,000. The main components of this are a reduction in customs duty of \$100,000, a reduction in FIL of \$50,000, a reduction of dividend from the Post Office of \$150,000 and I'll just pause there and say that the original budget had a dividend from the Postal Services of \$300,000. They have put their product on the marketplace but they won't know until the end of this financial year how successful their sales campaign has been. They've taken a conservative view and said, well we'll have to halve our original profit estimates. It could still come through at the full amount of \$300,000. There's also been a reduction in the departure tax of \$80,000. On the other side of the ledger there's been an increase in the accommodation levy that was in the budget of \$180,000. I just make a further comment, in addressing the income side of the budget, the revised figures have been assessed from a very conservative viewpoint and may in fact turn out to be higher than predicted. The result of the half yearly review is that the revised deficit is now \$1.12m for which no additional appropriation will be required as the original Appropriation Bill and the brought forward appropriation exceeds this requirement by \$85,000 so we won't be asking this House to appropriate more funds to meet this additional expenditure. I should make the comment here that no provisions have been made in this budget for the Public Service wage claim and if awarded before the end of the year there will most likely be a need for an Appropriation Bill to fund that. We don't know what it is going to be. There's been guestimates of quite a range of figures so it's been decided by MLA's to leave that one out. The third thing that has to be addressed when addressing the financial indicators is the spending pattern throughout the year. I said earlier that the net results for the first half of this year was a small surplus of \$17,000. However, it is not possible to project the surplus forward on a straight line basis as many budgeted expenses do not fall evenly throughout the year and some are yet to be incurred. The following expenditures are examples of approved items in the budget that are not yet spent. When spent they will impact heavily on the second half results and I will just read out a list of items here adding up to about a million dollars. Information technology data base. We expect to incur \$190,000 expenses on that between now and the end of the year. Training and development, there's \$55,000 in the budget for training and development. If spent between now and the end of the year it will form part of the deficit. Education, building and furniture. There's \$142,000 in the budget for a new classroom at the school and there's a balance of \$11,000 for new furniture at the school. If spent, that will contribute to the deficit I've been talking about. There's \$255,000 still in the budget for road reconstruction that hasn't been spent. There's \$34,000 in the budget for a geotechnical survey of the Kingston Pier and that should happen before the end of the year. There's \$90,000 in the budget for vehicle purchases. There's \$25,000 which is part of that additional grant that was given to the Tourist Bureau that still hasn't been spent and there's a \$210,000 advance to the Gaming Enterprise. All in all those figures add up to a million dollars worth of expenditure that will probably be made before the end of this year but possibly there'll be some savings there. In summary the emerging pattern of income and expenditure is one that needs immediate and serious attention. There are various options open to us. We can increase the revenue by increasing the rate of existing levies and charges. We can increase the revenue base to which the levies and charges are applied. We can identify new levies and charges. We can identify new revenue earning GBE's. We can identify savings and expenditure although in saying that last one, expenditure has been cut rather dramatically and unless we make major changes to programmes that are already in place there's not much room for moving in expenditure areas. The need to make these changes are immediate. If the budget deficit continues unattended until the 30<sup>th</sup> June the reserves in the Revenue Fund will be reduced to \$400,000. The problem is currently being addressed by the Public Service and the Government with a preference not to increase the rate of levies and charges on the community although no commitment

or promises can be made at this stage. Finally some comfort can be taken from two facts. Firstly that the budget and the resultant Appropriation Bill is only approval to spend certain amount of funds. Traditionally there has been a large amount of unspent funds at the end of each year, in fact the \$530,000 I referred to last year as appropriation brought forward is money that was approved last year and not spent. There is a reasonable expectation that there'll be an amount at the end of this year that will not be required. Secondly there's been a conservative approach to reviewing the income side of the budget. Like I said, the Customs Duty is based on a downturn in tourism. It's early days yet. We haven't got an indication just yet as to how true or accurate that figure is going to be but there has been a definite conservative approach on income. In all likelihood the total income will be a bit higher than has been budgeted for. I'm working closely with the officers of the Administration on matters of financial management and options are being developed so that a sound and achievable business plan can be put to the Government for their consideration and the current trend is reversed. Thank you Mr Speaker and I look forward to hearing the views of other members on this matter

MR BROWN

Mr Speaker we are heading towards a very big brick wall and we are heading towards it very quickly. That's been made obvious by the information which has been provided to us today by the Minister for Finance and by the words he has spoken to us. Much of what the Minister said was directed at ways of increasing income although I was pleased that he also did at least give mention to the possibility of reducing expenditure. There are many ways to reduce expenditure Mr Speaker and one of them is to become more efficient. Efficiency might be obtained or achieved in a number of different ways. In other jurisdictions it has been sought by way of privatizing some areas. It's been sought by outsourcing some of the works done by Governments in other places, that is, by contracting out. I hope that in the Ministers consideration of the problem and in his assessment of just what possible solutions might be awaiting us, that he will look seriously at the question of privatization, that he will look seriously at the question of contracting out and that he will look seriously at assisting the Public Service to become significantly more efficient while at the same time not causing the damage which has been caused to the Public Service during the last six months in terms of moral, loss of senior staff and so forth. I've got confidence in our Minister for Finance. He has good qualifications to hold the position that he holds, and I'll look forward to hearing his next report to us but I do hope that members will realise that there is a very big brick wall that we are heading to very quickly unless we do something about it, thank you

SPEAKER

Thank you Mr Nobbs. Any further debate? Then I put the question that the Paper be noted

QUESTION PUT  
AGREED

That Paper is so noted. Are there any further Papers for presentation this morning

MR SMITH

Thank you Mr Speaker. I would like to table the Inbound Passenger Statistics for December 2001 and for January 2002 and move that these Papers be noted

SPEAKER  
be noted

Thank you. The question is that those Papers

MR SMITH

Thank you Mr Speaker. We didn't have the December figures for the last sitting, hence I have them here with me today. Just to go through the arrival of visitors to our Island shows we had 121 arrivals. In comparison to last year of 3393 and the year before of 3139 a similar figure, however it needs to be

pointed out that the Pacific figure which is usually around 20 or 30 had a number of 772 that arrived here during that time and that of course was the South Pacific Mini Games.

Moving to January, members will recall some time ago that we asked for extra funds for the Tourist Bureau to do additional promotion in marketing because of the very low figures that were being predicted for the month of January this year. I think we were given around 400 passengers for January in the period October/November which was of serious concern to us. A campaign was conducted very successfully and it certainly made a difference to the visitor arrivals for January. However, when you look at the figures there were 2121 people arrived in comparison to the year before of 2731, the year before of 2600 so definitely the numbers were down around 500 on the previous years. Various reasons, the previous January we had two airlines flying but more I believe from looking at the aircraft arrivals, that towards the end of January with the bad weather which the Island experienced that passenger loads dropped right down due to a lot of cancellations at that time. I understand as I wasn't here at the time, but I understand that we had six days delay for a lot of people and it was difficult to get off the Island but for ones on the other side they just cancelled and rebooked for other times. It may have contributed. If that was to be taken into account we probably would have had similar figures to previous years however 2100 passengers is probably better than the 400 that was being predicted. In talking to Norfolk Jet Express or Greg Prechelt last week he is saying that the bookings for the coming months are looking quite healthy as far as the airline is concerned. He's been running at about an 80% load factor and he is expecting that to carry through February and March and we are certainly seeing that in the early part of February however there are some holes in that as well. Whether we'll get up to previous years numbers is unlikely with the amount of seats available at the moment out of Australia and New Zealand and speaking of New Zealand their numbers were about equal to what they were in January year before but certainly down on the year before that. I won't go into all the issues about September 11<sup>th</sup> and the airline difficulties that were held over the last few months which has created difficulties for our tourism. It's obviously starting to reflect in our budget as the Minister for Finance has just pointed out with their numbers down around 20-25% since September which is not very good because it does have a bad effect financially, not only with the Government but within the community as well. At the moment we are still feeling the effects of the last promotion that was done and there's a bit more of that campaign to be carried out which should hopefully help out with the coming months. There has been calls of course from people within the community who may feel that maybe one airline out of Australia is not sufficient to give us the services or numbers that we need. I said earlier that I had no written proposal from an airline to fly here although as I did say, I recognise that there is discussion being held, not with me, about another airline that possibly may start up here. I did get that written proposal yesterday from a person who is interested in starting a carrier, not necessarily just for Norfolk Island but is looking to us. In speaking to Greg Prechelt he was wondering whether he should actually add extra services if he had the aircraft that was available to do that. His thoughts on that are well he's really like to fill up the aeroplanes that he has got at the moment before he would I think he goes down that track was what he way saying. However it is a concern to all of us that we're not achieving the numbers we had previously, but we are all aware of the situation.

MR SPEAKER  
is that that Paper be noted.

Thank you. Debate. No debate. The question

QUESTION PUT  
QUESTION AGREED

MR SPEAKER  
presentation.

Thank you. Are there any further Papers for

MR DONALDSON  
for presentation. It's to do with Customs approved exemptions. Mr Speaker Section 2

Thank you Mr Speaker. I have one more Paper

(b) 2 of the Customs Act 1913 makes provision for the Executive Member to exempt goods from duty where duty payable is less than \$200. Section 2 (b) of the Act provides that where the Executive Member has exercised this power he shall lay a copy of exemption on the table of the Legislative Assembly. I so table those exemptions. If I could just speak to them, there is only 3 of them. The first one was \$13-25 that was waived on the importation of show ribbons for the Royal Agricultural and Horticultural Society for equestrian events. The second one was \$66-30 for the importation of trophies for the Norfolk Island Junior Rugby League and the third one was \$53-50 on the importation of disposal resuscitation face masks by St. Johns Ambulance Norfolk Island Division.

MR SPEAKER

Thank you. Are there any further Papers.

### STATEMENTS

MR GARDNER

Thank you Mr Speaker. As I indicated to Mr Nobbs this morning in response to a question that he had asked me as to whether I was going to make a Statement about the Honourable Wilson Tuckey's visit to Norfolk Island. I undertook to do that and I'm in a position to be able to provide a Statement to the House. Mr Speaker as Members are aware and I indicated to them on Monday afternoon and also to the community on my Friday morning radio broadcast to the community the Honourable Wilson Tuckey, Minister for Territories and Regional Services will be visiting Norfolk Island from early Friday morning of this week. He arrives on island at 1.00am on Friday morning where he and his party, which will include the Administrator returning from Canberra and his wife, his advisors, and some of his staff will be met by myself and the Official Secretary at that time. On the Friday morning Mr Speaker there is proposed to be a meeting with myself and the Ministers of the Norfolk Island Government with Mr Tuckey in the Legislative Assembly Committee room. In the afternoon there will be an opportunity for Mr Tuckey to meet with Members of the Norfolk Island Legislative Assembly again the Committee room. He will be visiting the Norfolk Island Hospital accompanied by the Minister for Health the Honourable George Smith MLA at 4.00pm on Friday afternoon and will be enjoying a session with Members of the RSL Memorial Club at the RSL on Friday afternoon after the visit to the Hospital. On the Saturday I will be taking him for a guided tour around the island Mr Speaker. At 11.30 there is the reception at Government House where the deferred commemoration for Australia Day will include presentation of community Australia Day awards to residents nominated by the community. There is then I understand a opportunity for the Minister to meet with some members of the community in private over some matters. On the Sunday he will be attending the St. Barnabas Chapel for the morning Church service and will be departing the island by special purpose aircraft at 1.00pm on Sunday the 24<sup>th</sup> of February 2002. Mr Speaker this is the first visit by the Honourable Wilson Tuckey, Minister for Territories and Regional Services since he was appointed, and that appointment has only taken place in the last 3 weeks or so, to visit Norfolk Island. It is a valuable opportunity for Members of the Norfolk Island Government and Legislative Assembly to canvas issues of interest with the Federal Minister, and also an opportunity for the community of Norfolk Island to have direct contact with the Minister for Territories. I also believe that visits of this type assist in establishing clearer communication channels with the Commonwealth Government. Thank you.

MR SPEAKER

Thank you Chief Minister. Further Statements. The question is that the Statement be noted.

MR NOBBS

I understand from what the Minister has said and I understood from what he said earlier that there will be a meeting with the Norfolk Island Government on Friday morning and I'm just wondering whether the agenda for that particular meeting is available, whether there are any background papers available on the particular agenda items or where we are actually going in relation to an Intergovernmental meeting given that the policy has changed I think with the last one

and that Members of the Assembly were invited to have observer status at that meeting and I wonder where we are actually going with the meeting seeing it's less than a few days away.

MR GARDNER The purpose of the Minister's visit to Norfolk Island Mr Speaker is to I guess to do the groundwork to get a better understanding of the relationship between the Commonwealth and Norfolk Island and meet the players that are involved in developing that relationship between the Commonwealth and Norfolk Island, and to meet first hand and talk to those people at this end that make the decisions for the people of Norfolk Island. The meetings that are taking place are not in any means intended to be working sessions, simply to enjoy new friendships and to discuss in very general terms outstanding issues that are a flow on from the previous Norfolk Island Government that need dealing with by this particular Government, and hence the meeting briefly in the morning between the Norfolk Island Government and the Minister to discuss those issues. Certainly as far as working sessions are concerned those will be follow ups between Officers of the Administration and Officers of the Department of Territories at another time. Certainly this is not proposed to be an Intergovernmental meeting by any means. I think both the Norfolk Island Government and the Commonwealth Government are on record of indicating that there is probably little worth at this stage in progressing to a full Intergovernmental meeting. As I said this is a matter of feeling out the ground and it will be reciprocated by myself and the Minister for Land and Environment's visit to Canberra in early March.

MR SPEAKER The question is that the Chief Minister's Statement be noted.

QUESTION PUT  
QUESTION AGREED

MR SPEAKER Thank you.

MR I. BUFFETT Thank you Mr Speaker. At the January sitting of this House you asked me a question in respect of the spread of the noxious weed the Formosan Lilly and I undertook to provide you some additional information. Just confirming that the information that I gave you at the time was correct and that the Parks and Forestry Service do carry out a programme in respect of elimination of that weed on the areas which they are responsible for. Just a short overview. Mr Speaker the thought that this particular plant was first introduced into the island in the 1980's as a garden plant and by 1986 it spread, so that in 1990 we had to declare the thing a noxious weed. The growing season as all Members and the community will be aware, it was exacerbated by the exceptional rain we had at the beginning of February and the Forestry team have been on roadsides and in the forest and parks areas eliminating this. Mr Speaker what we really need is a community effort in this regard. Over the period since it was declared a noxious weed the Administration has undertaken a programme of notifying the people who's properties this weed has invaded that the potential danger of the infestation and asked them to co-operate. Some have and some haven't Mr Speaker. It's obvious that unless there is co-operation between both the community and the Parks and the Forestry area we're never going to eliminate it. So I urge the people to do that. In respect of that Mr Speaker and the reason I make this short Statement today is that we will be putting into the Norfolk Islander for publication on the weekend a press release in respect of the Formosan Lilly recommending some efforts of how we might be able to control this and where the community might get some information and help, some telephone numbers of the Parks and Forestry personnel to assist and see if we can have a concerted effort to at least control it, not totally eradicate this particular noxious weed. Mr Speaker I take the opportunity at this stage to just mention to the Members of this Assembly and to the community another potential noxious weed that I intend to bring forward the procedures at the March sitting to declare a noxious weed. Mr Speaker the plant that's commonly known as a Queensland Umbrella tree, it starts off as a lovely pot

plant, people get enthusiastic and then next thing you know it's appearing in the garden. It grows prolifically in the climate in Norfolk Island and I have observed and been invited to observe the affects of what's happening with that. The Parks and Forestry Services spent some considerable effort in eradicating these young plants out of the Headstone Reserve area. On a personal note I've just expended considerable cost and effort to eradicate the plant from my personal properties which is fairly close to that area. When they seed the birds love them and of course we have this spread. I can assure you Mr Speaker they even grow on top of corrugated iron if there's a bit of mulch there and they are fairly prolific. So Mr Speaker having said that I guess that a couple of Statements short there will be the Formosan Lilly release in the Norfolk Island this week and I foreshadow the declaring of the Queensland Umbrella tree a noxious weed at the March sitting of this House. If anyone has any comment in that respect please let me know within that period. Thank you.

MR SPEAKER

Thank you. Further Statements this morning.

MR GARDNER

Thank you Mr Speaker. I just wish to touch briefly if I may on 3 matters that have arisen as a matter of my responses to Questions on Notice provided at the last sitting of the House. The first one of those was in relation to a question asked to me by Miss Nicholas in relation to the reactivation of the joint Federal and Norfolk Island Task Force on immigration. I'm pleased to advise that I've circulated a draft strategy for dealing with our immigration review and the re-establishment of that immigration Task Force which will be considered and I will be seeking endorsement in the next week or so from Members of the Legislative Assembly for the general concept contained in that paper for an approach to the Commonwealth to re-activate that Task Force and with some luck finalise the review of immigration which was a process that we thought we had finalised last year, and as I spoke on Friday of last week during debate on the quota matter, unfortunately a matter that the Commonwealth not to assent to our legislation that we passed by the previous Assembly to at that stage, thought that we have finalised the immigration review by the passing of that legislation. However it is required now a fresh look now at what we are going to do with our immigration review and if I could just read into Hansard Mr Speaker the terms of reference, draft terms of reference at this stage so that people are aware of exactly what we are trying to do. The primary proposed terms of reference are to 1. Consider afresh the issues and options contained within the proposed Immigration Guidelines Amendment Bill 2001 and develop an integrated package of changes to the Act. The issues and options contained within the existing Memorandum of Understanding or the MOU between the Commonwealth and Norfolk Island regarding immigration matters and develop an appropriate document covering the current and emerging issues of Ministerial authorisation. 2) To review the plans for unauthorised boat arrivals at Norfolk Island and prepare an exchange of letters for Ministerial authorisation. 3) Consider the most appropriate means of establishing an on island immigration appeals process and set a time table for implementation, agree on process of handling existing appeals i.e the transfer to the Norfolk Island Immigration Appeals Tribunal. 4) To consider the relevance of the Immigration Amendment Visa Act 1994, Act 8 of 1995 and consider whether the Bill as entered into on the 24<sup>th</sup> of May 1995 should be commenced or part commenced and that deals with infringement notices Mr Speaker. Just for again information of listeners Mr Speaker, as I said all this information is contained in that documentation circulated to Members in recent days that some of the issues out of the Guidelines that will be addressed by this Task Force or is proposed to be addressed by this Task Force deals with the issues of health compliance, those are the things that have been discussed openly in this House and elsewhere relating to proposals to prescribe diseases and also health compliance, checks and the certificates required for that, character requirements, issues such as business and commercial ventures, special circumstances, policy objectives, entry permit conditions, quota conditions, the list goes on Mr Speaker but that's just a very brief overview of the issues from the guidelines that would be dealt with as part of those terms of reference, and that was just to provide a status report Mr Speaker on where that issue was that I spoke to in response to a

Question on Notice at last months meeting from Miss Nicholas. Mr Speaker I have another matter. Again I'll try and be brief on, had to do with another question On Notice. I undertook and the Question On Notice that was put to me by Mr Brown regarding the present situation in relation to re-printing of Norfolk Island legislation and making all Norfolk Island legislation available by CD-ROM or Internet. By using Statement time to provide an update on that Mr Speaker I'm pleased to advise that under the Justice package paper that is being prepared and again circulated to Members the resource and implications on being able to provide that have been dealt with and been identified as approximately 140 hours at this stage to complete that process. Mr Speaker I responded this morning on another issues that I undertook to report to the House at the last sitting of the House and that was in relation to the development of professional indemnity insurance. As I said this morning I was pleased to advise that there has been some movement in that. We are just awaiting now the quotes on the insurance for professional indemnity which would provide for Members of the Legislative Assembly and the Public Service and other bodies established by statute and persons operating under those bodies established by statute Mr Speaker. One final issue is in relation to another question that I believe was put to me by Mr Brown at the previous sitting of the House. That was question 6 on last sitting's Notice Paper and so that people understand my response to it I think it's appropriate that I read the question again Mr Speaker. Will the Chief Minister please advise whether it is a fact that a person who lived on Norfolk Island without any form of immigration approval for a period of 5 years is able to immediately apply for residency upon obtaining a grant of a General Entry Permit, if so what action does the Minister propose to take to correct that anomaly. Mr Speaker in my response to that question last month I indicated that I had proposed what I saw as a fairly simple amendment to Section 29 (2) by adding some words that in affect would provide that a period of residency during which the applicant was not a permit holder would not accrue towards the declaration of a residency. I sought some legal advice on that issue and yesterday received a response to that request for advice basically undertaking that my proposed amendment would satisfactorily address the apparent oversight in that matter. I have received also some reasonable implications of if we were to agree to moving to amend the legislation of what those would be, fairly simple drafting undertaking, nil resource implications to be able to do that, and no transitional arrangements would be required because it could be affective from Gazettal. In relation to that I will circulate that advice to Members so that we are able to properly consider that and if thought appropriate, move at the next sitting of the House to plug the hole so to speak, otherwise I think it's probably worthwhile considering as the overall package of immigration review if in that time frame this particular problem didn't raise itself as an issue with immigration on Norfolk Island. Thank you Mr Speaker.

MR SPEAKER  
be made this morning.

Thank you. Is there any further Statements to

MR SMITH  
Thank you Mr Speaker. I'd like to make a Statement about the difficulties with the Public Service. Mr Speaker there is a serious issue with the Public Service and I don't believe it can be dealt with by this Assembly by Question Without Notice. They were sudden this morning (?) and I accept Members right to do that and it's appropriate that but what it does, the answers that a Minister has to give as a result of a question are directly related to the theme of the question. It also doesn't allow debate on the question from other Members and it doesn't allow even the Minister to come back and say anything about another answer to a question. I need to say that I fully recognise the situation in the Public Service. I recognise that there are issues that are of serious concern to many of the Officers in the Public Service and that's very important for me to say that because it is really, I think we all do recognise that. It was said this morning that I was going to do nothing, that is not true. I wasn't able to come back after the question was asked of another Minister to say that that is not true because action has already been taken in relation to this matter by the Chief Minister, by myself, by the PSA. The matter is being addressed. Now clearly there is a problem which is, and will be fully addressed. It does relate to management style of the

Administration and that's been a concern over many months. In discussion with the Chief Executive Officer there is a recognition that a different style is in order for the return of the confidence within the people in the Service at this particular time and that needed to happen very quickly and efficiently as possible. The introduction of the Public Sector Management Act was done in full consultation with the Service over a number of years, a couple of years by myself, by the previous CEO and members of the PSA and we did that very carefully so that everybody was able to have the opportunity to say what they thought about that proposed new Public Sector Management Act and the reasons it was being put into place, and I believe that the negotiations with the Service during that time has given us a workable replacement for the old Public Service Act, but there a couple of things that came out in those discussions. One was a recognition from most people in the Service that there needed to be a change in the way that things were done in the Administration. That became very clear from within the Service. When people had the opportunity they said well there's got to be change which helped us a lot in putting together the Public Sector Act. The other thing, there was a fear that people would be at risk of losing their jobs with this change and we said at the time that wasn't the intention of the Public Sector Management Act and the changes was to change the way that the Administration did things, and as Mr Brown just referred to in the Finance Minister's debate about efficiencies in the Public Service and that was one of the things that was put into the Public Sector Management Act so it allowed for the Administration to be more efficient. However having said that the Public Sector Management Act and the HR Policy really came into affect last year and there's been difficulties experienced with the Act and the HR Policy and we know that ourselves. People in the Service are having difficulty dealing with the change of ways things are being done and rightly so. When there's a change that has a serious affect on people's workplace we should be listening to what they are saying. The result of the Public Sector Management Act means that there's now a corporate management group which was what we intended to make a smoother running of the Administration from the Government's point of view and from the Administration's point of view. It was to take the issues that come out of the Assembly and the Government that need to go to the Administration that the corporate management group would deal with those issues, and that is the role of the group that is now in place, that is now in place to handle those issues. Most of the changes have occurred probably in the last 12 months or maybe even less and those changes with the Public Sector Management Act needed to be managed very carefully and with the support of the people in the Service and that is most important, but I cannot say that that's the way that it has been handled and that needs remedying very quickly as I said before. Now that the corporate management group is in place they will be dealing with issues in a different way to what it was dealt with before, it should create efficiencies, it should make the workplace a better place to work, it should do. Now that has yet to be proven of course as is with the issue that was raised this morning in Question time about what is going to be done to improve the lot of people in the Service. Now I say once again I fully recognise the difficulties that are being experienced and it's now up to only me as the Minister but the Government and also the Assembly to deal with how things progress from here. Thank you Mr Speaker.

MR NOBBS

Can I move that the Statement be noted.

MR SPEAKER

The question is that the Statement be noted.

MR NOBBS

Thank you. I too have, coming back from a brief break or few weeks break actually. I was quite disturbed to find that we had in place, we were about to have in place those four positions, the Executive Directors and the chief Executive Officer for the first time would be filled, completely and bearing in mind that for the past 2 or 3 years or so we had been operating at under strength, the previous CEO was doing some of the Executive Directors work, bearing in mind that what people forget is that the Executive Director positions are really only a change in name for what were previous positions held. There were 3 Programme Managers and one CAO, and that became CEO and 3 Executive Directors. When I got back I was quite

disturbed to find that we were on the brink of progressing various particular problems that we've had as far as the lack of staff and lack of senior staff and the lack of support for the Assembly and the various Ministers, numerical support, numbers I'd say in support not the quality of it. We were about to embark on this unyet there was all these problems going on in the Service at the time and this is in the few weeks that I've been back have escalated to a degree. I just want to say a couple of things. The first one is that I think members of the Service or those who I spoke to over the past few years have agreed that there is a need for change and Minister Smith alluded to that. The change has been on the basis of a new Act which took some time getting through as Mr Smith is well aware both by this Assembly and the acceptance by the Service. That was brought in. A Human Resources Policy was developed by the Service itself, by a working group within the Service, it was back and forth and it came to the Assembly and it was eventually passed and that was then to be progressed. The hold up of course was the need for a recruitment of the Executive Management Group and the putting in place of things like which was my belief was an integral part of the whole issue was that of a consultative committee, and that consultative committee is made up of members of the Service who were elected and also 2 Executive Directors. The majority of the membership of that are members of the Service who are elected by members themselves. There's been problems in relation to that, the group was put together, there was a need for a regime to allow for an election and I don't think that's actually happened as yet, as we were without a Draftsperson for some considerable time, and I'm not making excuses on this I'm just stating the facts of life. The facts of life are there were major changes to the Service in both the Act and the Human Resources Policy. Some of those are major and one of the big issues has been this issue of overtime. Now overtime is a problem in any organisation where it's allowed to be built in as another right I guess of a particular position, because you increase the take home pay consistently of a particular position or the holder of a particular position and people become used to that. They build their lives to that level, it's like a second job, they expend to it and when that it cut your problems exist. Now that's just one point, there are other issues within the Human Resources Policy where there were changes made and proposed and most but not all have been rectified at this stage, I believe. Change is always very difficult. There's changes in management styles from myself as the previous Minister and I don't reconcile from that to Mr Smith and from the oh it was Mr Smith again the previous one, there are changes in the Ministerial, there's changes in the style of the Assembly, the makeup of the Assembly, the particular people on the Assembly, all these things are change but we have to accept it. Now I believe there will be change, there must be change and there has been change within the Service and we must look at that and see specifically whether it's a problem of change or whether it's a problem in some other particular area. As I say I'm now on the backbench and I'm not really at the cold face of these particular issues, but I urge all those involved either from the Government side, Assembly, or the Administration to look very closely at where things are going to ensure that we don't throw the baby out with the bath water, because that is obviously a problem. I mean it's been said to me on more than one occasion in the last couple of weeks that soon as there's a change all hell breaks loose and then out goes the particular person who was instructed I guess, or I wouldn't say instructed but was actually making the change. Now all I can say is that we should look very closely, don't prejudge, and I'm not even thinking of judging it myself, prejudge where we're going. If there's to be a discussion from the Assembly perspective, bearing in mind that the Assembly under this current legislation has to stand back but we are responsible for the appointment of the CEO, we're also responsible for the actions of the CEO and through that medium we work with policies from the Assembly to the Administration, and the Administration is required to carry out those policies. I would say at this stage, list it for next Monday, speak openly and freely about it at that particular point in time and I urge not only the Assembly but also the Administration staff and also the members of the community who take a particular interest in the operation of the Administration, and of course they do because they are the main employer on the island and also the main advisers to Government for any changes I guess. But anyhow I would urge of any description on who may be at fault or who may not be at fault or if we take snap

judgements, and as I say I'd hate to see the baby being thrown out with the bath water. Thank you Mr Speaker.

MR SPEAKER

Thank you. Further debate.

MR BROWN

Mr Speaker it's clear that mistakes have been made. I wonder whether they might be related in some way with the haste with which we tried to adopt modern human resources practices. I wonder whether they might be a result of poor appointments having being made in some cases due to us doing our best to comply with what we were told, with modern human resources practices. I'm certainly not convinced that the present crisis can be dismissed by simply regarding as some form of resistance to change. I certainly agree with what Mr Nobbs has just said to us that it's important that we not throw the baby out with the bath water but I'd like to really echo what I think Mr Nobbs was saying that it really is important that we sensibly and thoroughly review the situation. I'd like to just conclude by saying that we indeed are responsible for the appointment of the Chief Executive Officer, we're also responsible to continually monitor the performance of the Chief Executive Officer and no effort has yet been made by this Assembly to do that. The Act is clear, an unsatisfactory performance review can lead to a certain result. Now whether the performance review is satisfactory or unsatisfactory it is time for us to conduct that review and I'm sure we will talk seriously of that on Monday.

MR SPEAKER

Thank you. Further debate.

MISS NICHOLAS

Thank you Mr Speaker. I agree with parties on both side Mr Nobbs and in some instances Mr Brown. I think Mr Nobbs hit it on the head by emphasising change. Change is rough in everybody, the people who are already in place, the people who come in to make the changes. I certainly was very much in favour of the reform of the Public Service prior to election and having made that statement very clearly I was elected, and I certainly don't resile from my statement prior to election. I think we're talking about, the matter of style has been mentioned quite a lot in our discussions and I would suggest that the substance is not in doubt. If it's a matter of style, yes that will be discussed between the Members of the Assembly and Mr Speaker I think it needs to be pointed out that we are not able in this place to have free and open discussion on that matter because we face closing the House to enable us to do that, excluding the public and ceasing our broadcast. So is in this instance it is appropriate that we deal with the matter on Monday at our meeting of the MLA's but I emphasis from my point of view we are experiencing change, others are experiencing change, the fourth member of that Management Team has only just been put in place. It's a shake down for them, they are not used to working together as a team either. It's very early to be making any sort of judgement. I'm happy to discuss the matter but I don't resile from seeking and supporting reforming the Public Service. Thank you Mr Speaker.

MR SPEAKER

Thank you. Further debate. The question is that the Statement be noted.

QUESTION PUT  
QUESTION AGREED

MR SPEAKER

Thank you. Are there any further Statements.

#### **MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR.**

MR SPEAKER

I have received a Message No. 3 from the Office of the Administrator which reads as such. On the 1<sup>st</sup> of February 2002 pursuant to Subsection 21 (2) and 21(6) of the Norfolk Island Act 1979 I declared my assent to the following, the Employment Amendment No. 3 Act 2001. The Message is dated the 1<sup>st</sup> of February 2002 and signed A.J. Messner, Administrator.

**SUSPENSION**

MR SPEAKER Thank you. We are now to commence Notices, it's about 7 minutes to 1 at this moment. I think that this might be an opportunity for us to pause for lunch and maybe return at 2.00pm. I just pause because Mr Brown usually says 2.15pm.

MR BROWN Mr Speaker I make that suggestion because many Members like to endeavour to return telephone calls and such things during the luncheon break, it is important that everyone be able to eat as well and that extra little time does enable most of us to also have a small meal.

MR SPEAKER Thank you. Honourable Members I'll now move to the stage of suspending for lunch and we will return at 2.15pm.

**RESUMPTION**

SPEAKER Honourable Members we recommence after the suspension for lunch. We are at Notices

**NOTICES****RESPONSIBILITY OF INNKEEPERS IN NORFOLK ISLAND**

MR BROWN Mr Speaker I move that this House requests the Minister for Community Services and Tourism to introduce, at the earliest convenient date, a Bill to make provision for the responsibility of innkeepers in Norfolk Island. Mr Speaker this motion was in fact passed during the life of the last Legislative Assembly and I have reintroduced it because there was not drafting time available during the life of the last Legislative Assembly to attend to the request contained in the motion. The law of Innkeepers goes back a long way. It probably goes back to the little stable at the back of the Inn in Bethlehem. The common law in relation to Innkeepers still really anticipates that people will arrive in horses and buggy's and it contains provisions that really no longer are appropriate. In all of the Australian States and Territories to the best of my knowledge, separate legislation has been passed and the convenient course in Norfolk Island is to base our legislation on the most appropriate of those pieces of legislation. In passing a Bill for an Innkeepers Act it will enable Innkeepers to know their precise responsibilities and it will enable their clients to also know not only the responsibilities but the duties that are owed to them. I don't intend to seek that this motion be dealt with to finality today but in due course I certainly will commend it to members thank you

MRS JACK Mr Speaker I would just like to say that I agree with this proposal. I see that it has merit. I know that there would be costs associated in getting it going and in the current prioritising climate this proposal may have no urgency but I'm off the opinion that it does warrant attention sooner rather than later and hence my support for it

MR I BUFFETT Thank you Mr Speaker . Perhaps Mr Brown may assist us with a little clarification. Mr Speaker, I may be wrong but I thought to use the word Innkeeper in respect of this was to protect places that actually either served meals or drinks or what have you as part of the accommodation or the staying at the premises. If it is the intention to have an Innkeepers Act so that places that take people for accommodation can be certain regarding their responsibilities as to insurance of goods and chattels of the lodger in the place, perhaps Mr Brown can clarify for me, do we really need a new Act or should we look at this as part and parcel of the package of legislation in terms of when we do get a Tourist Accommodation Act or something that

we can actually read, and it's just by way of clarification and perhaps Mr Brown might like to speaker

MR BROWN Mr Speaker it would be quite possible to incorporate a section in relation to Innkeepers responsibilities in the tourist accommodation legislation. I can't think of any other area in Norfolk Island at present to which the legislation would actually apply and one of the principal components of it is to specify the responsibility of an Innkeeper in the event that goods are stolen and just the extent in terms of dollars to which the Innkeeper is responsible and so forth. I doubt that it would need to be a separate piece of legislation. Perhaps it could well be incorporated in the tourist accommodation legislation

SPEAKER Further debate Honourable Members. No further debate? Mr Brown

MR BROWN Mr Speaker I move the adjournment

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

QUESTION PUT  
AGREED

That matter is so adjourned

### **CUSTOMS ACT 1913 - EXEMPTION FROM PAYMENT OF CUSTOMS DUTY**

MR DONALDSON Thank you Mr Speaker. I move that this House recommends to His Honour the Administrator that acting in accordance with section 2B of the *Customs Act 1913*, he exempts from duty imposed under section 2 of that Act plant and equipment imported into Norfolk Island to be used for a purpose related to the road reconstruction works at Mt Pitt on condition: 1. that written details of all such plant and equipment and their date of arrival on Norfolk Island be provided to the Collector of Customs in accordance with the directions given by the Collector; and 2. that unless sold after importation, such plant and equipment shall not, except with the executive member's written approval, be used otherwise than for or in connection with the road reconstruction works at Mt Pitt; and 3. that subject to any approval granted by the executive member under condition 2 above or unless sold after importation, upon completion of the road reconstruction works at Mt Pitt, the plant and equipment shall be exported from Norfolk Island; and 4. that where the plant and equipment is sold in Norfolk Island by Roadstone Construction Ltd (NZ), duty shall be paid on the value of any such plant and equipment in accordance with section 2C of the Act at the date of importation into Norfolk Island; and 5. that where there is disagreement as to what is plant or equipment for the purposes of the road reconstruction works, the decision of the Collector of Customs shall prevail. Mr Speaker this is a normal process for people bringing plant and equipment onto the Island. It's a conditional approval for the waiving of duty and its conditional upon the equipment actually leaving the Island and only being used for the purposes for which it was imported whilst here.

MR BROWN Mr Speaker I have difficulty with this motion. I have difficulty because yet again the Norfolk Island Government appears to be being asked to waive a charge to which it should be properly entitled to enable a foreign contractor to come to Norfolk Island and carry out work instead of local contractors. Now every local contractor and there's plenty here who could have carried out this work under appropriate supervision, every contractor has paid duty to bring his equipment in. It's a grossly unfair situation because every time a substantial contract arises on Norfolk Island we give a duty exemption to enable foreign people, forget about who it is but foreign people each time, to come and take the work away from local hands. I think we

should adjourn this today. That we shouldn't rush a decision in relation to it. I think we ought to think carefully. It is not a normal process, it is a process which has occurred from time to time but it only becomes normal if we as a Legislative Assembly continue to condone it and I have difficulty at present

MR NOBBS Thank you Mr Speaker I thought that under the current arrangements that the Commonwealth would have the rights to claim that it was part of the equipment for use in their job and that they would normally bring it in duty free anyhow and I thought that this was a means of us doing it another way but if it is to be adjourned I think that issue of the Commonwealth and their rights under the Act should be looked at, thank you

MR DONALDSON Thank you Mr Speaker I would like to comment on a couple of things that have been said. I understand the point Mr Brown made about competing on a even playing field with people who have to pay duty to get the goods on the Island and people who get exempted when they bring goods on for a certain project. I think it's got to be taken a little bit in context. What we are expecting to do is retrieve the 15 or 20% duty on motor vehicles for vehicles that will be on the Island for three months. That's opposed to other vehicles that come onto the Island that are run by local operators. They might have a life of ten years. They pay the same duty. The second point, I would just like to respond to Mr Nobbs' point about it being a Commonwealth project and therefore exempt from duty. My understanding is that the vehicles have been imported into Norfolk Island by a registered company in New Zealand and part of their contract for the job should have been to cost the duty into their contract if in fact it was applicable. I don't see it as being an exemption on the grounds of it being a Commonwealth activity

MR BROWN Mr Speaker in terms of what the speaker has just said, whether the duty be payable for a vehicle that's only here for three months or six months or nine months or nine years isn't relevant in my view in that the contract documentation or at least the tender documentation made it very clear that tenderers should anticipate paying duty and I just don't understand why it is that we are now looking at providing a bonus for monies rightly due to the Norfolk Island Government but no doubt if we do agree to adjourn the matter it's something that the Minister for Finance can check in the meantime

MR DONALDSON Thank you Mr Speaker that point raised by Mr Brown was not known to me that part of the original contract did include that duty would be payable. If that is the case, I would be quite happy to withdraw this motion. In the meantime I would be quite happy for it not to be voted on today and be made an Order of the Day for the next Sitting

SPEAKER Is that your current proposal Mr Donaldson

MR DONALDSON Yes

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

QUESTION PUT  
AGREED

That matter is so adjourned

#### **CUSTOMS ACT 1913 - EXEMPTION FROM PAYMENT OF CUSTOMS DUTY**

MR DONALDSON Thank you Mr Speaker. This is yet another request for an exemption of duty. Mr Speaker I move that under subsection 2B(4) of the

Customs Act 1913, this House recommends to the Administrator that the goods specified in the first column of the Schedule imported by the person specified opposite, and on the conditions mentioned, in the second column of the Schedule be exempted from duty -

**SCHEDULE**

Column 1 <u>Goods</u>	Column 2 <u>Importer/conditions</u>
60 cartons Christmas Cakes - amount of duty applicable \$225.50	Lions Club of Norfolk Island Conditions - Nil
Archery Targets and Faces amount of duty applicable \$263.80	Association of Norfolk Island Archers – Conditions - Nil

In speaking to this exemption request it is my understanding that this is following established practices. Goods used for charitable purposes are often exempted from duty and goods used for sporting clubs are often exempted from duty. I further believe that the sporting club one was for targets associated with the Mini Games

**SPEAKER** Further debate. No further debate Honourable Members? Then I put the question that the Motion be agreed to

**QUESTION PUT  
AGREED**

The motion is agreed thank you

**WATER STORAGE REQUIREMENTS**

**MR I BUFFETT** Thank you Mr Speaker. I move that all registered tourist accommodation houses that do not comply with current water storage requirements shall be fully compliant with those requirements by 28 February 2005. Mr Speaker at the Sittings of this House in January I gave notice of the motion that I have just read except for one minor change and that is I had in the original motion, by next year, the year 2003. That has been extended to the year 2005. Mr Speaker let me say that I do not expect this motion to be taken to its finality at today's Sitting but what I do expect is that members will start to address this important issue. It does two important things in my view. The first is to address an inequity that has occurred in the tourist accommodation industry and the second and probably most important is to recognise that water is a scarce resource and that we as a community need to more appropriately commence the process of addressing a strategy for the use and conservation of the resource and we should do that in a sustainable manner. Mr Speaker for the information of listeners a short summary and background to this motion are as follows. With the deregulation of the tourist accommodation industry and the condition imposed by the Planning Board that new premises comply with roof and storage areas for the collection of water to make new units self sufficient, inequities arose between those new units and those that were existing prior to deregulation and also those that merely became registered through change of use process. Mr Speaker let me pause there to declare my personal interest. Mr Speaker I declare an interest in that I have two registered tourist accommodation units. The second aspect in dealing with the summary to the background is that in 1995 the then Norfolk Island Government recognised that there was a need to consider an implement a water strategy for Norfolk Island. A report was prepared by the Australian Capital Territory Electricity and Water Commission. The Administration is partially addressing some of the recommendations contained in that report, however, there is a need to readdress the issue and to have some clear direction on where we are going with the strategy. The third aspect is that for a period of some

three years officers within the Administration of Norfolk Island has asked that a definite policy and time frame in respect of non complying properties in the tourist accommodation industry and the water strategy generally be addressed. Of course, the main aspect there was the wider water strategy for the Island, be agreed. Mr Speaker it may also be of interest for the community to be aware of some statistics in respect of this issue that will highlight further why the matter needs to be addressed. There are some 66 tourist accommodation houses on the information that I've been given, of which only 17 are self sufficient in the collection and storage of water. This means that some 49 premises either has some partial storage or in the case of at least five premises they draw 95% or more of their water requirements from bores, either directly or by purchase from other persons. The estimate from the officers within the Administration is that this equates to some 3,729,200 gallons of water being drawn from bores within Norfolk Island. I don't say that to be sensational, I say that based on a formula that was put forward for consideration but has never yet been finalised. I am fully aware as I mentioned earlier, that what I have moved today will be adjourned and I have no real personal difficulty with that issue but what I do ask is that this Tenth Legislative Assembly address the issue both as requirements for registered tourist accommodation for private households and also in the wider context of water in Norfolk Island. I am aware that in respect of new homes it is a requirement of the Planning Board and a condition of approval that sufficient water storage and catchment arrangements be in place. I understand that the minimum requirements now for each new dwelling that is erected is a 10000 gallon tank. How we address those existing private dwellings that are significantly deficient in water storage is a matter yet to be fully decided and Mr Speaker, I'll be bringing those sorts of decisions to this Legislative Assembly for them to have a view on and to the wider community. Mr Speaker the community will also be aware that at the recent census of dwellings and population in Norfolk Island that was taken in August of 2001 this question was raised I believe for the first time and it was raised clearly, and included in that questionnaire as the commencement point for a relook or putting the matter of the conservation of water back on the table and I understand that my colleague Mr Nobbs was instrumental in having that question included in the census. The aim of this motion is not to impose a burden on this community but more to prepare them for the situation that generated the initial report. Let me just remind a couple of people. The initial report arose out of a long dry spell that we had in the early 90's and many listeners will remember that particular time. There were below average rainfalls for a period of some four years, bores dried up, streams disappeared and it posed a real potential threat to our main industry, the tourist accommodation especially for those places who did not have at least some form of storage capacity. Mr Speaker there are a number of stakeholders in this proposal that I've put forward and I believe that with some common sense discussion and planning we can progress the issue. The motion is not intended to be vindictive, nor is it intended to place anybody at a disadvantage. In terms of what we need to really consider as part and parcel of my portfolio in respect of the environment and how well we do things to be a sustainable Norfolk Island. Coincidentally, for those who read the press in Australia, it was accidental more than by design, but the Sydney Morning Herald carried an article on the 19<sup>th</sup> which was yesterday and it signals, it says that we have exceedingly good rainfall at the moment but be warned scientists at the Bureau of National Climate Centre in Melbourne are closely watching what may be the birth of another El Nino. El Nino's are often blamed for bringing crippling dry spells to Eastern Australia including the devastating drought of 1995, one of the longest in living memory in this part of the world. That's not quoted as being emotional that's just typifies the need to be proactive in some of these issues. I would seek some debate on that topic

MR BROWN

Mr Speaker it seems that we are talking of all properties that do not comply with current water storage requirements rather than all registered tourist accommodation houses and that change certainly would overcome the concerns that some in the community have expressed. I would be interested to know though, precisely what the current water storage requirements are with which all properties would need to comply. I would actually be interested to know how it is that we

could put a condition on a planning approval to build a house that a water tank of a certain size be included because I don't recall seeing a legislative ability for that to be done in the Planning Act. Certainly I don't think it exists in the Planning Act in terms of tourist accommodation property. The basis for a requirement that a new property have a certain amount of water catchment and storage is that that condition used to be included in the conditional approval under the Tourist Accommodation Act if my recollection is correct. I think it would be helpful to all of us if the Minister could have a look at that between now and the next occasion because it may be that there are in fact no current water storage requirements save for those that exist for new properties. All that that means is that we will have to introduce some requirements if that is what we want to do. I can understand why the Minister is wanting to take action. There would be little doubt that over time a property might actually save money by having adequate storage and not relying on pumps going for significant parts of a day in order to draw water from a bore. On the basis that the motion is to be adjourned in any event I don't propose to say any more but I will look forward to hearing precisely what the current requirements are that we are wishing to enforce

MS NICHOLAS Thank you Mr Speaker. Just a few words, partly reiterating what the Minister has already said in presenting the motion. That tourist accommodation was deregulated in 1995 and it's my understanding that then the provisions were made for newly constructed tourist accommodation to be as the Minister says, self sufficient but to have sufficient water storage for the needs of the visitors accommodated therein and it's my understanding that it was an intention to ensure that tourist accommodation existing at that time would be required to make the same provisions. As is often the case, this hasn't happened and I think here is a proposal that will take care of that deficiency over the next three years and I support the motion because it's purely and simply common sense for reasons that the Minister has already outlined. We just can't continue to draw on the limited underground water resource, thank you

MR NOBBS Thank you Mr Speaker I support what the Minister is trying to do here and I want to make it clear that it's not twelve months as was the original, I thought that was a bit tight. 28 February 2003 was the original motion but I see it's been extended for another two years from then so that should give adequate time for all premises to upgrade or do whatever they have to do and I think as Ms Nicholas said, it was generally accepted that when these water storage requirements were first thought of that it would in time extend to all premises and I think it's timely now that we progress down this road and three years, as I said, not one year, and I repeat that because I've been hounded a bit that it's only one year, but three years should be adequate to do that, thank you

MRS JACK Mr Speaker I too agree with this proposal. We have to start being more proactive in our treatment of and our attitude to this resource. The pressure on this resource has greatly increased since the deregulation of accommodation units and the increase in tourist numbers over the last few years. New tourist accommodation units are controlled as to their catchment areas and storage capacity. The older tourist accommodation units must be brought up to that standard, responsibility must be across the board resulting in a level playing field. I agree with the time frame of three years, however if this Government were dead serious about water resources then perhaps we should take into account all the residential properties as well and investigate their private catchment storage and facilities. We must move away from reliance on bores to that of appropriate catchment and storage of this resource

MR GARDNER Thank you Mr Speaker. I think most of the members around the table that have spoken have covered most of the points that I wanted to discuss. Certainly backing up what the Minister has said in relation to this matter, I've known certainly that this matter has been under consideration for a lengthy period of time, at least three years that I'm aware of and for one reason or another didn't

come to the House but it was a matter that was felt early in the review of the Norfolk Island Plan, should be a matter that was considered while we were reviewing planning matters and that the subject of water resources was an appropriate matter to consider under that regime. My concerns are, and I think there's a couple of issues that we need to go away and give some thought to and I'm sure that the Minister is turning his attention to them. This motion doesn't in any way, and Mrs Jack has touched on this, address in any way the issue of unlimited tapping of the underground water resources by those other than in the tourist accommodation industry and there are different businesses, there are private dwellings out there that do utilise significant amounts of ground water resources in their daily doings and businesses and bits and pieces and that's an area that needs a look at I think in tandem with the look at the tourist accommodation industry and their utilisation of ground water resources. I'm pleased as Mr Nobbs has pointed out that there was a change from the original notice given by the Minister at the last Sitting that he would want those properties to be fully compliant by the last day of February 2003 and that's now gone out to the last day of February 2005 because I think it's only fair that those who have been in the industry for quite some time are able to properly amortise the cost of the construction and placement of the appropriate water storage requirements. I don't see three years as causing a great concern and that it's only a fair and appropriate means of requiring people to bring their acts up to speed. The other concern that I have is that there is nothing in here at this stage that addresses the roof catchment areas of properties. Now it's not only tourist accommodation, there are some double storey units around of a very small roof catchment area compared to the number of beds that they have and that is another issue that needs to be walked through especially those properties for example that don't have ancillary buildings that can be used to beef up their water catchment requirements and the same goes for private residences if we are going to extend this to go that far. There needs to be a very careful look at just how things in those areas are going to be amended but I support the motion. As I said, it's been around for quite some time. It's probably to be fair been tossed in the too hard basket for a little while. I'm glad to see that it's come to light. It is an issue that the Minister, Mr Buffett discussed with me within a day or so of being elected to this Legislative Assembly that it was one of those issues that he would like to try and advance and I believed in the light of that, that it was to do more with its role in the whole planning regime of Norfolk Island and I commend him for bringing it forward and hope that we can deal with it in an appropriate fashion

MR SMITH

Thank you Mr Speaker. I think the timing of this motion is very good considering that we haven't really taken an assessment of the water situation with all the new tourist accommodation that has come on line. Some tourist accommodation hasn't even been on line for twelve months yet. You may say well what's new tourist accommodation got to do with it. It can have a lot to do with. If new tourist accommodation is built and their tanks run out of water they are going to have to get water that is supplied by bores anyway so there could be an impact that was not there before. Of course we are dealing with a resource that we have no idea how much there is of it. If we knew, we would probably treat it differently but because we haven't we've really been just holding our breath and hoping that there's going to be enough water to supply the industry that we depend on so largely as the Minister said. I'm pleased to see that he has extended the time frame from twelve months to three years. I'm wondering if three years is a little too far out because it goes outside the bounds of the expected life of a Legislative Assembly which could mean that if somebody hung on until the last minute and hoped for a change to the policy they could actually bypass it however, that's something that we can monitor as the time goes by. There certainly has been moves made about water collection. Particularly in tourist accommodation over the last few years and in fact just over twelve months ago a motion was moved in the House that a water strategy be developed along those lines and that was to be included in the new planning information. I remember having a discussion myself with the people who were doing the Norfolk Island Plan about doing just that but I think this is probably the best way to deal with it. Put a motion on the table as Toon has. Just a question. Is he

going to amend his motion to take into account other properties rather than just tourist accommodation

MR I BUFFETT

Thank you Mr Speaker it would be my intention to adjourn this particular motion to the March sitting of the House but before I do that I would just like to make a couple of comments. What I'm endeavouring to do is be practical about this whole arrangement. Practical in terms of what I believe we are asking the community to do. Those who are directly affected, what we want them to do. I'm not into saying you should build extra roofs simply because you've got to catch more water and then spoil the environment to build a whole lot of rooves but what I am on about is that if we have premises that have roof areas and catching absolutely no water then I think we need to address some of those issues. If we have premises that continually buy water I think this motion says to them, well is that really the best way to travel with this whole issue. I hear what the rest of the members are saying and perhaps will with the leave of this House put an amendment to the motion if I can do that at the March sitting to bring on board what I believe we are mentioning, and that is the question of the water strategy for Norfolk Island but not losing sight of the fact that there is an inequity within one sector of using water on Norfolk Island and it is the tourist accommodation industry which was the first lot of submissions I had in respect of the issue. I would like this Legislative Assembly to address the issue of water strategy and perhaps Mr Speaker to assist the community it probably is another one of those reports that we've had and is gathering dust but it is only some five years old, and that is the initial Water Management Strategy Report. I'm happy to represent that right now to this Legislative Assembly on the basis that it will be available to the community and I will endeavour to make copies available for those members in this community who have not had the opportunity to look at that report. Having said that I undertake to the members in the first place to circulate once again for the people who have been on the Legislative Assembly before all the submissions and the reports that have been previously been circulated and for the new members to give them fresh copies and to also make those available over the next couple of weeks to the community to see what we are doing with water. Mr Speaker accordingly I move that this matter be adjourned and made an Order of the Day for a subsequent day of sitting

SPEAKER

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

QUESTION PUT  
AGREED

That matter is so adjourned

### **ENHANCEMENT OF EXISTING, AND ESTABLISHMENT OF ADDITIONAL, SISTER CITY RELATIONSHIPS**

MR BROWN

Mr Speaker, I move that this House requests the Chief Minister and Mr Speaker to bring forward proposals to enhance our sister city relationship with the Mosman City Council, and to establish at least two sister city relationships with cities in other parts of Australia, New Zealand or elsewhere. Mr Speaker, this is a motion that Members will want time to think about but we have had a sister City relationship with Mosman City Council for quite some years now and I often think that we do not do enough to recognise that because entering into such a relationship put duties on us as well as providing us with opportunities. To enhance that relationship would cost money. To form and take care of relationships with other cities would also cost money but I believe Mr Speaker that it would be money well spent. My view is that to handle these matters properly, may require as much as \$5000 per year to be spent per city so we could be looking over time at a budget expense of \$15000 per

year for three sister City relationships but I believe far more benefit than that would accrue to us. I don't wish to say any more than that today

MR GARDNER Thank you Mr Speaker just touching on the relationship that we currently have with Mosman City Council, something that may be worthwhile pointing out when considering this, and I guess the value of developing the sister City relationships is that we had the participation last year of the Major of Mosman City Council here on Norfolk Island at our Foundation Day activities and the First Fleeters Celebrations here on the Island and just recently I was made aware of yesterday by the Curator of Museums here on the Island that the model of the Sirius has been loaned to our Museums here on the Island from Mosman City Council so there are benefits in developing these things and I'm saying that some of those contacts have actually been kept up or maintained over the last twelve months, or certainly over the period since that sister City relationship was developed, so yes there probably are some positives in further going afield and looking at the development at some of the things that I look forward to considering this further in the intervening time, thank you

MR BROWN Mr Speaker accordingly I move that this matter be adjourned and made an Order of the Day for a subsequent day of sitting

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

QUESTION PUT  
AGREED

That matter is so adjourned thank you

#### **NOXIOUS WEEDS ACT 1916 – RESOLUTION OF DISPUTES**

MR I BUFFETT Thank you Mr Speaker, I will be moving this motion and immediately asking that the matter be adjourned and made an Order of the Day for a subsequent day of sitting for the simple reason that some of the information that I had expected to receive in respect of this is not to hand and I cannot give the members the benefit of that. I had hoped that I would have been able to do that. So according Mr Speaker I move that the Noxious Weeds Act 1916 be amended to provide a mechanism whereby adjoining property holders can resolve disputes between themselves in relation to encroachment of plants over their respective boundaries, whether those plants be noxious or otherwise. For the reason of my opening remarks I move that the matter be adjourned and made an Order of the Day for a subsequent day of sitting

SPEAKER I put that to you Honourable Members that this matter be adjourned and made an Order of the Day for a subsequent day of sitting

QUESTION PUT  
AGREED

That matter is so adjourned thank you

#### **EMPLOYMENT ACT 1988 – RE-APPOINTMENT OF MEMBER OF EMPLOYMENT CONCILIATION BOARD**

MR DONALDSON Thank you Mr Speaker I move that for the purposes of subsection 65(2) of the Employment Act 1988, this House resolves to re-appoint Bruce Stanley Walker being a person with relevant qualifications and experience, to the Employment Conciliation Board for the period 21 February 2002 to 20 February 2005. This, as the motion says, is not a new appointment. It's a continuing

appointment for Mr Walker. Mr Walker served on the Employment Conciliation Board since December 1997, that is, he's done two three year terms. The Board has the function of enquiring into and resolving matters under the Employment Act. I'm grateful that Mr Walker has again offered his services to the Board as in my short time as Executive Member I've found him to be very knowledgeable on the subject and a person who applies himself totally to the task on hand. In short he is a very valuable member of the Employment Conciliation Board and I am pleased to be able to recommend to this House that he be reappointed as a Board Member, thank you

SPEAKER Debate. No debate Honourable Members? Then I put the question that the Motion be agreed to

QUESTION PUT  
AGREED

The motion is agreed thank you

### **NORFOLK ISLAND BROADCASTING AUTHORITY BILL 2001 – APPOINTMENT OF MEMBER TO THE NORFOLK ISLAND BROADCASTING AUTHORITY**

MR SMITH Thank you Mr Speaker I move that for the purposes of paragraph 7(2)(c) of the Norfolk Island Broadcasting Authority Act 2001 the Legislative Assembly approves the appointment of the following person nominated by the executive member to the Norfolk Island Broadcasting Authority, Chloe Nicholas, for the period 21 February 2002 to 20 February 2005. Mr Speaker it's been difficult getting people to be on the Broadcasting Authority since it was set up last year and I know that Ms Nicholas goes back a long way in broadcasting and even though our views have differed in years gone by, I think that she'll be a great contributor towards this Broadcasting Authority

MS NICHOLAS Thank you Mr Speaker. I thank the Minister, Mr Smith for his nomination and hopefully the members of this House will support it. Mr Smith is aware as he has already said, that in many instances, I do not support his views in respect of Broadcasting on Norfolk Island but he has the courage to put me on this Board. Life will not be dull as he serves on the Authority himself. The Manager of the Radio Station is a non voting Member of the Authority, there is provision to appoint four others and the Chairman, being the Executive Member also has a casting vote. Ron Miles, the school master, and David Evans are members as well. I hope the Minister is to soon appoint another member of the Authority as, presently, with a quorum of three and the Minister having a casting vote, a matter could be decided in the negative, or positive, by the Minister himself, and I don't believe that's a good thing. However, the Authority sets out to accomplish good things. It has as it's stated objects, among others, the promotion of a diverse range of high quality, radio and television programming offering entertainment, education and information. It is to encourage services which reflect a sense of Norfolk Island identity, character and culture and to preserve and promote the use of the Norfolk Island language in broadcasting services. The Authority with the approval from the Legislative Assembly has the ability to set rules in respect of services and there's one in particular which is of interest to many in this community and that's the one which seeks to ensure fairness and equality in political election comments or advertisements provided by any political party or candidate for an election to the Legislative Assembly and many listeners will recall the great job done by former member of this House Mike King, on the immediate past election night. I think that was a great thing to happen. So this is an Authority which deals with radio and television broadcast on Norfolk Island, not simply with VL2NI and should members support the Minister's motion I would look forward to making a contribution to that

MR BROWN Mr Speaker this motion could have been dealt with in about forty seconds but for Ms Nicholas's lengthy speech and I was quite happy

supporting her until that long speech but I'm now very worried because she seems to be at war with the Minister. Fortunately I'm the last one to vote so I'll have time to think about it

SPEAKER Further debate. No further debate Honourable Members? Then I put the question that the Motion be agreed to

QUESTION PUT  
AGREED

The motion is agreed thank you

#### **ADMINISTRATIVE REVIEW TRIBUNAL ACT 1996 – FEE REGIME**

MR I BUFFETT Thank you Mr Speaker I gave notice of this motion at the January sitting of this House. I will move the motion and seek leave to amend the motion to put it in its proper context. I believe that the motion as originally foreshadowed does not achieve what I want to do so accordingly Mr Speaker I move that the Administrative Review Tribunal Act 1996 be amended to provide for a charging regime in respect of applications to the Tribunal. Mr Speaker if the members could bear with me I would seek to make the following amendment and that is to delete all words after "that" first appearing and to substitute the following "pursuant to Section 44 of the Administrative Review Tribunal Act 1996 the Executive Member responsible bring before this House at its March sittings regulations for the charging of fees and other charges relating to matters before the Tribunal"

SPEAKER Are you able to let me have a copy of that Mr Buffett

MR I BUFFETT Certainly.

SPEAKER Is leave granted for that amendment? Leave is granted

MR I BUFFETT Thank you Mr Speaker. As I said at the January meeting of this House I foreshadowed this motion. There has been an unfortunate misunderstanding in the community that the Administrative Tribunal matters does not cost the community anything. Unfortunately that is far from the truth and in fact there are substantial costs associated with each application that is made to review a decision. Mr Speaker I brought this motion forward simply because the review procedures that have been brought into force are primarily involved with the package of legislation for which I am responsible. That is, the Land Package. It is the intention to extend review mechanisms to other legislation as we progress along the path to managing our own affairs and it is important that both in the review procedures that are already in place and those that are yet to come there does not seem to be a mechanism that allows either vexatious or delaying applications and processes. To assist members in the community to understand why I've brought to motion I now provide some information that has emerged since the ART Act was passed in August 1996. Mr Speaker there's been some fifty-one separate applications lodged, of which ten applications were in relation to the same decision reheard at separate times and another four were applications to be made parties to the proceedings. At the 24<sup>th</sup> January this year, the ART has cost the community directly \$28652.80 and that does not include the direct charges for the cost of salaries, in house printing and other administrative costs incurred by officers within the Administration. I tip that if we added those costs, that amount may double. The question of introducing a fee for application to the ART is not new. In the Norfolk Island Government Gazette dated 24<sup>th</sup> June 1999 in fact the then Minister published a notice to the effect, notifying the community that amongst other fee increases there will be an application fee of \$300 refundable on successful outcome for

applicants. Unfortunately the matter was not progressed past the point of giving notice in the Gazette. It was never finalised and in fact there's been no regulations made under the ART Tribunal Act. The cost of these applications is therefore paid out of general revenue. I believe that the introduction of a fee for applications will not jeopardize those who believe they have genuine grounds and in fact do have genuine grounds for using the appeal mechanisms. I ask the members to support this motion and that the relative Executive Member responsible bring the matter forward for consideration by this House at the March Sitting

MR GARDNER

Thank you Mr Speaker the Minister has gone into some detail about the reason for this and I would understand that I'm the Minister that would be responsible for bringing those regulations back to the House and as he's quite correctly pointed out the amendment to his motion basically was a requirement because the Act itself didn't require amendment for this to happen because it is allowed for under section 44 of the ART Act as he indicated. It is interesting, the number of applications since the Act came into force for review of decisions by the Administrative Review Tribunal some 51 and as the Minister indicated, a number of those have been duplicated for similar types of applications. The cost I would have expected to be far more than that, but obviously the Minister has been able to extract those out of records and gives us an indication of the costs of the ART which I think is an appropriate mechanism for us to have in place. It obviously is because we've passed legislation and we embrace the concept of an Administrative Review Tribunal. We are also considering extending the role of the ART into another couple of areas and one is dealing with Immigration Review matters or Appeals and the other is looking at matters of Appeal from the Social Services legislation. Those are two that just spring to mind. The difficulty I see in imposing a fee structure is hypothetically – you have somebody who comes here as a young person, a TEP who is employed. They roll up on the Island, they've paid their airfare, they've done all their other things. They have their immigration status denied to them and they go to lodge an appeal but they haven't got a brass razoo to their name to be able to lodge that appeal. That's one potential problem I see in doing what we are doing and now maybe we need to have a look at just how we are going to stagger these fees in different circumstances. I see the same difficulty with social service beneficiaries who may not be in a position to be able to fund an appeal to the ART if we move down that path and Social Service Appeals are dealt with in that forum. That's another difficulty that I see. I'm not speaking against having a fee regime but I think we just need to be careful in just how we approach it and how we set the fees. The \$28000 that the Minister has referred to I would expect have been expended in one major issue that was before the ART although I haven't any documentation before me, but I would expect that that was what it was in relation to and I would probably be in a pretty strong position to argue that with the Review of the Norfolk Island Plan and the clarification of so many of the issues that raised their head in that particular application that we may not, and I would need to stress may not, see a similar situation arise again. If our Plan is indeed the Plan that contains the answers. So there's some stuff out there that needs walking through and I don't think I would be able to support the motion to bring something back at the March meeting. I think there are some implications that flow from this that will need significant consideration. I'm prepared to look at that and to look at the fee structure and to discuss this more openly but I'm hesitant to rush in and bring something back to the House at the next meeting, thank you

MR BROWN

Mr Speaker this may well be another matter as to which we would benefit from a one month adjournment but it might be helpful for me to tell members that in other places it is normal to have a fee for things such as this. The Chief Minister has a very deep feeling about social justice and ensuring that people are not denied access to the door of the Tribunal and he's quite right in that regard and that is handled in other places by having a system whereby fees can be waived. It's done not only in terms of Administrative Review, it's done by the Family Court, it's done by a multitude of Courts and it may well be that at the same time that we look at an appropriate fee for lodging an application for review in the ART, perhaps we should be

looking at some other fees which may be out of kilter. For example, at present it costs \$500 to lodge an application for divorce in our Court of Petty Sessions but at a Commonwealth level a Federal Magistrates Service has been put together and it now handles a lot of the Family Law work in Australia and a lot of the bankruptcy work if my recollection is correct but in terms of the Federal Magistrates Court it charges about half what the Family Court of Australia charges. Maybe we're setting the bar a little high in terms of what we charge for an application for divorce. We need to compare whatever fee we are thinking of in terms of the ART with the fee that's paid to commence proceedings in the Supreme Court because it may well be said that it would be in for a dig if it cost twice as much to go to the ART as it does to go to the Supreme Court. I think that the big benefit of having a fee is not so much the amount of cost recovery because it wouldn't necessarily be very significant, but it would at least remove the temptation for frivolous application to be filed and it might remove the temptation for ten people to make an application about the one thing. If the Tribunal is only dealing with one applicant it's a lot easier than dealing with ten. If the Tribunal is dealing with people who really are more keen to make a noise than to run a genuine application then perhaps the fee system will discourage that but as the Chief Minister has said, it's most important that the fee system not have the effect of closing the door of the Tribunal on a worthy applicant

**MR GARDNER** Thank you Mr Speaker I guess in relation to that, I'm certainly prepared to give the House an undertaking that I will go away and certainly over the next few weeks try to gather together information from other jurisdictions that may be worthy of consideration and give some consideration to the fee structure if that's the way we want to travel that we may consider rather than looking at bringing something urgently back to the House in March

**MS NICHOLAS** Thank you Mr Speaker. A lot of the points I have here have been covered one way or another but there may be a couple of interesting bits here. In the track records of the ART as I interpret it from the documents that I was given dated the 24<sup>th</sup> January and I note that the Minister has changed the bottom line from what was then \$22000 to \$28000 so forgive me, some of these other figures may be slightly shy of the mark, but of the 51 applications agreement between the parties was reached prior to hearing by the ART in five instances. On one occasions a matter was referred back to the original decision maker, the Minister in this instance. One decision made by the Minister of the day was upheld, in one instance certain parts of the Minister's decision were excised, one decision of a Minister was overturned, two matters were rejected by the Tribunal, two matters await decision, one matter the parties were instructed to have the matter resolved elsewhere, two matters will reappear at a later date and other matters have yet to be heard so really, nothing about the ART decision making process is cut and dried. I imagine this figure remains correct. Of the now revised upward figure of \$28000 plus, it is noted that in excess of \$20000 of those costs were attributed to the matters of the Island Industries Crusher which was very complex. Some matters are complex and some appear relatively straightforward and essentially these days, I guess nothing comes for nothing so I support the move towards a fee structure which may come somewhere towards paying for some of the Administration work which takes place when an application is lodged however I am indeed mindful of the Chief Minister's words as well. Thank you Mr Speaker

**MR I BUFFETT** Thank you Mr Speaker. On that basis I just make one comment and then we will move the adjournment to the March sitting and that is, that the Minister responsible has in his bailiwick to take care of the issues in respect of, if he needs to have the ability to waive fees, to look at the eligibility and all of those issues. I look forward to the paper that he will bring forward and move that this matter be adjourned and made an Order of the Day for the March Sitting

**SPEAKER** Can I just remind Members what is in front of you. It is the amendment to the original motion and the amendment is this, that

“pursuant to Section 44 of the Administrative Review Tribunal Act 1996 the Executive Member responsible bring before this House at its March sittings regulations for the charging of fees and other charges relating to matters before the Tribunal”. What we have before us now is that this matter be adjourned and made an Order of the Day for a subsequent day of sitting

QUESTION PUT  
AGREED

That matter is so adjourned, thank you

### **ORDERS OF THE DAY**

Honourable Members we have completed Notices and we are now to commence Orders of the Day. I firstly mention the advice that Orders Nos. 3 and 8 be discharged from the Notice Paper. Is that agreed? That is so agreed thank you

### **LICENSING OF REAL ESTATE AGENTS AND TRAVEL AGENTS**

We resume debate on the question that the Motion be agreed to and Mr Brown you have the call to resume

MR BROWN Mr Speaker I had undertaken to members that I would circulate details of how this and the other motions remaining on our Programme were dealt with during the life of the last Assembly together with assistance in finding reference to the debate in Hansard. I did endeavour to do that yesterday but I was let down somewhat by my filing system and so I've not yet done so. I therefore propose if it is able to meet with the agreement of members to move that Orders of the Day Numbers 1,2,4,5 and 6 be adjourned and made an Order of the Day for a subsequent day of sitting

SPEAKER Thank you Mr Brown. Could I just consult with members as to whether members wanted to proceed on that basis in a total package or did you wish me to call each particular item on. Are you comfortable to attend to the matter in one fell swoop.

MR BROWN This is a legislative package Ron

MR I BUFFETT Thank you Mr Speaker I have no difficulty in dealing with it as a package on the clear understanding when we are dealing with the package that some of these issues, I think there is some need to address them at the March Sitting of this House. There is some clear need to address that in particular Orders of the Day Nos 1, 6 of which I have some interest in, and also 2. But on that clear understanding I have no difficulty in dealing with them as a package

SPEAKER Yes, the collective package that I'm talking about is the adjournment of them. Agreed. Honourable Members the question before us is that Orders of the Day Number 1 to 6 for today's sitting matter be adjourned and made an Order of the Day for a subsequent day of sitting

QUESTION PUT  
AGREED

Those matters are is so adjourned thank you

### **FIXING OF THE NEXT SITTING DATE**

MR SMITH Mr Speaker I move that the House at its rising adjourn until Wednesday 27 March 2002, at 10.00 am.

SPEAKER  
is that the Motion be agreed to.

Thank you Is there any debate. The question

QUESTION PUT  
AGREED

### ADJOURNMENT

MR NOBBS  
adjourn

Mr Speaker, I move that the House do now

SPEAKER  
Is there any adjournment debate Honourable Members? There being no further debate  
I put the question

The question is that the House do now adjourn.

QUESTION PUT  
AGREED

Therefore Honourable Members this House stands adjourned until Wednesday 27  
March 2002, at 10.00 am.

