

**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

**CONDOLENCES**

MS Nicholas Thank you Mr Speaker. It's with regret that this House records the passing of Carmen Verna Quarrell on the 20<sup>th</sup> of July 2002 at the Norfolk Island Hospital. Carmen was born in Perth Western Australia on the 25<sup>th</sup> of September 1910. Carmen met Bert Quarrell in 1936, they were married in 1942 and made their home in Melbourne where their only daughter Jill was born. Bert and Carmen came to Norfolk Island in 1952, stayed 6 months and bought what was to become their home Pop Rock. They were back again for 6 months in 1960, coming finally in 1973 to live permanently in retirement. Bert died on Norfolk Island in 1994. Carmen was active in church life during here life here. Carmen is survived by her daughter Jill, her three grandchildren Heidi, Benjamin and Ashley and by her two great grandchildren Shahana and Saria. To Carmen's family and friends this House extends it's deepest sympathy.

Mr Speaker it is also with regret that this House records the passing of Julie Ann Le Cren on the 7<sup>th</sup> of August 2002. Born in Bethany New Zealand on the 10<sup>th</sup> of June 1964 Julie affectionately known as Jules was the adopted daughter of Ernest John Toby Le Cren and his wife Pat. After her dad died in 1979 Julie was more or less taken in by Frankie Concert Christian and lived in his house on and off for many years. Julie was like a daughter to Frankie and when she finally gave birth to her daughter Crystal, Frankie treated them both as his own family. Julie left the island for a number of years and on her return a few years later began to look after Frankie's brother Fletcher and caring for him until his death in 2001. Julie lived her life as Frankie had lived his, loving her garden and without too much care for material belongings. As long as Jules had somewhere to sleep, something to eat and the company of friends she was happy. To Julie's daughter Crystal, to her partner Mighail, to her family Pat Le Cren, Brian , Michael, Lynda, Jeffrey and China and to her relatives and friends this House extends its deepest sympathy.

**QUESTIONS WITHOUT NOTICE**

MS NICHOLAS Thank you Mr Speaker. A question to the Executive Member for the Land and Environment regarding billboards. Will the Minister inform this House of some of the regulations in place in respect of billboards, especially those concerning the location, the number, the size and the style of such boards and advise whether or not he intends enforcing those regulations.

MR I. BUFFETT Thank you Mr Speaker. Mr Speaker in respect to billboards, Members may be aware that we do have a current Billboards Act. The Billboards Act was part of the original Land Review Package that was done some 5 years ago. Unfortunately one of the difficulties that did occur with that is that the Billboards Act was never fully commenced, only the first and second parts of the Billboard Act were ever commenced and therefore the regulatory requirements in respect of enforcement of some of the requirements of the Billboard Act where it became slightly impossible to police. Mr Speaker what is occurring with the Billboard Act, we're looking at that in relation to the new land initiative package with the full view of implementing and commencing and making some adjustments to the Billboard Act to achieve the matters that Ms Nicholas has raised. A more definitive answer hopefully if there are other matters that Ms Nicholas would like to raise I could take those on Notice and deal with them at the next sitting Mr Speaker, when hopefully the majority of the land package issues will be in place. Just something further Mr Speaker on that. I know other

Members have raised issues regarding billboards but unfortunately that's the dilemma that we are in at the moment.

**MS NICHOLAS** Sorry I'm going to be badgering the Minister for Land and Environment this morning. Another question this time in respect of waste management. Given that planning approval has been sought for the newly proposed waste transfer facility at the airport, what education programme is to take place aimed at having persons wishing to use the facility sort their own garbage prior to dumping, what steps does the Minister envisage being put in place to ensure that this takes place, and what provision does the Minister intend making to ensure that breaches will not occur and that significant fines, such to preclude any event occurring are put in place, and I'd like to note it's alleged by Tip workers that worst among those who do not sort rubbish are Administration workers who obtain keys when the Tip is officially closed. What steps will he take to ensure that this activity ceases forthwith.

**MR I. BUFFETT** Thank you Mr Speaker. Perhaps I could deal with the last part first. Mr Speaker it's not only Administration employees that have keys and access to those Tips when they are not manned. There are a number of people in the commercial sector who also have that access. So the allegation as put forward by Ms Nicholas I will look into and perhaps we could deal with that, and that be the answer to that particular question. In respect of the other matters raised by Ms Nicholas, Ms Nicholas did give me the courtesy of notifying me yesterday that she would be asking me this question so I'm in a position to provide an answer. Mr Speaker the final stage of the Waste Management Option Study is the education stage. This will involve the earthworks programme not that it's physical earthworks in terms of excavating anything so I don't want any panic to set in. It's a term given to the education programme, which is modelled on the programme delivered on Lord Howe or delivered to the Lord Howe community and other communities in NSW. It was always intended, based on the advice of the Consultants who prepared the Options Study that this stage should not be implemented until the Waste Management Centre is established, so that the community can learn waste avoidance, reduction, re-use and recycling in a practical way. The earthworks programme is a train the trainer programme and will be conducted by Anne Prince consulting. It will be held for 12-14 community volunteers over two and a half days. It is a community based education programme for waste minimisation, recycling and composting. It has two components, the first is a face to face course for the community volunteers and the second is education outreach which is designed to spread knowledge and skills to the wider community. By learning about waste minimisation, recycling and composing it is expected that the community will learn about sorting waste so that when waste is delivered to the Waste Management Centre is already sorted to a great degree so that it can be deposited into the appropriate receptacles. The programme is expected to take place in October or November, depending on progress of completion of the Waste Centre. Administration staff have confirmed the interest and the availability of the Consultants during the past week. Ms Nicholas further asked what steps does the Minister intend making to ensure that breaches will not occur and what significant fines such to preclude any such events occurring are put in place. Mr Speaker development and implementation of a system to charge for waste management and penalise for non-compliance has always been part of the concept for the development of a waste management strategy, and this matter would need to be brought to Members because it's their final decision in respect of those issues. Various options for charging and penalties have been investigated and should be finalised over the next few months. It is expected that such charges and penalties will be introduced as regulations under the Public Health Act when Members have agreed to those particular issues.

**MS NICHOLAS**

One more and no more.

MR NOBBS Can I have a supplementary to that. Can the Minister explain what will be at the transfer centre and what will be involved in it and I just, very quickly, because we've had vertical composting, we've had burning systems, we've had all these other systems. What is actually going on at the present time, I think that's what the community really wants to know. What is involved in the system at the present time.

MR I. BUFFETT The transit centre at the moment Mr Speaker will comprise mainly of a sorting shed. The Waste Centre will not, at this particular point of this development have a vertical composting unit, it will not have a burning facility at this particular time Mr Speaker. It's a centre where most of the waste in Norfolk will be delivered, sorted, and the ones that can be recycled will be recycled under the present recycling arrangement that we have. Mr Speaker in respect of the full details of what will be in that particular centre, I will take on Notice but I had intended to make a Statement on radio this coming Friday morning, because the question of the transit centre was a subject of an ART proceeding earlier this week and I had not prepared anything for this particular meeting pending on the outcome of that Administrative Review Tribunal hearing. Mr Speaker the two principle matters I think Mr Nobbs raised was the question of burning at the site and the vertical composting and they are not part and parcel of that particular arrangement at this present time.

MRS JACK Can I have a supplementary. Mr Speaker could I ask the Minister is it proposed that Administration will be running this facility or is it proposed that it will be tendered out.

MR I. BUFFETT Mr Speaker that is a matter yet to be decided and the current Tip arrangements are run under contracted arrangements, in other words the whole thing is operated by contract. That matter has not been finally decided whether it will be an Administration operation or in fact whether we will look at contracting the whole management of the Tip arrangement.

MR NOBBS Just a supplementary on that. Will the whole opening of this facility, including the training programme be co-ordinated because it seems to be that we're looking at October for training and goodness knows when for actually having things in place, including the legislation.

MR I. BUFFETT Mr Speaker an overview of the procedure is that the actual Waste Centre, the buildings have been ordered, they couldn't be confirmed until yesterday after the finalisation of the Administrative Review Tribunal matter. It is intended or had been hoped that the actual Centre would be physically completed by the end of September. Work as I understand is scheduled to commence shortly in respect of that particular issue. So the reason I mention the training programme in October is that we have until the end of September for the completion of the actual physical erection and construction and as I mentioned in the earlier Statement the training programme will not take place until that facility is in place to allow actual training in the facility and education of the community in that facility.

MS NICHOLAS Thank you Mr Speaker. Again to the Minister for Lands and Environment. Will the Minister advise how many registered fences there are on Norfolk Island, what is the purpose of a registered fence, and what are the requirements in terms of construction.

MR I. BUFFETT Thank you Mr Speaker. Mr Speaker once again I thank Ms Nicholas for warning me of this yesterday so I have been able to look at this a little bit closer for her. Mr Speaker Ms Nicholas puts this matter and it's got 3 parts to it. The first part asks how many registered fences there are on Norfolk Island. At the moment there are no fences currently registered in Norfolk Island. For those who were

previously registered the period of 5 years has expired and the fences no longer registered because the Fencing Act provides that unless cancelled the thing expires or the registration expires after a period of 5 years. The second part of Ms Nicholas' question, what is the purpose of a registered fence. Mr Speaker apart from the obvious which is to keep animals off the property, the answer to that is the purpose to having a registered fence is to allow the person who has a registered fence to take action for trespass on land by quiet cattle and horses. Mr Speaker I emphasise the word quiet. The third part asks what are the requirements in terms of construction. The minimum requirements for a registered fence are those set out in the schedule to the Fencing Regulations 1985 and are as follows. Fences and gates, the opening shall not exceed 20cm high and 91cm broad. Such breadth to be parallel to the ground or any other part of the fence that is parallel to the ground. The height, the top of the fence shall not be less than 1.5m from the ground. Posts shall be securely fixed, not more than 3.6m apart. Droppers in a barbed wire fence shall be not more than 91cm apart, or in a plain wire or mixed plain and barbed wire fence shall not be more than 61cm apart. Gate latches shall be sound and secure and not capable of being opened by animals. Mr Speaker in respect of cattle grids, the minimum standards are those that have been set out in the Schedule to the Fencing Act and contained in the Regulations to the Fencing Act of 1913.

MS NICHOLAS Just a supplementary please. From what the Minister has said, obviously a registered fence is aimed at preventing marauding cattle. What recourse does someone who is experiencing such a problem, have, if their fence is not registered.

MR I. BUFFETT I think have a very amicable discussion with the owner of the animal Mr Speaker. Apart from that, probably the action may lie, and this is the supplementary question and I will let Ms Nicholas know if there are any other laws on but I would imagine that it may fall under the question of the Pastures and Enclosures Act. Now the Pastures and Enclosures Act provides for the running of animals on the roads and I would need to look at that old piece of legislation to see if it does cover this particular situation that Ms Nicholas raises but once again Mr Speaker I emphasise that the Fencing Act in respect of the requirement for registered fences, emphasise the quiet cattle and for those that have experienced some of the animals that are de-pastured when you have dry times it's a very big question whether they ? or not.

MR BROWN I direct this question to the Minister for Lands and the Environment, it relates to waste management. Can the Minister advise whether the Lord Howe Island waste management system is working perfectly.

MR I. BUFFETT Mr Speaker, quite honestly I cannot answer that to say that it's working perfectly. Mr Speaker I have had some discussions with the Manager of Lord Howe and this was back in March of this particular year and we did discuss the question of waste management. At that particular time they were having certain difficulties with the waste management facility in Lord Howe, and in particular vertical composting unit that was there. Mr Speaker my discussions with Mr Murray Carter revealed that one of the difficulties that was being experienced were contained in two strands. The first one is the sorting of rubbish by the residents in Lord Howe, the second one was that they had not been given, they had not been given or purchased some ancillary equipment that needed to go with the vertical composting unit and that contained an organ to properly mix the waste that was being fed into the vertical composting unit. At that particular time they were looking at the problem and I haven't had the opportunity to speak to Mr Carter since, but I could chase it up for Mr Brown.

MR BROWN Mr Speaker could I ask if the Minister would make those inquiries and if he will ensure the House that Norfolk Island will not blindly

follow the Lord Howe Island example in the absence of absolute assurance that their system is working perfectly.

MR I. BUFFETT Mr Speaker we are not, at this stage following the Lord Howe Island example. As I mentioned earlier the vertical composting unit at this particular point is not an integral part of the waste management system on Norfolk and if it does become that and certainly Members, and the community will be notified and that one of the issues having learnt from the Lord Howe example is that we would need to have the ancillary equipment to make sure it does work properly.

MR BROWN I direct a further question to the Minister

MR NOBBS Can I have a supplementary to that.

MR BROWN I have not objection

MR NOBBS Just in relation to the vertical composting. What funds are available for establishing this particular facility and does it include the purchase of something like a vertical composting machine, and also a reasonable burning arrangement.

MR I. BUFFETT Mr Speaker as I mentioned the vertical composting unit and the burning arrangement are not part of the current arrangements to be put in place for the waste management system.. The funding that has been identified has come from the Coast and Clean Seas Programme and from monies from the Water Assurance Scheme that will be put into that to allow the construction of the actual facility that we have at the moment which is a waste transit centre for sorting of rubbish and the re-allocation of rubbish to the various areas.

MR BROWN I direct this further question to the Minister for Lands and the Environment. Can the Minister advise whether a vertical composting unit and a burning facility have at any stage been part of the plans for waste management in Norfolk Island, and If they have now been excluded from those plans can the Minister advise when and how that occurred.

MR I. BUFFETT Madame Deputy Speaker yes the concept of a vertical composting unit and a burning facility have been considered as part of the waste management stream in Norfolk Island. The waste management stream in Norfolk Island and the centre proposed is not the complete and final programme for waste in Norfolk. This is the commencement of perhaps we might call Stage 1, of the question of disposal of waste in Norfolk. Madame Deputy Speaker for those who were in the 9<sup>th</sup> Assembly they will recall that the question of a burning facility and an incinerator was examined as part of the proposal. The particular incinerator that was looked at at the time was a small incinerator that was particularised for disposal of Hospital waste. Now that particular incinerator did not have the capacity to handle the total waste or the burning waste for Norfolk. My examination of the matter was that the people who manufactured that particular unit went back and prepared and designed a specific unit for Norfolk. The assessment of that particular unit was done and referred back to the then 9<sup>th</sup> Assembly. Madame Deputy Speaker at this particular stage there has been no confirmation that a burning facility in the future will be excluded or included in that. It sits in that particular spot at the moment, but at the present time one of the difficulties I experienced was to the people who manufactured the particular burning facility also did the assessment for the Norfolk Island Government, and I wasn't convinced that the assessment and the proposal and the recommendation could form part of the first part of this particular waste stream management. So it hasn't been specifically excluded nor has it been included. It's sitting there as a further matter to be discussed.

MR NOBBS As it's now 9 months since the last Government was in what assessment is actually being done on this burning facility that was assessed by the person that developed it. What further assessment has been done.

MR I. BUFFETT Madame Deputy Speaker quite honestly there has been no further assessment done pending the putting together of first of all a position to have the waste transit centre constructed and the other matters that were preliminary to having the burning facility put in place.

MRS JACK Thank you Madame Deputy Speaker. Also to the Minister for the Environment. Can the Minister please inform us as to what current measures are in place regarding the correct disposal of the thousands of litres of engine waste oil that is stockpiled in the many garages and service centres around the island, a stockpile that is being added to daily.

MR I. BUFFETT Madame Deputy Speaker I will take that particular question On Notice but give Mrs Jack a preliminary answer, that that matter has been discussed with the Health and Building Section of the Administration by myself. The majority oil that has been sorted by the garage was being used by at least 2 or 3 of the Nurseries on Norfolk for heating and hadn't become a problem. The Health and Building Surveyor did notify me about a week ago saying that they had some problems and we are looking into the question of resorting, re-using some of that oil and recycling. The definitive answer I will try and obtain for Mrs Jack before the next sitting.

MR NOBBS A question for the Minister for Health. Minister is it correct that the Hospital Enterprise has sought an increase in fees from the 1<sup>st</sup> of September. Has this been approved, and if so what justification is there for this request.

MR D. BUFFETT Madame Deputy Speaker there has been an approach to me and the appropriate Minister for increase in fees at the Hospital. The Member who raised that matter will know that I have consulted with him and other colleagues about this matter. There was no enthusiasm for an increase in fees, I have advised the Director of the Hospital of that and therefore I will be taking no action in terms of increasing fees.

MR BROWN I direct a further question to the Minister for the Land and Environment. Can the Minister advise whether the proposed waste management facility at the Norfolk Island Airport conforms with the Airport Management Plan, and can the Minister advise precisely why the sorting facility is proposed to be placed at the Airport in order to sort material to then take it to Headstone, rather than placing the facility at Headstone in the first place.

MR I. BUFFETT Madame Deputy Speaker I think the first part of Mr Brown's question whether it complies with the Airport Management Plan, the short answer to that is at the moment there is no formal Airport Management Plan. The matter was done under the Planning Act, the current Planning Act of 1996 and dealt with under that regime. The question of having the sorting facility there at the Airport was identified Administration land that was in the title of the Administration. The 2 facilities at Headstone are both on Commonwealth land and subjected to other legislation for example, Environment Protection Bio-Diversity Conservation Act because they are both Crown Lease properties. The question of sorting rubbish and stuff at the land on the Airport, it's envisaged that the facility will provide the opportunity of constructing a suitably sized area on that particular Portion that has been identified or part of the land that has been identified and that is part and parcel of the ongoing waste management, that a number of the matters once sorted will then be recycled and that Norfolk would hopefully as a part of this process have a more robust recycling programme than

currently exists, which is only aluminium cans and I think the batteries that are currently being recycled and exported. I'm not too sure if that fully answers Mr Brown's questions but the short answer is there is no Airport Plan it's currently being prepared and we're still waiting for some technical information.

**MRS JACK** Thank you Madame Deputy Speaker. My question is directed to the Minister with responsibility for the Post Office. Is it true that the Post Office is able to bring its stock in for its retail section not as freight but as mail, which is a non commercial rate of freight. When the stock is imported does this GBE pay duty in real terms or is this aspect seen as a paper shuffling exercise between Government Departments. Does the Post Office own the building it uses or is the building owned by the Administration with the Post Office paying rent or under a lease agreement. Are the retail goods offered by the Post Office reflecting in their pricing a cost recovery process that includes these overheads, is in fact the Post Office playing outside the rules that apply to the rest of the commercial sector in the non level playing field.

**MR DONALDSON** Thank you Madame Deputy Speaker. I'll attempt to answer those questions in a bit of a Statement that I have prepared because I like everybody else in the Assembly have received a letter from a trader on Norfolk Island complaining about unfair competition at the Post Office with the private sector. I'd just like to give a little bit of a background on it and maybe state

**DEPUTY SPEAKER NICHOLAS** Would you prefer to make the Statement at the time for Statements Mr Donaldson.

**MR DONALDSON** Well the Statement does answer the question and maybe any parts of the question I don't answer so if I could do the Statement now.

**MR BROWN** Madame Deputy Speaker could I make a suggestion. It's not allowed for Members to debate an answer to a question but it is quite possible for Members to move that a Statement be noted and then debate the Statements. So if anyone wished to make any comment about that Statement could I suggest that a more appropriate place for it would be in Statements rather than in Question time.

**MR DONALDSON** Well I'm quite prepared to make the Statement in Statement time but I'll attempt to answer the question which might give some more fuel to the debate at a later time today. The question was to do with the importation of trading stock for the Post Office and the question was, is the trading stock received by mail and the cost of freight not costed into the cost of the product. The situation is that the trading stocks at the Post Office that sells are actually sourced from Australia Post. Australia Post deliver those stock to Norfolk Island through the mail system and the price that they charge for the product reflects a cartage, insurance, freight type setup and there is no freight paid by the Administration. The freight is actually funded by Australia Post. As to whether duty is paid on those goods that come in. No I'm informed duty is not payable they are an Administration asset and exempt from duty. The retail pricing, the prices of most of these products are set at the catalogue price of the Australia Post pricing structure. That results in a very healthy mark up on landed cost. The mark up on landed cost more than substantiates the commercial margin.

**MRS JACK** I'll wait for the Statement to be read in the House Madame Deputy Speaker and then take it as noted if I may later on.

**DEPUTY SPEAKER NICHOLAS** That seems to be the preferred option Minister. Are you happy to do that.

MR DONALDSON I'm very happy to do that. I'll read the Statement out in the Statement time and the matter can be debated.

MR BROWN I direct this question to the Minister for Finance. Can the Minister advise whether the Administration holds third party property damage insurance in relation to its fleet of motor vehicles.

MR DONALDSON Thank you Madame Deputy Speaker. The Administration does hold third party property damage to its fleet of vehicles. There's about 139 vehicles and there's a \$200 excess to be paid on each claim

MR BROWN Supplementary question. Can the Minister provide details of that policy to Members at the earliest convenient date.

MR DONALDSON Yes I actually have a copy of that policy with me at the moment and I'm quite prepared to provide it to the Members who require a copy.

MR NOBBS Thank you. I have a question for the Minister for Health. Minister what progress and what's the current status of the telemedicine project at the Hospital.

MR D. BUFFETT Madame Deputy Speaker the last report I had was that equipment had been contracted and there was a process of installation. I can make some further inquiries as to when the operational date is projected but I don't have that at this moment.

MRS JACK Madame Deputy Speaker I ask this of the Minister for Community Services and Tourism. Are persons who have a car as part of their work requirements entitled to let others take that car for private use during their own work hours, where does Administration's liability begin and end should that vehicle be required if an emergency situation arose and the person/persons could not quickly get to the site because the car was elsewhere. Who ultimately bears the responsibility.

MR D. BUFFETT I think I'd better take that On Notice so that I can give you a substantive response to that.

MRS JACK Again to the Minister for Community Services and Tourism. Regarding people who come under your portfolio, are any of them able to charge for time travelled to and from work.

MR D. BUFFETT Madame Deputy Speaker not that I am aware of but I can examine the technicalities of that also, but I'm not aware of that being the case.

MR NOBBS I ask the Minister responsible for the Liquor Act, what progress has been made in providing a new Liquor Licensing Act.

MR DONALDSON Thank you Madame Deputy Speaker. There has in recent times been a new Act drafted but that Act has gone to the Liquor Licensing Board for their examination and comment on it. They have made comments on what they consider to be some inadequacies within the Act in that it doesn't cater for the situation that exists at the moment. They are meeting with me on Friday, we are going to discuss it, detail those concerns that they've got and send it back for drafting amendments and at the same time that's gone back for drafting amendments it will be actually presented to MLA's for their comment, no before it goes back for drafting

amendments, the comments of the Liquor Licensing Board will be discussed with MLA's for further comments and further amendments and it's hoped to come to the House in either September or October as a final product.

**MRS JACK** Thank you Madame Deputy Speaker. For the Minister responsible for Education, what action is being taken to improve car parking facilities for students who drive their cars to school. At present some of these students park their cars in space that should be used as drop off and pick up areas for parents. If nothing is to be done regarding these areas then how does the Minister mean to keep these areas safe and free flowing for parents dropping off and picking up their younger children.

**MR D. BUFFETT** Yes Madame Deputy Speaker parking is a difficulty not only at the School but in a wide range of areas in the community and from time to time at the School which is the particular question asked of me there have been a number of proposals examined as to how it may best be handled. They have ranged from just parking along the road in the perimeter, which is not a very satisfactory arrangement to parking to some extent near the Banyan Park area which is utilised to some extent at this moment also, including the pause bays which are at one side of the School which is a drop off area and pick up area. There has also been examination of prospective parking in the Cascade side of the School where there's been a newly erected oval area in a major earthworks arrangement. I've got to acknowledge that to date none of those have been brought to a final conclusion that has found total satisfaction amongst the user community. I have raised this but it is yet to be brought to some finality as to which are the best methods of endeavouring to not only provide space but to provide an educational programme that will encourage people to actually use them, and that's in train.

**MR NOBBS** Thank you. I have a question for the Chief Minister. Chief Minister have you a response to a question I asked last meeting in relation to arrival and departure forms being scanned instead of the current labour intensive way the information is recorded, and also is he aware that the proposal was first ? during a visit by the Australian Minister for Immigration at the time Phillip Ruddick and that the Commonwealth were intended to put this facility in place and the Norfolk Island Government was quite free to have access to the software.

**MR GARDNER** I can provide Mr Nobbs with an update in relation to that matter. Immediately after the previous sitting of the House I initiated a Ministerial request asking whether that matter had indeed been considered as part of the review initiative of our whole Immigration system. I've been informed by the Executive Director with responsibility for Immigration matters Mr Luke Johnston that that will be considered but as I alluded to at the last sitting of the House it is something that will need to be considered as part of Focus 2002 and the costs that would be attached to installing such a system on Norfolk Island

**MR NOBBS** Can I ask the Minister for Finance, I repeat the question from last meeting. The fee unit is calculated annually and any variation shall apply from 1 July in each year and be publicised at that time. Has there been a decision made as to the fee unit for this year.

**MR DONALDSON** Thank you Madame Deputy Speaker. Yes there has been a decision made for the fee unit of this year and the decision is that the fee unit will remain at the same amount, and the reason for that is simply that under the Statute Laws Revision Act, I think it is that controls the fee units there is a formula that divides the retail price index number for the most recent 31<sup>st</sup> of March by one from when the fee units commenced at \$15, and then you divide one into the other, you come up with a factor, it's referred to as F1. That factor is then rounded, the factor when it was

done last year was rounded to 1.1 because of a small movement in the fee units and because of the nature of the formula that this year has again been rounded to 1.1. So the fee unit will remain the same. One of the faults that has become evident here, and it became evident during my time in Administration was that we need at least a 5% movement in the retail price index to trigger a change in fee units, and then the fee unit will probably go up 10% because of the accumulative affect from the previous times. So the fee unit jumps along in 10% increments. This is contrary to the intention of the fee units which was meant to gradually increase the fees with inflation over a period of time. I have called a submission to be done, instead of rounding the fee unit, the factor to one decimal place it's rounded at 2 decimal places and will therefore smooth out the increments on a more gradual basis over each year rather than over each second or third year.

**MRS JACK** Madame Deputy Speaker I ask the Minister responsible for the Public Service, regarding employment contracts within the Administration of GBE's what procedures are in place to ensure that the original, that is the master contract and any/all copies made are true copies and that the employer and the employee each have true copies of that contract, and is there a third copy stored as a safety measure.

**MR D. BUFFETT** Madame Deputy Speaker there are procedures in place and there are also procedures in place to refine those procedures because there have found to be shortfalls in some areas from time to time. In terms of the contractual arrangement there is also in part of the refinement process an effort to standardise how contracts are drawn. That's not exactly the question that you are raising with me, I understand that but I just mention it whilst we are walking through the issue. The present arrangement basically covers the Administration plus the Government Business Enterprises. It doesn't necessarily encompass those quite separate statutory bodies but what I'm talking about now in the refinement process is that there will be both a standardisation across the board in terms of all of those things and we are endeavouring to refine the system so that there will be a central repository and it will contain original documents and they will be in appropriate safe keeping. I might mention that I'm going to make a Statement in terms of one of the statutory bodies when we come to Statements in which I will mention that particular point in company with that. I think that's where we're at in terms of that particular question you have asked.

**MRS JACK** Could I ask the Minister then are all contracts currently in place throughout the Administration and the GBE's matching, and do all employee contracts match those held by the employer, that is Admin or the relevant GBE.

**MR D. BUFFETT** Madame Deputy Speaker I can't give an undertaking about that. Whether there has been an examination of every particular running contract I'm not able to say. I can certainly make some inquiries but that information is not to my knowledge available at this moment.

**MR BROWN** I direct this question to the Chief Minister. Can the Chief Minister advise whether we are yet an offshore finance centre and if not, why not.

**MR GARDNER** Thank you Madame Deputy Speaker. The short answer to that Madame Deputy Speaker is no we are not yet an offshore finance centre, but I have in recent days issues some correspondence to different potential stakeholders that may be involved in that indicating to them that we are pursuing that and that we require some answers in relation to that, especially when we are in the process of considering Focus 2002 and alternative revenue measures. As Mr Brown

would be aware there are monies within the current Revenue Fund budget that would allow us to progress new business initiatives, and that is one of them and it is happening.

**MR NOBBS** I have a question for the Minister for Health. Minister would you advise the current status of the proposed comprehensive medical evacuation scheme, a project commenced last year by the then Minister John McCoy.

**MR D. BUFFETT** Madame Deputy Speaker since I've picked up the responsibility in this area I can't say that I have seen any significant movement in that particular area. It is obviously an outstanding area that needs to be addressed in terms of a formal plan. We have at this moment provision in our budget for medical evacuations, there are plans to examine whether we should purchase some additional equipment in terms of equipment that can be put in aircraft that presently run to the island on a commercial basis, and that is being explored but there is not finality to that at this moment and the last report that I had was that the inquiries from the Airline to actually be able to install that had not yet been achieved, that's about all I can equip you with today.

**MRS JACK** Madame Deputy Speaker I address this to the Chief Minister. Are offenders in the local Court of Petty Sessions ever sentenced to community service, is it at all possible to use people serving community service sentences to clean up litter along roadsides and from the beaches, and if it is possible when can this be started and is it possible to have the offender wear some type of T-shirt that states something along the lines of, community service server.

**MR GARDNER** I think the Pasturage and Enclosures Act might refer to branding in some form or fashion for cows but I don't think we've got anything in place that would require somebody on a community service order to wear a T-shirt or be branded in such a way. However I am informed and it has been a matter for discussion in this House in recent months that there are in fact community service orders that are issued and I understand that there has been some utilisation of that system, especially at the Norfolk Island Hospital on recent months for painting and cleaning of the external buildings. There had been a hiccup earlier on as far as the supervision of those people by other persons in the community as far as insurance matters were concerned. I understand that has been finalised and those professional indemnity insurances are extended to those types of bodies. So I see no reason why it can't progress further. I'll certainly make some inquiries about the T-shirts for Mrs Jack to see whether that is a sensible proposal or not and maybe bring back a proposal to not only improve the system that the community service order system, but also other recommendations in relation to that for Members consideration and subsequent to that implementation of a better system if it is seen that the system is failing us.

**MR NOBBS** I have a question for the Minister for the Environment. I ask him what progress has he made since the last meeting in relation to a question I asked on provision of water requirements for tourist accommodation units and houses, the same requirements that are placed on new tourist accommodation. I understand Madame Deputy Speaker he had some papers and was to compress them and provide some advice. I wonder if that advice is available.

**MR I. BUFFETT** Thank you Madame Deputy Speaker. The short answer is no they are not available yet. Officers are still working on looking at the questions that Mr Nobbs put in looking at the proportion of water required for tourist accommodation ?? the ones for domestic requirements. There is currently a package of water related issues that are being worked on by Officers and hopefully I'll be able to provide that information at the September sitting when hopefully the rest of the land package issues may well be come on for some consideration by this House.

MR NOBBS I ask the Chief Minister what progress has been made in relation to public liability as it applies in the Norfolk Island situation. I believe he was to get some advice from Legal Services following the last meeting.

MR GARDNER Yes we had a meeting Madame Deputy Speaker in relation to this with the Executive Members and the Corporate Management Group which also involved our Legal Services Unit in the last day or so, I think yesterday, and have been trying to develop a strategy of bringing forward proposals to the Legislative Assembly. The Crown Counsel has received the documentation that I provided him after the last meeting in relation to the Queensland and NSW initiatives in this area. He has subsequently received further detail from other States and Territories all who are moving in the same direction as soon as he has compiled all of that information it will be a matter that's brought back to the forum of the Legislative Assembly to discuss, not necessarily at a Monday afternoon meeting because my thoughts on the matter is that it's going to be, certainly require a lot more involvement than just a brief discussion on a Monday afternoon but a full forum and a full session to discuss the issues of just where you put the caps and what other things that are going to be required to do to modify other pieces of legislation or in fact develop our own completely separate and unique legislation in regard to the capping of public liability insurance.

MRS JACK Madame Deputy Speaker the Minister responsible for KAVHA. Broken and damaged headstones, some of which can be seen just outside near the Cemetery fence, who's responsible for their replacement and/or repair work, who does this work, and who bears the cost of such repair.

MR GARDNER I could probably go some way to answering that Madame Deputy Speaker. I'm not sure exactly who undertakes the conservation works of the headstones themselves though I would imagine that that is done in conjunction with the Sexton and also our Consultant Archaeologist and Mrs Jean Rice who has been to date employed by the KAVHA Management Board in that role. There are, so I understand often pieces of headstones that are recovered, in other words they float to the surface in the cemetery and are recovered, they become problems for mowing but as far as the broken pieces so to speak, I'm not aware that there's a stack of them but I'll certainly find out some information in regards to those and see whether they actually relate to the Cemetery or are just pieces of stone that have been found in the Cemetery.

MR NOBBS Thank you. I ask a question of the Minister for Health. Minister are Doctors at the Norfolk Island Hospital now fully covered by malpractice insurance and is the Minister aware and can he provide details of the actual cost of such insurance cover to the Hospital Enterprise.

MR D. BUFFETT Madame Deputy Speaker I am advised that there is full coverage of those who are practicing at the Norfolk Island Hospital by Doctors. The cost I would need to research and I could advise Mr Nobbs accordingly.

MR NOBBS Thank you, a question for the Chief Minister. Will the Minister be making a Statement on the recent trip to New Zealand re the delineation of the boundary of the EEZ between New Zealand and Norfolk Island.

MR GARDNER Yes I had proposed to do that Madame Deputy Speaker.

MR NOBBS I have one for the Minister for the Environment. You advised Minister that you would follow up on a question re Veterinary survey of stock and when is it proposed that the next survey will occur.

MR I. BUFFETT Thank you Madame Deputy Speaker. Yes I have discussed this particular issue with the Acting Environment and Infrastructure Director and the Stock Inspector. Madame Deputy Speaker the current pasturage programme commences next week, next Monday and therefore the Veterinary services and the stock health programme will not be clicked in for that particular muster. They are looking at the cost and the scope of following up from the previous health survey of animals. It's anticipated that that programme will be put in place to coincide with the stock muster that occurs in the Autumn muster, March/April of next year, and some more details will be presented to Members and the community when we have arrived at that final position.

MR NOBBS Thank you. I ask the Minister for Finance what progress has been made with the proposed debt policy.

MR DONALDSON Thank you Madame Deputy Speaker. Yes there has been a submission from the Administration regarding the policy on collection outstanding debts and it also extends to the stage of charging interest on outstanding debts after they've been outstanding for a certain amount of time. It is work in progress, it's being done at the moment and it was spoken of at the last MLA's meeting. There is an issue there as to whether we amend the legislation to allow only the Administration to charge interest on the debts or whether we amend the legislation to allow interest to be charged on debts island wide, and that's a matter that will be discussed. That is work in progress, I have undertaken to deliver a paper on it at the next MLA's meeting and I hope to have it finalised as soon as possible.

MRS JACK Madame Deputy Speaker I address this to the Minister for Education. In recent changes in TAFE charges have affected the various businesses as sending local apprentices offshore and I'm just wondering has any progress been made regarding a more equitable charge structure or finding out better ways of addressing the increase in fees.

MR D. BUFFETT Thank you Madame Deputy Speaker. We have been faced with more recent increase in fees for our students who might attend TAFE Colleges in the Australian sphere. Those fees are not unusual in terms of how the TAFE Colleges now operate, they work on a cost recovery basis. Norfolk Island students are not within the loop where they have the same benefits in terms of fees, and sometimes the fees are substantial, they number in the thousands of dollars. The Officers in the Service that have responsibility for this are doing some research on my behalf and consulting with Government's particularly in Queensland where block release courses are still available on a reasonable length of time. Block releases are said to be available in NSW where we have an arrangement for apprentices but their block releases are in terms of days, not weeks and so that timeframe is not a suitable one for Norfolk Island students, and so there is discussion being pursued with the Queensland arrangement to see if they may be able to accommodate our students and accommodate our students on a more realistic cost basis. There isn't a conclusion to that at this moment but those discussions are being had.

MR NOBBS Thank you Madame Deputy Speaker. I ask the Minister for the Environment what progress has been made on the Cascade Cliff Project investigation and possible legal action following advice he gave at the last meeting.

MR I. BUFFETT Madame Deputy Speaker that particular issue is still progressing and at this particular point letters have been written to the various people and that's all I can divulge to Mr Nobbs right at the moment. It's in progress.

MR NOBBS I ask the Minister a supplementary to that. Is it correct that there has been some anomalies discovered in the crushing contract undertaken at Cascade last year.

MR I. BUFFETT Madame Deputy Speaker I'm not aware of anomalies within the contract itself. It certainly hasn't been brought to my attention at this particular point.

MRS JACK Madame Deputy Speaker I ask the Minister responsible for the Powerhouse. Just exactly where is the noise reduction of the Powerhouse at, how much longer are the residents who live in that local to put up with the intrusive noise, when will work actually commence and how long will it take.

MR DONALDSON Thank you Madame Deputy Speaker. The soundproofing of the Powerhouse has already commenced, the plans have been drawn up, they know what they want to do, the materials have been ordered. As soon as the materials are here work will commence on the actual soundproofing of the Powerhouse. As to the exact dates of completion I can't give a date but it is work in progress once more and it is being attended to and hopefully it will be completed in a shortest possible timeframe.

MR NOBBS Thank you Madame Deputy Speaker. I ask the Chief Minister last year a package of legislation known as the Justice Package was commenced. What has happened to that proposed package of legislation at this stage.

MR GARDNER Madame Deputy Speaker as far as the package of legislation commenced, I think it was the commencement of review of the legislation with a mind to drafting new legislation to bring all of that Justice package up to date with other States and Territories throughout Australia. Yesterday in our meeting with the Legal Services Unit and the Corporate Management Group and combined Executive we discussed the Justice package and as Members around the table would be aware the Legal Services Unit have been undermanned for quite some time. I understand about this time last year we were short of a Legislative Draftsman, we've had different people leave in that intervening period including the Deputy Crown Counsel who was involved in that and the Crown Counsel, and my questions of the Crown Counsel yesterday seemed to indicate that there were substantial hours still needed to be dedicated to the task of the Justice package and as soon as the Deputy Crown Counsel both himself the Deputy Crown Counsel and myself will be meeting to see how we can as expeditiously as possible advance that package of legislation.

MR BROWN I direct this question to the Minister for Finance. Is it a fact that the satellite landing system at the Airport has been damaged by water. If so what is the extent of that damage and is the system damaged beyond repair.

MR DONALDSON Thank you Madame Deputy Speaker. The satellite landing system at the Airport is housed in what is affectionately called the Rubix cube which is quite appropriate because the satellite system has had a pretty chequered career also. I have had indications lately that water has seeped into the building, has formed on the floor of the building but there is no indication of damage and in fact the satellite landing system as I understand it, is turned on permanently and is still functioning. The problem is there are no planes flying to the island with the equipment to use it. The further problem is that it hasn't been certified or calibrated to its final stage where it can work, but I shall certainly ask of the Service if it has been damaged but at this point in time I believe it's still functioning as well as it always has.

DEPUTY SPEAKER NICHOLAS Thank you. I'm informed that time for Questions Without Notice has expired. Would a Member like to move an extension of time

MR NOBBS I so move

DEPUTY SPEAKER NICHOLAS Thank you Mr Nobbs. How long.

MR NOBBS 15 minutes

DEPUTY SPEAKER NICHOLAS 15 minutes Mr Nobbs.

MR NOBBS I saw somebody wave their hands three times, I can count.

DEPUTY SPEAKER NICHOLAS Shall we try for 5 then and extend again if required.

MR NOBBS Thank you

MR BROWN I think we better vote on the extension

DEPUTY SPEAKER NICHOLAS I beg your pardon. Is it agreed. It is agreed

MR NOBBS Thank you Madame Deputy Speaker. It's addressed to the Minister for Finance and it's in relation to the Millennium tent. Has the Administration paid the outstanding funds from the insurance to and thanked Miss Hain for her generous support to the Millennium tent project, and what are the management arrangements for the replacement tent and small tents now that they are a community asset held by the Administration, and is the previous management committee still in existence or has it been bi-passed.

MR DONALDSON Thank you Madame Deputy Speaker. I have had an answer provided for me from the Service on this particular issue. It gives a little bit more information than Mr Nobbs has requested but I'm sure that's of use to him. First of all the insurance claim for the previous tent has been finalised and the money has been received, we received \$73,416-00 on the 15<sup>th</sup> of March 2002 for the previous millennium tent. There's a debt owing to Miss Hain regarding the financing of the second tent. I'm advised that the work relating to the settling that debt is mostly complete, they are waiting for the figures to be audited and referred to this Assembly for approval. I can confirm the Administration owns the marquee and the auxiliary equipment. I can also confirm that all the marquee and auxiliary equipment is insured under our industrial special risks policy. With regard to the balance of the question that Mr Nobbs asked, there is no final administrative arrangements in place but a policy is being developed regarding the hiring and storage and maintenance of the tent, and how the Administration actually tends to its daily hiring and maintenance functions for that tent.

MRS JACK Madame Deputy Speaker on a lighter note I'd like to ask the Minister for Lands and Environment what has the Minister done regarding the removal of several stray dogs from the CBD area up town given his announcement some weeks ago on the Friday morning information radio session, noting that several stray dogs are still in the area causing problems.

MR I. BUFFETT Madame Deputy Speaker with a great amount of difficulty I'm not too sure whether it's the dogs who should be handled quite often or whether it's an education for the owners that is really needed. Certainly I know a couple of the owners have been approached to remove the animals. I am not at this stage

instructed the Stock Inspector to take destructive action or impounding of the dogs in the shopping centre because most of them sleep under the tables of the chairs that the people are sitting on. Now Madame Deputy Speaker it is a very touchy issue at the moment and certainly it's one that I haven't forgotten after having made that Statement in response to some inquiries. Madame Deputy Speaker I will once again chase up the question and perhaps more effectively try and chase the dogs but it is one that if people are listening and have animals in that area they are being an inconvenience to those people using the area, I will ask them once again to remove it, and the specific people who have identified animals belonging to, there are provisions for the matters to be impounded, the real difficulty we have at the moment is that the arrangement we had in the boarding kennels that we had at one stage, an arrangement entered into, I'm not too sure at this stage, I'm still waiting for some response on this whether those facilities are still available for housing of the dogs once we capture them. I do notice a 2 finger movement pointing downwards but I'm not too sure that's an acceptable thing to do in the shopping centre. Sometimes it may be the ultimate answer but I'm really appealing through in answering this question, to the owners of those animals to please take some charge of them

MR NOBBS Thank you. I ask the Minister for Intergovernmental Relationships, can he provide advice on the current status of the Australian Parliament's Standing Committee looking into changing our eligibility to vote. What is the status of the current inquiry and have we responded in any way to the latest inquiry that's going on.

MR GARDNER Thank you Mr Acting Deputy Speaker. I did provide a written response to the Committee of Inquiry. I have heard nothing in relation to that or the outcomes or the Report from that Inquiry and I am not certain as to date as to when the Report of that Inquiry is due but certainly I'll undertake to find out and provide that information to Members.

ACTING DEPUTY SPEAKER BROWN Honourable Members the extension of time has expired. Do I have a Motion for a further extension for a period of 10 minutes. I put that question.

AYE

MS NICHOLAS Thank you. My question is addressed to the Executive Member for Community Services and Tourism, the Minister for Education. Will the Minister explain why the present Headmaster is to leave Norfolk Island without completing his term or the current school year and is the Minister able to assure the community that the pupils at the Norfolk Island Central School will not be disadvantaged in any way by this proposal.

ACTING DEPUTY SPEAKER BROWN Honourable Members could I check whether this is likely to infringe our Standing Orders. Perhaps Mr Buffett you could indicate whether your able to answer it without an infringement otherwise we will need to give consideration to Standing Order 72A

MR D. BUFFETT Let me try Mr Acting Deputy Speaker. Mr Acting Deputy Speaker at the conclusion of this year there will be seven Teachers who will conclude their Norfolk Island appointments. The range of categories are these, there will be 2 Kindergarten-Yr 6 Teachers that will be concluding their time, the Home Science Hospitality Teacher, the Science Teacher, one of the Language Teacher", the Computing Maths Teacher and the Principal and I think I'll take this opportunity if I may Mr Acting Deputy Speaker on behalf of you all to acknowledge the sound work that these people have done in the Norfolk Island School whilst they have been here, especially the Headmaster in his leadership at the School over this 3 year term. We'll be recruiting

successors for those people in September and November of this year. The Headmaster will conclude in the first week of September. He has been offered the Principalship of a major Sydney School Dulwich Hill importantly to establish the first centre of excellence in Visual Arts and Design in NSW. It's quite a demanding and prestigious arrangement that he has secured and his parent employer the Department of Education in NSW has requested this date that I have just identified to meet some unusual demands at that new location and I've made every effort to be helpful in the transition from one leadership here to leadership in another role when he returns to his parent arrangements, and to do it in a way in which the District Supervisor in Education who has responsibility in the Norfolk Island context has assured me that there will be no educational loss to Norfolk Island students in this transition.

**MR NOBBS** Thank you Mr Acting Deputy Speaker. I ask the Minister for Health and Environment, Minister have you been able to reconcile and explain the difference in the KAVHA boundary as described in Schedule 1 of the Norfolk Island Draft Plan and the KAVHA Memorandum of Understanding.

**MR I. BUFFETT** Mr Acting Deputy Speaker let me take that On Notice for this reason. I wasn't aware that I was charged with the responsibility of reconciling those 2 issues but I will certainly look into them and provide a written answer to Mr Nobbs in this House at the next sitting.

**MR NOBBS** I have one for the Minister for Finance. Minister what credibility can be given to the rumour that all equipment required in operating a digital mobile phone system is already on the island and was before the Referendum.

**MR DONALDSON** Thank you Mr Acting Deputy Speaker. I've heard this rumour too and I've made some inquiries about it and it's been confirmed by the Public Service that there has been no digital or cellular mobile phone equipment purchased prior to the results of the Referendum and there's been none purchased since. In fact there has been no money spent on the cellular phone system at all and there's no truth in the rumour that's apparently circulating around the island that we have already committed ourselves and bought the equipment.

## **PAPERS**

**MR GARDNER** Thank you Mr Acting Deputy Speaker. Under Subsection 31 (4) of the Legal Aid Act 1995 Mr Acting Deputy Speaker I now lay before the Legislative Assembly a Report addressing the matters specified in that Subsection and they are a Report of the Legal Aid Advisory Committee for the above period relating to it's activities for that period and the period being January 2002 to June 2002. All recommendations of the Committee that have been accepted and a Statement of reasons for the non-acceptance of recommendations that no legal assistance has been provided to a body corporate and enclosing a summary of the financial records of the fund in relation to the above period. I table that Paper and move that it be noted Mr Acting Deputy Speaker.

**ACTING DEPUTY SPEAKER BROWN** The question is that the Paper be noted. Is there any debate.

**MR GARDNER** Mr Acting Deputy Speaker it's a pleasure for me to read into Hansard the Report of the Legal Aid Advisory Committee presiding member Mr Craig Anderson and I'll read it as presented to me. This is a Report for the period of 1 January 2002 to 30 June 2002. The Legal Aid Advisory Committee met for the first time with its current members on 19 April 2002. The meeting was also attended by the Chief Minister and members of the Administration. The Committee and the 2 and

one half months to date of this Report have since met on 4 occasions either face to face or by circulation or correspondence. The Committee had 3 applications pending when it first met and one further application was received during the period. The pending applications were dealt with after sufficient information was received to enable informed recommendations to be made. The one new application was granted on conditions that necessitate the Secretary of the Committee monitoring its progress and liaising with the ACT Legal Aid Office who are providing the legal assistance. During the short period that the current members have been meeting the need to urgently update the assessment criteria and to progress the response to the Staniforth Report so that the Legal Aid Act and if necessary, the Memorandum of Understanding can be appropriately amended were given priority. Concurrently the administrative and community education matters, which are currently unable to be funded were also discussed and investigations initiated so that they can be finalised and implemented as soon as legally possible. The Legal Aid Advisory Committee considers the legal aid scheme is in part currently under utilised because of delays in disseminating information to the community and to the Legal Practitioners and delays in processing applications. Applications are usually received after the matter for which the aid is sought, has been completed, or substantially advanced. The processing delays are generally arising because inadequate information supplied by the applicants. Steps are being taken to provide the application forms to local Legal Practitioners in electronic form and to encourage them to prepare and submit an application as soon as it is apparent that their client may be entitled to legal assistance under the scheme. The necessity for and the adequacy of supporting documentation will need to be further considered. The unique circumstances of Norfolk Island where personal and business financial and earnings records are not to a standard expected in communities subject to an income taxation system means collecting accurate and reliable information is very difficult. The Committee at the date to which we are reporting is still short by one member but this has been addressed and a third member is expected to be appointed during August 2002, and that is signed by Craig Anderson, the presiding member of the Legal Aid Advisory Committee, and I'm pleased to inform Members Mr Acting Deputy Speaker that the third member of that Committee has been appointed as Mr Michael Jack.

ACTING DEPUTY SPEAKER BROWN Honourable Members the question is that the Paper be noted. Is there any further debate. I put the question

QUESTION PUT  
QUESTION AGREED

MR DONALDSON Thank you Mr Acting Deputy Speaker. I table a Paper detailing virements that have been made in July and August of this year. Mr Acting Deputy Speaker Section 32 B of the Public Monies Act requires that I table in this House any virements made between votes. Such virements are an internal re-allocation of appropriation approvals and do not increase or decrease the appropriation for the year. Accordingly I table a list of virements, there are 7 virements and if it's the wish of the House I'll talk to each one otherwise I'll just table that. They are really technical matters, they don't create or reduce expenditure within the Administration.

ACTING DEPUTY SPEAKER BROWN Honourable Members I'm not sure whether we have a Motion that the Paper be noted or whether we simply have a Paper that's been tabled but is there any Member that wishes to debate the matter, if not I'll take it that the Paper has been tabled with no Motion.

MR DONALDSON That was my intention just to table the Paper.

MR DONALDSON Thank you Mr Acting Deputy Speaker. I wish to table the Travel Expenditure Reports for the months May, June and July 2002. This Report gives details of travel allowance and airfare paid to Administration staff and

Assembly members over that period for international travel. Once again it is my intention to table the documents. If anybody wants to discuss it they can move that they be noted.

MR DONALDSON Thank you Mr Acting Deputy Speaker. I'd like to table a Paper dealing with the transfer forward of appropriation from one year to another year. Mr Acting Deputy Speaker as required by Section 32 A (7) of the Public Monies Act 1979 I lay a copy of a direction given under 32 A (2) of the Public Monies Act on my behalf by the Minister of Land and Environment to transfer from the financial year ended 30<sup>th</sup> June 2002 to the financial year ending 30<sup>th</sup> June 2003 an amount of \$129,900 being an amount equal to the funds committed for building extensions at the Norfolk Island Central School and I move that the Paper be noted.

ACTING DEPUTY SPEAKER BROWN Honourable Members the question is that the Paper be noted. Is there any debate.

MR DONALDSON Thank you. Just speaking further to this Paper, Section 32 A (2) of the Public Monies Act provides a mechanism whereby appropriation approvals made in one year may be carried forward to a following year and this may be done where 2 sets of circumstances are complied with. Firstly funds are available from the previous year and secondly a substantial liability has been incurred in that year for which commitment will be made in the following year. Mr Acting Deputy Speaker prior to the 30<sup>th</sup> of June 2002 a contract was entered into for extensions to be undertaken to the Norfolk Island School buildings. No funds were made available for this extension in the current budget, that's the 2003 budget but there is unspent appropriation in the previous year. That appropriation had been specifically provided for this purpose of School extensions. The affect of the transfer of appropriation from one year to another is to create a budget deficit for this year of an amount equal to the appropriation and that's simply because we chose this year to have a balanced budget with expenditure meeting income. So effectively this creates a deficit budget for the current year of \$129,900. The original request from the Service for appropriation to be carried forward was for an amount of \$511,220 and included many items as well as in addition to the School extension. However given the restraints placed on expenditure approvals by this Assembly in setting a balanced budget for the current year it was considered inappropriate to affectively adjust the balanced budget to a deficit of over \$500,000. The action of producing a balanced budget along with the denial to carry a large amount of appropriation forward has without a doubt curtailed expenditures to a point where Government projects and other ongoing Government commitments cannot be adequately funded. It is highlighted the very pressing need to examine the Government's income streams and expenditure streams. As Members will be aware this process has commenced with Focus 2002.

MR D. BUFFETT May I briefly participate in the debate for in the nature of some query about some aspect. I thank the Minister for his explanation about the expenditure provision of last year and its prospective transfer to this particular year. He has identified one particular area which I endorse of course but in his providing information to us on another occasion it has become clear that there are other items of expenditure that are in a similar situation to the one that he has just described and I'm wondering what action he intends to take in terms the others that share the similarity. In other words that they have been properly incurred requisitioned and arranged in the year that has just passed but maybe not concluded or some other reason but the expenditure quite properly undertaken. Could he just share with us I wonder Mr Acting Deputy Speaker his thoughts with those areas.

MR DONALDSON Thank you Mr Acting Deputy Speaker. Yes this is a problem, it's a problem I referred to in my discussion just now about appropriation carried forward. The situation arises where people make an order one year, the funds are available that year but the funds are not preserved and carried

forward. The Public Monies Act talks about a substantial liability being incurred and a lot of items on the particular list of appropriation that wanted to be carried forward are small items, \$100, \$60, \$30 those sorts of things. Those sort of things should be able to be met out of the following years appropriation as part of the ongoing costs of running a going concern type operation. There are some other major items. When I issued my instructions to reduce the amount of money carried forward I did have an overrider in it that should this provide financial hardship to the Departments to the extent that they can't operate then consideration will be given 1) to a virement from another vote or 2) with the permission of the Assembly a separate Appropriation Bill being made to allow that to happen, but given the financial constraints that we found ourselves in, the desire of this House to produce a balanced budget, the desire of this House not to go into deficit and spend more money than we are actually earning, I felt it necessary to restrict the amount of money that could be carried forward.

MR NOBBS Thank you Mr Speaker. I understand what the Minister is attempting to do but the reality really is that in the previous year there are savings that equate to the amount of the expenditure proposed and I believe that that saving was carried forward as well as the expenditure and that sort of evens itself out. Just using a bit of mongrel philosophy I guess with the change from the accounting systems down here that that seemed to be the

MR I. BUFFETT What sort of philosophy was that

MR NOBBS A different philosophy

ACTING DEPUTY SPEAKER BROWN I think the Member said well thought

MR NOBBS The change occurred, I think the Minister mentioned with the change from cash to accrual accounting and it's an issue that I don't think we can brush over too lightly because it's going to occur again this financial year as well, unless we stop expenditure probably in about March or February. So I think it's something that we should look at and I think that the books this year for the when they are available, the audited books will show that there would be at least a \$500,000, I think that was the figure he used was to be carried forward, will be carried forward as the balance will be \$500,000 better than we thought it was going to be. So I mean I believe that the commitment was made and the funds have been carried forward, therefore we should pay it unless they've blown the budget from the year before. If they've blown the budget in the year before well those funds won't be carried forward, but if everything is goes according to oil the money should be available and brought forward and be able to be paid for. That's my view on it.

MR DONALDSON Just a quick comment on what's been said. I sort of regret deeply having to place this restriction on the expenditure that Administration and the Government but it was a necessary thing to do. There is a basis philosophy or basic thrust to the Public Monies Act that says appropriation lapses on the 30<sup>th</sup> of June and new appropriation is subject to a separate Appropriation Bill. There is an exception to that, and the exception is the one we are talking about now whereby a substantial liability has been incurred and that's actually incurring a legal liability to pay that money rather than just placing an order. The possibility that orders are drawn up in the last week of June and not sent out, that it's more an attempt to preserve the funds and carry them forward than it is an attempt to do proper and responsible accounting processes. Like I said before if this causes hardship the matter will be revisited but at the moment it's a control mechanism that's been evoked to prevent us going into a situation where we're spending more money than we are receiving. There will be a substantial review of budget allocations including the need to fund those items that have been denied right now in December or January this year when the Focus 2002 review is completed.

MR SMITH Thank you Mr Acting Deputy Speaker. MR Donaldson is this the same situation that occurred last year where previously on the cash accounting basis if there was a \$500,000 worth of things that hadn't been spent that was carried forward but didn't affect the budget but last year I remember it was \$531,000 which was carried forward but then showed up in the budget for the next year which left us \$500,000 deficit. Is that the same this year that we are talking about.

MR DONALDSON Thank you Mr Acting Deputy Speaker. It's a very similar issue. In fact it's the same issue but it's been interpreted differently. Last year that \$531,000 that was carried forward was not accrued in the previous years accounts, it was not treated as an expense in the year of appropriation it was intended to carry it forward and treat it as an expense, if spent in the following year. It raises a question of how did the \$1.7m in the account that normal trade creditors actually be spent the following year. What I've been given here is a list that complies more with the trade creditor situation at the end of the year, and this is why I regret having to sort of knock it back for reasons of expediency. There is a difficulty with the Public Monies Act that Mr Nobbs has referred to in that the Public Monies Act is based on the old concept of cash accounting whereby you record what you spend, or you record what you receive and you don't take into account your earned income that hasn't been received which is your debtors and you don't take into account your expenses that you've incurred, legitimately incurred in a year but haven't actually paid. There is some need it's become quite evident to amend the Public Monies Act to accommodate accrual accounting in its fullest form.

ACTING DEPUTY SPEAKER BROWN Honourable Members the question is that the Paper be noted. Is there any debate. I put the question.

QUESTION PUT  
QUESTION AGREED

MR DONALDSON Thank you Mr Acting Deputy Speaker. I present a report under the Employment Act 1988. In accordance with Subsection 89 (2) of the Employment Act 1988 I table the Annual Report of the Employment Tribunal for the period 1<sup>st</sup> of July 2001 to the 30<sup>th</sup> of June 2002 and move that the Paper be noted.

ACTING DEPUTY SPEAKER BROWN The question is that the Paper be noted.

MR DONALDSON I'd just like to read out the Report. The Report is from the Employment Tribunal Act which is a tribunal setup under the Employment Act to resolve disputes that may happen. The employment is constituted by the Magistrates on the island and the Report has been given to me by Elaine Sanders who is a senior member of the Tribunal. The following is the report of the Employment Tribunal for the year ending 30<sup>th</sup> of June 2002. There were 3 matters listed for hearing by the Tribunal during the year ended 30<sup>th</sup> of June 2002, 2 matters were withdrawn, 1 following agreement between the parties while the 3<sup>rd</sup> matter is still being heard. A copy of the Report has been forwarded to the Norfolk Island Administration Employment Liaison Officer, and that's the extent of the Report.

ACTING DEPUTY SPEAKER BROWN Thank you Minister. Is there any further debate. I'll put the question.

QUESTION PUT  
QUESTION AGREED

## STATEMENTS

MR DONALDSON Thank you. I'd like to make a Statement about a complaint that was received by the Administration, it was to do with unfair trading, it was circulated to all Members and it was referred to in Questions Without Notice and postponed until Statement time. As I said before the Statement refers to sale of products at the Norfolk Island Post Office and a complaint that had been received about unfair competition. Just a comment on it, and some comment as to the direction I hope this thing will follow. The sale of retail items at the Post Office is not a new process. It commenced quite a few years ago with the sale of padded bags, single envelopes, disc packets and video tape mailing boxes. During the life of the 9<sup>th</sup> Assembly the range of products was extended to include bulk envelopes, pens, bluetack, ruled pads, sellotape and other stationary items. All the products that are sold there are sourced from Australia Post. As a complaint from unfair competition I've called for a full report from the Administration on the Post Office trading activities. The report is not yet available but preliminary information indicates that all items being sold are bearing a commercial markup on cost and that cost includes a notional amount to cover duty and freight. In my search for background information in this I found out that there does not appear to be a written policy on it in Administration where the Administration competes with the private sector on retail matters and I've undertaken consultation with other MLA's, the Administration and interested members of the community to develop a set of rules that can be applied. Two issues have to be resolved. Firstly to what extent if any should the Administration through its GBE's, its Revenue Fund or other activities compete with the private sector in the retail area, and secondly if there are areas identified where it's legitimate to compete with the private enterprise then what rules apply. This problem is not limited to Norfolk Island, it has already been addressed in Australia by the Australian Competition and Consumer Commission. That Commission, the ACCC have established a national competition policy which amongst other things requires Governments to apply competitive neutrality principles to their business activities. That means they are not to take advantage in the marketing of their product by not being required to pay taxes or charges, meet normal costs or overheads that are normally paid in the private sector. That paper I'm sure will form the basis of a decision or assist us in a decision making and policy making process that we are about to embark on. As I said earlier the policy document is being put together by MLA's and all MLA's will have the opportunity to take part in its development along with Administration Officers and private individuals. Thank you.

MRS JACK

May I have that Statement noted please.

ACTING DEPUTY SPEAKER BROWN Honourable Members the question is that the Statement be noted. Is there any debate.

MRS JACK

Thank you Mr Acting Deputy Speaker. I'd just like to ask the Minister is the commercial sector going to have to wait for that Report from the ACCC to come out before a more fair and equitable arrangement is to come into service on this island, or is something going to be done in the interim.

MR DONALDSON

Thank you Mr Acting Deputy Speaker. The Report from the ACCC has come out, it has set guidelines and rules by which the Australian Government organisations have to apply to. I think it's a matter of adopting similar rules for Norfolk Island and we will have what's referred to as a more even playing field.

MRS JACK

Thank you Mr Acting Deputy Speaker. Can the Minister state when these guidelines from the Report will start to be initiated. I mean in the interim you have the Post Office now selling I think calculators, I mean where does a calculator fit into a Postal Service competing with at least 3 private enterprises on the island. When is this Report going to be initiated.

MR DONALDSON Thank you. It's my intention to start on the Report immediately to seek the views of the MLA's, to seek the views of the Administration Officers and to seek the views of the private sector and come up with a report before the next sitting of this House.

ACTING DEPUTY SPEAKER BROWN Thank you. Is there any further debate. I'll put the question.

QUESTION PUT  
QUESTION AGREED

MR GARDNER Thank you. In response to a question from Mr Nobbs earlier in the day regarding whether it's my intention or not to make a Statement in my participation in the delimitation of maritime boundary talks in Wellington held last month. I have a brief Statement to make and some papers that are of a non confidential nature that I'm able to table in the House for information of Members and also for the community. Mr Acting Deputy Speaker I attended those delimitation talks or the third round of those delimitation talks that were held at the Tepapua of New Zealand in Wellington on the 19<sup>th</sup> of July of this year. Negotiations at that meeting were agreed as a need to remain confidential. Mr Acting Deputy Speaker I am able to share with Members and the community that Australia and New Zealand shared their respective views on the Norfolk Island Three Kings region and their views on matters that will require consideration when seeking an equitable delimitation of our maritime boundaries. Technical data will continue to be exchanged between the parties to assist progression of the negotiations. Mr Acting Deputy Speaker views were similarly put with regard to the Australian and New Zealand islands to the south of both countries including the Macquarie Auckland island region and the Cambell Island area. The intention and goal announced in the Prime Ministerial communique in 1999 with regard to the delimitation negotiations sought agreement of a boundary during the year 2003. In this regard it is believed that the two more rounds of negotiations will be required to achieve that target. Mr Acting Deputy Speaker I have indicated to Members previously that I've made a bid to host the next round of those negotiating talks here on Norfolk Island which is scheduled for the 1<sup>st</sup> week of December and so far all parties that I've communicated with have demonstrated their support for that proposal. Mr Acting Deputy Speaker if I am successful in that bid it will involve the participation of up to 20 people, approximately 10 aside from Australia and New Zealand and will include an opportunity for Norfolk to continue their participation in those discussions. Those persons will be on island for a week and it will provide a valuable opportunity I believe for Members of the Legislative Assembly and community to be provided with a brief by the Department of Foreign Affairs and Trade from Australia on the negotiations to date and the expected outcomes, and I've also been informed that it was felt by all present, including New Zealand that it was very worthwhile Norfolk Island and my role in participating in those talks. I certainly hope that we will be successful and in relation to that Mr Acting Deputy Speaker I'd like to table a couple of documents, one titled Principles of the Law of the Sea and Maritime Boundary Delimitation which may be useful for people to gain a clearer understanding of some of the terms that are used in delimitation talks and also a map of the proposed delimitation areas, especially in relation to the Norfolk Island Three Kings area. I'd just like to emphasise the fact that the boundary between Norfolk Island and New Caledonia was agreed I believe back in about 1987 and so that boundary is in place and the discussions on that settled on an equidistant placement of that boundary between Norfolk Island and the southern islands of New Caledonia and that is the purpose and proposal so far to date in regards to the Norfolk Island Three Kings proposal and is spelt out in those documents.

MR NOBBS Can I move that the Statement be noted.

ACTING DEPUTY SPEAKER BROWN The question is that the Statement be noted.

MR NOBBS Thank you. Just following on from that I'm not too sure where we got to. We were greeting people at the Airport and what have you and we were going to have a weeks holiday here and all these things. How far have they really gone and is there an agreement on the 50/50 split at this stage or and why are we meeting again.

MR GARDNER Mr Acting Deputy Speaker I appreciate Mr Nobbs wanting to know where the line is going to be drawn. As I said in my presentation I am bound by the confidential nature of those discussions which precludes me from saying exactly what New Zealand were claiming, exactly what Australia were claiming, suffice to say that the guidelines for these types of delimitations are clearly set out in the documents that I've tabled. There is a significant amount of technical data that is being swapped between the two parties that being Australia and New Zealand which is used to substantiate their various claims for the different regions that were discussed. These things unfortunately don't happen overnight because those people aren't empowered to rush off and make a decision, neither party is empowered to do that. They must take the information and the positions put by both countries and take it back for further discussion by their respective Governments. I mentioned the Priministerial communique, it is a significant issue between the 2 nations. Unfortunately they are one of those things that take time and is indicated in that Priministerial communique, the dates in 2003 are being looked at for the finalisation of those delimitation talks and it is expected that there will be 2 more rounds of those discussions. Now basically what occurred in Wellington is that the 2 parties laid out their claims, they've had to go away and each party will need to consider those, reconsider their positions and it is proposed that the next round that I've made a bit for that there will be more significant process on actually looking at trying to identify where those lines should go.

MR NOBBS Yes there's 2 claims have been put in place I understand from this current Statement. From the Norfolk Island perspective which is the best one, the New Zealand one or the Australian one, bearing in mind I know you went there Minister as the representative in the Australian delegation, but from a Norfolk Island perspective and that's what we have to look at which is the most appropriate claim, the Australian one or the New Zealand claim and what are we doing to progress the Norfolk Island claim.

MR GARDNER Mr Acting Deputy Speaker the Australian claim reflects the policies of the United Nations conventions on the law of the sea and of course is in our nest interest.

ACTING DEPUTY SPEAKER BROWN Honourable Members is there any further debate. I'll put the question.

QUESTION PUT  
QUESTION AGREED

MR D. BUFFETT Thank you Mr Acting Deputy Speaker. I have a couple of Statements. The first relates to the voluntary fingerprint collection process. Mr Acting Deputy Speaker at the close of business yesterday the 27<sup>th</sup> of August these are figures that relate to this exercise and I make this known for the information of Members and in a wider sense for the community. 1,632 residents were invited to volunteer their fingerprint samples in this exercise, 993 residents have voluntarily provided sample fingerprints to date. There are some 63 residents presently recorded as having made booking to attend and to continue to provide fingerprint samples and in addition to that a number of residents have advised the Police of their unavailability at this time because they are travelling or they've got some other commitments. Detective Sergeant Peters is scheduled and indeed this may have been already achieved but will

undertake some question and answer interview with the local Radio Station to further elaborate some of the details I'm providing now today some time. Can I say thank you to those who have been participants in this process and may I also encourage people who still intend to volunteer with their sample fingerprints, encourage them to make a booking and if they are able to do that as soon as possible for this reason, that it will assist in the allocation of resources and further funding in tidying this exercise. It's not practical to have the full team there on a total continuing basis, there needs to be adjustment as this process goes along but once it is better known as to those who will continue to offer in the voluntary process that process of resources can be better addressed. I provide that information Mr Acting Deputy Speaker.

ACTING DEPUTY SPEAKER BROWN Thank you Minister. Are there any further Statements.

MR D. BUFFETT Yes I do have another Statement thank you. Mr Acting Deputy Speaker I have a Statement which relates to the Norfolk Island Hospital Enterprise. There has been a host of difficulties over many months at the Norfolk Island Hospital and I have given priority in my Ministerial area to work through a number of issues. I have met with the major players in the Hospital world there, that is the Medico's the Hospital Director, the Nursing and Administrative staff, the Chairman and members of the Hospital Board and patients, particularly patients Mr Acting Deputy Speaker because the Hospital is there to provide care for patients and my primary focus in seeking a way forward amongst these difficulties is to really ensure that we're delivering professional healthcare services to the Norfolk Island community. The Hospital at present has the valued services of Dr's Foong, Fletcher, and Sheppard with the complimentary services of a Locum Dr Snieman at present. The availability and mix of these Doctors may vary over the next 2 months. We'll continue to have Locum dental services until a permanent appointment is made. Today Mr Acting Deputy Speaker, and this is after some consultation over the past few days with my colleagues, that is the Members of the Assembly here I have given 4 directions, that is formal directions under the Norfolk Island Hospital Act on some critical issues. They are these. That there is to be put in place protocols and documented arrangements for the handling of patients confidential records and files, because the privacy of these records and files is paramount. The second is that there is to be put in place arrangements to expedite the procurement of relief Doctors in an emergency situation. We have been through this difficulty of recent times and some firm arrangement for back up needs to be put in place. The third is that forthwith there should be established a patient care review group to facilitate examination of complaints, resolution of complaints, timely investigation and to facilitate any changes in practices or procedures that may be required. The fourth relates to the fact that the Enterprise's contracts needs to have technical oversight by the Administration's Legal Unit and that signed contracts are to be lodged with the Legal Unit in accordance with its procedures. In terms of the last one you will recall Mr Acting Deputy Speaker that there was an earlier question raised with me at question time and I just tie that answer in with the particular direction that I have given, this relates to the Hospital Enterprise of course, it is not outside that, but it is designed to be in accord with the standardisation that I referred to earlier. May I just say that some of those areas identified in those 4 directions are well advanced by the Director, but there needs to be what I have called a public expressions of this remedial action being taken. I also announce prospective adjustments to the administrative and management structure at the Hospital. Firstly that an appeal provision needs to be provided for by legislation for those who are aggrieved by the system of recruitment or the like, and secondly that the Board arrangement will be restructured to be an advisory board. The timeframe for the legislative provisions is to be planned at the next sitting that is the 25<sup>th</sup> of September and I yesterday gave drafting instructions to effect these changes, and as earlier mentioned today gave formal direction on those 4 matters. In company with those things I'd also identify that I'll be proposing an adjustment to the Hospital Inquiry Motion which is Order of the Day No. 3 Mr Acting Deputy Speaker which I propose to read at this moment. I've

got to say that I don't want to pre-empt this Motion but I do seek to draw the relationship between these Hospital matters that I've just announced and the substance of the Hospital Motion later in the Paper. So my proposal would be that when we come to that stage that I would read this Motion and propose it to you in adjustment of the one that's already there. This Assembly requests the Minister to a) initiate an inquiry into the Norfolk Island Hospital to examine the effectiveness of the current legislation and management arrangements and the practices undertaken and recommend a sound management structure and appropriate supporting legislation for practical and professional delivery of Hospital and related health services to the Norfolk Island community and then b) provide adequate support to the inquiry. I'll address that when we come to it and Members will equally have an opportunity to participate there. I'd like to elaborate with information on the Dental Unit within the Norfolk Island Hospital Enterprise. Doctor Jackman our last permanent Dentist has concluded his time. He left in August of this year and a Locum Dr Jeff Heinz is presently in practice at the Dental Unit. The vacancy for the Dentist has been advertised and the filling of this vacancy is being finalised in an appeal process. The appeal I might just mention to you Honourable Members has brought its own complications and has prolonged the process of gaining a permanent person, because the Hospital Enterprise legislation has no provision for appeals. However at the request of the Hospital Board and the Director I put into place a process which with the consent of the participants in the appeal has been undertaken by the Public Service Board on a voluntary basis of course, and I thank them for undertaking this task. The work at the Dental Unit has meant of recent times a wait list, a wait list of many weeks, sometimes into months except of course if there are emergency situations, and this has caused community discontent and the Hospital Management has shared the concern. In light of this, and some other factors I announce today that a new Dental Unit at the Hospital with capacity for 2 Dental chairs, a project privately funded in the sum of \$250,000 is to be undertaken and the generous benefactor in this is Mr Tony Redstone and I publicly acknowledge and thank him for his generosity to the Norfolk Island community. There will be elaboration on this project in the newspaper on Saturday and a press release has been authorised by the benefactor but I just mention that in that context. Mr Acting Deputy Speaker that's a Statement in terms of the overall arrangements at this stage of endeavouring to walk through some difficulties and address some of them and make the announcements that I have made to date.

MR NOBBS

Can I move that the Statement be noted.

ACTING DEPUTY SPEAKER BROWN

Thank you Mr Nobbs.

MR NOBBS

Before I start I'd just like to record the appreciation and I think other Members would of the generous donation that's proposed by Mr Redstone. I would hope that the facility is sited correctly and we could use that as State 1 of developing a new Hospital, but that's my own personal view but I thank him for a very generous donation. Turning to the Minister's proposals or directions he's looking at confidentiality, a patient care review group, better backup and the safe keeping of documents. That's what it amount to. These issues are really of the Director and the Board. I don't see why the need for a direction. It indicates even more so the community has lost confidence in both the Director and the Board. The Minister by his directions in my view supports the community in this lack of confidence in those areas, but I ask him also what about the rest. John McCoy did considerable work on issues of the Hospital management last year particularly in relation to the role of the Board and the Director. Unfortunately through lack of legislating draft support it precluded the public participation really in amendments that are required in the Act itself. I believe that a lot of the work has been done already but I see Mr Buffett will be proposing some changes to my Motion and I will deal with most of this later on. I'm really concerned that he's not looking at right now, at the responsibilities of the Board and the Director in relation to the Foong case which is now no longer in the Courts and I understand that the cost of that

will be approaching a 6 figure sum, that there are now 2 sets of legal costs to be paid plus salaries, relocation costs, accommodation costs for Locums, not to forget those hidden costs of time spent by Hospital and Administration staff. I understand expenditure to date approaches \$60,000 and that the Doctors legal and attendant fees have not been included in these. The question is that there is a need for some accountability surely in this particular area. I'm really concerned that the Minister is sitting firmly on the fence. He's proposals that he's put out today may sound great but they really in my opinion the old pin and thimble trick. It's a bit like the old Public Service trick of setting up just another Committee to create diversion. I repeat to the Minister that the Hospital is in turmoil and it's crying out for some tender loving care. This Minister is not a politically motivated campaign like we've seen in the past. The Hospital is a vital and integral part of our community and the Hospital and the community are actually haemorrhaging very badly. I'll have more to say on the Motion later but I say to you Minister if this is the best you can do well forget it.

MS NICHOLAS Thank you Mr Acting Deputy Speaker. A simple matter, I believe in his address that the Minister made reference to a Doctor Sheppard and he may like to correct that to Doctor Kennedy, purely for the record thank you.

ACTING DEPUTY SPEAKER BROWN Honourable Members is there any further debate. The question is that the Statement be noted. I'll put the question.

QUESTION PUT  
QUESTION AGREED

MR D. BUFFETT Thank you. I have a further Statement and this one relates to Tourism Mr Acting Deputy Speaker. There are 2 parts to this. One is that Alliance Airlines made an introductory flight into Norfolk Island last Wednesday and most Members will know that it carried their Managing Director Scott McMillan, the Chairman and Directors of the Airline and a group of industry related people. The first scheduled flight will be on the 7<sup>th</sup> of September and I just confirm that detail in the context of happenings in the tourist industry. The second part of the Statement relates to the tourist symposium which was conducted last week on Monday and Tuesday and was preceded by a public meeting as a prelude to that on the week before. I acknowledge in the conduct of this symposium the work of the Norfolk Island Government's Tourist Bureau, it's General Manager Mr Walker, it's Chairman Jan Christian and her Board and I also acknowledge the key note speaker Mr John King who also Chaired the final session of the symposium. The major sessions were broadcast over the local Radio VL2NI and that was a major sharing of information with the entire community and I am appreciative of their effort in doing that in a first class way. A number of conclusions resulted out of the symposium, they are being compiled in detail and I'll present them in a written form when this is complete and I expect that that may be in a fortnight or so. Some examples in the mean time of recommendations include these, that we should create a unique brand by which Norfolk Island is marketed, that we should emphasise quality not necessarily quantity, that a central reservations system maybe especially useful and of assistance to smaller operators, customer service programmes are needed, footpaths within the island particularly where there are a lot of tourist activity should be looked to, Airport facilities for example the public address system, baggage handling, visitor greeting and farewell arrangements need attention, airline improvements of their delay notification and flight information functions and communication systems could well do with some attention, pedestrian crossing in Burnt Pine was mentioned as were public toilets, the need for them that is further. These are but examples Mr Acting Deputy Speaker which I just share with Members. Details are to follow in the context that I mention. None of these at this moment appear at first glance to conflict with the tourism plan Unity 2005 which is the subject of a Motion on the Notice Paper later and I don't want to necessarily pre-empt debate upon that one at this moment, but the final

test of course will be when there is the detailed document brought forward which lists each of the recommendations and they can be cross referenced with that document. But at this stage they seem to be a complimentary arrangement and I just share those pieces of information concerning those tourist industry matters.

MR NOBBS Can I move that the Statement be noted.

ACTING DEPUTY SPEAKER BROWN The question is that the Statement be noted. Is there any debate.

MR NOBBS Thank you very much. Just on Alliance here, Mr Acting Deputy Speaker if I may on the issue there that just to advise Members that there was a Premier of Queensland Peter Beattie in the Parliament on the 21<sup>st</sup> of August had this to say and a bit else on the Alliance Airlines and I just quickly go through it if I may. Today a new Airline Alliance Airline makes its first flight to Norfolk Island and it's a great day. He went on then to say that he visited the island last October and had discussions in relation to the Airline and that the Queensland Government had kept, as we were told at the time, the operating certificate, operational for a month which held the deflated or the Airline that was sitting on the ground, it made it still operational so to speak. His support meant that the certificate could be maintained. He went on to say amongst other things that the new flights provides opportunities not only for tourism to and from the island but also for business travel and he went on to say that it is important for Queensland to have good links with Norfolk Island and I welcome the decision by Alliance Airlines to commence regular services. He also had a bit of a go and he says great to see this Queensland Airline already expanding into Sydney. I thought I would just like to say Mr Acting Deputy Speaker if I may just say a word of appreciation to Peter Beattie for not only this, but for the other the things that he's done following his visit to the island here last October and I would hope that the present Government would see their way clear to extend an invitation to him again.

MR GARDNER Just in relation to that Mr Acting Deputy Speaker. I've written to the Premier's Office indicating our appreciation of the support the Queensland Government's provided to Norfolk Island and looking forward to healthy and prosperous relationship into the future.

ACTING DEPUTY SPEAKER BROWN Thank you. Is there any further debate. The question is that the Statement be noted.

QUESTION PUT  
QUESTION AGREED

MR D. BUFFETT Thank you Mr Acting Deputy Speaker. This is about the Social Services policy review. There are proposals for adjustment to the Social Services regime in the island and a report is being prepared by the Social Services Board Members. Mr Acting Deputy Speaker these are community members appointed to advise the Minister on Social Welfare matters. That initial report has been discussed amongst Members of this Assembly. Picking up the major recommendations a policy document is now being drafted so that can be seen by the Membership. In this policy document it's proposed to set out guidelines as to what can be paid under the HMA, that's Hospital and Medical Assistance in terms of medical services, airfares, accommodation and any other associated costs incurred for medical treatment. This policy will also be designed to set out the criteria for being an eligible person to receive HMA assistance in conjunction with a benefit under the Social Services Act. Further development will also incorporate monetary assistance where this is appropriate. One of the reasons for this review, not the only, but one of the reasons is the major increase in HMA funding over the past 3-5 years. It has doubled over this period of time. The year just passed was a bill of something like over \$600,000. There is of course an inevitable

cost increase with an aging population but in this case with us it's coupled with the fact that less and less of those entering the age care category are eligible for Veteran Affairs benefits. However we do need to examine in our examining whether our codes are sufficient to prevent in some cases unnecessary and contrived benefits being drawn on the one hand, and on the other hand they need to be sufficiently clear to allow ready access to the genuine resident in need, and that policy preparation is ongoing and I just give you a progress report as to how it's travelling at this moment. I should be in a position to have a document prior to our next sitting for examination by Members.

MRS JACK Can I ask that the Statement be noted.

ACTING DEPUTY SPEAKER BROWN The question is that the Statement be noted.

MRS JACK Thank you Mr Acting Deputy Speaker. I'd just like to ask the Minister that during this review will they also be looking and trying to stop such things as items from the Pharmacy to the Aged Care Unit being charged out to HMA at full retail prices rather than a cost plus small percentage. It may only seem small amounts but over the years and to our increasing aging population and those in the Aged Care Unit it does add up to substantial amounts of money. I would really like that investigated and the matter that's currently in practice, I would like to see that halted.

MR D. BUFFETT I'm happy for that to be part of the process of review.

MR SMITH Thank you Mr Acting Deputy Speaker. This review that the Minister is doing is that a further review on top of what Mrs Jack had been working on and prior to that the Officer's in the Administration who were doing a review on all of the Social Services. Is this a further review on top of those.

MR D. BUFFETT I thought I explained Mr Acting Deputy Speaker that those earlier reports are those that are being actioned by the report that I have been given. It is actioning those early reports which have been left laying for some significant time.

ACTING DEPUTY SPEAKER BROWN Thank you. Is there any further debate. The question is that the Statement be noted.

QUESTION PUT  
QUESTION AGREED

#### **MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR MESSAGE NO 7.**

ACTING DEPUTY SPEAKER BROWN On 27 August 2002 pursuant to Section 21 of the Norfolk Island Act 1979 and in accordance with the instructions of the Minister for Regional Services, Territories and Local Government and the advice of the Norfolk Island Executive Counsel I assented to the Customs Cigarettes and Tobacco Amendment Act 2002, Act No. 4 of 2002. Dated 27 August 2002, A.J. Messner, Administrator.

MR D. BUFFETT If I just might before we commence Notices with your indulgence Mr Acting Deputy Speaker. I earlier reported in my Statement the directions that I had given in terms of the Hospital Enterprise. I may not have made it clear but I would endeavour to do so now that I table those directions in terms of the requirement of the Norfolk Island Hospital Act.

MR NOBBS Can I have a Point of Order here. If the Minister is tabling those documents and they are disallowable documents aren't they.

ACTING DEPUTY SPEAKER BROWN Yes Mr Nobbs

MR NOBBS Then we can disallow them, what I'm saying we can disallow them

ACTING DEPUTY SPEAKER BROWN Having regard to the fact that the documents were tabled at other than the normal stage if you seek to move a Motion in relation to them at any stage in this meeting while I'm in the Chair I will allow that Motion.

MR NOBBS The procedures provide that the matters actually be available to Members at any time.

ACTING DEPUTY SPEAKER BROWN Mr Nobbs I don't have a copy of the relevant Act with me. I'd be more than happy to have that looked over the luncheon period.

### **CUSTOMS ACT 1913 – EXEMPTION OF CUSTOMS DUTY**

MR DONALDSON Thank you Mr Acting Deputy 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. The first column is details of the goods, the goods are a juke box imported by the people noted in the second column who is the Norfolk Island Youth Centre, the amount of duty that we are seeking exemption from payment is \$671-42.

ACTING DEPUTY SPEAKER BROWN Thank you Minister.

MR DONALDSON Thank you Mr Acting Deputy Speaker. The Norfolk Island Youth Centre is a non profit organisation set up by people of this island as a company limited by guarantee to provide a venue for the youth of this island where they can go and have their own youth centre. It started about 8 or 9 months ago and has slowly been acquiring equipment in the way of computers, video games, furniture and fittings, kitchen equipment and it has been able to procure for itself by purchase a juke box to provide entertainment for the children who attend the Youth Centre. The juke box cost I think about \$6,700 of which a component is added for duty under normal circumstances. There is a policy for duty exemptions that's been adhered to by this Government and by the Administration and it allows duty to be exempted where there is a community benefit attached to the importation of those goods. I support the fact that there is a community benefit here and I request the House to approve the duty exemption for the duty normally payable on this juke box.

ACTING DEPUTY SPEAKER BROWN Thank you Minister. Is there any further debate.

MR SMITH Mr Acting Deputy Speaker I fully support this exemption particularly of the fact that as far as I understand the juke box funding was given by a generous donor in the community and I think we should be showing our contribution towards that too with this exemption so I support it.

ACTING DEPUTY SPEAKER BROWN Is there any debate. I put the Motion.

QUESTION PUT  
QUESTION AGREED

### **THE PROTECTION OF MOVEABLE CULTURAL HERITAGE ACT 1987**

MR D. BUFFETT Thank you Mr Acting Deputy Speaker. I move that in accordance with Subsection 9 (1) of the Protection of Moveable Cultural Heritage Act 1987 the Legislative Assembly recommends to the Executive Member that Beryl Phyllis Evans, Nancy Jocelyn Smith, Roy Andrew Smith and Neil Alexander Tavener be reappointed as members of the Norfolk Island Cultural Heritage Committee for the period 26<sup>th</sup> August 2002 to the 25<sup>th</sup> August 2005. Mr Acting Deputy Speaker this group is statutorily provided for for instances where prospectively items that are of cultural value in Norfolk Island are prospectively moved offshore and there can be an examination as to whether that is appropriate or otherwise. To my recollection the group has not been called upon to date to exercise any oversight but it is important that we have such a group to meet any eventuality that might arise. I commend the Motion.

ACTING DEPUTY SPEAKER BROWN Thank you Minister. Is there any debate.

MR I. BUFFETT Mr Acting Deputy Speaker it's a minor technicality but could have some implications. I think there's been a word left out, reappointed the members of the Norfolk Island Moveable Cultural Heritage Committee not just to the Norfolk Island Cultural Heritage Committee. It's purely a technical thing but there is some significant differences and it may impact on some later legislation in the planning regime area where we may need to set up a Heritage Committee, and with the Minister's indulgence I would ask would he consider including the words "moveable" in that particular

MR D. BUFFETT Mr Acting Deputy Speaker with your consent if I could just adjust the Motion in terms of that word.

ACTING DEPUTY SPEAKER BROWN To such extent as I have power to grant that leave I do so. Honourable Members is there any further debate.

QUESTION PUT  
QUESTION AGREED

ACTING DEPUTY SPEAKER BROWN Honourable Members it it's convenient to you I will defer Notice No. 3 until after Notice No. 5 and we will move to Notice No. 4

### **PROVIDENT ACCOUNT ACT 1958**

MR DONALDSON Thank you Mr Acting Deputy Speaker. I seek leave to move a Motion standing in my name in the Notice Paper in the amended form foreshadowed under today's programme. The amendment relates to the change of name for the proposed trustee from Robyn Joy Murdoch to Albert Fletcher Buffett.

ACTING DEPUTY SPEAKER BROWN Honourable Members is leave granted.

MR DONALDSON Thank you. I move that for the purposes of Section 4 A of the Provident Account Act 1958 this House recommends that the responsible Executive Member appoint Albert Fletcher Buffett, being a Public Service employee to be the official trustee of the Provident Account for the period of the 6 months commencing 29<sup>th</sup> August, 2002 and concluding on the 28<sup>th</sup> February, 2002.

ACTING DEPUTY SPEAKER BROWN Honourable Members the question is that the Motion be agreed to.

MR DONALDSON Thank you Mr Acting Deputy Speaker. Just speaking to the Motion, there is a requirement under the Provident Account Act 1958 to appoint a person who is a Public Service employee as official trustee. The position of

the official trustee is not currently filled and has not been filled since the resignation from the Service of the last official trustee approximately 12 months ago. The official trustee is a statutory position and includes the following functions, prepare an annual report on the operations of the Provident Account, invest the funds of the Provident Account in accordance with approved investments, be a cheque signatory for payments from the fund and to furnish each contributor with particulars of amounts standing to the credit of their account each June and December. The appointment of official trustee is for a period of 6 months during which time it is hoped to amend the Act to establish a Board of trustees. These trustees would be appointed to oversee the management of the fund. It is considered that appointing a Board of trustees more expertise can be applied to the operations of the fund on a more representative basis. Until amendments are done to allow the appointment of a Board of trustees there is the need to fill the vacancy of official trustee. I thank Mr Albert Buffett for accepting nomination to this position and commend the appointment to the House.

ACTING DEPUTY SPEAKER BROWN Honourable Members the question is that the Motion be agreed to. Is there any further debate.

MR NOBBS Thank you. I also thank Albert Fletcher Buffett for putting his name forward for this position but I urge the Government to proceed with these amendments which I understood were supposed to come into operation late last year but unfortunately due to the drafting problems we had at that particular point in time nothing was really progressed. I believe it's important and I believe that there was support from the Members that there would be an election arrangement put in place and not an appointment as we do now, and that would be far better and closer management I believe of the Provident Account by a group elected from within the Service. As I say I urge the Government to get on with allowing that to happen. Thank you.

ACTING DEPUTY SPEAKER BROWN Thank you Mr Nobbs. Is there any further debate

QUESTION PUT  
QUESTION AGREED

#### **PUBLIC SECTOR MANAGEMENT ACT 2000 – APPOINTMENT OF EXECUTIVE DIRECTOR ENVIRONMENT AND INFRASTRUCTURE**

MR D. BUFFETT Thank you Mr Acting Deputy Speaker I move that in accordance with Section 39 (1) of the Public Sector Management Act 2000 this House recommends to the Chief Executive Officer that Mr Terence Grube be appointed as Executive Director Environment and Infrastructure.

ACTING DEPUTY SPEAKER BROWN Thank you Minister. Is there any further debate

MR D. BUFFETT Thank you. Mr Acting Deputy Speaker we have had recommendations from the CEO which reflects an interview assessment and recommendation report from the Selection Committee in terms of filling this Executive Director position. The details concerning the proposed applicant has been collated and circulated to Members and Members will see that we have in front of us a Norfolk Island resident who has demonstrated skills in practice, education in terms of documented degrees and has worked in a variety of spheres that will bring knowledge and skills to the task that we need to have performed and I recommend to Members that we approve this Motion and make this appointment.

ACTING DEPUTY SPEAKER BROWN Thank you. Is there any further debate

MR NOBBS Thank you Mr Acting Deputy Speaker. I'd just like to record that whilst I wish the lad well, he's my son in law and I will abstain from voting on this. Thank you.

ACTING DEPUTY SPEAKER BROWN Thank you Mr Nobbs. Is there any further debate

MS NICHOLAS Mr Acting Deputy Speaker. I seek merely to place on record my observation that Terence Grube holds a Bachelor of Engineering in electrical matters rather than civil engineering. I make no further comment, I'm not qualified to do so but I really thought the position called for civil engineering qualifications rather than electrical.

ACTING DEPUTY SPEAKER BROWN Thank you Ms Nicholas. Is there any further debate

MR I. BUFFETT Mr Acting Deputy Speaker being one of the main recipients in the Executive portfolios that I hold I welcome Terence on board and congratulate him on his appointment to this current position and emphasise that we would look forward to a happy and harmonious relationship in that position.

ACTING DEPUTY SPEAKER BROWN Honourable Members is there any further debate

QUESTION PUT  
QUESTION AGREED

ACTING DEPUTY SPEAKER BROWN Honourable Members Mr Nobbs raised a matter a short time ago in relation to the question of a disallowable instrument. The Clerk has assisted me by locating the appropriate legislation. I draw the attention of Members to Sections 41 and 41A of the Interpretation Act and the short effect of that legislation Honourable Members is that at any time within 65 days after tabling today a Member may on notice duly given move disallowance. So there's a requirement unless Standing Orders are suspended or appropriate leave granted for notice to be duly given before such a Motion is moved. Honourable Members it's now almost 12.40pm, do you wish to suspend for lunch at this stage or to proceed. Honourable Members we stand suspended until 2.00pm.

MR SPEAKER Honourable Members we reconvene after adjourning for lunch and we are at Notice No. 3. Before I call Notice No. 3 may I just draw attention to the fact that the Youth Assembly are in the public gallery and offer them a welcome in the Legislative Assembly here this afternoon.

### **INFRINGEMENT OF IMMIGRATION ACT 1980 AND POLICY**

MR BROWN Mr Speaker I move that this House requests the responsible Executive Member to urgently introduce a Bill for an Act to amend the Immigration Act to provide that it shall be an offence for a person to falsely hold himself out as the owner of a particular business, if that is done for the purpose of allowing another person to commence or acquire that business without providing full details to the Immigration Officer and obtaining such immigration permit as may be required pursuant to the Immigration Act and the Immigration Policies.

MR SPEAKER Thank you. The question is that that Motion be agreed to.

MR BROWN Mr Speaker the Chief Minister who has responsibility for Immigration has obtained an advice from the Crown Counsel in relation to this matter and the Crown Counsel has advised that in fact the existing legislation contains provisions sufficient to take account of the concerns that I've expressed in this Motion. Those concerns relate not only to a person falsely claiming to be in a certain situation but also they relate to a person who allows his name and residence status to be used in order for someone to in fact come along and start up a new business contrary to policies. Mr Speaker on the basis that the Crown Counsel has given that advice and on the basis that the Minister assures me that henceforth these matters will be looked at vigorously I am happy to seek leave now to withdraw that Motion unless some other Member wishes to speak before I seek that leave.

MR SPEAKER Are there any other contributions before leave is sought.

MR I. BUFFETT Mr Speaker might I suggest to Mr Brown that he not withdraw it but in fact leave the Motion on the Paper until we see if actual affect of the Motion is put into practice.

MR SPEAKER Further contributions.

MRS JACK Thank you Mr Speaker. Yes I agree with Mr Brown and if what we've been presented with from the Chief Minister is going to cover the areas of concern that Mr Brown has I'm all for making sure that that is strictly adhered to and as Mr Buffett has also said to leave it on the Paper to make sure that it does work properly because if it doesn't work properly something else will have to be done.

MR SPEAKER Thank you. Further contributions.

MR GARDNER Thank you Mr Speaker. Mr Brown is quite right when he says that I had secured an advising from the Crown Counsel in relation to this Notice on the Notice Paper and that was circulated to Members last evening. I accept the Crown Counsel's advice that there are already provisions within the existing Act to deliver upon the things that Mr Brown was looking to deliver upon so I guess leaving it on the Paper is just a duplicating exercise. We've got a piece of legislation that provides all of that and we want to leave it there, that if it doesn't provide all of that we're going to provide all of that anyway. I guess what it boils down to at the end of the day Mr Speaker is that if the information is out there that I as the Minister responsible for Immigration would be only too happy to peruse the information that relates or that has given rise to these concerns so that we can follow them up and make sure that people are complying with the legislation and I don't need to remind Members but certainly the listening public that there are significant penalties for people that are attempting to or have attempted to mislead the Immigration Authorities as far as the business they run or the particular activity that they propose to be involved in as far as immigration on Norfolk Island is concerned, and Section 65 of the Act deals specifically with false paper work and the presentation of that false paper work and I just draw Members attention to the fact that the penalty for providing that is 10 penalty units or imprisonment for 6 months, so they are pretty significant penalties for offences against the Immigration Act Mr Speaker.

MR NOBBS Thank you Mr Speaker. I don't agree with leaving it on the Notice Paper. I think we've got enough stuff left on the Notice Paper haven't we, we've got 10 items. This Notice Paper will be a book shortly if we keep doing it that way. I mean if the Act provides for that and if it's not carried out well there are other ways of doing things I believe.

MR BROWN Mr Speaker I have listened intently to what Members have said and I have listened to what the Chief Minister has said in his role as the Executive Member with responsibility for Immigration. If I withdraw this Motion today I'm able to put it back on the Notice Paper at a later stage. I propose to seek leave to withdraw the Motion notwithstanding that I have considerable agreement with what has been said by other Members but I wish to make it clear that if action doesn't start to be taken in these areas I do intend to re-introduce a Motion because it would at that stage be clear that no matter how sound the existing legislation may be it simply is not being enforced. So I seek leave to withdraw it at this stage.

MR SPEAKER Thank you Mr Brown. Is leave granted

AYE

MR SPEAKER Leave is granted.

### **UPGRADING OF ROADS OTHER THAN PUBLIC ROADS**

MR BROWN Mr Speaker I move that this House requests the responsible Executive Member to urgently introduce a Bill for an Act to allow the Administration, in relation to roads other than public roads, maintained by the Administration, to upgrade such roads to a satisfactory standard and to make a charge to the owners of land serviced by such roads prorata according to the frontage of each such portion to the particular road, such charge being the Administration's actual cost, without markup being applied to any component of that cost, and provided that the Administration shall thereafter maintain each such road at the Administration's cost.

MR SPEAKER Thank you. The question is that that Motion be agreed to.

MR BROWN Mr Speaker I don't expect this Motion to be dealt with to finality today but it appears to me that in Norfolk Island we have a number of types of roads. We've got what we often refer to as primary roads, which are clearly constructed and maintained by the Administration at the cost of the Administration, we've got what are frequently referred to as secondary roads, some of which are sealed, some of which are partly sealed but many of them are either not sealed or at least partly not sealed, and to such extent as those roads have been accepted by the Administration as roads to be maintained by the Administration then my Motion does not seek to deal with them and it certainly doesn't seek to deal with primary public roads, but there is a third category Mr Speaker and a road as I am advised can become a public road by being dedicated to the public, that is offered to the public to be used. It doesn't matter whose name the title may be in Mr Speaker but offered to the public to be used and that offer of dedication can be accepted by the public by using it. So although something might appear when you look at the records in the Land Titles Office to be simply an easement there are many roads which are used widely by the public which are far more than just an easement access in 1 or 2 properties and which I am advised present all kinds of risks to all kinds of people. Let me give you an example and I apologise to Mrs Jack because this is the road that she lives in but it's an easy example for Members to understand. Hibiscus Drive in the Mount Battan Park Estate, I daresay Uncle Joes Road on the other side is in a similar position but Hibiscus Drive starts at Stockyard Road goes down to the bottom of the hill and then goes up towards the top of the next hill. There are many portions of land which front that road and on many of those portions homes have been built. When that subdivision was initially done, if my recollection is correct it wasn't necessary to do anything more than lodge a plan in the Land Titles Office, and in fact that very subdivision was done that way, the subdivision was challenged in the High Court and the High Court of Australia said no, because of the legislation at the time that indeed was a valid subdivision. At a later stage some entrepreneurial soles purchased

many of those blocks of land and they endeavoured to put a road in. Some of the road is on the easement that had been reserved for the various landowners. Some of it is on a different easement because they found they couldn't put the road where the plan said it was to go. Each land owner has an easement that says, well your entitled to use it and all of your friends and relations and tradesmen and invitees and whom so ever else are free to use it and if there have to be any repairs you can share the cost and if you can't all agree on the cost you can go to the Supreme Court and get it to tell you how that's to be shared, and really Mr Speaker that is a recipe for the road never being maintained, and that in the case of the particular road is what has actually happened. The road is now sufficiently dangerous for one landowner to have advertised in the local paper telling people that he does not accept responsibility for injuries or damage suffered by any person as a result of attempting to use the road. I'm told that the Crown Counsel maybe of a view that the Administration needs to place a similar notice in the paper about that road, and if one looks at all of the different people who could possibly be sued if someone suffered damage or injury I've little doubt that an enterprising Lawyer would find a way of suggesting that the Administration has a responsibility notwithstanding that it doesn't appear on the Land Title. There's absolutely no doubt that each and every one of the relevant land owners could be joined in such proceedings because the very easement document provides the mechanism for them to arrange for maintenance and there may well be others who could be involved in such proceedings. I have great concerns about the Administration's position, not only in relation to roads, but in relation to many many areas where adequate risk management has not been a feature of our management of the island at least in recent years. The model that I'm suggesting in this Motion Mr speaker is not an original model. I understand that something similar was contained in the old Victorian local Government Act. Those who work in the particular area tell me that it is still contained but in a different form in the present Victorian local Government Act although when one looks at that Act as I have done, it's not totally clear that it has been setting out to address this issue. But nevertheless I suggest to Members that when we are confronted by a problem such as this we should look at just what the Administration's policy is and has been in recent years, and as I understand it that policy has been that if all of the land owners contribute to the cost of bringing the land up to the Administration's standard, in this case I expect that is the standard of the secondary road, then the Administration will accept the road at that stage, not necessarily accept title to the road because that can only be done by a transfer of the title, but will accept the road as a road which in the future will be maintained by the Administration. Now there is a real question as to how, precisely how the cost of that should be shared amongst the various land owners if that is to happen, and certainly there needs to be a way of making that sharing compulsory, because if the Administration were to send a few of its Officers the length and breadth of the road and contact the various land owners who are resident there and contact the various land owners in other places it would be almost certain that a few people would be ready to write out a cheque and many of them would be looking for every possible excuse to never do so. The model suggested in this Motion is not the only possible model but it suggests that the charge could be split amongst the owners of the land serviced by the road by splitting it prorata according to their frontage to the road. Now at first glance that seems reasonably fair but when you think a little more deeply if there was a large block of land that had just a small frontage for example what we call a battleaxe block then perhaps that would be a little unfair and perhaps it would be better to somehow take account of frontage but also take account of land area and weight those things perhaps equally perhaps in some other fashion, but I am concerned that the owners of land in this situation find it very difficult by virtue simply of their easements to obtain contributions. I am concerned at the possibility that the Administration may find itself in the firing line if a problem occurs, and I am concerned about the question of fairness. Although many of those land owners should have known better because many of them were advised of the difficulties in effecting repairs to the road and maintaining it to a proper standard. Nevertheless over the years many of those blocks of land have changed hands a number of times. People for what ever reason have ignored the risk and now they are in a similar position to that in which many of the

other members of our community find themselves where they are on badly pot holed roads or roads that are not tar sealed or what ever. Where people are on a public road maintained by the Administration as I said, I'm not suggesting any change but I am suggesting that it is time for us to go beyond just saying oh deary me this is a dreadful problem, and actually do something about solving the problem. As I said Mr Speaker I don't expect the Motion to be dealt with to finality today, at an appropriate time I propose to move its adjournment. Thank you.

MS NICHOLAS Thank you Mr Speaker. I'd like to confirm what Mr Brown has already suggested that probably more thought needs to be given to an equitable base for this with the idea of land area or possible another example which he used earlier I think is the major users, and if we stick with the Hibiscus Drive incident whether there is a greater charge levied on the person at the end of the road who traverses the whole of it to access his property or the person who lives at the head of it. There's also the matter of roads which rest in deceased estates. I see those as being a further complication, so certainly if all of those issues, if there's an attempt to address all those issues in the process of this investigation of this matter it might bring a whole lot of things to light that we need to address.

MRS JACK Thank you Mr Speaker. Yes I'd like to thank Mr Brown for bringing this before the House because it has been the bane of my existence over the last 2 years and I better state that my obvious interest in the private roads as Ms Nicholas is also on a private road, or they are called private roads here. I've had tremendous difficulty over the past in trying to get all land owners with easements onto this carriageway to agree to upkeep and I've discovered that it's been a similar case with all other roads on the island and I think there has only been an instance of one road, and I think it's Poverty Road where all the land owners have come to agreement and also yearly upkeep of that road, an admirable thing to have achieved. There are problems with the Fire Brigade vehicles coming down these roads. If they are in the old vehicles which apparently will not be renewed in 2 days, I doubt if they could actually make it up our road let alone turn around and go back up, and whether they'd like to bring the tenders from the Airport down that road and have perhaps an axle bent I have no idea, but it is an ongoing problem and I would like it to remain in front of all Members of the House because as Mr Brown has also said risk management is of great concern. If a Fire Tender can't get down the road is your house still insured because as a group of people you have failed to come to an amicable agreement. If a person has failed to join in even with the debate on the possibility of entering into upkeep of a road has he failed any of his insurance obligations, I don't know. But the way risk management and insurance companies are going these days you'd certainly have to have good scrutiny of your policy. That's it I'd just like it to stay in front of the Members and hopefully come to fruition in some formal means. Thank you.

MR SMITH Thank you Mr Speaker. I think there's a lot of good sense in this Motion that Mr Brown has brought forward for various reasons, but it also brings with it some questions of the why for it is the reasons that Mr Brown has pointed out with safety on the roads, particularly the ones that aren't Administration owned roads as Mr Brown has pointed out, and also where there are roads where some residents do want to upgrade the road but there's others on the road that don't want to do that and don't want to contribute which I think does cause some problems, but the questions would be something like the density of population on some roads and the ones Mr Brown has raised do have a lot of residences on those roads but I can't remember how many of these roads there are. I think there's quite a few, but if there was only one or two houses on a road that might be quite long, and I don't know quite how you would work out the funding to pay for those and the final bit really would be the priority of the roads upgrade. Now if it's the Administration that's going to do this upgrading when the Bill is introduced, if it's introduced that how that would fit in with the normal roads programme done by the Administration, unless of course there was some other options of having that done. But

generally I support the Motion with a little bit more information provided I think it would be very worthwhile.

MR NOBBS

Thank you MR Speaker. This issues has been around for quite some time as Members know. I think that the Motion is over simplistic but there's a need for flushing out a lot more information. The actual ownership of the land I would have concern that we're spending money. Actually the land that these roads are on belongs to individuals as I understand, not the group as a whole and I would have concern of expending of public money on a road but not having control over the land that it's actually on or the sides of those roads. These are issues that I've just thought of very quickly. I think that we need to ascertain how many roads are actually in this, we've heard about Hibiscus Drive, you see it in the paper, it's been in the paper again. I've had calls from residents in the area and it's talked about here, but there are others that you don't hear about and I know some of them are in equally as bad condition. The actual roads on the island here seem to be responsibility or ownership is in a variety of different organisations, there's the Administration, or the Norfolk Island Government whatever you like to call it, there's the Commonwealth, there's private and on it goes, private shared arrangements, private that the roads owned by a specific person or entity. So that needs clarification. I question if this Motion is passed, they talk about responsibility of the Administration and the like. If we pass this Motion do we accept immediately responsibility for all roads which are in this category. I need to know what standard is required and I'm sure the owners would need to know what standard is required, and I would need to know what the basis of payment will be. Will there be a deposit required initially and then a period where the owners of the land can pay it off. I mean these are the things that I think owners would want to know as well. Another concern is we could have a considerable sum, Mr Smith talked about the funding arrangements but we could have a considerable amount of Admin funds tied up in these roads if we actually do them and then ask for people to pay for them, or get people to pay for them afterward. So the payment is critical. All I can say to this is if you pass this Motion we need to put in place some procedures where it can be actually achieved, and it has to be equitable, the whole thing has to be equitable for the land holders as well as the Government. I'm pleased that Mr Brown has left this on the table. I would hope that by the next meeting that the responsible Minister may be able, and I think it's you Mr Speaker, would be able to assist Mr Brown in getting some of these facts together and maybe coming up with some scheme that would maybe be appropriate to actually implement it, because passing it's fine, the implementation is the key, and we're just wasting our time if we're not going to have something in place that is workable and equitable. Thank you Mr Speaker.

MR I. BUFFETT

Thank you Mr Speaker. This Motion has a number of strands to it. It probably crosses over at least 2 or 3 Executive portfolios. It has the question of a taxation or levy regime involved, it has the construction of roads involved, and my understanding of your responsibility is within roads relate to perhaps the Road Traffic Act and the regulatory use of roads rather than construction etc. I understand it would be the Members position to adjourn this particular Motion and for as much as it that falls in my Executive responsibilities Mr Speaker I will undertake to provide some of that information but rather than do one for the whole of Norfolk I think we need to look at an example. I think we need to provide a model for this Assembly to decide and then as an ongoing thing do an inventory of all of the roads in this area, that falls within this category. I know Officers within the Administration have already done an inventory. The actual condition report is another issue, we need to probably extend the investigation they've done in respect of that to comprehend the issues that Mr Brown has raised and they are to look at actual individual road frontage measurements, doing analysis of the block to see if we do have axe handle blocks or neck tie blocks coming off some of these subdivisions. Mr Speaker yes there is a fair body of work to be done. The question that Mrs Jack raises of the ability of the Fire Engine to get up and down and other services to get up and down those roads raises yet another issue, and let me give

you an example. Some of these roads were not built to standards or not subdivided to standards in the old days of drawing a line on a piece of paper and having it approved as a subdivision. So you may well find for example that some of those roads are extremely narrow and some of those roads probably impinge on portions that have been conveyed to various peoples within the subdivision and a whole range of issues like that which needs to be clearly identified, because we need to do that if it's intended that the onus the roads are vested in at some stage after this project has been completed and the roads are upgraded intends to convey to the Administration or the Government of Norfolk Island, and then we need to look at the question of whether we need to compulsorily acquire for example where the roads have encroached to ensure that No. 1 we receive title and No. 2 there's fairness in some of these issues. Mr Speaker I don't intend to say any more at this stage just to highlight those issues and to say that yes I think we can quite quickly, or I'm sure it's possible to give an example of what this particular Motion will bring forth, to make some suggested costings and then to see what each, for example, each individual land holder will contribute. The other question I need to make is that some of these roads, some of the areas we're talking about have arrived at this position for a couple of critical reasons and they go back simply because the people who purchased within these areas purchased knowing full well and then the price that they purchased at reflected some of these issues. So I need to make that quite clear because if we are of a mind to ask them to contribute now then perhaps they will be contributing a value for where they are at. Mr Speaker I don't wish to say any more and I will support the Motion be adjourned to allow us sufficient time to do this.

MR BROWN

Mr Speaker various Members have spoken and some very worthwhile comments have been made and just to take up on one of them, the final comment made by the Minister with responsibility for Lands, indeed people bought cheap blocks of land in a lot of these places. It is not unreasonable to expect them to be funding the cost of fixing the road because once fixed the value of their properties will clearly increase and may well increase by many times the amount of the contribution that they are required to make, but in this case it is not presently something that the Norfolk Island Government accepts as its responsibility, notwithstanding the risk management issues and these people have to understand that it's got to be a two way street. If the Administration is going to take over the responsibility for the future, the land owners need to bring it up to standard now in order for that take over to occur. Mr Speaker could I move that the debate be adjourned and resumption of debate be made an Order of the Day for a future day of sitting.

MR SPEAKER

Thank you. Honourable Members the question is that this matter be adjourned and made an Order of the Day for a subsequent day of sitting.

QUESTION PUT  
QUESTION AGREED

## ORDERS OF THE DAY

### DEVELOPMENT OF TOBACCO CONTROL

MR NOBBS

Thank you Mr Speaker. I spoke at length at the last meeting on this particular issue, however I will say something fairly briefly I hope in it at this particular point in time. I've stated before that on several occasions that the DAA working Group is progressing recommendations of the ? church Report as best as it can and I say that bearing in mind that the DAA Working Group has no funding and I'm not crying on the Minister sitting next to me shoulder at all but there is no funding there and we've got one area which we have been able to progress is in relation to tobacco and I wish to acknowledge the assistance in this specific area of the Seventh Day Adventist Church. Their assistance in the recent QUIT programme was tremendous and



saying that the old people on Norfolk use, and my how things do change, and I say that for this reason, because I can remember in some slightly younger days that the wealth of this economy used to be judged by how many cigarettes were sold and how much grog was taken away and I can well and truly recall the Minister for Finance saying that we judge how much a tourist is spending and how well the economy is doing by the amount of cigarettes we sell and the amount of liquor we sell. But having said that, yes I would support the development of a tobacco control policy for the specific reason that it is a health risk. I think the world is aware of that but there are some attendant things in respect of this. In other jurisdictions a lot of the sports and other places and other such community activities that have been previously sponsored by cigarette companies, are now suffering and finding it very difficult to do things. We in a small community I think will suffer the same sorts of issues. We will suffer the withdrawal and if the policy will have to say that cigarette companies will not be sponsoring some of the sports. Cigarette companies do, right to this point sponsor some of the major sporting events on Norfolk. Let's understand some of the consequences when we introduce this policy, and having said that Mr Speaker I cannot without sacrificing what I know to be the truth not support this. I do support a tobacco control policy but mention those couple of factors.

MS NICHOLAS

Thank you Mr Speaker. Just a point to which Mr Nobbs and his group may wish to aspire, an item which was on Radio Australia just about a week ago about a village in Samoa, on the island of Savei has banned smoking all together. The initiative was introduced by the women of Fagomola Village and those who breached the smoke ban risk a fine. The smoke free project in Savei has now encouraged other people around the country to follow suit. The smoking ban is part of efforts to encourage healthier living. I know smokers, I know smokers who are quite happy to continue their habit but I think by far the majority seek help and if part of this project is to give assistance to those people then that's good, that's a good way to go and I certainly would intend to support the Motion.

MRS JACK

Thank you Mr Speaker. I must first of all put on record my interest that my husband has in the tobacco importation to the island but I would like to say that I too support the need of a tobacco control effort. My one point of debate comes with Mr Brown with his duty increase, or looking at that and the only problem I have is when I think Mr Brown was Minister or I remember he introduced an increase in the excise from 60% to 180% and that was to go towards health and I think it went towards general revenue. I think if we do have increases in the importation duty, if it's going to be earmarked for health, put it into health not into general revenue. Thank you.

MR SMITH

Before I go for a smoke Mr Speaker I'd like to say a few things about this. I certainly support what the DAA Working Group has come up with as far as smoking and other drug related ? are concerned. Of course I think we would all do that no matter what we partake in these things. A comment about the money that goes from the duty from cigarettes. I think, and I might be wrong, I think it's around 400 to \$450,000 a year that we get off cigarettes, off us smokers at the moment which is almost the subsidy that we give to the Hospital, not quite but it's almost equal to that. So Mr Brown's point is relevant that we are actually in a sense, if you look at it that way contributing to the provision of health services. Mind you most of us smokers just die, we don't usually end up living for ever and I don't think there's any people in the Hospital that I know of that are there because of smoking. However I hate the addiction that us smokers do have and other Members have pointed that out. It's unfortunate that I took it up when it was ok to smoke. It's far easier these days when it's not so readily acceptable. The point I was going to make was I thought there was a policy that was developed in the 7<sup>th</sup> Assembly in relation to smoking. Whether that was or whether it was adopted I can't remember. I assume that Mr Nobbs has a Paper on this. I wasn't at the last meeting and so I don't know what the rest of it was, but the Motion just says the policy be developed. If there is a Paper Mr Nobbs has I'd appreciate having it, but I

support the Motion in general. I really need to see what he wants to do before I'd say yes that's a great idea.

MR NOBBS Thank you Mr Smith. There's no Paper. There's been a bit in the papers about it to and fro but there's no dead set Paper as such. I mean the idea was to develop a policy and a strategy and get it out into the community and go from there and bring it back to the Assembly for acceptance. I think possibly what might have happened in the 7<sup>th</sup> Assembly and I just from memory is, that a Bill, there was a Tobacco Bill. I don't know whether it was passed but it was amended at that time, but it was in relation to a age limit being put on of 16. I think something like that was done. I think Mrs Cuthbertson had something to do with it from memory. So I mean it's just asking that a policy be developed, that's all.

MR SPEAKER Any further debate.

MR NOBBS I move that it be put.

MR SPEAKER The question is that this Motion be agreed to.

QUESTION PUT  
QUESTION AGREED  
Abstention from Mrs Jack

#### **TOURISM – FUTURE DIRECTION**

MR I. BUFFETT Mr Speaker thank you. I have the call for the reason that I adjourned the matter last time. The actual Motion just to refresh for the benefit of the public listening Order of the Day No. 2 is a Motion that deals with tourism and future directs. That Motion reads as follows. That this House supports and adopts the document Unity 2005 prepared by the Norfolk Island Government Tourist Bureau 1995. Madame Deputy Speaker what I intend to do, I will say no more at this point for 2 reasons, firstly that we have now had a symposium on the question of tourism, sustainable tourism and we have also had a new Executive appointment to the portfolio of Tourism. The Unity 2005 was the document that was principally discussed and Madame Deputy Speaker I defer on the basis that other speakers and in particular the new Executive Member may wish to say something about this particular Motion arising from the Symposium.

MR D. BUFFETT Thank you Madame Deputy Speaker. It is basically to just reinforce some of the things that I had mentioned earlier when I made a Statement about a couple of tourism matters. I basically reported that the tourism symposium results are presently being collated. There are a number of, quite significant conclusions which will be brought forward. I exemplified some of them but I did not claim that would be all exhaustive and all explanatory but there were examples, and I also mention that it appeared at the stage that we were able to assess that there were no conflicting recommendations with the report that's in front of us in terms of this Motion but I think it would be wise for us to see the final report and then make the cross referencing arrangements to see how they melded together. I suspect that they would come together reasonably nicely but that's yet to be proven and that's the stage that I see that we are at.

DEPUTY SPEAKER NICHOLAS Thank you . Is there further debate,

QUESTION PUT  
QUESTION AGREED

**INQUIRY INTO EFFECTIVENESS AND MANAGEMENT ARRANGEMENTS FOR THE NORFOLK ISLAND HOSPITAL ENTERPRISE**

MR I. BUFFETT Thank you Madame Deputy Speaker. I find myself in exactly the same position as the last Order of the Day in that I in fact move the adjournment of this particular matter. Madame Deputy Speaker once again if I might just read the Motion that was adjourned then I will defer to the relative Executive Member who has now assumed responsibility for this area. Madame Deputy Speaker the amended Motion reads as follows and this is the one that was adjourned at the previous meeting. That this Assembly take note of the Petition in relation to a dispute between the Norfolk Island Hospital Enterprise and Doctor Damien Foong presented at the Legislative Assembly meeting of 5 June last and agrees to 1) note that separate legal action by Dr Foong is to be heard in the Supreme Court on the 1<sup>st</sup> of July next seeking a lifting of his suspension pending outcome of inquiries currently in progress concerning contractual and other issues. 2) initiate an independent inquiry into the Norfolk Island Hospital with particular reference to a) the effectiveness of legislative and management arrangements and practices undertaken and as they currently apply at the Norfolk Island Hospital Enterprise and b) the adequacy or otherwise of the Hospital Enterprise, the Director, the Hospital Board and the Executive Member in their oversight, action or conduct in the engagement, suspension or termination of Medical or Hospital staff over the last 18 months and the third part of that Motion is 3) to provide adequate support to the inquiry. Madame Deputy Speaker I wish to say no more at this particular point on that issue.

MR D. BUFFETT Thank you Madame Deputy Speaker. I went through a process of discussion with Members at our meeting of Members the other day in which I endeavoured to spread out a number of activities to address various difficulties in the Hospital area and I have earlier in the meeting walked through those in this Assembly sitting today and one part was to endeavour to pick up the suggestion of some examination as to what is the best way forward in the Norfolk Island Hospital environment so that we would be assured of delivering professional services to the Hospital and out of the Hospital I should say to the Norfolk Island community, and I suggested some words at that time which was foreshadowing an opportunity that I would have now to move them in a more formal sense, but I wanted to draw that information all together. The Motion which I will read if I may in terms of an amendment that is I have circulated to Members and earlier read it but I will read it again in the context of this situation. In lieu of the words that are there now because some of that detail doesn't have the same applicability as it might have had when it was introduced and in the context of the wider picture I thought that this had some opportunity of advancing the matter. So that the Motion if you are agreeable to me making this proposal for amendment might read like this. This Assembly requests the Minister to a) initiate an inquiry into the Norfolk Island Hospital to do two things 1) examine the effectiveness of the current legislation and management arrangements and practices undertaken and 2) recommend a sound management structure and appropriate supporting legislation for practical and professional delivery of Hospital and related health services to the Norfolk Island community and then b) provide adequate support so that that inquiry may be undertaken. That was what I thought to be an objective way forward Madame Deputy Speaker and I seek leave at this time, if Members are comfortable to move that amendment so that we might examine it.

DEPUTY SPEAKER NICHOLAS Leave is granted.

MR D. BUFFETT Thank you. I so move.

DEPUTY SPEAKER NICHOLAS Thank you. Is there further debate.

MR SMITH

Madame Deputy Speaker I'm looking at this Motion which is the first time I've seen this. I would fully support the amendment that's before us. I was actually going to fully support the Motion that Mr Nobbs had originally put on the Paper with the amendment that was being proposed for that with the comment that any inquiry that needs to be done I believe should be done by the Assembly. In this Assembly we have 3 ex and 1 current Minister for Health, there's been 5 Executive Members responsible for Health as far as I can count back over the last 4 or 5 years. Everyone of those Ministers has had short term, didn't complete their term as Ministers, not all due to the Health portfolio but it certainly had a lot to do with it. There is a certain amount of expertise amongst the Assembly Members in dealing with the Health issues. The Assembly is the one that usually gets involved with any issues around the Hospital and Health. There is enough information within the minds of Members that have been around for a little while to be able to work out by doing a proper inquiry to be able to come up with the solutions, because we're going to have to do that in the end anyway. The way the Motion has changed has certainly made that a lot easier to happen that was. As far as examining the effectiveness of the current legislation, I think we know what would help to make the Health services work better with the legislation as we know it. The Act is not that difficult but it has some difficulties. Those have already been talked about and proposed over the last year or two so that would be no difficulty there. As for the management structure, if the Assembly wants to do the inquiry it would only be a matter Madame Deputy Speaker of bringing in the appropriate professionals that we've had at the Hospital over the last few years to let them give us their views, including the incumbents to see what we need to do as far as the Hospital is concerned. As far as Health services to the island we all have our own view about that, I think generally the same that we want to have the best Health service that we can provide within the limitations that we do have. Providing adequate support to the inquiry is part of this amendment. By us doing it ourselves it would certainly go a long way towards providing that support because we're here anyway. Without saying too much more at this point I would say I support the amendment.

MR NOBBS

Thank you Madame Deputy Speaker. I actually moved the original Motion and the wording was in effect exactly I believe what was requested in a Petition which was circulated and which got on at 629 signatures, people actually put their name to it and sat down there. They didn't run into a box and not be seen to be voting, they sat down and they put their names to it. There were 605 said No at the Referendum the other day and everybody says out the door goes the phone system, 629 here, we've been sitting on our hands for 2 months with this particular Motion in front of us and I'm not very happy I can assure you of that. I think it's dreadful what's been going on, it's been dreadful and I think that the Assembly should really look at themselves. Mr I. Buffett made an amendment last time at one stage which took it back to 18 months I think was the figure in 2) B that the inquiry go back for the last 18 months. I've got no problem at all. That was to include, I thought he was going on about was the last problem that we had about 12 months ago which is a completely different issue to this one here. That issue at that time was the selection of Doctors by supposedly a panel established under the regime at the Hospital at the time and they came up with the wrong decision. That was what the problem was, it was nothing to do with what's been going in this particular format in the last few months. So let's go back. Mr Smith says 4 or 5 years. Let's go back that time. I feel a grave responsibility because I've been on the Assembly for 5 and a bit years now so let's go back for that time. There have been 3 separate Assembly's, 8<sup>th</sup>, 9<sup>th</sup> and the 10<sup>th</sup>. As Mr Smith said there have been 5 Health Minister's, Mr Brown, Mr Gardner, in the 8<sup>th</sup> then Mr McCoy in the 9<sup>th</sup> and now in the 10<sup>th</sup> Mr Smith and yourself Mr Speaker. There have been 4 Hospital Director's. There has been Hospital Boards, ok look at them. At one stage there was no Board in that particular period. There's a total of 21 as far as I can ascertain have served on the Board in that period bearing in mind that there are 5 on the Board at the present time now, so 16 have come and gone in that period of 5 years. There have been 5 Chairs of the Board, there's been Dr Duke, Mr Hughes, Mr Langman,

Mrs Stevens, and the current one Mr Quintal just in that 5 year period. During the 5 year period we may have seen a number of Doctors come and go but basically there have only been 2 in that period and a larger part of the period who have actually been in operation at the Hospital ok, and from '99 for the last 3 years, except for the period where we've now extended out to 3 Doctors, those 2 Doctors have been the main ones there. Early in the period of concern, that was in '97 there appeared to ? that Doctors could not be recruited, yet when I looked at it there was applications were requested and 43 Doctors applied, the recruitment process wasn't followed up and we were fortunate enough to have 1 Doctor to start. There was a concerted campaign in late 1999 which saw in 2001 the establishment of permanent Doctors increased from 2 to 3. The matter was even raised in the Commonwealth Government Sponsored Inquiry which lead to In the Pink and In the Red and as an observer at the hearing I can assure you I was aghast at the time of blatant politicking. A disturbing trend in this period has been the threat of resignations which appeared to far outweigh actual resignations. During that period there appear to have been 4 Reports done on the Hospital. There was a Waler Report in '98, a Tate Report also in '98, In the Pink and In the Red and the Griffiths University. The Hospital and Mr Speaker and what's it stand for, it's stand for the provision of a health service obviously, and it's always been a very important issue to the community, and as a consequence support for the Hospital by the community has always been paramount. For obvious reasons I guess it's understandable that Members of the community have been loathed to criticise the Hospital and particularly the Doctors. However the community has been less concerned in its criticisms of the Board, a group of volunteers that have given their time and expertise. The day to day management of the Hospital rests with the triumph of the Board, the Directors and the Doctors through the GMO. On top of this is the Minister who has responsibility related to policy. The Act which designates responsibilities to each whilst there is some concern a the role allocated to the Directors and the Board the issue is one that is not insurmountable prior to a change in the legislation. I don't intend to go into the sequence of events that have occurred because the facts to me are quite sickening and I've stated I've only scratched the surface. What a fair dinkum judicial inquiry would uncover is frightening, however it must be done and regardless of anything else and what may be unpleasant to some, the community has requested it. I believe the elected leader should just not sit on their hands. What has happened in this whole issue is not the Norfolk Islanders way of doing things. There is a perception that the community has been manipulated and that they have been conned and very professionally. There certainly has been some subtle use of perceptions not the least is a negative perception in the past as to the availability of Doctors. Well I can assure you ladies and gentlemen the efforts in the most recent times, and it continues has assured that something that was a perception is now a reality. We as a community need to take control of what is an extremely important asset and I don't intend to give in or be conned by anyone on this issue. For the good of the community I urge the Members to take this Motion seriously. What we don't want is either burying our heads in the sand or praying it all goes away. I've just received a copy of this amendment, it was mentioned the other day that we were going to look at another way of doing things, we were going to look at a way ahead. You have to look back to look ahead, that's the way I look at it and I can assure you that this issue will not die. To say that we just examine the effectiveness of current legislation I feel I'm being conned to tell you the truth. We've just heard a few minutes ago from the Minister that he's going to bring legislation into the next sitting of the House which will provide for no Board, oh a Board but an Advisory Board. The Board is an integral part of the running of the Hospital. I'm told that previous Minister's for Health, and not the one's around the table here but previous Minister's the Hospital has been the easiest part of any portfolio that they've had because it's been run by the Board and it's just run along smoothly. Somewhere along the line she's gone off the rails, and that's what we have to do is get it back on the rails. The Hospital has been run by a Board since 1928, it's the oldest Board on the island. The Board is the means of providing the community with a say but the members of the Board must be accountable and in this particular situation of the Foong affair they are not showing their accountable and I believe that's where the

Minister should put it to the Board and the Director that accountability starts right here. I won't be supporting the amendment, I think it's a joke and I definitely won't be supporting a providing for a system where we have an Advisory Board, the Director running the show and the Minister running the show. I find that quite abhorrent, it didn't work. It was tried in this 5 year period it was tried, we had it. We had a Board, not enough on the Board, there were Board members there and they were working virtually as an Advisory Board and it didn't work, and that's why I'm saying you have to look back to look forward. Don't come out with these new ideas, I mean we've been through Advisory things. We had an Advisory Council here for God's sake I mean it really, they don't work, and my belief is that Motion should stand, we should have a full inquiry and go for it. Thank you Mr Speaker.

MR D. BUFFETT

Thank you Madame Deputy Speaker. I mentioned earlier when I commenced some explanations about the Hospital situation that we really needed to focus on what the prime task is of the Hospital, and it is to deliver professional health care services to the Norfolk Island community, and we need to ensure that what we put into place gives that its first attention. I also endeavoured to say that in examining where we are now we need to look forward, that doesn't mean we totally ignore what has happened to date but our principal focus must be on the way forward. We have had in recent times a host of mammoth difficulties. Many of the difficulties have not been those related to the focus of providing medical services but have been peripheral difficulties that have, peripheral, personal and sometimes emotional difficulties that have reached such a proportion and such a profile that they have overshadowed the delivery of the main service, and I am endeavouring to try and objectively move forward and this Motion in terms of the amendment that is, try's to reflect that. Now if your asking me if this is the perfect solution, I am not making that claim but I am making a claim that it endeavours to remedy some of the difficulties that we are experiencing at present and it does use a model that has good chance of success. That's in terms of what I said earlier. This Motion then says we can examine in depth how effective the present arrangements are, whether it be the legislative arrangements, the management arrangements or the present practices by some more in depth arrangement, and then we can put into effect in almost a Stage 2 arrangement what ever the result of that inquiry might bring. So today really falls into 2 parts. We need to do something almost forthwith and I've said that in that forthwith sense, that means endeavouring to bring something to this Assembly when it next sits. The more longer term which might take a bit longer, this might take a couple of months for example, I don't know about that in the exact sense. It will examine in detail as to whether that is the best way forward or whether there is some other good alternatives and we would draw upon some expertise to try and bring that together. There were suggestions when this was talked about that we might gain the opinion of experience, Public Hospital Administrators for example but wasn't necessarily a conclusion, but they were examples, so that that might endeavour to map out maintaining the focus. I rather see, and I regret it to some extent that the difficulties that we have experienced over with, in individual areas has invited members of the community to take sides in a range of matters, and the matter of encouraging people to take sides has meant that the community has become divided and in fact if we continue to be divided we will never make satisfactory progress, whether it be in the Hospital area or any other area, and if in fact we want t continue to pay principal focus about what has happened in the past, then we will be continuing to fuel the fire of division. I'm not saying that we ignore some of those difficulties if they would help us to construct a better one but if that's the principal focus I think that is a grave error. This Motion endeavours to give principal focus to the way forward. We must make a greater effort to work together in some of these areas that are now built as competing. I know Members don't want to hear some of that but I think that's the real fact of the matter and I invite Members to subscribe to the view that we want to do it better than we have done it just recently, that we would want to make a greater effort to do it together and we would want to try and follow a pattern and a path that gives us opportunity to do that. Again I say I am not claiming that it is perfect but I

think it gives greater opportunity to do that with the amendment that is front of you than the original Motion. I commend the amendment in the context that I've endeavoured to describe it to you.

MR BROWN

Thank you Madame Deputy Speaker. Mr Nobbs is correct in many ways. There has been a Petition, that Petition was signed by a lot of people in a very short space of time. Who knows how many signatures it would have had if those people have had continued for another week to seek signatures. There have been massive injustices at that Hospital in recent times. We can't just sweep those injustices under the carpet and pretend they didn't happen in the interest of us all being on the one team. Hitler's Germany was not divided Madame Deputy Speaker. In Hitler's Germany everyone was heading down the one track quite devoutly but did they do anything to be proud of and will we be doing anything to be proud of if we are not prepared to stand up and face the issues that are actually before us. We can't just sit in the fence, pat everyone on the head and say tut tut, we all really must be united, forget about those injustices, we won't do anything about them, because they've all happened and we'll just go on together. We're told that the proposed model, and I'll quote the words, "has a good chance of success", and I'm not sure whether that's right or wrong. It seems to me that the structure of having an Executive Member, a Board, and a Director is a structure which is aimed at providing accountability and responsibility. It's aimed at giving the community confidence that whatever the particular area of responsibility might be is going to be handled properly. If you have a poor Board and a poor Director you are relying very much on your Minister, on your Executive Member to get things back on the rails, and although I can see that it must be very tempting to try to sweep the problems of the past away, particularly where you weren't involved in causing those problems and the present Executive Member can't be accused of having being involved in causing any of those problems, and I think we've got to go further than that. In earlier times the Hospital Board was elected and that occurred for a long long time. Mr Nobbs is quite right in saying that at one stage in comparatively recent times it moved from being a Board to being an Advisory Committee and Mrs Nadia Cuthbertson in her time as Minister for Health changed it back from an Advisory Committee to a Board. Perhaps the Board has too many members. Perhaps in our endeavour to appoint one member from this part of the community and one from that part of the community and one from yet another part of the community we've lost sight of the need to appoint people to the Board who actually can contribute to constructively and responsibly running the Hospital. I would like to see and this is no secret, I've put this in writing to the present Minister, I'd like to see the Board cut to 3. I would like to see all of the present Board members replaced. I would like to see one of the 3 being a Member of the Assembly, at least 1. I would like to see the Board start to run as a business like Board, dedicated to providing what I like to call affordable excellence in terms of health care in Norfolk Island. We can't say please don't have your own opinion about this, just do it my way, that is not appropriate. If the model I've suggested, that is simply a reduced number of Board members and new appointments to that Board was not thought to be the way to go then perhaps we need to examine just why it is that we still have a Board structure, now that the Board is no longer elected. Do you get rid of the Board all together. Do you bring the Hospital in some fashion under the umbrella of the Administration. I don't think I'd like to see that and I'm certain that it would involve very substantial pay rises for the Hospital Staff if they were brought into some form of relativity with Admin staff. They'd have to have relativity with the Police, they'd have to have relativity with the School, they'd have to have relativity with the rest of Admin and I'm sure that in particular the Nurses at the Hospital and perhaps I should declare my interest in that my wife as you all know is a Nurse at the Hospital, I could see them earning very substantial pay increases just in terms of that relativity, but I can see the Hospital losing a lot of what it presently has as a result of that sort of change. If the Hospital just became a place where you come and do your hours and wonder away and don't really care then I don't know that that would be a good thing. I have difficulty in accepting that the proposed amendment goes far enough and I certainly have difficulty in accepting that it deals with the issues

raised in the Petition which has been tabled in the House. I'm quite prepared to support the amendment on the basis that it does not involve us simply discarding the Petition, I'm happy to support it provided that I have an assurance that the issues raised in the Petition will also be dealt with at a very early date, but please do not just over look the fact that there have been massive injustices, please don't have a view that Hitler was right. Thank you.

MR D. BUFFETT

I would just like to make some responses to a couple of points, the obvious one. Hitler obviously worked in a regime where there was not an elected group at the end of the day and we are here elected representatives. Hopefully when the elected representatives are able to come to a meeting of minds that has greater impact than the example maybe given by Mr Brown, but maybe that's a bit of an aside because I don't think that's the main issue. I endeavoured to say that there needs to be given the priority focus and endeavoured to explain why I thought the way ahead needs to be a priority focus. I am not trying to dismiss all of the difficulties of the past, there is opportunity for those to be examined but I think they need to be examined in the context of we are moving forward, we are moving forward. So I'm not trying to dismiss to use words that have been used to date the concerns raised in the Petition but I am trying to put them into the context of how this community in its prime health care service needs to view its business, and it needs to give impetus to professional services on an ongoing and forward looking basis. If we dwell for ever on the past that's where we'll stick. I'm not saying it's to be ignored at all and the issues that have been identified will need to be examined but I am recommending what I've said to you. I'm starting to be repetitive now but I think it's important. The areas that Mr Brown has mentioned in terms of prospective construction of the Board, those issues have the opportunity to be worked through, they do have an opportunity to be worked through, in such an inquiry. I can understand that he may be of a view, and others may have other views. I have indicated at an earlier time how I would recommend that we move with the Board on a forthwith basis. This gives room for more mature and detailed examination to be looking at the longer term management. Again, almost 2 phases. So really what I'm saying is that I think that those things that Mr Brown is mentioning have the capacity to be absorbed and considered in what's in front of us.

MR NOBBBS

Thank you. I didn't want to bring out a couple of issues but Minister you've been the Minister for 6 weeks. We've seen a Doctor come back this week, he's been told he can only work for 3 days. He's got a wing of patients floating around up there, so the Director has gone, so the Acting Director put him onto a 6 day week to cater for his things. Is this good management. Why don't you look at what you've got at the present time. You seem to have a Board that's even now after going through the Court case, costing nearly \$100,000 their turning around and saying that this bloke shouldn't come back to the island. Now come on, let's get with it now. Talking about looking ahead, look at what's going on. Now that's what annoys me. Now you say a Director is going to run the show, well your going to end up with the same sort of problem. You've got to have control by the community and they have to be responsible to the community. If you have to go back to an elected situation, that's fine. If you have to put people from this outfit that George wanted to put on before and I didn't agree with him at the time, but I do now and they report every month to this particular Legislative Assembly on a monthly basis, that's great. But don't say that we're just going to be looking ahead when things are going on that are disgraceful, I mean you could have quite easily ruined the career of a young Doctor. That's what annoys me and that wasn't done by anything else but by the system we've got in place. I would suggest that you start looking at those particular issues and then we'll start going ahead.

MR D. BUFFETT

Madame Deputy Speaker if I may I think it's important that I respond to those very points of Mr Nobbs. Mr Nobbs has pointed out a particular difficulty and he has endeavoured to lay blame in certain areas. What I have endeavoured to say earlier in this sitting is that I have provided a remedy for that. I have

adjusted that very difficulty that he has talked about. Now in terms of the particulars of the matter of 3 days that did appear to be a prospect of happening and when that was drawn to my attention I forthwith remedied it with the existing Director and within a reasonable space of time, I'm not trying to claim it was in the best space of time but in the best space of time the whole week became available in terms of this particular situation and that was at the direct instigation of your elected representative. So I think it's just important in some of the instances that you are saying are difficult and what I am proposing is not addressing I explained to Members that it is just the reverse. Thank you Madame Deputy Speaker.

MR BROWN  
Madame Deputy Speaker the Minister may be fascinated to know that although I fully accept that he intervened, at no stage before his departure from Norfolk Island did the Director make the slightest change to his written notification that that particular Doctor was only to be allowed to work on 3 days of the 7 days on which he had made himself available, and that perhaps is an indication of the very reason that it is important that we go further than the proposed amendment. I would go so far as to say with the greatest of respect that Hospital needs a massive clean out and just as the one rotten apple can tarnish the rest of a bag of them, unless you get rid of every rotten apple your very much running the risk of all of the problems recurring. I wonder if it might be possible for me to move an amendment to the amendment and that is, to add a new dot point, it would be the third dot point of Subparagraph A. It would say, "examine the various issues which were raised in the petition relating to the Hospital which was tabled at the meeting of the Legislative Assembly on 5 June 2002. Now I don't know of Mr Nobbs' thinking about this but it seems to me that if that Petition was incorporated into this inquiry there would be the opportunity for the inquiry to deal with all of the issues which very clearly need to be faced up to.

DEPUTY SPEAKER NICHOLAS  
Thank you Mr Brown. Further debate.

MR GARDNER  
Further debate on the Minister's proposed amendment. I understand Mr Brown hasn't moved or chosen to move his amendment at this stage, though if it's of any use to the Minister I certainly have no objection to supporting Mr Brown's proposal in regard to that. I just if I may touch on some of the history without the bags of emotion that obviously have been tossed into debate today. Mr Nobbs did mention that over a period of time, I think he referred to 5 years from about 1998 he's talked about that there's been dozens of different Minister's and members of Boards and doctors and bits and pieces and he mentioned previous Minister's of Health that don't sit around this table had indicated to him that one of the easiest parts of their portfolio's was the Health portfolio. Well I'd just like to add to that if I may Madame Deputy Speaker the fact that it was probably one of the more pleasurable aspects of my portfolio that I have held is the Health portfolio and that at any time in those portfolio's there have been rumblings, good, bad or indifferent. Certainly I was involved in some discussion at length on some of the proposed changes to our Health system and one of those was looking at exactly what we are talking about and I initiated a review which came on the back of different reports that have been brought about but it was a matter of dragging out Griffith University who were obviously well skilled in that area from the documentation that supported their proposal to undertake a health strategy for Norfolk Island and that they were to look at all the things such as governance and management and all those sorts of things. That Report came to light I think just at the end of last year and to my knowledge hadn't been advance hadn't even been addressed in any form or fashion. I stand to be corrected on that but that's my understanding of it, but I just wanted to emphasise the fact that I thoroughly enjoyed that portfolio. I think that up until about the last 12 months that there was stability, there was certainly a lot of expectation within the community that we were looking at revising or reviewing our whole delivery of health services. A lot of expectation that a new Hospital was going to be built, certainly an enormous amount of support for the 3 Doctor matter which the Board of the time under the Chairmanship of the time of Mr John Hughes spent hours, days agonising over

just how we were going to make that affordable for the community so that there were going to be savings at the end of the day, so that we weren't going to be faced with the enormous costs of Locum Doctors coming into the island and the relocation costs. There was some mention I think also by Mr Nobbs having been a member of the Advisory council and said that that didn't work. Adviser's are very important, not only to Minister's but to Manager's and to Boards and to whoever else, they've proved that time and time again that they've been important. Now maybe there is one way about this that obviously there seems to be this concern that's been generated that we aren't doing a terribly good job and haven't done a terribly good job at the Hospital over a number of years and no matter what we do seems to be, the way the argument's going, no matter what we do we're going to be faced with similar problems at infinitum. John said about the rotten apple example, well who is it that's going to determine how far the rot has gone. Maybe we're better off picking on a system like our Education system. Maybe that's farming the whole thing out to someone else from somewhere else that provides the services, the staff, the Doctors, the equipment and everything else. Now that had been touched on, Mr Nobbs mentioned that In the Pink and In the Red Report. I gave a great deal of evidence at the hearings on the island about that and said that that was one thing that we could look at as far as the provision of Doctors because at different times there are shortages of Doctors and that's well documented in all of the Mainland press about the difficulties of isolated communities getting Doctors, and that was one of the reasons why there was a concerted effort to try and encourage Doctor Davey's and Doctor Fletcher to stay on the island, to encourage them through the Immigration system because they obviously had a infinity with the community, the community had a great deal of trust in them and wanted them to stay, so it was a step away from policy. But In the Pink and In the Red has been delivered, we've responded. My view is probably just given a bit of lip service in our response and yeah we'll get on with something but not a great deal has happened. I've heard what Mr Brown and other speakers around the table have said about the structure and governance, the structure of the Board for example. Well I think the Minister's Motion wants to examine exactly that so there's plenty of opportunity for people to have input whether it should be 3,5,10,15 it doesn't matter. There's going to plenty of opportunity for that and it's something that we've got to do, but the Advisory Council is an interesting one. I'll leave you with it Madame Deputy Speaker with the fact that there are a lot of older people on Norfolk Island and younger ones, it might surprise you that say maybe that's a system that we should go back to for everything that we do.

MR BROWN

Madame Deputy Speaker I understand that as I am proposing to move an amendment to an amendment I don't require leave and I don't need to give notice. Do could I move, and I do move 2 amendments. The first is that paragraph A of Mr Buffett's amendment be amended by adding a third dot point worded "examine the various issues which were raised in the Petition relating to the Hospital which was tabled at the meeting of the Legislative Assembly on 5 June 2002", and I move that a paragraph C be added, "direct that until finalisation of the inquiry the Board make no substantial decisions without first clearing them in writing with the Executive Member". Madame Deputy speaker the latter clause would enable the status quo to be preserved until such time as the inquiry has been finalised and that may be acceptable to those who are suggesting that it is simply inappropriate to leave the present Board members in their existing situation for any lengthy period of time without examining the difficulties that would occur. To go through paragraph C, "direct that until finalisation of the inquiry the Board make no substantial decisions without first clearing them in writing with the Executive Member", simply insisting on accountability Madame Deputy Speaker.

DEPUTY SPEAKER NICHOLAS

Thank you Mr Brown. It's you wish to put that

as an amendment, a further amendment.

MR D. BUFFETT

Where are you putting that

MR BROWN Could I change that slightly Madame Deputy Speaker to say "direct that until finalisation of the inquiry neither the Board nor the Director make any substantial decisions without first clearing them in writing with the Executive Member".

DEPUTY SPEAKER NICHOLAS I have that thank you Mr Brown.

MR D. BUFFETT May I suggest Madame Deputy Speaker maybe pedantic you would think it suggestion, but it in fact

MR BROWN None of the Minister's suggestions are pedantic Madame Deputy Speaker.

MR D. BUFFETT But it would be a suggestion that might make your Item C more in keeping with the legislation. You are saying that the Assembly Directs and the legislation doesn't give that facility, although I'm not trying to underestimate the authority of the Assembly

MR BROWN requests the Minister to direct is the words at the top of the page.

MR D. BUFFETT Right, ok then. Commence that sentence again

MR BROWN At the top of the page it says this Assembly requests the Minister to do A,B and C, so the directing would be done by the Executive Member not by the Assembly.

DEPUTY SPEAKER NICHOLAS Thank you. Further debate.

MRS JACK Thank you Madame Deputy Speaker. I would just like Mr Brown to qualify for me substantial decisions.

MR BROWN Madame Deputy Speaker a substantial decision is a substantial decision. We could go on for pages attempting to define it and really that is a question for the common sense of both the Board and the Director. If they choose to split hairs and suggest they are making a decision without referring it to the Executive Member because it's not substantial and others feel it is substantial well that will have simply been foolish on their part. They would need to err on the side of caution on every occasion, that's not to stop the Director getting on with his day to day management of the Hospital but if he's going to decide for example that he's going to suspend someone he should tootle down and talk to the Executive Member at a time when everything is rather sensitive.

MR D. BUFFETT Could I just make this comment Madame Deputy Speaker which might I think assist in terms of the explanation in terms of considering that arrangement. I'd just like to report to Members that since I have taken up this post I have had very ready and what I would consider exceptionally good rapport in meeting with both the Board and the Director, and they have consulted with me along the track in terms what I would term major decisions, and so if in fact Members wanted to do this, and I'm not trying to pre-empt whether Members want to do that, I would feel confident that major matters would be discussed with the Executive Member and therefore the intent has good reason to succeed if that's useful in the process.

DEPUTY SPEAKER NICHOLAS Thank you Minister. Further debate.

MR NOBBS

Thank you Madame Deputy Speaker. Just a quick response to Mr Gardner. If he may have thought that the issue is emotional well I get very emotional when I feel that people are taken, well they are not treated correctly, and that's all about it and I think in this case some people have been treated very very badly and I think the community has actually been treated very very badly as well. As far as the amendment I accept that not needing to count very well but the original Motion won't get the numbers. I'm pleased that Mr Brown has put in these other 2 points. I say that there is a requirement for the Minister to receive Minutes of the Board meetings within a week and I would have thought that any decisions taken at that Board meeting should not be implemented until the Minister is made aware of them. That would be the way that I would look at substantial, any substantial requirements. So I think it's fairly simple and it's up to the Minister to lay the guidelines down. I'll support this present amendment or the amendment as proposed that's to be amended if it's amended but I only support the amendment with the addition of the 2 amendments if you know what I mean. Thank you.

DEPUTY SPEAKER NICHOLAS

I do follow you Mr Nobbs. Is there further debate.

MR SMITH

Thank you Madame Deputy Speaker. I certainly support the dot point that Mr Brown has added onto this Motion which is, examine the various issues that were raised in the Petition relating to the Hospital tabled on 5 June 2002. I think that's really really important. There's obviously 2 sides to the fence in this issue and I was at the end of one of those until recently, and I think that it's very important that the issues are all brought out but the question is what happens to that. The Minister is to go away and do an inquiry to examine it, it doesn't say that it has to come back to the Assembly, it doesn't say that anything needs to be done with it at all. Secondly the Minister I understand is going away for 3 or 4 weeks, is that going to have any affect on what's being asked for in the Motion. I may be wrong about that, maybe the Minister isn't going away. The C point I think that's just a bit too open ended to have any reality to it. I understand what Mr Brown is trying to do with that but when your dealing with the Hospital and a health service I don't know that you can have what is the current Manager of the Hospital which is the Director and the Board that runs the Enterprise not making any major decisions. I mean where does one draw the line with a major decision. Is it about a medivac or is something that's going to affect somebody very seriously because they can't find the Minister to get something in writing to the Minister. Does it mean that they won't be able to ask for money, because that's a major decision, the draw down of money every month, things like that. I understand Mr Brown's point with that but I don't think it's really required, I think it just needs the Minister, if there is such a concern that the Minister keep an eye on it, but I certainly support the dot point under A because I really do agree that there needs to be all the information brought out in relation to what was raised over the last few months and the truth all come out.

MRS JACK

Thank you Madame Deputy Speaker. I'd just like to be reminded exactly what were the issues raised in the Petition, I can't remember them I didn't sign it so I have no idea and I'd like to know what was in the Petition.

MR NOBBS

I thought that the request was virtually the wording of the Motion, initiate an independent inquiry in the Norfolk Island Hospital Enterprise.

DEPUTY SPEAKER NICHOLAS

The Motion on the Notice Paper was amended but not substantially if my memory serves me correctly. Was it not only amended by changed



DEPUTY SPEAKER NICHOLAS Is there further debate. I'll begin the process and the first amendment that I intend putting before you is the dot point under A which was put forward by Mr Brown. Mr Brown please I believe I can read my own writing I hope. Your dot point was to examine various issues which were raised in the Petition relating to the Hospital which was tabled in the Legislative Assembly at its meeting of the 5<sup>th</sup> of June 2002.

MR BROWN examine the various issues

DEPUTY SPEAKER NICHOLAS Thank you. That becomes dot point A the 3<sup>rd</sup> dot point under A. Now I'll put the question that the amendment be agreed, this an amendment to the amendment. Once again it's dot point, the 3<sup>rd</sup> dot point under A which is the Motion before us coming from Mr Buffett and it reads examine the various issues which were raised in the Petition relating to the Hospital which was tabled in the Legislative Assembly at its meeting of the 5<sup>th</sup> of June 2002.

QUESTION PUT

DEPUTY SPEAKER NICHOLAS Would the Clerk call the House please.

MR D. BUFFETT	NO
MR GARDNER	AYE
MR DONALDSON	NO
MRS JACK	NO
MR I. BUFFETT	AYE
MR NOBBS	AYE
MS NICHOLAS	AYE
MR SMITH	AYE
MR BROWN	AYE

DEPUTY SPEAKER NICHOLAS The Ayes 7, the No's 2 that amendment is carried and becomes the 3<sup>rd</sup> dot point under A in the typescript version before us. I'll now take Clause C from Mr Brown which reads C direct that until finalisation of the inquiry that neither the Board nor the Director make substantial decisions without first clearing them in writing with the Executive Member. That's proposed amendment forming a separate clause C to the motion before us.

QUESTION PUT

DEPUTY SPEAKER NICHOLAS Will the Clerk call the House.

MR D. BUFFETT	NO
MR GARDNER	NO
MR DONALDSON	AYE
MRS JACK	NO
MR I. BUFFETT	AYE
MR NOBBS	AYE
MS NICHOLAS	AYE
MR SMITH	NO
MR BROWN	AYE

DEPUTY SPEAKER NICHOLAS The decision, the Aye's 5, the No's 4 Clause C becomes a part of the Motion to eventually be put before us. I now turn to the Motion as it was put to us by Mr Buffett earlier in the day and it now stands amended by the addition of the 3<sup>rd</sup> dot point A and Clause C with which we've just dealt, and we now have Mr Buffett's amendment as it is amended by the 2 Motions we've just passed. Mr Buffett perhaps you'd like to read that Motion of your or is it better that I read it from the

Chair with all the amendments. Mr Buffett's amendment proposes that words after "that", in the original Motion as appears on the Notice Paper be deleted and the following be inserted. This Assembly requests the Minister to A) initiate an inquiry into the Norfolk Island Hospital to dot point 1 examine the effectiveness of the current legislation and management arrangements and practices undertaken and dot point 2 recommend a sound management structure and appropriate supporting legislation for practical and professional delivery of Hospital and related health services to the Norfolk Island community and dot point 3, examine the various issues which were raised in the Petition relating to the Hospital which was tabled in the Legislative Assembly at its meeting on the 5<sup>th</sup> of June 2002. Clause B, provide adequate support to the inquiry, Clause C, direct that until finalisation of the inquiry that neither the Board nor the Director make substantial decisions without first clearing them in writing with the Executive Member. That is the Motion as it stands before us in this particular round of voting.

QUESTION PUT  
QUESTION AGREED

DEPUTY SPEAKER NICHOLAS I think the Ayes have it. The Motion you've just voted on now becomes the Motion. We need once again to vote on the Motion in its entirety as it stands.

QUESTION PUT  
QUESTION AGREED

DEPUTY SPEAKER NICHOLAS The Ayes have it. The Motion is carried as amended by 3 amendments put before us today. Thank you Honourable Members.

#### **FIXING OF THE NEXT SITTING DAY**

MRS JACK Madame Deputy Speaker I move that the House at its rising adjourn until Wednesday 26 September 2002 and 10.00am

DEPUTY SPEAKER NICHOLAS Is there any debate.

QUESTION PUT  
QUESTION AGREED

#### **ADJOURNMENT**

MR DONALDSON Thank you Madame Deputy Speaker. I move that the House do now adjourn.

DEPUTY SPEAKER NICHOLAS Is there any debate Honourable Members. There being no debate I put the question.

QUESTION PUT  
QUESTION AGREED

DEPUTY SPEAKER NICHOLAS This House stands adjourned until Wednesday the 26<sup>th</sup> of September 2002 at 10.00am