

**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**

Honourable Members I firstly ask if there are any condolences this morning? Ms Nicholas

MS NICHOLAS Mr Speaker, it is with regret that this House records the passing of Nella, dearly loved in our community. Born 94 years ago in March 1909 Nella was christened Mary Helena Christian. She was the third and last survivor of five children of Isaac Goldie Christian and Clara Amy Bataille, a second generation Norfolk Islander. Three of her grandparents came to Norfolk Island from Pitcairn in 1856 and Bataille was a Frenchman from New Caledonia. Nella's childhood home was at Steele's Point and she often reminisced of her early days. In her teens her family moved to Taylors Road, to "The Pines" where Nella helped her mother run a boarding house as well as working for Dr and Mrs Duke at Kingston. In 1928 she married George "Tilley" Adams and they had two children, Valden and Clara. A close and loving family to their children and later their children's children. Unfortunately George didn't know his great grandchildren but Nella loved them all and always remembered their birthdays. Nella had a deep love for Norfolk Island and was proud of anyone who achieved. Her home was important to her and her garden had a continual floral display which gave constant delight to all who passed by. Her Church played a major part in her life as did the Sunshine Club. George predeceased Nella in 1976, followed closely by her grandson John. Then ten years later she lost her beloved daughter Clara and her daughter in law, Vera. More recently her grandson Wayne. All these hit her hard but seemed to strengthen her personal faith. She was the family's pillar of strength, always ready with words to comfort and encourage. Nella loved the many visitors she often had and always appreciated everyone as being special. But she herself was very special. Dearly loved by many members of our community, a true Norfolk Island gentlewoman and will be sadly missed. To her son Val, her four grandchildren Joe, Fla, Joyce and Stephen, to their families of ten great grandchildren and four great-great grandchildren, to her many friends, this House extends its deepest sympathy

MR SPEAKER Thank you Ms Nicholas. Honourable Members as a mark of respect to the memory of the deceased, I invite you to rise and stand in your places for a period of silence please. Thank you Honourable members.

**PETITIONS**

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

**GIVING OF NOTICES**

There are no notices this morning.

**QUESTIONS WITHOUT NOTICE**

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

MR NOBBS Thank you Mr Speaker I ask the Minister for the Environment, is it a fact that the arrangements whereby crushed metal from the stockpile at Middlegate was available to those with building approvals, is no longer in place

MR I BUFFETT Thank you Mr Speaker on my return from the mainland I was informed that the metal supplies are very short, that there was an estimate of metal that was required for approvals that had been granted and the short answer is yes, metal is in very short supply and my understanding as late as this morning is that there wasn't very much metal available for those purposes. In that respect there are discussions being taken to try and obtain some metal that is presently on the Island for those approvals that had been granted for essential type works. That's my understanding at the present time

MR NOBBS Thank you Mr Speaker I ask the Minister, will he clarify whether it's correct that he's not approving building applications at this point in time which require crushed metal

MR I BUFFETT Thank you Mr Speaker that's the first I've heard that proposition put to me. The short answer is no. It has not been suggested to me that I should take that course of action

MR NOBBS Can the Minister advise what is the fate of the remaining crushed metal at the Middlegate stockpile

MR I BUFFETT As far as I'm aware Mr Speaker and I will have to check on this because as I said, this only came in the last day or so, but as I understand it, that metal has been earmarked and preordered either by the Administration or other persons and allocated but I will certainly check that and let Mr Nobbs know the correct answer to that

MR NOBBS Would the Minister please advise whether the actual ordering has been paid for because I understand that there are a number and he would need to check this, who were refused the supply of metal earlier because they didn't have a building approval

MR I BUFFETT I will certainly check that and let Mr Nobbs know Mr Speaker

MS NICHOLAS Thank you Mr Speaker. Members were recently circulated with letters from Hire Car Operators who sought to make us aware of a number of thefts and malicious damage events occurring in recent times and may I ask the Minister for Finance in that regard will the Minister advise what action he intends taking to set up secure premises at the airport with appropriate surveillance facilities and cost recovery

MR DONALDSON Thank you Mr Speaker that matter is currently being looked into by the Service as to providing a secure parking area at the airport and locking the gates between flights and having a user pay type charge for persons who want to leave their cars at the airport for rental car operators. That matter is in progress. I can't give a final answer as to what the outcome is at the moment

MS NICHOLAS Thank you Mr Speaker. A question to the Minister for Finance if I may. Two additional staff are employed by the Fire Service

to enable flights to be covered according to new regulations. On what basis are they employed and how will the additional staff be occupied at times other than when they are attending the take off and landing of aircraft

MR DONALDSON Thank you Mr Speaker there was a proposal to employ two additional staff at the airport and that is a requirement to meet the new Airport Rescue and Fire Fighting Service obligations which now extend as from the 1<sup>st</sup> May 2003 to meeting all regular passenger and transport planes arriving and departing on Norfolk Island. The two new fire service people will be employed on a spread of hours arrangement whereby they don't have the normal weekend or Monday to Friday work roster, they have a roster that fits in with the arrival times rather than Monday to Friday. It is also expected that their times will not actually be eight hours every day. There will be broken shifts to allow them to work four hours in the morning and more hours after six o'clock at night when a late flight comes in but the principle being adopted is that we are trying to get the best value out of the staff as possible without having to pay overtime

MR NOBBS I don't think the Minister actually answered the question and I ask him again what will they be doing apart from about the nine hours they'll actually be doing fire duties. That's the question that the community is asking. Four guys and they are employed as firemen

MR DONALDSON There is also a proposal in the pipeline that the Fire Service and the Airport all come under the one system to allow the Fire Service officers to attend and do other work at the airport when they are not involved in the Fire Service operations

MR NOBBS As it's only two weeks away to this implementation is he now able to provide details of how the estimated \$3000 per week cost of this new service, or the service in total, will be met. Will there be cost recovery from the airlines or is the Government to subsidise another \$2500 per week, for the actual cost of this service

MR DONALDSON Thank you Mr Speaker. No the plan will be a user pay basis on a cost recovery to run the airport side of the Fire Service. There has been a costing done and the costing was provided to me a couple of weeks ago. I was a bit alarmed at the extent of the costing. In total the Fire Service will cost \$488000 per year. Within that there was \$117000 overtime which was going to be shared among five people and there was also \$12870 in mileage allowance and a whole lot of other hefty costings. I've sent the whole lot back to the service for reassessment and recosting particular on the spread of hours basis. At the time I felt obliged to write to the airlines and I've written to the airlines saying that on the current costing the initial costs is not expected to exceed \$13.78 per 1000 kilos of maximum take off weight of the aircraft and that converts to about \$850 per plane taking off and landing. That's the maximum. Obviously the correspondence back from to of the airlines say that they want to talk further on this and like I said, I've sent it back to the Service to be recosted. Quite clearly there is a cost that has to be recovered, the airport can't absorb this costing in its normal operating budget but when it is costed it's got to be totally transparent and totally accountable. At this stage it's still being worked on. I hope the \$13.78 per 1000 tonnes of maximum take of weight reduces substantially. I can't give a figure of what it reduces to. I am also told by the Administration staff that the \$13.78 kilos maximum take of weight calculation, is consistent with other airports in Australia that have the same traffic density as the Norfolk Island airport, so it looks like we have an unavoidable large cost but I think we have an obligation to keep it as accountable and transparent and low as possible.

The matter is currently being looked at. Once again I can't give a finite answer and say this is the final thing

MR NOBBS Just a supplementary to that. Have you sought at ministerial level a dispensation in relation to this particular requirement. If not, why not given that the airport currently has dispensations related to other so called requirements by CASA

MR DONALDSON Thank you Mr Speaker. No I haven't specifically sought a dispensation. I have enquired of the staff at the Administration about the possibility of getting one and I believe they've spoken to officers at CASA and air authorities in Australia and a dispensation is not possible. The information I got from them is that a dispensation of complying with this regulation 139H is not available

MR NOBBS I ask the Minister is it not a fact that a requirement such as this makes a mockery of the Australia Government representative's belief that Norfolk Island is an integral part of Australia where in effect the requirement now makes Norfolk Island an international destination from Australia

MR DONALDSON That question has rather political overtones and the only comment I'll make on it is the reason it's an international airport with international obligations is because Air New Zealand fly in and out of it, not necessarily because it is considered international because Australia flies here

MS NICHOLAS Thank you Mr Speaker. What arrangements will the Chief Minister make to enable immigration appeals to be heard locally. The Minister will be aware that some appeal processes have been in the hands of the Commonwealth to my personal knowledge for over one year. Does he consider this reasonable and if not, what discussions are taking place with the Commonwealth to remedy the situation

MR GARDNER Thank you Mr Speaker maybe I'll answer the first part of the question first. That relates to the appeals process and what is being done to try and establish a forum on the Island to hear immigration appeals locally. As members would be aware I have reported that as part of the immigration review it is envisaged that we would move to an appropriate forum on the Island being established to hear those as have been indicated in the past that that could either be catered for under the arrangements with the current Administrative Review Tribunal but there is another proposal put that an independent body specifically for immigration appeals be established. My own personal view on that is that the Administrative Review Tribunal certainly would be in a position to administer immigration appeals and the hearings on Island. That is a matter that still is being worked through with the Commonwealth. I have had informal discussions with the Commonwealth on exactly that matter and intend with the finalisation of the internal review of immigration and their move to the Customs building to then progress those what would be better termed external matters as far as immigration are concerned. Mr Speaker if I might just to point out a couple of the current advantages of the appeals process being heard off island, they are actually cost neutral to Norfolk Island save for the obviously cost involved in providing paperwork, the administrative process itself is somewhat cumbersome and obviously there is room for improvement in it because the administrative system that is in place is what is referred to as a comment on comments process where the applicant is asked to provide comment on the reasons given in the appeal process by the Executive member then the executive

Member is asked to give comment on those comments from the applicant and it goes backwards and forwards until the situation is finalised and as you will appreciate and I think members around the table will appreciate, sometimes that is an extensive process as far as time is concerned and delays obviously occur. To be fair to all parties I think there is equal blame to be shared as far as those time frames between Norfolk Island Government and the Commonwealth but recent endeavours have been pursued to try and shorten those time frames so that people aren't left hanging in the balance

MS NICHOLAS Thank you Mr Speaker. A supplementary if I may. The Chief Minister has said that the process at the moment is cost neutral. Certainly it is cost neutral in dollar terms but it is not cost neutral to the lives of the people concerned and I would know what concrete suggestions he has to make at the moment to try and pursue the plan that he has now spoken of

MR GARDNER Thank you Mr Speaker. I have regular discussions with the Commonwealth representative on the Island regarding the status of immigration appeals. We certainly have endeavoured as I said earlier to shorten the time frames as far as our responses are concerned and Ms Nicholas is very much aware of that and the efforts that have been undertaken by not only the committee and the officers but myself as far as trying to shorten the timeframes so that the impact on people's lives is reduced to the absolute minimum

**WELCOME – RIGHT REVEREND ROBERT FORSYTH, BISHOP OF SOUTH SYDNEY AND MRS FORSYTH**

Honourable Members I wonder if on your behalf this morning I might acknowledge in the gallery The Right Reverend Robert Forsyth who is Bishop of South Sydney and on a pastoral visit to Norfolk Island and he is accompanied by Mrs Forsyth. Bishop Forsyth we welcome you this morning. Mrs Forsyth

MEMBERS Hear, hear

MR BROWN I direct this question to the Minister for Finance. It relates to the Fire Service at the Airport. Is the Minister's cost recovery proposal directed to the increased costs incurred as a result of the new regulation or is the Minister intending to recovery the whole cost of the Fire Service including the cost which was transferred from the Revenue Fund Budget to the airport by virtue of the whole of the domestic Fire Service being transferred to the Airport. In addition to that, if cost recovery is the Minister's aim, how will he handle the fact that the proposed new fire officers will work only on a part time basis in terms of the fire service and on some other basis for the airport for the remainder of their week

MR DONALDSON Thank you Mr Speaker, the costing that is being prepared takes into account the new costs of running the Fire Service with the new officers in it and it also takes into account that there is an element of their work that relates to the domestic operations of the Fire Service and that's been subtracted from the total cost that we hope to recover from the airlines. Does that answer the question

MR BROWN Perhaps if I could ask an additional question. Could the Minister assure the House that he will carefully check to ensure that charges previously covered by the airport movement charge will not be the subject of double recovery

MR DONALDSON Yes I can assure the House that what's being looked at with the Airport Rescue and Fire Fighting Service charge that is currently put out at \$13.78 per 1000 kilograms of maximum take off weight, that only covers the cost of providing the Airport Fire Service, there is no cross subsidy to any other part of the operations of the airport. The other parts of the airport are covered by the \$18.30 passenger movement charge

MR BROWN I repeat the question Mr Speaker. Could the Minister please ensure that the costs which are already incurred and are already being paid out of the airport movement charge are not recharged with the result that they'll be being charged twice

MR DONALDSON Just to expand on the question, the current situation is that the Airport Rescue and Fire Fighting Service does meet Air New Zealand and does incur a cost for doing that and that is currently funded from the passenger movement charge. It would be my intention to do a clean costing of the total cost of the Fire Service to all three airlines and funding that from the maximum take off weight charge. The question of does this leave some surplus money in the airport passenger movement charges now not being allocated to the Fire Service is something that will be looked at in the overall budget of the Fire Service when we establish in twelve months time what a new airport passenger movements charge should be but I don't think that amount of money that is now collected from the airport passenger movement charge and being used for the Fire Service will result in any decrease in the passenger movement charge itself.

MRS JACK Mr Speaker thank you. I ask this of the Minister for Finance. In the last Legislative Assembly meeting you spoke of areas where possible increases in charges could occur. Can you say what further issues have arisen in these areas and when can the community know the details of what you propose

MR DONALDSON Thank you Mr Speaker I did foreshadow at the last meeting of the Legislative Assembly increased charges in duty on cigarettes, duty on tobacco products, a possible telephone charge, possible communications levy or broadcast levy I think it's called. I've sent a memo to the service asking what is required to implement these. For instance, does it take a change in legislation, a change in policy, a change in regulations, what are the logistical repercussions of doing it and I'm still waiting for that response but the matter is progressing. It's with the service at the moment who is addressing the issues that I raised at the last meeting

MRS JACK Mr Speaker a supplementary. Given the broader issues of the need for what we see as a greater revenue basis is anything being done to look at the broader revenue base

MR DONALDSON Thank you Mr Speaker, yes, as I announced at the last Legislative Assembly meeting it's a two stage approach. The first stage is to get some money in from the increasing of existing charges, the second part or stage two is to look at the broader revenue base. One of the favourite players there is a Goods and Services type tax for the Island which hopefully will replace a lot of the existing smaller taxes we have now. Work has begun on investigating a Goods and Services Tax and some research has been done on a proposal put to the Government at an earlier time in 1999/2000 on a Goods and Services Tax and that's all being revitalised at the moment

MRS JACK Mr Speaker another supplementary thank you. Can you see a time frame for this development or is it going to continue on and on and on

MR DONALDSON Thank you Mr Speaker we did speak at the time of a Goods and Services Tax to be implemented in the life of this Legislative Assembly and that leaves about eighteen months to go. There is a fair bit of work and the administrative side of the Goods and Services Tax should have progressed. I think what we are doing now is having a close look at the logistics of it, the financial implications of it, the financial implications for both the private sector on the island and the Government sector and will it produce enough money and as soon as that is determined we can move on to the more logistical management processes and the legislative processes that will enable it to happen. Like I said, the aim is to have it done in the life of this Legislative Assembly which isn't for another eighteen months away

MR BROWN I direct this question to the Minister for Finance. It relates to the Norfolk Island airport. Can the Minister advise whether he has personally spoken with the Civil Aviation Authority in relation to the proposal that the Norfolk Island airport be required to extend its overrun areas. If the Minister has not yet had such discussions personally can he advise whether and when he intends to do so

MR DONALDSON Thank you Mr Speaker, no I haven't personally spoken to any officials in the department on this matter. I think what Mr Brown is referring is the reseal with the runway and the safety area. There was some work done with Guthridge, Haskins and Davey who are our consultant engineers for the airport upgrade. They had communicated with the Department on this matter and they believe they have an exemption available which will exempt them from the requirement to have 90 metres or whatever the distance is at the end of each runway as a runway end safety area. The only way we could accommodate that at the moment is to actually shorten the length of the runway and use part of the runway as the runway end safety area

MR BROWN could I direct a further question to the Minister for Finance, is the Minister aware that by shortening the available runway length, there is a very strong probability that aircraft payloads will have to be very drastically reduced. Is the Minister aware of the financial consequences of that should it occur and if the Minister is aware of those consequences, can he tell us when he proposes to ascertain whether or not the requirement will apply to Norfolk Island or does he simply propose to wait until the day that it happens

MR DONALDSON Thank you Madam Deputy Speaker I think I can best answer that by saying I'll take it on notice to go ahead and enquire myself as to whether the runway end safety areas or the extensions for the runway are mandatory or whether we can be exempted from them and not have to shorten the runway. I am concerned that by shortening the runway you would limit the payload to the existing aircraft that use the runway and it will have consequences financially for the island but like I said, all I can do is take it on notice that I will undertake to make some enquires as to get a guarantee or watertight arrangement whereby we would have it in writing that we don't have to provide the runway end safety areas

MR NOBBS Thank you Madam Deputy Speaker I ask the Minister for Intergovernmental Relations, has the Norfolk Island Government

provided a response to Minister Tuckey on the latest enquiry that is into the Governance of Norfolk Island and if so, what is the general thrust of his response

MR GARDNER Thank you Madam Deputy Speaker the response has been short and sweet acknowledging receipt of the advise provided by Minister Tuckey regarding his reference to the Joint Standing Committee on the National Capital and External Territories

MR NOBBS Thank you Madam Deputy Speaker has or will the Norfolk Island Government be providing a submission to the Australian parliaments Joint Standing Committee on the National Capital and External Territories Enquiry into Governance

MR GARDNER Thank you Madam Deputy Speaker I've written in recent days to the secretariat of the Joint Standing Committee indicating to them that the Norfolk Island Government due to a number of factors will not be in the position to provide a comprehensive submission to the Joint Standing Committee. Those factors are the fact that we are going through the budget process at the moment and it talks about the cost of self-Government etc, that will only be demonstrated with finalisation of the budget process and I've also indicated that the Legislative Assembly itself has a Select Committee in train. It is not due to report until October so a firm position on any of those matters that the committee are inquiring into would not be available until that report is available and has come back to this House to give direction to the Norfolk Island Government in relation to those matters

MR NOBBS Thank you Madam Deputy Speaker a supplementary. Minister has there been a response from the Norfolk Island Government to the Joint Standing Committee on the two and a half pages of questions the committee sent to the Norfolk Island Government prior to their visit several months ago

MR GARDNER Thank you Madam Deputy Speaker as Mr Nobbs would be aware the Minister for the Environment, Mr Ivens Buffett gave a verbal submission to the Joint Standing Committee which addressed some of those matters which were in that paper that Mr Nobbs referred to. I understand that the Minister for Finance has addressed in writing other factors and as I reported to the House last month there is a standing invitation that was issued by me to the chairman of the Joint Standing Committee, that if there is any further information that is required in relation to those matters he only needs to indicate and we shall endeavour to provide whatever assistance we can in that area

MR NOBBS Can I ask why the response of the Minister for Finance hasn't been made available to this Legislative Assembly

MR GARDNER Maybe that's best addressed to the Minister for Finance so that he might be able to indicate when and if that might become available

MR NOBBS Minister you're the Minister responsible for Intergovernment Relations

MR GARDNER I can't answer that. I'll have to consult with the Minister for Finance and report back to Mr Nobbs as soon as I've done that

MRS JACK Thank you Madam Deputy Speaker I ask a question of the Minister for Community Services and Tourism. Does the Norfolk Island Tourism Board intend to make any changes to its marketing strategy to capitalise on the lower costs to reach take off points in Sydney and Brisbane in light of Qantas reducing domestic airfares due to the contraction in international travel due to general security concerns and recent health issues

MR D BUFFETT Thank you Madam Deputy Speaker the decrease in Qantas fares that have received some publicity on the mainland from my enquiries have not given an indicator of extending to the component that might fly to Norfolk Island and so there is not necessarily a reduction of fares to Norfolk Island in that general publicity arrangement whether however the lesser fares in the Australian context flying within Australia to bring us to one of the ports that would fly from Australia to Norfolk Island may well be part of a strategy which has not yet been signalled to me by the board as being the case, as part of a strategy but I'm very willing to talk to them to see if we can capitalise on that particular situation

MR NOBBS Thank you Madam Deputy Speaker I ask the Minister responsible for the Secretary to Government position whoever that may be, what are the reasons for an advertisement which appeared in last weekend's Norfolk Islander for the position of Secretary to Government and why is the current arrangements of support for the Norfolk Island Government which I personally have found perfectly satisfactory is not now appropriate

DEPUTY SPEAKER NICHOLAS Chief Minister will you handle that question

MR GARDNER Thank you Madam Deputy Speaker I can indeed even though the position itself would come under the Public Sector Management Act I have been instrumental in the advancing of the re-establishment of the position of Secretary to Government in discussion with my executive colleagues. It was decided that that be proposed and taken forward as expeditiously as possible. It has the support of a majority of Minister of the House and therefore the position has been advertised

MR NOBBS Thank you Madam Deputy Speaker may I add a supplementary to that. Will the position be advertised only on Norfolk Island

MR GARDNER It is proposed that it go into the mainland press this weekend Madam Deputy Speaker

MR NOBBS If this is to be advertised off shore will the closing date next Wednesday which is the 23<sup>rd</sup> be extended

MR GARDNER It is to be extended by one week

MR NOBBS Can the Minister please explain the reasons as to why that position is required

MR GARDNER I can read from the issues paper that was in support of my recommendation to the Chief Executive Officer regarding the re-establishment of the position Madam Deputy Speaker and I quote from that paper. The current executive members have agreed that there is a need for this position to be created and filled to provide political advise and support to the Government and Legislative Assembly. The position is to complement the role of the Chief Executive Officer and to work in conjunction with the Chief Executive Officer and Executive

Directors to ensure timely and accurate policy advice is provided to the Government and Legislative Assembly. The executive members also expressed a view Madam Deputy Speaker that the position of Research Assistant to Government be retained to provide ongoing support to the executive member and to enhance the role of the Secretary to Government

MR NOBBS I just ask, is this not yet another example of why this Government bearing in mind those famous words "the way ahead" is in reality going back to the past

MR GARDNER It's an interesting comment from Mr Nobbs Madam Deputy Speaker but I don't think that I need to indicate to Members that not only this Legislative Assembly, not only executive members of this Assembly, not only non executive members of this Legislative Assembly but previous Legislative Assembly's still and have in the past reverted to seeking advice from previous Secretary's to Government, continue to do so on an ad hoc basis and it is a belief that it is now appropriate to try and tie down a more permanent administrative arrangement for the provision of that advice

MRS JACK Thank you Madam Deputy Speaker I ask this question of the Minister with responsibility for the hospital. Can the Minister inform us as to the current amount of bad debt carried by the hospital and has the position of debtors clerk been cost effective, in other words, how much is it costing the hospital to gather in x amount of dollars

MR D BUFFETT Thank you Madam Deputy Speaker I have a current debtors figure here, I'll just see if I can locate it whilst we are on this particular subject. This is an often asked question in terms of the level of debt at the hospital. It's an area as we all know where people go because they are sick, not because they can afford it at the time and so not all would be in a position to pay forthwith even if they wanted to on occasion. The current debt stand at something like \$451,000. the debt last month was \$350,000 so you will see that there has been quite an increase. That is principally due to two visiting specialists during this time and so there is a billing process which increases the figure significantly whilst that has happened. The debt collection process of the hospital over recent months has endeavoured to be more rigorous, for example, to those who have debts in excess of \$2000 over a 90 day period outstanding, there have been personal contacts and correspondence to those people over and above that, that has happened before. There are probably something like 150 debtors in excess of the 90 day period at this moment. I've got to say that a good many of those are making an effort to make periodic reductions in the debt arrangement but it isn't perfect at this time. Minister probably will also recall an explanation in an earlier period, whereby if there had been no satisfactory response, not if there had been a satisfactory response and an effort to make payment, but if no satisfactory response, then regrettably they move to the debt collection process within the Administration where summons need to be issued and this was done if I remember correct on the last occasion in November of last year and cyclically it may mean that we may probably have to move in terms of some of those debts again reasonably soon

MR SMITH Thank you Madam Deputy Speaker a question for the Minister for Finance. I've been trying to do some calculations on the RFS charges you were talking about before. I don't know whether I'm right but it seems that it will cost about \$800 per movement or flight into Norfolk Island for the service charge that we've been putting on, multiplied out by ten flights per week which is probably around the average which seems to be about \$8000 per week

which seems to calculate out to somewhere around \$450000 per year. I just wanted you to confirm that and I have the figures here from the Fire Service costs last year in the airport budget was \$189000 and this question may have been covered earlier on in another form but the cost of two additional people, surely that hasn't pushed this cost up to \$450000 plus \$189000 the service is already costing. Could you confirm my figures are somewhere near the vicinity of what you would have

MR DONALDSON Thank you, I did mention this earlier in my answer to a previous question but the total costing to the new budgeted arrangement for the new costing of the airport fire service is \$488000 so your figures were about right. It varies for each plane. The cost is per landing and take off which is considered one movement but there are three size planes and unless we go ahead with the \$13.78 per 1000 kilo maximum take off weight the smallest of the planes will cost about \$650 per turn around, a medium plane will cost about \$850 per turnaround and the larger plane about \$900 per turnaround so that's the costing of it. I did mention earlier also that, the \$488000 included some very generous allowances for overtime in the budget and there's \$117000 in the budget for overtime which I've questioned and I hope to be able to eliminate most of that. I can't eliminate it all because there'll still be back of the clock type flights so it would have to be expected throughout the year and there's also \$12870 in there for mileage allowance for people to travel to and from work. I can't understand why that's there and there's a whole lot of other variables which have been generously costed including fire fighting chemicals. Purchases required for the year and an additional amount to increase the stock on hand and that's about \$50/60,000 there. Like I said I've asked for all this to be re-examined in a much more stringent and tighter way. I can't give a figure as to what the \$488000 will come down to but I am hopeful that it will be reduced substantially

MR SMITH Thank you Madam Deputy Speaker a supplementary please. Is there any contingency built in. I mean, in reality in flying aeroplanes these days as we've already experienced once where an airline has disappeared with our services, and we hope to goodness it won't but if one of the airlines disappeared again, what contingency is in place to recover the cost of the fire service in such a situation. For example, if we had half the amount of services, the costs would still be the same. Is there a contingency built into the plans

MR DONALDSON No there's no contingency built into the plans. The budget is actually based on the expected number of tourists and the expected number of flights that we realistically expect over the next twelve months. If there is a change in this for whatever circumstances then there'll have to be a change in the budgeting and the costing and it could go either way, it could be an increase or it could be a decrease

MR SMITH Thank you Madam Deputy Speaker a question to the Minister for Land and the Environment Mr Ivens Buffett in relation to the Waste Management Centre. Would the Minister mind updating us on the situation regarding the new Waste Management Centre, for example, what proposals are in place to staff it. For example there was a proposal that four people would be employed to operate the centre and I think it was asked at the last meeting would this proposal be put to tender so that other people could have an opportunity to try and take that project on

MR I BUFFETT Thank you Madam Deputy Speaker. I'll answer Mr Smith's question for him and I'll do it by explaining a couple of issues in respect of the Waste Management Centre which I think Mr Smith has touched on in

his question. The Waste Management Centre at the moment, the current work that has been carried out there is the work to fit out the Waste Management Centre building to establish office amenities there, a disposal area for petitioning, chutes and a sorting table and the installation of the skips and containers. Included in the work we are doing there at the moment is a bonded waste to eliminate any chemical and spills that might occur there and also to cope with the reception of any chemicals that come into the handling area. External site works are being done there and that's in progress at the moment or seem to be commenced. It will put proper access roads, driveways, drainage and stormwater issues and rainwater storage tanks including landscaping of the proposed site. We will also be doing some baseline studies to have a look at what's in the soil there to make sure that over a period we don't contaminate the soil any further so we are doing some baseline studies there. In respect of staffing which Mr Smith specifically refers to, most operating hours for the new Waste Management Centre will be from about eight in the morning through until five pm seven days per week. Madam Deputy Speaker, just let me outline what we believe will be involved in the duties to be undertaken at the Waste Management Centre. The task will include the supervising of the public of course, the receiving of waste, the sorting of waste, sorting, recording, pricing and displaying in the revolve shed which is part of the system, receiving handling treating and packaging for export chemical waste including waste oils, insecticides, herbicides etc. Processing of green waste and putrescible waste at that site. The work will also include the transferring of sorted waste to the bottom tip where at the moment that will need to operate in conjunction until we find in our budgets the necessary funding for the incinerator and the final location of that. In short there will be considerably more work involved in the Waste Management Centre then currently at the two tips. The two tips at the moment are costing this Government something like \$80000 to operate and I might say there are question marks as to how effective that is happening because when we look at the duties I have mentioned there we see that a large element of the matters that I've mentioned are not being carried out at the current two sites. At the moment we are preparing what we consider to be duty statements for the people to operate. The estimated cost we believe to be between \$160000/180000 per year, that is estimated cost at this stage based on some of these duties which we believe need to be undertaken. The Waste Management Centre that we have developed is one that I can't find or go directly to another confined or small area like Norfolk Island and find an equivalent. We've looked at the one at Lord How Island which is similar but not handling quite as much waste as we have and that has some difficulties and we are trying to eliminate those as part of the process. In short there has been no final decision as to whether the matter will be run on a long term basis by the Administration or permanent employees but what I will say is that we need to have at least a trial period to seek out these issues, to see how they work, what is involved in the works and if we arrive at that stage where we believe that it's more appropriate to tender and call for tenders to operate that tender we will do it at that time

MR SMITH Thank you Madam Deputy Speaker can I ask the Minister if what he is saying is that the Administration or whoever he is talking about will operate it for a period of time to do an assessment and at that point there is going to be an assessment as to whether it can be put out to tender or is he saying something else that I didn't quite pick up in reply to my question

MR I BUFFETT Thank you Madam Deputy Speaker I didn't say that it was permanent. We've already advertised for some temporary employees. They will be employed on a temporary basis to ascertain how the Waste Management Centre will work. If it's a decision of Government or myself as Minister whoever the decision rests with that the matter should be run long term by

deregulation or whether it be put out to tender then that will be put to the Legislative Assembly and the people necessary to make that final decision

MR SMITH Thank you Madam Deputy Speaker a supplementary question. Say for example the current operators of the tips could be the people you use rather than taking on more temporary employees within the Administration

MR I BUFFETT Thank you Madam Deputy Speaker let me make it quite clear, that the current tip contract expired somewhere in about June last year. I asked the then executive director to notify the tip contractors that the contract will not be renewed on a long term basis because of the fact that the waste transit centre was coming into being. Madam Deputy Speaker, the current tip operators have always understood or I've asked that they be made to understand that any extension would be purely on a temporary basis until we get to the position that I've outlined above. The temporary positions that have been advertised for does not necessarily mean that the current tip operator will automatically be placed in those positions. If they intend to apply then they will be assessed along with any other person employed on those temporary positions to do that particular sorting job or assessment period employment

MR SMITH Thank you Madam Deputy Speaker I'm pleased with what the Minister has been saying in his answers and would he be able to give some estimated time of how long it would be run on a temporary basis before it goes to tender or before an assessment was made for it to go to tender. Three months, six months or twelve months

MR I BUFFETT Thank you Madam Deputy Speaker given what I've just said the state of the works that's carrying on there I'll take that on notice and I'll be in a better position to give a more definitive answer at the May sittings of this House

MR NOBBS Thank you Madam Deputy Speaker can I ask a supplementary question. I'm not satisfied with the answer because the Minister seems unable to provide any details of management proposals apart from they are going to

MR D BUFFETT Thank you Madam Deputy Speaker, a Point of Order. This is question time and if Members have a question they should raise it. It's not a matter of debate at this moment

MR NOBBS Thank you Madam Deputy Speaker I take that on board. There's no problems but I thought that in questions you had the opportunity to preface with some comments before you asked the question. I ask, if he is unable to provide details of the proposed management of the Waste Management Centre why is it that a bobcat has been purchased, two trucks have been purchased, all these machines have been funded by funds specifically for Waste Management Centre two additional employee positions have been advertised, the current tip contractor has been told that no further contracts will be entered into and he's already mentioned a budget of some \$180000 has been worked out and yet Minister why can't you tell us the proposed management apart from we'll just give it a trial. Doesn't this show that there's a lack of confidence somewhere in the organisation in their ability to run it as a Waste Management Centre

MR I BUFFETT Thank you Madam Deputy Speaker personally I don't think there's a lack of confidence. This is a totally new operation both for Norfolk Island and a number of other places. I believe that I have outlined the management proposal. I've said, and if Mr Nobbs has missed it, I've said that we are preparing the duty statements. If Mr Nobbs is requiring to see what each individual person will do in that transit centre I'm quite prepared when we finalise the duty statements, to give Mr Nobbs a copy and publish it as we intend to do anyway. when we advertise for temporary positions. One thing we cannot legitimately do I believe is at this point to prepare a contract to run the entire establishment before number one the facility is finished and number two before we have the equipment that it needed to make it fully operational and number three finalise the full costings on the map and I'll certainly do all those when we've got to that position but having been attempting to do it in house it's taking a little more time than we originally anticipated

MR NOBBS would the m please provide details of how the \$180000 budget estimate will be covered. Will there be charges on loads, or what is the proposal

MR I BUFFETT Thank you Madam Deputy Speaker I'll certainly take that on notice and provide as I promised previously at the March sitting and again today that when we have finalised those issues in the terms of the other matters I have mentioned this morning in respect of staffing and the work to be completed, they will certainly be given to Mr Nobbs first and published so that the whole community can know how we intend to number one operate it and number two fund it

MR SMITH Thank you Madam Deputy Speaker a question to the Minister for Land and the Environment. I think he can probably give us an answer. Mt Pitt. Can you update us as to when that road will be finished and when people will be able to use the summit again

MR I BUFFETT Thank you Madam Deputy Speaker whilst I have some environmental matters I think roads might fall into Mr David Buffett's portfolio. I certainly have not been briefed directly in respect to that road and perhaps if Mr David Buffett has the appropriate answer I'll defer to him to answer Mr Smith's question

MR D BUFFETT Thank you Madam Deputy Speaker I can't be much help either in this matter. I'll just say this. I can endeavour to find out for you from the National Parks people. It's not a road in terms of the roads outside the Park area for which I do have responsibility. The road inside is the Parks responsibility and they are the ones who have the responsibility of undertaking its work at this moment but I can find out for you and indeed by the end of the meeting I probably should have an answer in terms of prospective finishing time. I think I can say that it appears to have been prolonged but what the final date is I'll have to find out for you

direct this one to Mr David Buffett in relation to roads. As I understand it, in the budget review we put another \$200000 into roads, or something like that. Is there a roads programme that Mr Buffett could advise us on today and tell us where they are up to with the roads programme that we have funded

MR D BUFFETT Thank you Madam Deputy Speaker when we last spoke about this amongst all of the Members we had some queries as to

whether we had sufficient funds to do any major reconstruction of roads and most of our funds were taken up with either potholing or temporary measures. We all acknowledge that that was not the best way to go and that we would need to make some re-examination. That re-examination has commenced and is part way through as I understand it but also one of the officers that had responsibility there is no longer with us and I haven't had a brief at this time that I can be any more helpful than that but I could certainly come back, let me estimate within the next week with some further information about that

MR NOBBS Thank you Madam Deputy Speaker I ask the Minister with Intergovernmental Relations, some weeks ago before the March Legislative Assembly meeting you attended your second meeting, this time in Australia related to formalising the 200 mile zone around Norfolk Island. Would the Minister please advise the community on the outcome of discussions

MR GARDNER Thank you Madam Deputy Speaker certainly I intend to do that Mr Nobbs as soon as the material that I am able to disclose is in receipt by my office. It's an interesting situation to be in but the discussions themselves are regarded as confidential and any information that is handed to me as a Member of the Australian delegation is equally classed as confidential. I had to sign a non disclosure agreement about the content of that material and about the discussions that took place. There has been prepared a formal record of discussion from the delimitation negotiations that were held from the 14<sup>th</sup> to the 17<sup>th</sup> March. The interesting thing is that there is no secure email or mail system to be able to deliver that confidential documentation to Norfolk Island. I have been in contact with the Department of Foreign Affairs to try and work out a way of getting that information to me so that I can disclose it with their permission and have had informal discussions with the official secretary who was shortly to travel to Canberra. He is classed up to I understand a level of secret with the Commonwealth Administration and should be able to hand deliver that document to me from Canberra. It's a comedy of all sorts of things Madam Deputy Speaker, but that is the reason why I've been unable to disclose anything to date and I certainly am not going to step outside the boundaries of that agreement that may jeopardise Norfolk Island 's continued involvement in those discussions

MR NOBBS Thank you Madam Deputy Speaker is it correct that the Australian Government is attempting to join the 200 mile zone around Norfolk Island with that around Lord Howe Island and if so, what is the Norfolk Island Government's position on this matter

MR GARDNER Thank you Madam Deputy Speaker I think it's a fairly easy calculation and I'm certainly not disclosing anything of a confidential nature Madam Deputy Speaker, but the 200 mile zones do not cross between Lord Howe Island and Norfolk Island and therefore there is no justification at international law to allow that to happen

MR NOBBS I ask the Minister for Community Services and Tourism, for the past two meetings I've asked you that given public funding was involved what were the costs involved in the termination of the Administration Chief Executive Officer the Hospital Director and the early departure of a doctor from the Hospital

MR D BUFFETT Thank you Madam Deputy Speaker this has been raised on a number of occasions in the past couple of months. When it was raised last time in this forum here, I said that I would give some further examination

and consideration to a number of issues including talking further with my legal Advisors. The legal advise that continues to come to me is that because of privacy related reasons it would not be appropriate for me to make a public statement. However I say to Members who are around this table now, that I'm very prepared because I wanted to be as helpful as I can in this matter, that at our next meeting of Members which I have scheduled for next Tuesday, I will be able to share with Members that information which hopefully will be useful to them

MR NOBBS Thank you Madam Deputy Speaker, Minister I ask how will this be shown in the upcoming 2002/2003 financial books. How will this be shown if it can't be disclosed, it's public moneys? Will it be hidden somewhere. What's the story

MR D BUFFETT Thank you Madam Deputy Speaker where appropriate expenditure has been made it will be identified in the appropriate books and there are a number of sets of books that are related in this area. We're talking about public account in the Administration sense, we are talking about hospital records and they will have their normal accessibility

MR BROWN I direct this question to the Minister with responsibility for the Public Service and the Hospital. Bearing in mind the Minister's refusal to provide a full response to Mr Nobbs question a few moments ago, is the Minister prepared to table in this House a copy of any Legal Advise he has received to the effect that it is inappropriate to provide that information

MR D BUFFETT This matter too was alluded to last time and I said that I would give that some consideration also, if I remember the detail correctly and I have done that and what I plan to do is what I've already mentioned, is that at the next meeting of Members I will discuss that matter with them and I'm very prepared to present that document at that time. Members can then discuss how it might proceed from that if it is to proceed from that any further

DEPUTY SPEAKER NICHOLAS Any further questions Honourable Members

MR D BUFFETT Thank you Madam Deputy Speaker could I just respond to that question that I said I would try to respond to and it relates to the road. The projected date, and I underline projected date in this context, for completion of the road in the National park area is approximately early May. There appear to be some contractual arrangements to be resolved by some of the parties to finalise some elements of that but that's the indicator that I have to date

## **PRESENTATION OF PAPERS**

We move to Presentation of Papers. Honourable Members are there any papers for presentation

MR D BUFFETT Thank you Madam Deputy Speaker I would like to table the Inbound Passenger Statistics for March 2003 and I move that the paper be noted. Could I just draw attention to what these figures states. These have been circulated to each Member of the Legislative Assembly but in a wider sense it might be useful to quote a couple of them. The monthly figures for March 2003 for visitors is 3842. it compares with last year of the same month 3441 so we are up on last year. But the year before that which was 2001 which we all recognise as being the peak period for our tourism industry was a figure of 4142 so we are below that peak period but we are above the last year. One matter that has been raised with

me on earlier occasions and I would like to identify it now, is the figure that might relate to day trippers. They are not identified in this but I have raised that matter and the figure from next months onwards will list those separately. They will still be in the total but they will be identified as to what they may be. Could I also just elaborate those figures by pointing out where our major visitors arrived from. They continue to be most from New South Wales 36% then from Queensland 25% and then fairly equally 15% from New Zealand and from Victoria. From other places as well but lesser percentages. They are the bulk of them at this time. Those documents are tabled Madam Deputy Speaker,

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

QUESTION PUT  
AGREED

That Paper is noted

MR DONALDSON Thank you Madam Deputy Speaker I table the Revenue Fund financial indicators for the eight months ended the 28<sup>th</sup> February 2003 and I move that they be noted. Madam Deputy Speaker, the financial indicators for February reveal that income is running at 101% of budget predictions and expenditure is running at 92%. In dollar terms this means we are currently \$679000 better off than our budget predications after eight months of trading and if the current expenditure and income patters continue for the remaining four months the revenue fund should finish the year significantly better then the budget prediction of a deficit of \$779000. However it should be noted, or it should not be overlooked that the budget balancing process has curtailed capital expenditure for the year to an amount of \$723000 which is significantly less then the original request by the ad4 in the original budget of over \$2m although we are looking at a better result then to be expected within the revenue fund budget, it's really only been achieved at the expense of curtailing capital expenditure and I table those papers

MRS JACK Thank you Madam Deputy Speaker I would just like to ask the Minister I see that of the six items in revenue, four of those have actually gone down in comparison with last year. A substantial lowering in customs duty of just over half, or the end result is just over half of the previous year and I was wondering does he have any indication of how March is going being that we are half way through April are there any indications of how the March budget figures are

MR DONALDSON Thank you Madam Deputy Speaker, no I have no indication of how March is going at the moment but I do note some erratic behaviour in the month of February in both the income and expenditure figures particularly when compared to last year so I will be seeking further information from the service as to why this is but obviously income and expenditure does not accrue or generate on an equal one twelfth basis each month. The customs duty obviously last year we got \$314,000 for the month of February and this year we got \$173000. About half of the amount we got last year. My suspicion is that, that is one less ship for this particular month or in February. In the areas of Health Quarantine \$328000 expenditure for February, this year \$70000 for February a year ago. I certainly intend to get further information on those things and I can report back to Members at out informal meeting probably next Tuesday on reasons for the variations

DEPUTY SPEAKER NICHOLAS Thank you Mr Donaldson. Any further debate? Then I put the question that the Paper be noted

QUESTION PUT  
AGREED

That Paper is noted. Are there further Papers please. No

**STATEMENTS**

We move to Statements. Are there any Statements

MR D BUFFETT Thank you Madam Deputy Speaker a couple of statements if I may. Firstly I would like to make a statement about reviewing the tourist accommodation quota. By way of background to this I wonder if I could just mention this. In February 2001 the then Ninth Legislative Assembly commenced the introduced of a number of amendments to the tourist accommodation Act 1984 and the subsequent arrangement arising out of that placed a quota on the maximum number of tourist accommodation units. The quotas maximum number of tourist accommodation units was initially set at 597 however since that quota provisions there have been some operators that have withdrawn and there is a sinking lid process so it has reduced marginally down to 595 so today there are currently 64 operating tourist accommodation houses comprising 592 units registered to accommodate 1580 guests. The current quota positions yet to commence operations include a number because that doesn't equate the total figure that I've mentioned. The balance means that there are still some yet to be concluded in terms of their construction. As I understand the process. When all of that was done it was said that there is provision for review of the quota that established all of that by initiation by the executive member and if there wasn't a review initiated there a review would take place at two yearly intervals and the two yearly intervals are really what I'm addressing now. To commence the two yearly interval arrangement the first review is to commence in June 2003 and then each second year after that time. I'm really signalling today that the June 2003 review is approaching and in terms of that arrangement I will be instituting the appropriate legislative review/ the review does call for a working group known as the Gatekeeper Working Group to undertake examination to hold some processes some of which are public processes in other words invite community participation and there is described in the legislation significant and accurate process to follow and my purpose today is to just signpost to Members and to the community that we are approaching that benchmark and I will be endeavouring to implement the processes within the prescribed timeframe.

DEPUTY SPEAKER NICHOLAS  
the Statement be noted

Thank you Mr Buffett. The question is that

QUESTION PUT  
AGREED

MR D BUFFETT Thank you Madam Deputy Speaker if I might just give a situation report in terms of some tourist activities Madam Deputy Speaker. I've already tabled the inbound passenger statistics for the last month and given some comparisons in respect of that. Some destination marketing and promotion have been conducted over recent months, for example, the Bureau was a major supporter of the Norfolk Island Arts Festival which was held in Sydney and there are some people who I would like to acknowledge who have made significant efforts in that. Lyn Greaves of the Artarmon Dale Thomas Gallery hosted the exhibition and the local convenor was Miles Sanderson and the noted personality Helen Reddy made a tremendous public relation push for Norfolk Island over TV

radio and other media and that is much appreciated. It is reported that the exhibition was a major success. There have been additional plans for co-operative advertising campaigns with major wholesalers, there are supporting arrangements and the Bureau is not necessarily the initiator in some of these activities but the Bureau is a supporter in terms of items such as the Writers Festival in July of this year and the Jazz Festival which will be in December of this year. The Bureau has also entered into co-operative arrangements in both New Zealand and in Australia. Air New Zealand has a Pacific Islands campaign which is scheduled to go to air for the last weeks of April and into May and this is to include Norfolk Island and we are endeavouring to do that so that it might lift Norfolk Island's profile in New Zealand and obviously generate sales. Some recent travel trade, and consumer shows we have been involved in both Sydney and Brisbane, the Bureau was represented at the South Pacific Showcase which was held in Fiji and that had access to a number of Australian and New Zealand agents. There was a consumer show in Auckland from the 15<sup>th</sup> to the 16<sup>th</sup> March. There was an agents seminar in Brisbane and Mr John Christian represented the Bureau there and the Bureau has entered a stand at the holiday consumer show from the 4<sup>th</sup> to the 6<sup>th</sup> April. They are some activities of recent times. For the future I just mention a couple of others. There will be the House of Travel Holiday expo in Tauranga New Zealand in May, there will be a Dive Adventure and Travel Pavilion at the Boat Show in Auckland; a Travel and Holiday Expo in Canberra in June and there will be a domestic tourism exchange in Adelaide in July. They are just some future arrangements in which the Board is endeavouring to make a presence for Norfolk Island and I'm just keeping Members informed of just how some of these things are travelling

MR BROWN Can I ask a question pursuant to Standing Order 53 Madam Deputy Speaker. Is the Minister able to provide to Members a copy of the Board's marketing plan for the current financial year

MR D BUFFETT Thank you Madam Deputy Speaker the Board has mapped out the marketing arrangements and the promotional arrangements that it has. I haven't got it in front of me but I can certainly provide it and I can do that

DEPUTY SPEAKER NICHOLAS Thank you. Any further Statements

MR D BUFFETT Thank you Madam Deputy Speaker I have an additional one please. This is a situation report in terms of the Hospital. Again an update on some activities in the Hospital arena. Firstly in terms of the Dental Clinic. We will know that we were very fortunate in having funded a new Dental Clinic and again I pay acknowledgement and thanks to Mr Redstone in terms of that activity. The building work is almost complete now and the painting done. Power is about to be connected and there is some joinery work yet to be completed and there are still some equipment, dental equipment that is coming on "the next ship" but that's the time frame. I just mention all of that so you will know how progress is being made there. I think it's fair to say that building work always takes longer than you would expect but this is coming towards the end of its time and I thank those who are involved there. The present dentist as we all know, is Dr David Smith. Dr Annette Humplink has been on relief work for the past two weeks although I think she concludes either today or tomorrow and I acknowledge the work that she has done in her relieving capacity at the dental surgery. The current waiting list in the dental area is still at two to three months, which is a long period and not a satisfactory arrangement so the matter of a second dentist which would be able to be accommodated in the building arrangements that I've just described is continuing to be pursued. The school dental programme is up to date. There has been a

concerted effort by the dental staff to see those children who were due for the cyclic dental programme. They have been brought to the hospital dental surgery in groups and the figure shows that some thirty children were seen in the last month of March. Telemedicine. Telemedicine is up and running but only to what is described as its current abilities. That really means this. That there is not sufficient broad band cable available at this moment and so whilst there is still telemedicine available in terms of stills and the like, it is not providing the full spectrum that you would automatically have from a total up and running arrangement but we also know that the broad band arrangement is presently being cabled and so hopefully within the next, I shouldn't be putting a time frame on it, I might be caught out, but within a short period of time, maybe in the next one or two months, that we should have that capability installed and complete. Members will remember I had a question at an earlier time about the camera being nicked. It was nicked of course. Regrettably. It has been replaced, covered by insurance and so that now has an ongoing availability. We have been able to access an apple system consultant to give further tuition on the use of some of the equipment that's installed under that system. Some recent capital equipment purchases, a bio chemistry analyser and a replacement air conditioner for the laboratory has been ordered and these should be in place within the next month. In terms of staff movement, the present Medical Officers are Dr Fletcher and Dr Snyman. Dr Fletcher is the Acting Medical Superintendent. We are currently advertising and recruiting for a permanent Medical Superintendent and that is an ongoing process. Not an easy process I think we all share the knowledge about that, but that is progressing at this moment. The Director position has been advertised and interviews are expected to be held shortly and when I say shortly I really anticipate that probably will be within the next week. The visiting Specialist programme contains these components for the next couple of months. Steven Dawson who is an audiometrist will be here in May, so will be Dr Bainbridge, Orthopaedic Surgeon and so will be Dr Boyce the Urologist and Dr Colin Edwards, Chiropractor. In July there will be Michelle Drysdale Podiatrist and at the end of July into August Professor Hooper, Endocrinologist. In September, October, reasonably later in the year now, Dr Purser who is our E and T man. Later in this sitting I will be addressing further some hospital legislation and I just wanted to mention that in terms of reporting to you on the next bit which relates to codes and procedures. There have been a number of codes and procedures completed and are in the processes of being ratified and further examined by the board. In these range of things staff code of conduct, board code of conduct, patients rights and responsibilities, organisational structure positions descriptions, medical record release and confidentiality, patient care review committee, management committee, a range of position descriptions for various posts, this is obviously ongoing but at this time I can see that there have been seven done at this moment but others are yet to be done and service agreements have been drawn up also. I mention that in connection with the legislation because a number of these codes and practices which are designed to have a smooth running arrangement rarely do they just stand alone. They need to dovetail one with another so obviously, these arrangements need to dovetail with the legislation that we will be looking at a bit later on and I just mention it in the context of those needing to be drawn together. Further at the hospital we have had some in-service education over the past three months, including nursing education over the past four days, well in fact some of this is running at this moment, from the Cunningham Centre in Queensland, we've had some telemedicine in service arrangements which I mentioned very briefly earlier and some others. The end of the month we will be hosting an educator from the Asthma Foundation who will be talking to staff, the Daycares Centres and the like. I just mention all of those things Madam Deputy Speaker, as an overview so that people will have some current knowledge about some of the things that are progressing in the hospital arena, thank you

MR I BUFFETT Thank you Madam Deputy Speaker two brief statements really. One of them I think we may have skipped answers to Questions on Notice because I don't think there were any on the formal paper, Mr Nobbs did ask me at the last sitting regarding the position of the Smec and Kaipara matter. Madam Deputy Speaker, as I advised at that time, the parties were to meet on the 28<sup>th</sup>. I can advise Mr Nobbs and other Members of the public that I have received advise that statements of claim have been finalised in relation to the proposed actions and will be available for consideration and they will be able to meet the timeframe of the meetings schedule for the 28<sup>th</sup> April and that is the most current information I have on that particular action.

The other brief statement I have is just the position of the Land Initiative matters. Madam Deputy Speaker, it is expected that today the 15<sup>th</sup> April that the bills that are currently before the Commonwealth will be assented to by the Governor General, that is the time frame that I had, and they are the Planning Bill, the Norfolk Island Planning and Environment Bill, the Subdivision, Heritage, Roads and Land Titles Amendment Bill. Madam Deputy Speaker, as hopeful as I said that they would be assented to today draft Plans of Management for the Reserves will be tabled in the Legislative Assembly today and it is my proposal that they be adjourned to the May sitting at which time those Plans may be approved by this Legislative Assembly. Once the draft Plans of Management have been approved by the Legislative Assembly they will be sent to the Administrator who will seek instructions on their making from the Commonwealth. I did advise Members that, that was the position we were in, that the Commonwealth had asked that they be referred to the Minister prior to the Administrator making those Plans of Management. In respect of the Development and Control Plans which are part of the pre requisites of the Land Package, and they are the Roads and Water Development Control Plans, in respect of the Roads, the initial Roads Codes are being drafted and we are seeking some further engineering input regarding the applicability of some of the standards that have been included in that, understanding the Norfolk Island situation and we are finalising those at the moment for referral to Members for the acceptance or otherwise and also in respect of the Water Development Control Plan that is a matter that I will be once again resubmitting to Members and asking them to pay some attention with a clear view of trying to get that and the policies that originate from that particular development control plan attended to over the next two months. One of the large parts of this whole land initiative was the implementation phase and we are currently working on that. The work is almost completed and the remainder is in the final stages and some of the matters we are now dealing with is the completion of the necessary forms and finalising of the zone maps that will accompany the printed plans. We are preparing options paper on fees for building and planning issues that will arise from this package. We will shortly be calling for specific expressions of interest for the Planning and Environment Board. Also for expressions of interest and or prepared selective lists for potential Heritage Advisors. We will be finalising regulations for making of the Norfolk Island Executive Council Meeting. All those papers need to be finalised and draft instruments to commence the Acts, make regulations, make the Norfolk Island Plan and the appointments necessary and there's a fair amount of that work that's already been completed. That's an overview of where we are with the Land Initiative. There will be a further meeting with the Commonwealth Task Force Members on the 2<sup>nd</sup> May in conjunction with the Norfolk Island officers to review completion of the Land Initiative pre requisites and the implementation proposals I refer to and that's where we are with those issues and as I mentioned I will be shortly moving the motion in respect of the draft Plans of Management for the Reserves in Norfolk Island, thank you

MR GARDNER Thank you Madam Deputy Speaker in a similar situation to the Minister for Land and the Environment and in response to a question which was asked of me at the last sitting regarding the status of the Cyber Centre proposal I am able to provide a brief update today following receipt of some documentation from the Acting Chief Executive Officer yesterday. A consultant has been engaged to carry out a specific scope of works over the next four to six weeks. The scope of works includes a series of meetings in Australia with Commonwealth officials and proposed stakeholders of the Cyber Centre and as Members will be aware Madam Deputy Speaker, the Acting Chief Executive Officer will accompany the consultants during those meetings. Arrangements are currently being finalised for those meetings to take place on Monday 28<sup>th</sup> April to Wednesday 30<sup>th</sup> April 2003 in Australia. Madam Deputy Speaker, at the conclusion of the series of meetings a report has been requested to be submitted to Members of the Legislative Assembly to enable an informed decision to be made as to how best to, if at all to proceed with the Cyber Centre proposal. That report will need to demonstrate whether or not real potential exists for the establishment of Norfolk Island as a Cyber Centre or Finance Centre jurisdiction and Madam Deputy Speaker, the funding for the series of meetings and the consultants engagement will be drawn from funds currently remaining with the Cyber Centre Government Business Enterprise that was established some years ago, therefore not impacting on funds that were allocated in the last budget for revenue based investigations.

DEPUTY SPEAKER NICHOLAS Thank you Chief Minister are there any further Statements

MR D BUFFETT Thank you Madam Deputy Speaker I have a statement to make on SARS, that is, Severe Acute Respiratory Symptom. This is just an overview Madam Deputy Speaker, so that we will see the world situation and its closeness or otherwise to this place. Obviously this still is something that exercises the mind both here, in Australia and internationally but just some figures which are figures as at the end of yesterday the 15<sup>th</sup> April. Internationally there have been reported 3235 cases of SARS. There have been 154 deaths from SARS and that is contained within 22 countries of the world. Compared with the previous day there have been 66 new cases and ten deaths, and those ten deaths have occurred, nine in Hong Kong and one in Singapore. Closer to this place in Australia there have been nothing of that magnitude obviously. There have been six difficulties under investigation but no cases confirmed. One was thought to be but not confirmed and at this stage there is only one in hospital from those figures and there are no deaths in the Australian scene. There are incoming passenger protocols within Australia and New Zealand that examines incoming passengers to have some surveillance over that. In New Zealand there have been no cases and in Norfolk Island equally there have been no cases.

DEPUTY SPEAKER NICHOLAS Thank you Mr Buffett. Any further Statements. Then we move to Messages

#### **MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 14**

Honourable Members I report a message from the Office of the Administrator and it is message No 14 which reads that on the 25<sup>th</sup> March 2003 pursuant to subsection 21 of the Norfolk Island Act 1979 I reserved the following proposed law for the pleasure of the Governor General, the Legislative Assembly Amendment Bill 2003. That message is dated the 25<sup>th</sup> March 2003 and is signed A J Messner, Administrator

**MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 15**

Honourable Members on the 25<sup>th</sup> March 2003 pursuant to subsection 21 of the Norfolk Island Act 1979 the Administrator declared his assent to the following, the Supplementary Appropriation Act 2003 and Public Sector Management Amendment Act 2003 and that message is dated the 9<sup>th</sup> April 2003 and is signed Owen Walsh, Deputy, Administrator

Are there any Reports from Select and Standing Committees? It may be that we return to that matter. We move at the moment to Notice No 1

**PUBLIC RESERVES ACT 1997 – APPROVAL OF DRAFT PLANS OF MANAGEMENT FOR NORFOLK ISLAND PUBLIC RESERVES**

MR I BUFFETT Thank you Madam Deputy Speaker. I move that this House for the purposes of subsection 13(2) of the Public Reserves Act 1997 resolves that part a and part b of the Draft Plans of Management for Anson Bay; Ball Bay; Bumboras; Cascade; Headstone; Hundred Acres; Middleridge; Nepean Island; Point Ross; Selwyn; Stock; Two Chimneys; Cemetery; Government House Grounds; Kingston Common; Kingston Recreation; Point Hunter and the War Memorial Reserve are approved subject to the alterations contained in the documents titled Proposed Amendments to the Draft Plans of Management for each Reserve. Thank you Madam Deputy Speaker, the management of public reserves must involve the community. The Public Reserves Act 1997 therefore requires that each reserve be managed in accordance with the Plans of Management which has been subject to community consultation and comment and then accepted by the Legislative Assembly and the Administrator. Public submissions on the Draft Plans of Management for Norfolk Island Public Reserves was sought during the period the 28<sup>th</sup> March through to the 31<sup>st</sup> May in the year 2002 and for the public reserves within KAVHA, between the 11<sup>th</sup> September and the 11<sup>th</sup> November 2002 and they were done in accordance with subsection 11(a) of the Act. A number of written and verbal submissions were received and I thank those persons for their contributions. I would also like to thank those persons in the community and those organisations who provided advise to the Conservator and to myself during the preparation of the draft Plans of Management. These Plans provide an outline of the natural and cultural values of Norfolk Island Public Reserves and set out the management objectives and actions which they are intended to implement. The Plans also set out the activities which are permitted in the Reserves. Plans of Management are not immutable but are documents that attempt to clearly set down the intended use of each Reserve and the management goals agreed by the community. The community is encouraged to participate in the management of the Reserves and to contribute to the annual review of implementation of these plans by the Conservator for the Reserves. In accordance with subsection 13(1) of the Public Reserves Act I now lay on the table a) a copy of each Draft Plans of Management for Norfolk Island Public Reserves and b) a copy of each submission made in accordance with the public invitation required by subparagraph 11(a) of the Public Reserves Act. A paper entitled Proposed Amendments to the Draft Plans of Management for each Public Reserve which proposes specific alterations to the Draft Plans of Management taking into account the public submissions and other information will be made available to Members and tabled at the next sitting of the House. The most significant amendments to the draft Plans of Management are 1) and implementation plan for each part b) Plans of Management will be developed within three years of the making of the Plan; the public consultation process will be implemented within twelve months of the making of the Plans of Management; the effectiveness of this public consultation process will be reviewed after a further

twelve month period. The Plans of Management for the Reserves in the KAVHA were amended to provide where there is any inconsistency between the intent of these Plans of Management and the intent of the approved KAVHA Conservation Management Plan the intent of the approved KAVHA Conservation Management Plan shall prevail. As I mentioned earlier it will be my intention at the appropriate time to adjourn this motion to the May sitting and shortly other Members may wish to have some comment on this matter but I wish to just mention that it would be my intention that between now and whatever day we sit in May to seek the Members' approval to have at least a couple of meetings on these plans in order that we might arrive at a position where we are happy to pass the motion to its finality at the May sitting, thank you

MR NOBBS

Thank you Mr Speaker and I thank Mr Buffett for providing those documents this morning which were in my box. They weren't there at 5.30 yesterday afternoon so I presume they've only been put there today. The situation is, in relation to these Reserves, it was my understanding in the issue of transfer of land back to Norfolk Island that the public Reserves on the island with the exception of the Mt Pitt Reserve which is now the national park and also those reserves which were within KAVHA which would be subject to additional discussions, that the remainder of the Reserves would be transferred to Norfolk Island once Plans of Management are developed and accepted for those areas. It appears that this is not to be the case. That the public Reserve will remain as Commonwealth land and the Norfolk Island Government will continue to maintain them. I find this quite abhorrent and I believe that we should not move on these Plans of Management until such time as there is an agreement to transfer the areas of land back to the people of Norfolk Island and I think then is the opportunity to negotiate for some sort of lease back arrangement which the Commonwealth is pretty good at elsewhere in relation to the Mt Pitt Reserve and also those Reserves within KAVHA and therefore I will be opposing the introduction and the passing of these Plans of Management until such time as I said that some agreement is reached in relation to the transfer of the land back to Norfolk Island. I've also got some concerns in relation to the actual content of a number of the Plans of Management. As an example I think that some of the management arrangements are quite obscure and I would suggest that a perfect example would be the exclusion of stock from watering facilities at Ball Bay and also from the water which is out in the Two Chimneys Reserve. That means that there will be a lack of watering facilities in that part of the island for stock on the roads as far as I can gather. I don't believe that the Reserves themselves are specifically for growing trees. I don't believe that specifically they were designed in the original concept purely for conservation purposes in relation to trees, and birds and bees. The usage of those particular Reserves has been diverse and I believe that apart from the problems with noxious weeds in those reserves that they can be maintained fairly readily, given that we have now a process of electric fencing which is fairly cheap, is easy to maintain and it should be used more often in those areas to exclude stock for limited periods. I find it difficult to understand how in some reserves that adjacent landholders are complaining that stock should be excluded from the Reserve because they are getting onto their properties. I find it difficult to understand how in one part of one particular Reserve the comment was made by the conservator that people should exclude stock from that part of the Reserve because people didn't want them running onto their land. Well I mean if they don't want stock on their land they should put up some fences and exclude them. There are heaps of anomalies within the Plans of Management I find extremely difficulty. I think there'll be very expensive. What happens with a Plans of Management, it might seem that it's just a document that sits on the shelf. Unfortunately it is what will be done in the management of all the Reserves and if you go through this, and

the Minister should have been through them, the cost of maintaining the reserves to the standard which is required in these documents you will find that the costs are horrendous. Now it's fine saying, and it seems to be the view, oh, it's only in the book and we'll get around to it when we can. Unfortunately in this sort of document, that's what we set out to do and we are committed to it whether we like it or not. There's talk about a plan of implementation. We haven't seen it. This document reads that as soon as possible we will be doing this work full stop. Now if you gentlemen and ladies want to approve documents like this, well I'm afraid I can't. as a management tool they might be fine to provide the perfect Reserve and the like but as a management tool from a management perspective they will be a headache to anybody trying to manage it unless they ignore it, but if we formalise them, then nobody can ignore them. So I find that the responses to some comments that were made in here and I put in significant comment, are arrogant, they don't take account of the reality of the situation and they don't wish to vary what has already been put in place, now bearing in mind that these documents have been around for about three years or the development has been whereas in a normal arrangement you would expect that in a small island like this they should have been done in three months. However I don't wish to be too critical but I just find it quite difficult when I read the responses to comments, the tone of those responses are not good, and they don't I believe take into account the interests of the island in general and also those particular Reserve and particularly the people who have to implement these proposals. Now I would suggest that if we pass this at the May sitting the next budget will have a significant request for funding because there's a huge number of issues within these documents. There has to be because that's what we have, these are the documents that we have and the proposals put in here have to be done so Mr Speaker I object to this proposal basically in summary on the grounds that the Reserves are a part of the Commonwealth. I have difficulty also in relation to the current Norfolk Island Act which I believe is outmoded, it's dictatorial to say the least, it has little public input into it and therefore I believe that if we are to bring in Plans of Management there should be agreement that these Reserves will pass back to Norfolk Island bearing in mind that we now maintain them; that there would be a major change to the Norfolk Island act which covers the Reserves and that the Plans of Management that are to be put in place are realistic and will not cost the island a huge amount of money for what I feel a lot of it is airy fairy gobbledegook. And that's all I wish to say until we get on to it next time

MR I BUFFETT Thank you Mr Speaker perhaps I'll let other Members have their say before I make a couple of points

SPEAKER Any further comments Honourable Members? None at this stage. Mr Buffett

MR I BUFFETT Thank you Mr Speaker Mr Nobbs made the comment of the Commonwealth transferring those Reserve to Norfolk Island and I think I need to make something fairly clear. I don't ever recall the Commonwealth saying that they will transfer the Reserve to the Administration of Norfolk Island as a body politic if you did one, two, three. The Commonwealth did indicate that as part of the total land initiative and a consideration of land matters that we needed to prepared Plans of Management. It seems to me that the course of action to be taken would be this, and that's for us to honour some undertakings that previous Legislative Assembly's have made to prepare Plans of Management to prepare these Plans of Management, to put them in place and then raise the question with the Commonwealth understanding that both officers and previous ministers in this Norfolk Island Government have had carriage of this issue to say that we have honoured our part of this undertaking, the Plans of Management have been made, I

think the major question of transferring it to the Administration of Norfolk Island as a body politic is now the major question that needs to be decided because we will end up with the chicken and the egg if we say if you don't transfer it to us then we won't prepare the Plans of Management and it's a stalemate situation. I believe that we are in the most advanced position in the history of this particular issue to make these plans, understanding that the Commonwealth as part of the Joint Land Initiative has agreed to the three year period for the implementation proposals and Mr speaker the current Plans of Management in my discussion with the officers involved will not have a major impact on the budget for the forthcoming year and I've been through that process with them and will not have significant financial impact but we are in a position to have addressed the issue of preparing Plans of Management and I think that if we are in a position to make these Plans of Management then we are in a far better position to say to the Commonwealth, Commonwealth here we are, we've arrived at this position can we now discuss that question of transferring those Reserve to the Administration as a body politic

MR NOBBS

Thank you Mr Speaker I understand where Mr Ivens Buffett is coming from in relation to the land issue. I understand that perfectly but what I'm saying to you is this, that if we bring these in, as they are, I believe that there should be ongoing discussion that should have been undertaken between the Commonwealth and the Norfolk Island Government over the last year as these documents were firmed up. That's the point that I believe should have happened and that's why I'm going to oppose them because I believe it didn't happen, and it's unfortunate that it hasn't happened because I think they've been too worried about the ongoing issue of transferring leasehold land to freehold land and I think that is a point that should not be in the equation at all, but it seems to have been held up because of issues such as this. It appears to be held up although we don't know what is actually happening in the background because we haven't been informed in relation to the transfer of leasehold to freehold for some time now. I believe that these plans should be put on hold at this time, you can table them, but we need an implementation plan and we need advise to the community on what the proposed amendments are to these plans. I don't think the community has been advised as to what the proposed amendments are and yet we want to pass them. The community doesn't know the implementation side of them and what the cost will be over the future. Are they to be suggested that they close Forestry and transfer all the guys to the public reserves. Is that the proposal to implement these sort of issues. How are we going to implement them. And that's what we need to know. The community needs to know. Not just, oh we are two million dollars over this financial year therefore we're going to belt you. They don't need that sort of thing any more and so that's what I'm saying. The Minister should be discussing these issues with the Commonwealth as well as in relation to the future ownership of that land and it should have been done before, and I ask him to do it now and the other part is, we need proposed amendments and implementation plans on how all these issues, and it's a fairly thick document here, how they will actually be undertaken and at what cost. Thank you

MR I BUFFETT

Thank you Mr Speaker on that basis I move that the motion be adjourned and made an Order of the Day for a subsequent day of sitting

SPEAKER

There being no further debate I put the question is that this matter be adjourned and made an Order of the Day for a subsequent day of sitting

QUESTION PUT

AGREED

That matter is so adjourned

**CUSTOMS AMENDMENT (FUEL) BILL 2003**

MR DONALDSON Thank you Mr Speaker. I present the Customs Amendment Fuel Bill 2003 and move that the bill be agreed to in principle.

SPEAKER The question is that the Bill be agreed to in principle. Mr Donaldson

MR DONALDSON Thank you Mr Speaker. This is a simple Bill. The purpose of the Bill is to amend the Customs Act 1913 to increase the duty on fuel imported into Norfolk Island by unregistered importers, that is, those people who import fuel for private consumption. The bill will increase the duty from ten cents per litre to twenty cents per litre. This increase is in line with the levy imposed on registered fuel importers which is a twenty cent per litre charge and is charged under the Fuel Levy Act 1987. It is my intention today to move that the bill be made an order of the day for a subsequent day of sitting but I invite Members to comment before I move that motion

MR I BUFFETT Thank you Mr Speaker. I would certainly agree if the Minister is going to make it an order of the day for a subsequent day of sitting but I would given that we may have another three or four week period I'm not sure what quantity of fuel the Minister is referring to whether we should not if we do pass it at the next sitting, make it retrospective from today when it was introduced

MR SMITH Thank you Madam Deputy Speaker a query I suppose of the Minister and maybe I've missed a meeting or something, but what is the reason for it

MR DONALDSON The current arrangements are that the people who import fuel pay a ten percent duty which is normal ten percent general rate of duty and on top of that there's a Fuel Levy Act 1987 which requires registered importers of fuel to pay a twenty cent levy. It used to be a ten cent levy up to a period of time ago and now it's a twenty cent levy. This gives private importers of fuel an advantage over registered importers of fuel who are registered under the Fuel Levy Act 1987. All this does is even up the scale so that everybody who imports fuel to Norfolk Island will now pay ten percent customs duty and twenty cents per litre on the fuel

MR SMITH Thank you Madam Deputy Speaker I'm sorry but I was not aware of that that there was duty paid plus a fuel levy on top and then on top of that there's a fuel levy when fuel is sold at the pumps for example

MR DONALDSON No that's the same thing

MR SMITH You're talking about that twenty cents

MR DONALDSON The Fuel Levy Act talks about a levy going on the pumps at the petrol station saying the price of this includes twenty cents fuel levy and that's the same fuel levy that is imposed by the Fuel Levy Act 1987

MR SMITH So what I'm asking is, if somebody wants to bring in fuel and they have not imported it to sell it to anybody why should we be charging them more for it. Shouldn't we be encouraging that at the high cost of fuel at the moment

MR DONALDSON That depends on your point of view. I think it should be an even playing field for everybody who imports fuel onto Norfolk Island there should be no advantage given to one type of importer over another type of importer

MR NOBBS Thank you Madam Deputy Speaker it seems that there's been an anomaly here which I didn't know anything about in the Customs Act and I would suggest that we should change the arrangements immediately as it seems to be more of a housekeeping matter than anything else and I would be prepared to move that the motion be put immediately

MR BROWN Madam Deputy Speaker, I wonder if the Minister for Finance could just confirm that under the Customs Act the duty on fuel is actually described as so many cents per litre rather than so many percent

MR DONALDSON Under the schedule to the Customs Act fuel imported to Norfolk Island is a ten percent leviable amount but under 2(1)(a) of the Customs Act 1913 there is an additional duty imposed of ten cents per litre. What this amendment does is move that additional duty up to twenty cents per litre in addition to the ten percent and make it the same as people who are registered importers under the Fuel Levy Act 1987

MR BROWN Madam Deputy Speaker, I've got to say that I'm confused too. So the Minister is telling us that at present fuel is dutiable under the Customs Act at so many percent and in addition under the Customs Act, there's a ten cent per litre charge which the Minister wishes to increase to twenty cents per litre and I think the Minister has told us that under the Fuel Levy Act in respect of sales which are covered by it there's a twenty cent per litre charge. Are we looking at apples and apples or have we got total confusion

MR DONALDSON Somehow the Customs Act is worded and I haven't a copy here with me, that if the levy is payable under the Fuel Levy Act it is not payable under the Customs Duty Act and that levy I'm talking about is a twenty cents per litre so there's no double dipping there, we are not charging twenty cents under the Fuel Levy Act and ten cents under the Customs Act. It's just the people who escape the clause of the Fuel Levy Act 1987 are picked up by section 2(1)(a) of the Customs Act so that they too pay an amount per litre

MR BROWN Madam Deputy Speaker, I wonder if the Minister could tell me what will happen if this bill is passed to a private importer who uses his fuel for let's say heating purposes, which I think is one of the purposes which are exempted from the fuel Levy, does it mean that the private importer will end up paying twenty cents per litre over and above the duty whereas if it was purchased from someone registered under the Fuel Levy Act he would pay zero. I realise you have a month to look at this but I think we have to be careful

MR DONALDSON There's a number of anomalies about this and that's one of them which is why I would prefer to leave this on the table for a month while I resolve some of these issues but clearly under the Fuel Levy Act the only fuel that is leviable is fuel that is used in motor vehicle type arrangements or

sold for motor vehicles, tractors and boats. If it is used for home consumption for heating, if it's kerosene or butane gas that's exempt from the Fuel Levy Act

MR GARDNER Thank you Madam Deputy Speaker my initial comment is that it would appear to me that it would be a far simpler exercise taking on board what the Minister for Finance has just said that those other fuels are exempt under the Fuel Levy Act to simply amend the Fuel Levy Act 1987 declaring all importers of fuel to be registered importers

MR DONALDSON If I could just comment, my reading of the Fuel Levy Act was only yesterday and it seems to say that a person importing fuel into Norfolk Island may apply to the executive member for registration and he may apply to the executive member for an approved fuel storage depot and once he's done that he has to pay the levy. There seems to be no penalty for not doing it and no obligation to do it and one of the reasons why I want to leave it on the table for a month is to clarify that point and possibly come back with an amendment to the motion next month whereby the registration of all fuel importers under the Fuel Levy Act becomes compulsory and we don't have to worry about the Customs Duty one but the whole issue has grown out of all proportion in complexity

MR NOBBS I don't know about what they are really on about but all I can gather from this document is this, that previously there was a ten cents per litre levy on fuel coming onto Norfolk Island or being used on Norfolk Island some of it is excluded of course but for that which doesn't fall into the exclusion zone it was ten cents per litre. well what appears to have happened is that for some when it was increased to twenty cents per litre part of the Act was increased but the other part wasn't and I thought this was just a simple way of bringing it all up to square and all these other issues are dealt with by the Act in another way. I mean, they are still paying ten cents per litre on that fuel whereas if you get it through the registered house, or if Martin's Agencies brings it in it's twenty cents, but for somebody else to bring it in it's ten cents. That's the difference is as I understand it and therefore they should all be brought up to twenty cents, whether there's an exemption or not comes in later. That's why I'm saying if it's twenty cents across the Board well that's the way it should be. We should bring it in now

MR DONALDSON Thank you Madam Deputy Speaker the question seems to be now, should we make it an urgent bill and bring it in immediately or should we leave it on the table for a month. Because of some complexities in it and some confusion I would much prefer to leave it on the table for a month and come back with a completely resolved issue on it. Just in response to a question asked earlier about double dipping and charging ten cents under the Customs Act and twenty cents under the Fuel Levy Act the Customs Act only applies the ten cents in respect of each litre of fuel imported for home consumption so if its brought in for commercial purposes I believe it to be outside the Customs Act 1913

MR I BUFFETT Thank you Madam Deputy Speaker I press my point earlier that if we are to leave it there then I would urge the Minister to include in whatever adjournment proposal he makes that it becomes effective from today that if we pass it then the increase will become effective as at whatever day he may wish it, that it is effective or retrospective from today

MR NOBBS Thank you Madam Deputy Speaker could I move that the matter be adjourned and made an Order of the Day for a subsequent

day of sitting provided the issues covered by Mr Ivens Buffett are also included in the bill, is that possible

DEPUTY SPEAKER NICHOLAS I think I need a more formal proposal with respect

MR DONALDSON Thank you Madam Deputy Speaker could we have an amendment to the Fuel Bill before us and the amendment virtually says in the operative sections of the Act that the amendment in this Act, the principle Act means the Customs Act 1913 and the imposition of the Fuel Levy in Section 4 of the amending Act says section 2(1)(a) of the principal Act is amended by omitting ten cents and substituting twenty cents and that's the motion before us at the moment. That hasn't at this stage been amended to say that this will be retrospective to the 16<sup>th</sup> April 2003. I don't need to amend this motion right now to include that

MR D BUFFETT You don't need to do that right now but you will need to introduce an amendment to achieve that. Madam Deputy Speaker, if we adjourn now on this matter which I'm happy to move then between now and the next sitting the appropriate Minister can make an adjustment in terms of further amendments to achieve the things that have been mentioned around the table, quite simply and not conditional upon the motion itself but I am prepared to move that this matter be adjourned and made an Order of the Day for a subsequent day of sitting

DEPUTY SPEAKER NICHOLAS Thank you. The question is that the debate be adjourned and made an Order of the Day for a subsequent day of sitting

QUESTION PUT  
AGREED

That matter is so adjourned

MR BROWN Could I move a Point of Order, but I think it is important. If we have an intention to even consider making this legislation if it is eventually passed, retrospective to today, I feel that it is important that the Minister make it clear to the community that the Bill in the amended form in which it will be presented will be presented to the House with the intention that it be retrospective

MR D BUFFETT Quite so

DEPUTY SPEAKER NICHOLAS Do you wish to comment Mr Donaldson

MR DONALDSON No I'm quite happy to make that announcement that there is a retrospectivity provision going to be added to the Bill that will make it effective as from the 16<sup>th</sup> April 2003 and any fuel imported since today will incur the levy at twenty cents and not at ten cents subject of course to the bill being passed by this House

### **NORFOLK ISLAND HOSPITAL AMENDMENT BILL 2003**

We resume debate on the question that the Bill be agreed to in principle and Mr Buffett you have the call to resume

MR D BUFFETT Thank you Madam Deputy Speaker I introduced this piece of legislation a couple of sittings ago and since then there have been

discussions amongst Members and a number of suggestions made for adjustment in terms of that amending legislation. I have gone through a process of absorbing those adjustments and making some amendments to the original paper that I've tabled and for reasons of clarity I am going to seek leave to withdraw the earlier one and put on the table the new one and the reason for that is that it gives us a clean starting document again instead of an amendment to an amendment to an amendment. I think there is greater clarity in doing that and so I therefore seek leave to withdraw the earlier bill and to present a new bill which has on its final drafting the 14<sup>th</sup> April 2003

DEPUTY SPEAKER NICHOLAS      Honourable Members is leave granted. Leave is granted thank you

MR D BUFFETT                      Thank you Madam Deputy Speaker then in that context what I put on the table now is the Norfolk Island Hospital Amendment Bill 2003 and it is the one that shows the Draft dated the 14<sup>th</sup> April 2003 and we are now addressing that this Bill be agreed to in principle. I would now like to walk through and pick out the main points in terms of this particular piece of legislation so it will give some explanation of the reason as to why it is being brought forward. Firstly in this particular legislation there is the usual thing of having a series of definitions. This piece of legislation does that and it brings forward some new definitions because this is amending an Act of 1985, that is the parent or principal Act and this adjusting first of all the definitions. It gives a definition to the new Board; it gives a definition to the Deputy Medical Superintendent, it gives a definition to the Director of Nursing; and it gives some definition in terms of privacy principals. It makes some other adjustments also but they are the main points in terms of the definition adjustments. The next bit refers to the principals to be adhered to by the Enterprise and this adds a very important component which we are now generally accepting as being the proper way to travel and that is that there are performance agreements and delivery on performance and this reflects that the Enterprise needs to develop performance agreements and set out goals and targets and the like so that is inserted into the Bill. The next part addresses the new Board arrangements. It sets up the new Board which is called the Norfolk Island Hospital Advisory Board; it mentions its functions and powers in an adjusting sense because there are some arrangements that already exists. It adjusts those and adds some new ones. One of the things that I think is important that it also adds in this area in terms of functions is that there needs to be maintained a level of confidentiality necessary to protect all of those who have dealings with the enterprise and the enterprise itself. You will recall from earlier circumstances that this was quite a community contentious matter and this is endeavouring to write part of it into the legislation itself. It will be reinforced as I mentioned earlier in a statement to this house in terms of codes and practices. The membership of the Board is addressed. It is a compact Board of three and that is inserted into the arrangement. In terms of this area there was earlier suggested that there be a mandatory arrangement for a Legislative Assembly Member to be a Member of the Board. There was also a view that maybe that wasn't the best way to go. What is provided here is this. That it does not provide mandatory arrangement for including a Member of the Legislative Assembly but equally it does not provide a mandatory arrangement to exclude Members of the Legislative Assembly. Now that really means that if there is an appropriate Member of the Legislative Assembly from time to time that may be useful and suitable, that that person can be appointed but there is no mandatory arrangement that must include and it doesn't exclude them so it gives a flexibility in terms of membership of the Board. It provides for the appointment of Chairperson; it goes on to provide this, in addition to those three Members who are Members of the Board in a formal sense, attendance at Board meetings is facilitated for the Director; the Medical Superintendent and the Director of

Nursing. In fact it says where practical they shall attend all meetings of the Advisory Board. That doesn't mean that they are Members of the Board but it means that their expertise is recognised as being valuable to the Board and they have capacity to be there. It then goes on to set out the duties of the Director and the powers of the Director. It then talks about the Director of Nursing and the arrangements for their appointment. It sets out the responsibilities of the Medical Superintendent. An additional important adjustment is that there is inserted here the arrangements for the Director of Nursing to be appointed. It flows on thereafter that in terms of the overall Enterprise there needs to be performance reports. It's not just a matter of people going into a task, they need to perform and have a measure of their performance. There is a financial provision which is to allow payments of wages and salaries to be done electronically if that is to be desired at another time. That has the prospect of some cost savings. I'm at page seven of this document at this moment. It then talks about codes of conduct and there is a mandatory arrangement for codes of conduct, in other words shall be, not may be. It next provides what happens if there is a breach of the code of conduct. It further goes on to ensure that the code of conduct also applies to the board. If we move on to page nine there is then a list of consequential arrangements which is adjustment in terminology throughout the principal legislation. And finally the piece of legislation talks about transitional arrangements as to how the organisation moves from being administered under the old legislation to being administered under this new piece of legislation. Madam Deputy Speaker, that is to be an over view of this particular piece of legislation and an effort to pick up a number of things that have been mentioned whilst we have sat informally in this chamber where areas of concern were expressed and I've tried to put them, with the help of various people, into this revised document which I've represented today. I commend this piece of legislation to the house Madam Deputy Speaker, and may I reinforce this in doing so. That whilst this in itself is an important piece of legislation, it doesn't mean that everything can only be achieved by this. There are a number of dovetailing things as I've mentioned. It needs to be supported by other documents and policies and procedures and there are advancements equally being made in those areas but this in itself is important but it doesn't stand alone. We can't expect that this alone will solve all the difficulties but it is a significant legislation statutory tool in doing so. My aim is that you will have the opportunity to see and even speak upon that today and then I will plan to adjourn it and hopefully you will feel comfortable to finalise it when we come together at our next sitting

MR GARDNER

Thank you Madam Deputy Speaker just a couple of initial queries I guess for the Minister and if I begin on page three of the bill that we've received under membership. I must admit that I'm looking back at an earlier version of the Norfolk Island Hospital Act and it refers to a quorum at a meeting of Board members and in that Act it refers to a quorum as being four. If there's only going to be three members, now again, I need to emphasise the fact that, that may have been amended since this copy of 1995 of the Act providing for a quorum but just whether that needs to be taken into consideration if you are only going to have three members. My second query is in relation to both section 14 of the amending Act which looks to amending section 23A and subsection 14(3) of the amending legislation where it talks about the executive member shall appoint a person who is a medical practitioner who is currently employed by the Enterprise to the office of Medical Superintendent of the Hospital and may appoint a person who is a medical practitioner to be the Deputy medical Superintendent. Is that a deliberate omission from the Act to not include the second position, the requirement to be currently employed by the Enterprise, or whether it needs inclusion to say the same thing

MR D BUFFETT I will need to check that, thank you. Thank you for those comments Chief Minister

MR BROWN Madam Deputy Speaker I have a substantial number of comments but they are perhaps most efficiently handled by my writing to the Minister and that's what I'll do

MR NOBBS Thank you Madam Deputy Speaker I still object to the advisory role of the Board. I believe that a formal board can operate very effectively and it should be retained whereas this is providing more of a public service type structure and the Minister seems to be fairly heavily involved in the issues in this Bill. If there's a dispute between the Director and the Board the Minister has to sort it out and I find that under the previous arrangements there were difficulties but they were actually the specifications as to what were the roles of the individuals and I still believe that there is an overlapping role with the Board and the Director even under these arrangements. Although there's been some changing two or three times of the wording of the powers and functions of the Board I still believe that there is a potential for dispute to continue. The issues that were raised by the Chief Minister I thought were to be covered by some standby arrangement by some Members of the Board being on standby so that if somebody was off the island then another Members could fill in for them and I still think that is a necessary procedure but I would ask the Minister if he would look at that. Apart from that, I wish him well thank you

MR SMITH Thank you Madam Deputy Speaker I was going to say some of the things like Mr Nobbs just said. As far as the executive member is concerned but we've only just got this so obviously it is going to be adjourned but I would just make comment where the executive member now appoints the Medical Practitioner and he appoints the Director and the Board, has to set up a performance agreement for the Board which must include setting out the goals and targets which is what the Board used to do, the executive member now has to do that but interestingly when it comes down to responsibilities if there is a difficulty the Director can actually dismiss any of the staff or take any action that is required but doesn't employ anybody without the advise of the executive member and I find this quite interesting. It does say, and it may be a confusion in my own mind, where the Director may employ persons for the purpose of the Enterprise on such terms and conditions as the executive member approves. Now that could just mean the terms and conditions but one of the difficulties with the Hospital Act now has been the definitions or the interpretation of definitions. Now that could mean that the director could employ anybody he likes as long as the executive member agrees with the terms and conditions of that position which could override the director's decision but those things could be clarified in the next few weeks anyway, thank you

MR D BUFFETT Thank you Madam Deputy Speaker could I just thank Members for those comments. Just moving in reverse order it is not my interpretation that the executive member would be involved in each appointment but we will need to give clarity to that if indeed it is interpreted otherwise so I thank you for that point. The stand by role to be quite frank I thought we had addressed that in some way and I will try to quickly walk through it to see that it might be there or not so I thank you for your reinforcement of that bit. Mr Brown if you would write to me that would be good and I look forward to that and Chief Minister thank you for your two comments in terms of a quorum and appointment of the Deputy Medical Superintendent. If there is no further debate as indicated Madam Deputy Speaker, then I move that this matter be adjourned and made an Order of the Day for a subsequent day of sitting

DEPUTY SPEAKER NICHOLAS            There being no further debate I put the question is that this matter be adjourned and made an Order of the Day for a subsequent day of sitting

QUESTION PUT  
AGREED

That matter is so adjourned and made an Order of the Day for a subsequent day of sitting

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

MR NOBBS                                    Thank you Madam Deputy Speaker I move that the House at its rising adjourn until Wednesday 21<sup>ST</sup> May 2003, at 10.00 am which is a week later then the 14<sup>th</sup> scheduled meeting date and this follows a request by Government Ministers based on the number of holidays in the next two weeks

DEPUTY SPEAKER NICHOLAS            Thank you Is there any debate Honourable Members. The motion is that we rise until the 21<sup>st</sup> May The question is that the Motion be agreed to

QUESTION PUT  
AGREED

The motion is agreed to

#### **ADJOURNMENT**

MRS JACK                                    Thank you Madam Deputy Speaker, I move that the House do now adjourn

DEPUTY SPEAKER NICHOLAS            Is there any debate Honourable Members? The question is that the House do now adjourn and I'm reminding you that the adjournment is until the 21<sup>st</sup> May. Is there any further adjournment debate Honourable Members? There being no further debate I put the question

QUESTION PUT  
AGREED

Therefore Honourable Members this House stands adjourned until Wednesday 21<sup>st</sup> May 2003 at 10.00 o'clock in the morning.

