

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

LEAVE

SPEAKER: Honourable Members, leave is sought for Mr Nobbs. Is leave granted? Thank you Members leave is granted?

PETITIONS

Honourable Members are there any petitions this morning?. There are no petitions.

GIVING OF NOTICES

Are there any Notices?

QUESTIONS WITHOUT NOTICE

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

MS NICHOLAS Thank you Mr Speaker. To the Minister for Land and the Environment. What level of response has been received to the invitation to contact yourself, Mrs Jack or the Secretary to Government in respect of land speculation

MR I BUFFETT Thank you Mr Speaker the level of contact in response to the notice placed in the Norfolk Islander has been very low. Perhaps I could take this opportunity to invite the community to make comments to me or to people who are listed in the Norfolk Islander in the media release that I published that is, to either Mrs Vicky Jack who is a Member of this Legislative Assembly or Mr Peter Maywald who is the Secretary to Government who have both volunteered to take comments or to speak to people including myself Mr Speaker if anybody wishes to make comments to me on that issue. I must say that to date the response has been not what I expected given what appeared to be some of the debate that we entered into, the need to have such a thing proceed but I would certainly look forward it and to once again remind the community that I've set a target date for the closure of comments as the 10th November because if we don't it just goes on and on and I hope that people will take the opportunity to comment before that date

MS NICHOLAS I suspect that the Minister has partially answered what I would like to be a supplementary Mr Speaker. Is it then reasonable to assume that the lack of response to date indicates that there is little basis to the allegations of significant concern about land speculation

MR I BUFFETT Thank you Mr Speaker I can't answer that definitively. There is certainly a view by some people that there is rampant land speculation in Norfolk Island, there's a contrary view by some that it is all part and parcel of a healthy economy and I think we need to wait to see what comments we receive in respect of the call that we've made to try and more accurately answer what Ms Nicholas has put to me

MS NICHOLAS Thank you Mr Speaker another question please to the Minister for Land and the Environment, what level of response has been received to those seeking to make comment or submissions in respect of the future of rural or primary industries on the Island

MR I BUFFETT Thank you Mr Speaker, similarly the response has been very low. I've certainly had some conversations with people who are what I might call more professional in the industry in terms of what might be available, but the responses generally have been very low. I understand the same situation has been experienced by the Secretary to Government and also Mrs Jack who once again has offered to assist me in this particular project. I again remind the community that the cut off date or hopefully the date that we will receive submissions by is the 10th December so that we can make some decisions in respect of that particular motion that was put forward by Mr Nobbs

MS NICHOLAS Thank you Mr Speaker. To Minister for Finance has consideration been given to the implementation of a charge per call on trunking system telephones, and if so, what is the reasoning behind the move

MR DONALDSON Thank you Mr Speaker there has been a proposal put to me by the service to charge for trunking calls. The reason for it is to reduce the use of trunking calls from trunking phones or mobile phones as they are being called, being used for frivolous entertainment type activities. If there is a trunking call charge it will reduce the use of it for that purpose and allow more access to it for other people. There is a problem in it in that the Telecommunications Act has a prohibition in it for charging for local calls on Norfolk Island so there would be required to be an amendment to the Telecommunications Act to allow for charging for local calls before it can go ahead, but I do emphasises that we are only talking about charging for calls on the trunking system, not on the landline system

MS NICHOLAS Thank you Mr Speaker. According to reports from the Minister for Finance, another question for the Minister for Finance Mr Speaker, he has indicated that the financial statements for 2003 show a deficit of \$200,000 rather than the predicted \$3,000,000. Is the Minister able to explain this discrepancy

MR DONALDSON Thank you Mr Speaker the financial statements are available and I understand will be tabled later today. I will be making a statement on them and will be discussing some of the items in it. The \$200,000 that Ms Nicholas is referring to is a deficit of the Revenue Fund. All up on a consolidated basis, the whole of the Administration Undertakings made a \$1,700,000 surplus. That takes into account the profits of the Liquor Supply Service and the Electricity Service and the Airport but I will be making a further statement on that and there will be an opportunity to address it further then

MS NICHOLAS Thank you Mr Speaker. One more to the Minister for Finance, will the Minister provide an update on the runway end safety issue please

MR DONALDSON Thank you Mr Speaker yes. The runway end safety area is a contentious issue. Actually a requirement has come into force last May but we have five years to comply with it, to dedicate 90 metres at the end of each runway to what is called a safety area. It's really a braking area for the plane or a slow down area for the plane should it overshoot the runway. We've got two options virtually. We can comply with it. By complying with it, we either extend the runway out and there's massive earthworks to be done there, or we shorten the usable length of the runway and that has economic impact on the load carrying capacity of the plane and maybe restricts

MR DONALDSON Thank you Mr Speaker my understanding is that there is an additional 90 metres required at the end of each runway which translates in practical terms to 90 metres additional land fill and 90 metres additional capacity for the runway to be extended. As to the second part of the question, why we haven't been advised of the problems to date, I was under the impression that this problem has been discussed since last May when it came up and it has been then worked on and openly aired with all Members and it has been openly discussed

MRS JACK Mr Speaker can I ask a supplementary to that. Why is it that at one stage this report was going to be done in House and then it was changed to be that our contractors be asked to deal with it and how much time has this added on to the delay of the process being carried out. Why was it allowed to happen

MR DONALDSON Thank you Mr Speaker originally the proposal was that it be done in House with outside assistance. That outside assistance is growing in size to asking someone with expertise to do it. I think it was realised that it was a bigger job than we thought. Originally when it was being done in house there was a time frame to do it that was equivalent to the resealing of the runway, so it was six to twelve months out. Because of a delay in the commencement of the runway being resealed due to shortage of materials it was thought that GHD could undertake it in the intervening time and have it all done and completed in that time. We are looking at commencing within a month. I understand the surveyor has been approached to come over here by the next month or over the Christmas period so that gives some idea of the timeframes which the RISA proposal will be done

MR BROWN Mr Speaker bearing in mind that no decision has yet been made as to whether the consulting project in relation to preparation of the exemption application is to be put out to tender can the Minister please advise how it is that he is making arrangements for a surveyor to come to the island. Has in fact a wink and a nod been given to one firm without the proper tender process being complied with

MR DONALDSON Thank you Mr Speaker. My reference to the surveyor was a reference that was made to me in a correspondence from GHD that they had approached a surveyor to come across here as part of their package to do it. The decisions as to whether they actually get the project or not is yet to be made

MR BROWN I wonder if the Minister could help me by answering one further supplementary question. Minister do you expect us all to accept that GHD has not been given a wink and a nod that they have said, well has part of our package we'll send a surveyor over but the surveyor is coming either December or January but that no wink and nod has been given

MR DONALDSON It's a colloquial term, a wink and a nod. I'm not sure what it means. We have had discussions with GHD from the Service point of view and there has been discussions as to what is actually required in the RISA proposal and they've had discussions back with officers of the Administration as to how they would approach the problem. The final decision has not yet been made. That will be made through the normal tendering process. There has been no as Mr Brown puts it, wink and a nod or slap on the back or mates rates or anything like that done to my knowledge and if there is, then it certainly would call for an enquiry or investigation into it because that's simply not the way things should be done

MR BROWN I direct this question to the Chief Minister. Is the Chief Minister aware that certain business premises in Norfolk Village have been painted with a name to the effect Norfolk Island Cybercentre. If that is the case can the Chief

Minister advise what the Government intends to do in order to protect the intellectual property in the various work that has been done to date by and on behalf of the Norfolk Island Government in relation to the potential offshore finance centre which has been referred to for quite some time by the Norfolk Island Government as the Norfolk Island Cyber Centre

MR GARDNER Thank you Mr Speaker I wasn't aware that there had been a business that was promoting itself as the Norfolk Island Cyber Centre. I am conscious of the fact as Mr Brown has quite rightly pointed out, that Norfolk Island through the Government has been looking to establish an offshore finance centre and utilising the name Cyber Centre. I don't believe that, that name was registered through companies or any other form or fashion. The question of the intellectual property rights I would obviously have to receive advise on and I'm happy to take that on board and report back to Members

MRS JACK Mr Speaker I ask of the Chief Minister in his role as Minister for Immigration, are there currently on Norfolk Island two prescribed persons and what procedures or lack off allowed this to occur and was it a once only glitch or does it imply something far more reaching in concern

MR GARDNER Thank you Mr Speaker I had some discussion with Mrs Jack yesterday on this matter having been brought to my attention about mid afternoon yesterday which was a most disturbing matter for myself. I would have expected in circumstances such as this to have the matter raised with me immediately. However I was able to do some investigation into the matter and Mrs Jack's question is right on the mark. There were two prescribed persons that are currently on Norfolk Island in other words, persons that are by the nature of being prescribed persons, prohibited immigrants on Norfolk Island, in other words they are persons who are neither Australian passport holders or New Zealand citizens with a...

MR BROWN Point of Order. I wonder in the event if this is a matter which will be considered by the Court whether it is appropriate for us to be discussing it in this forum

SPEAKER It would not be if it is a matter that is either before the Court or prospectively before the Court but I have no knowledge of that situation however, unless there is some information that might be made available that will assist the process

MR GARDNER Thank you Mr Speaker just to clarify that point for Mr Brown. As the executive Member responsible for the administration of the Immigration Act it is only myself I understand that is able to undertake any proceedings or pursuit of any offences against the Immigration Act. It is not my intention to do that in this case and therefore it is not my intention to take the matter before the court. If I can continue, and certainly the facts Mr Speaker will come to light and hopefully I'll be able to quell any concerns that may be around this table or before Members of the community in relation to this matter. When it was brought to my attention yesterday afternoon Mr Speaker I immediately investigate the matter and spoke to a number of persons including Customs Officers, Immigration Officers, the Office of the Administrator and also put a call through to the Australian High Commission in the Fiji Islands in relation to the provision of Australian entry visas. I was satisfied in my mind following those discussions particularly with the Australian High Commission that the persons that were on island were here, not through a mistake that they themselves had entered into but merely an administrative error that had occurred within the immigration processing section of the Australian High Commission in Suva. They have given me a clear

undertaking that they will rectify that error and that those persons on Norfolk Island will be provided with the appropriate visa. In the immediate timeframe therefore removing them from that prohibited list and therefore setting them outside of the definition of a prescribed person. In that instance they will then be provided with the appropriate visa which I understand is a three month multiple entry transit visa into Australia. I understand they then will be applying for a temporary entry permit and that temporary entry permit if it was approved will allow those persons to work only after they have been given the appropriate visa plus thirty days for re-entry into Australia above and beyond the terms of the permit they have sought and then only after the temporary entry permit has been issued so I am satisfied that the alarm bells have rung, the matter has been dealt with appropriately and efficiently by Members of the Service. I do have a concern that the Migration Series Instruction that is issued to the ports in Australia may have in this instance not been given appropriate consideration. It is my view that the airlines should not have transported those persons to Norfolk Island and at the gate or the frontier post Mr Speaker that the advise was sought from the Manager of Immigration and Customs who on the advise that had been provided to him was of the same view that I was yesterday afternoon that these persons were going to be provided with the appropriate visa at an appropriate time, thank you

MRS JACK Mr Speaker thank you. Just one to the Minister for Land and the Environment and I refer to two recent articles placed in the local newspaper regarding dogs in out of bounds areas on the golf course and I just ask, what caused this notice to be placed in the paper; who are the authorised officers who can deal with any infringement and what process was used that decided on the fine being \$1000 or is it a flat rate for the infringement

MR I BUFFETT Thank you Mr Speaker I need to take that on notice. There's a couple of matters involved in that. One is the effect of the Public Reserves Act and authorities under that. The other one is the question of a stand alone piece of legislation that governs the use or the handling or the access of dogs generally to the beach areas in Norfolk Island. I think its best if I took that on notice, put the answer together and let Mrs Jack know the answer to the question she's asked

MR BROWN I ask this question of the Minister for Community Services and Tourism, can the Minister advise whether he is satisfied that the Tourist Bureau has an adequate early warning system in the event of a downturn in visitor bookings firstly. Secondly can the Minister advise what marketing plan the Tourist Bureau is undertaking in respect of the period from now until March

MR D BUFFETT Thank you Madam Deputy Speaker the Tourist Bureau has had difficulties in being able to erect an early warning system in terms of respective bookings and bookings that are in place. This is significantly changing already but the difficulty has been this. That in the competitive market place those who are in the various industry elements are somewhat reluctant to share information. Obviously in the competitive environment, information may give a competitor an edge which they are reluctant to give. However in some significant areas that has changed remarkably in the last month or so. For example, with the airline arrangement we have moved from two airlines to one airline. Now whilst that has some competitive difficulties on its own account it does address this particular problem in that when there is only one airline in the marketplace there is a greater willingness to share some forward information because there is not a competitor in that context and the present airline has shown a very ready willingness to share that information and has already commenced to do so. Commenced to do so with significant discussions with the Tourist Bureau and with myself and I compliment them on that. The earlier efforts have been with other players in the industry such as tourist accommodation houses, and that has had some

degree of success but not a continuing degree of success. I know that an establishment that Mr Brown is associated with has been a willing player with that an I compliment him and that organisation n that willingness. But there is a continued effort to make it a team effort. So as a result of the airlines, and obviously that is a significant benchmark, because from the Australian scene, the visitors that we experience from that quarter come by that particular airline so they are good indicators as to how we are travelling, however it must be recognised that people book with less of an advanced time frame than they used to and so we don't necessarily have good and accurate figures a fair way in advance. People are booking more on the spur of the moment with less time frames attached to it and so what may seem a difficult period in say a month or a couple of months, sometimes will still fill given the present trends. However that doesn't mean that we shouldn't try and follow trends and if we are concerned about prospective drops in the graph, that we shouldn't be doing something about it. The Tourist Bureau also maintains a graphed situation about movement of visitors over the past four or five years and there are traditional peaks and there are traditional troughs. We are approaching a time of a fairly tradition trough, that is immediately before Christmas. It remedies after it, but there is that trough and I have provided that graph to Members and it is more widely available if there is a want to do that. I also mention in the context of bookings, and I will table some figures when we come to that appropriate part of the meeting, that we are maintaining our position on this graph in comparison with other years and the overall figures of attracting people to the island are respectable in the total sense at this moment but yes we are at this moment moving into a trough situation. Given some of the warning signs that we have so recently been able to share with the airline that is, in the past few weeks, the board is considering a proposal for some more intensive advertising arrangement both in a generic situation accompanied by product advertising in principle, newspapers and prospectively couples with radio arrangements to be able to tackle some of the indicators that are available to us at this moment, but it's in the context that I earlier described and I anticipate that there might be some definitive answer to that within the next couple of days. In terms of the Marketing Plan for the next few months, there is a variety of arrangements already in place on an ongoing basis and whilst I have earlier provided to Members some further detail about the activities I will try and just give an overview at this moment. Firstly we have engaged on a full time basis a Marketing Consultant to be in the market places principally in Australia but also in New Zealand to make visits where prospectively our visitors might be drawn. That is a significant plus in terms of our marketing plan. We also have arrangements for journalists to visit the island from both newspapers and magazines that might be read by those we might want to attract and I mention whom we would want to attract because we are in the Tourist Bureau endeavouring to target our marketing plans towards those who might provide a greater field of economic wellbeing to the totality of the Norfolk Island community. That means that we are endeavouring to advertise, make the Norfolk Island product known in both magazines and newspapers where people would read it and have a greater disposable income than we might have experienced in other times and that's an ongoing programme and I can't quote you chapter and verse at this moment but we certainly have had a couple of magazines and journalists in the last couple of weeks if I remember correctly and that is to continue in this period until march. It goes beyond march but it includes the period until march of next year which I think is the question that Mr Brown asked me, how is it going until March of next year. There is in the programme also the visit to both trade and public exhibitions and a range of co-operative advertising in a number of quarters. I could be more fulsome of those in chapter and verse but not at this moment. Not because I don't want to but because they are not necessarily in front of me at this minute but for Mr Brown or other members of the Legislative Assembly I can certainly be more fulsome about that. I'm trying to demonstrate Madam Deputy Speaker, that there is a range of marketing arrangements for this place in a tourism sense and in terms of what has been seen by many in the industry as a prospective difficulty period, a difficult period which we similarly experienced I might say two years

ago, I think in 2001 and our response to that was to put in place a similar plan to that which is being examined at this moment. I hope that is helpful to the situation

MR BROWN Could I ask this question of the Minister with responsibility for the Public Service. Minister a number of senior positions in the Public Service has recently been advertised. Can the Minister advise whether those advertisements are for advertisements sake only or are those advertisements intended to genuinely be put out to contest the various positions to which they relate. Finally, if it is intended that those positions be put out to contest will the primary focus be on experience in which event an incumbent person should not need to fear that he will be replaced or will there be some form of merit selection process which does not focus entirely on performance in the same position by an applicant

MR D BUFFETT Thank you Madam Deputy Speaker there are two general areas that are presently being advertised within the Public Service. There may be some advertisements that are going beyond that but I think in response to Mr Brown's question there are two areas and I'll explain those. We have just put in place a head of the Public Service, a Chief Executive Officer and we have done that over the last couple of months, and that is a decision that we make amongst ourselves where and it is the result of a formal motion of this house and the executive Member acted upon that formal motion. That has all been done. The next stage or level within the pyramid is the appointment of two executive directors. Both of those two positions are vacant. One has become vacant because there had been earlier resignations and people moving on. The other has become vacant as the present Chief Executive Officer occupied one of them and has now been promoted so the result is that there are two vacancies and there are only two executive directors under the present structure so we are recruiting in terms of those two positions. They are senior positions. They are important positions of course. There is a process that there will be a recommendation to the Legislative Assembly Members in terms of those two positions when that time comes and so they are progressing. If I remember correctly, don't hold me to this but I think my memory serves me right that the applications have now closed for those two positions. The next group that is being advertised and I've just got to say that I'm not sure whether these advertisements have appeared or whether they are about to appear, are for some people who are in the managerial level which are immediately below those two executive directors and I think that there are about three to five vacancies in a formal sense. They too need to be filled in terms of the most recent establishment structure that we have given approval to. Now that's some background more than anything else, but to come to the real question now, are these positions, as to whether they've been advertised or are about to be advertised as advertisements only, in other words are they all preordained. No they are not preordained at all. There is a process which is prescribed by the Public Service to fill positions and it is certainly my understanding that this has been adhered to. The legislation provides for a merit selection process. It specifies that in the legislation. If we are to move away from that then we are to adjust the legislation but that is what it says at this moment.. I understand that there is a range of considerations given in the merit selection process that applies to both qualifications and to experience. It's not for me to make any prejudgements about those positions but that overview in terms of how it is at this moment might be useful. All of that of course is under the control of the head of the service and he has both a Human Resources Section that oversees it and there are selection panels drawn from various parts of the service which need to participate in the evaluation process. I mention the panel arrangement because it's not just one person, there is a group of people who have particular skills in terms of a) the job and b) the processes. Hopefully that might give some information as to where we stand in those positions

DEPUTY SPEAKER Any further Question Without Notice Honourable Members? No. then we move on

ANSWERS TO QUESTIONS ON NOTICE

Are there any answers to Questions on Notice Honourable Members

MR DONALDSON Thank you Madam Deputy Speaker, I've been given a set of questions on notice from Mrs Jack to do with the Employment Act. I will read out the question and then answer each one in turn. There's actually about six questions. The first question is will the Minister advise approximately how much money is currently raised in Workers Compensation levies each year? The answer to that is In the last financial year the levies amount to \$251,000 in Workers Compensation Levies. It's been around the \$250,000 mark for the last five years. I haven't gone back further than that, but that seems to be the level it's stuck at, at the moment. The second question is, how much of this goes in insurance payments; and has this amount increased sharply in the last year? Out of the \$251,000 that we raise we last year paid \$107,000 in reinsurance which actually covers us for the payment of wages for the person who was injured in the workplace, or payment of a lump sum should they lose an arm or a leg or become incapacitated or actually die so that \$107,000 that doesn't cover out of interests sake, the medical costs incurred by that person or the travel expenses incurred by that person. They are actually paid out of the \$251,000 premium, they are paid by the Employment Scheme itself. The second part of the question, has this amount increased sharply in this year. The premium for the current year, and the premium period is November to November, is \$150,000 so yes there's been a 40% increase in premiums which is in line with general insurance movements across the rest of the world. Question three is, what use is made of the remaining monies? For example, in payment of authorized officers to check that safety equipment and procedures are being adhered to in the workplace; in education within the community of safety within the workplace for those self employed, etc? After the premium has been paid there remains about \$150,000. Of the remaining monies \$20,000.00 is paid to the Administration for a management fee, for the work the revenue fund does, in the Accounts Branch, the Legal Branch, the Internal Audit and secretarial area. \$6000 is paid to the revenue fund for payment or contribution towards the salaries of the safety inspectors who have to go on safety inspections under the Employment Act. In the last year \$130,000 were actually paid in compensation benefits to people who made claims under this scheme that is, the medical and travel cost side of things and they are the major expenses. Apart from that there's telephones, printing of stationary and minor stuff. After those expenses are paid the Employment Scheme or Workers Compensation Scheme made a \$42,000 surplus. The fourth question is, what measures can be brought to bear on employers who have ongoing claims made for the "same type" of work place accidents? For example, increasing the amount of levy paid per hour per employee and at the same time enforcing that correct procedures/equipment are in place. The answer to that is, the Workers Compensation Section of the Employment Act is currently being reviewed with regards to a possible increase in the levy. Those possible variations relate to changing the existing structure which is 15 cents per hour per employee to recognise that some form of employment pose a greater risk to the employer then other sections and varying the 15 cents up or down according to the type of employment and it's also a review of the Employment Act for setting minimum standards in relation to workplace procedures and safety equipment in the work place. Question five, if an employer fails to pay the workers compensation levy, is an injured employee still covered under the Scheme and how will unpaid levies be recovered? Section 39 of the Act deals with this and it says all employees are covered by the Public Workers Compensation scheme for workplace accidents. If their employer has not paid the levy or is not a member of the Scheme then any payments made to

their employee by the Administration may be recovered by the Administration and the employer is liable for prosecution under the Employment Act. The final question is, have there been any upward changes in the level of claims made against the Scheme over the past five years? I can only give an answer to this one in the number of claims, not the dollar value because some of the dollar value is taken place of by the reinsurance by in 1999 there were 114 claims, in 2000 133 claims, in 2001 148 claims, 2002 115 claims and 2003 102 claims, so there's actually a decline in the number of claims in the last two or three years, and that completes the answer to the question I was given on notice

MRS JACK Thank you Madam Deputy Speaker can I have a supplementary on that. In your answer to the fifth question Minister you said that it is within the ability of the Act, under the Act the scheme can seek compensation from the employer

MR DONALDSON That's right, yes

MRS JACK If it was a large accident, are procedures in place to stop the employer declaring bankruptcy and avoiding any payment

MR DONALDSON That's a curly question. I understand that there's no bankruptcy legislation on Norfolk Island. It's really a legal opinion that's required on this one. If it's a corporate employer such as a company then they could go into liquidation and possibly the only recourse to that, that the Administration would have to a claim would be to extend to the assets of the company. If it's a private individual, well I think the debt hangs around forever and a day under the existing lack of bankruptcy laws

MRS JACK Well then could I ask again to have that area looked at under the review of the Workers Compensation Scheme, across the Act to make sure that one supports the other

MR DONALDSON That hasn't been discussed at yet but it could certainly be part of the agenda for future discussions which are actually starting this week and those discussions I'm talking about, are of a review of the procedures and shortcomings that have been identified within the Employment Act over the last few years

DEPUTY SPEAKER Thank you. We move on

PRESENTATION OF PAPERS

MR D BUFFETT Thank you Madam Deputy Speaker I table a number of statistics relating to inbound passengers into Norfolk Island for the month of October 2003. Just to draw some highlights from these figures for the month of October we had a monthly total of 3980 visitors to the island and that means that the year to date has been 13057. We again continued to draw significant numbers of people in terms of percentages from both Queensland and New South Wales. Queensland in this month was just on 33% and 29% from New South Wales. Victoria was the next State with something like 15% followed again by New Zealand. I don't mention that in terms of New Zealand being a state but New Zealand being New Zealand. The figures I therefore table in that context Madam Deputy Speaker,

MR D BUFFETT Thank you Madam Deputy Speaker I table in a formal sense both the Annual Report and the Financial Statements of the Hospital Enterprise for the year ended 30th June 2003. Madam Deputy Speaker, these are audited accounts. The audit has just been concluded in the last couple of weeks so in

that context that has been the time of availability and I table the financial reports in terms of their audited capacity as soon as practical thereafter. In terms of the Annual Report, this report is for the year which ends on the 30th June of this year. The Report provides details of how the audit management has been structured and I pay acknowledgement to Mr Larry Quintal who was the Chairman at the commencement of this particular year and to Ms Chloe Nicholas who was Chairperson towards the end of this particular year that has been under review and I acknowledge the Board Members who have been participants in the process during the time. The Report covers details such as staff and aged care, telemedicine, donations given to the Hospital and I too would like to acknowledge those who have generously given to the Hospital during this particular financial year. There have been a number of people, though not necessarily numerated in this report but they have been people who have done a number of things to make life at the Hospital for those who need to go to the Hospital, because they are ill and those who might work in the Hospital, make the arrangement there a much more easy one. I particularly in terms of donations, would want to again pay acknowledgement to Mr Toni Redstone for his generous donation of the Ahstyk Dental Clinic which is now operational and we have two dentists now there in that particular activity. The report gives an overview of the various other services that are available and makes acknowledgement of the volunteer organisations that are associated with the Hospital, the Hospital Auxiliary, St Johns, Red Cross, White oaks and a number of other supporting organisations and I do thank them on your behalf. Just again as an overview in terms of outpatients, there are something like 11,000 plus outpatients at the Hospital last year. The turnover of the hospital was just over \$3m last year and this set of financial accounts, again as I say which has been audited, gives the detail of the various components of the Hospital in terms of their financial and other arrangements. I formally table that document and I formally table that document. I'm happy to move that the paper be noted

MRS JACK Thank you Madam Deputy Speaker. The auditors report, does it mention bad debt at the Hospital Minister and how it can be curbed. Is it still high or above expectations

MR D BUFFETT Thank you Madam Deputy Speaker the audit report in itself doesn't make any comment about the bad debt situation, however, I can give you some detail about it which is more up to date necessarily than that particular report. There is acknowledgement that, you use the word bad debts, I would just use the word debtors. The debtors figure at the hospital continues to be significantly high and I've reported to the House from time to time on that particular arrangement and yes in conversation with the auditors they too acknowledge that that is a high figure but they also acknowledge that there are arrangements in place and particular emphasis on trying to reduce the figure. Let me just give you the last couple of months in terms of those two figures. At the end of October that just passed, so this is beyond the financial year so it gives a more up to date figure, the debtors figure stood at \$430,000 and the 90 day figure within that component stood at \$289,000. Now the month before that, that is the September figure, was \$520,000 with the 90 day figure \$284,000 so in terms of the overall it has dropped by \$100,000 however the 90 hasn't moved a great deal. I'm just demonstrating that it does fluctuate and there are continuing efforts to reduce that figure. Some of the efforts are these. That there is an encouragement for people to pay at the time of treatment but I also have mentioned that people go to the hospital when they are ill, not necessarily when their bank balance allows it and notwithstanding that, there are efforts to ask people, those who can, to pay at the time that they attend and there is continuing effort with those who have outstanding accounts to seek settlement and payments so hopefully that will give you an overview of those situations

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 four months of the year ending 31st October 2003 and move that the Paper be noted. The financial indicators for the first four months of this financial year reveal that the revenue fund is, when compared to budget, performing favourably. It's performing favourably in that it's in a net surplus situation of \$631,000. the budgeted position of the first twelve months had it been achieved would have been a deficit of \$278,000. Income to date is \$4,314,000 which is \$30,000 above budget. That's not a significant amount in that total but at least it's on the right side of the ledger and all categories within the financial indicators are up on the figures as displayed this time last year. All categories are also up on the budget figure for this year with the exception of customs duty which is running at 84% of budget, however the customs budget included an additional \$510,000 this year from increased duty on tobacco and alcohol and this duty has only been in place for three of the four months of the financial year. Additionally importers were given ample warning of the increase to stock up before the increase took effect. Expenditure is running at 84% of budget or in dollar terms, a saving of \$693,000 and that's where the savings or the favourable result is in the lack of expenditure for the first four months. No categories of expenditure show any alarming trends at this stage although it should be remembered that the approved expenditure for this year was a heavily pruned list of expenditure and over \$2.8m of the requested expenditure for the year, and that requested expenditure was \$15.8m, \$2.8m of that was denied and deferred for further consideration at the half yearly review. In summary Madam Deputy Speaker, the revenue fund is heading towards a balanced or surplus budget for the current year but is only doing so by trimming the expenditure to the point where some expenditure on infrastructure and other essential items is being withheld. Measures are currently being taken to rectify the situation and these measures include the commencement of a revenue based investigation which actually commenced with the re-examination of the previous GST proposals that were out in 1999 and we also sought assistance from the Federal Treasury Offices who specialise in indirect taxation to provide commentary and assistance on various options for raising alternative revenue. A report from the Treasury office is due shortly and is expected to make comment on the feasibility of alternative revenue options for Norfolk Island. Additionally on the revenue side there continues to be ongoing scrutiny and justification of all expenditure before it is incurred. Madam Deputy Speaker, I table the financial indicators for October 2003

MR SMITH Thank you Madam Deputy Speaker just a question of the Minister. It refers to revised 2003/04 budget. Has there been a revision of the budget for supply for the 2003/04 year or has it always been called the revised 2003/04 budget

MR DONALDSON Thank you Madam Deputy Speaker I did look into the difference of that figure. I haven't got my papers with me, but one of the differences was in appropriation carried forward from the previous year for expenses that had occurred in the previous year. That was to the extent of \$62,000 but regrettably I can provide Mr Smith with that information because I have done the reconciliation between the original appropriation that we provided in the last sitting and the expenditure that's shown here and it does reconcile but I haven't those figures here

MR SMITH Thank you Madam Deputy Speaker so money that was spent in the last year is showing up in this years budget or are you saying it's the other way around and it was allocated in last years budget and being spent in this financial year

MR DONALDSON Thank you Madam Deputy Speaker the situation is that June this year we allocated so much money to be spent in the Appropriation Act. In addition to that there was some money that had expenditure incurred against it in the last financial year but was unexpended at the last financial year and under section 32(a) of the Public Moneys Act that money can be carried forward into the current year and spent as if it was appropriation provided for this year so the appropriation is available this year but was what was provided this year plus the money carried forward from the previous year

MR SMITH So therefore the amount that we supplied at the beginning of this year has actually increased, is that what you are saying. We supplied \$11.7m for the revenue fund this year and you are saying that this revision will add on to what we already supplied. The reason I'm raising this is that this occurred a year or so ago when we suddenly found that money from the previous year was being spent and it was really a \$500,000 deficit. I'm asking if we are doing the same thing again

MR DONALDSON Yes we are doing the same thing again but to a much lesser extent. Two years ago there was \$1.4m carried forward from one year to another year. Last year there was a request to carry forward \$511,000 but that was denied as I needed the money for the school and \$229,000 only was carried forward. This year all they requested to carry forward was \$62,000 worthy of appropriation so there has been a tightening up on what qualifies for appropriation carried forward

MR SMITH Thank you Madam Deputy Speaker I wasn't saying that there's anything wrong with it I just wanted to make sure that we don't have the same situation as we did with that \$500,000 occurrence because even though it's only \$60,000 next year we really need to be careful that it doesn't become a \$500,000 figure again. I just think it makes it really difficult for you as Minister when you are budgeting when you find out about this extra find that in this year if we allow \$11.7m and you've added on another \$60,000 but if it were another \$500,000 then next year you would be looking at the base line of your budget at the original supply plus what wasn't spent the year before and that's what happened last year and it's actually made some of the figures in the current financial year a little unusual

DEPUTY SPEAKER Thank you Mr Donaldson. 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 have one more paper to table. It's for the virements that come through each month. The virements I wish to table are virements that have been made between the period 17th September 2003 and the 6th November 2003. Madam Deputy Speaker, the Act requires under section 32(b) that I table any virements made in the House. Such virements are an internal reallocation of appropriation and not an increase in expenditure approvals and accordingly I table this list of virements

DEPUTY SPEAKER Thankyou. Are there further papers? No. In accordance with the Norfolk Island Act the Administration financial statements for the year ended 30th June 2003, I hereby table

MR DONALDSON Thank you could I move that they be noted. In moving that those papers be noted it gives me an opportunity to make a brief comment on them. Those financial statements actually run to 130 pages and they are quite extensive and quite hard to comprehend but I'll just give some key information out of them and some key information as to how they are structured. The Administration financial statements for the year ended 30th June 2003 tabled by the Deputy Speaker covers four sections. Those sections of the Administration are the revenue fund, the administrative services fund and within the administrative services fund there's fourteen Government Business Enterprises, the Trust Fund and the Loan Fund. Combined, these four funds form the Public Account of Norfolk Island. Separate balance sheets, income expenditure statements and statements of cash flow are prepared for each fund and additionally prepared for each Government Business Enterprise within the Administrative Services Fund. The consolidated balance sheet, the income expenditure statement and statement of cash flows is also prepared. The consolidated income and expenditure statement shows the financial performance of the Administration as being assessed as one entity with a surplus for the year of \$1.72m. this was contributed to in the main by the Government Business Enterprises. The Liquor Supply Services made a profit of \$1.36m, the electricity made a profit of \$457,000, the Telecom made a profit of \$1.9m. Other smaller ones were the Healthcare Fund which had a surplus for the year which is pleasing of \$129,000, the Gaming Enterprise which I think we only have two players in at the moment with a surplus of \$114,000 and the final comment I'll make is that as at the 30th June the consolidated cash position of the Administration from its revenue fund bank accounts, administrative services fund accounts the loan fund and trust fund is that we have \$10,183,000 in the bank. The financial statements are available in hard copies and can be ordered from the Finance Manager at the Accounts Branch of the Administration at the cost of \$10. Electronic copies are also available by email free of charge and an abridged version of the financial statements will shortly be gazetted in the Norfolk Island Government Gazette

MR BROWN I wonder if the Minister could confirm that all of the legislative requirements in relation to the Administration's finances have been appropriately satisfied and in particular can the Minister confirm that all requirements in relation to the Legal Aid Fund being held in a separate account are being satisfied

MR DONALDSON Thank you Madam Deputy Speaker this is an ongoing issue that we are resolving at the moment. All the material requirements have been satisfied. There are some lesser compliance requirements that have not been satisfied in my opinion. Mr Brown has identified one of them as being the Legal Aid Fund. The monies belonging to the Legal Aid Fund are kept in the same bank account as the revenue fund monies; the monies of all the other trust accounts are kept in the same bank account as the revenue fund monies; in fact all monies are kept in the same bank account. What is kept separately is a ledger account with each one showing what the ownership of that money is. That's my opinion that the trust money should be kept separately titled and controlled bank account. There are other minor issues in the presentation of the accounts that are being improved on a daily basis almost but in general the material requirements of the legislation have been complied with

MR BROWN I have read through these documents with interest Madam Deputy Speaker. They are certainly a detailed set of documents. If one has nothing to do for a few weeks of an evening they make wonderful reading while you wait for the news to come. One of the things that interest me about them though is we

changed the accounting system with the intention that it become an accrual accounting system. We recognised that valuing a road and valuing other things of that nature to put them into the accounts may be a complex task and there's plenty of the Administration's assets that have been allocated a value for the purpose of the financial statements. Now as long as we all know how that exercise was done, it is not a concern, but what concerns me and obviously it concerns the Minister because he mentioned it today, and that is that in successive years the books are being balanced or were achieving a small surplus as a result of not properly maintaining our infrastructure. If we get to the end of a particular year, we should have spent \$2m on the infrastructure or if we were going to depreciate say our roads, then we should have put \$2m of depreciation on our roads, then are our financial statements accurate if they do not include the depreciation on the road which has not been maintained and therefore which has genuinely depreciated or alternatively a creation of some form of sinking fund in that the work hasn't been done and set aside the money and that is one of my major concerns when I look at these financial statements. They are a great record of what was spent, are a partial record or depreciation but the very large issue which they do not tell us about is the extent to which the infrastructure has depreciated during the year as a result of adequate funds not being spent on maintaining them. I don't expect the Minister to have an answer to that because I do expect it's something that he's concerned about himself but I do think it's something very important to bear in mind. We should look at these financial statements and we should be very reluctant to pat ourselves on the back as a result, thank you

MR DONALDSON Thank you Madam Deputy Speaker I would just like to reinforce what Mr Brown said. There's another dimension to performance measuring, other than financial impact and financial statements and that is just having a look around the place and having a look at the work that needs to be done, has it been done, and for example, we should have done works on the roads and had we done that work the financial statements would show a significant additional amount of expenditure

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

QUESTION PUT
AGREED

That Paper is noted

Mr Smith, you have sought leave to make a statement of a personal nature

MR SMITH Thank you Madam Deputy Speaker I do seek your leave to make a personal statement. Madam Deputy Speaker, I will shortly be taking up a position in the Public Service. The position is the Broadcasting and Communications Manager at the Radio Station. At the time I applied for the position it was on the understanding that if I was the successful applicant I would be able to carry out that job as well as be a Member of the current Legislative Assembly. Even though I still believe that under the legislation there is no bar to that continuing, I have been given advise that may be contrary to that. Therefore I regretfully advise the House, my colleagues around the table and those in the community who have supported me, that I will be leaving the Legislative Assembly shortly. In a nutshell it will be a resignation. I say regretfully because I enjoy being on the Legislative Assembly and enjoy being able to contribute to the community at this level. It has been a major part of my life since 1989 when I was first elected. However, I resigned from the Minister early in the term of this Legislative Assembly due to my health deteriorating to a point where it was affecting my ability to carry out the role as Minister as I was at that time. That was caused by the extreme weight that I experienced at the beginning of this Tenth Legislative Assembly. Since

then I have tried to adjust to exist on the \$200 per week that we get as backbenchers as our remuneration but I find that very difficult to do. It makes it very difficult with the high cost of living that we have here now. Hence my application for the job. It is a little unusual and I think it's the first time that there's not a transition from the Public Service to the Legislative Assembly, I'm actually doing it in reverse which is from the Legislative Assembly to the Public Service. I have not as yet set a date as my last day in the Legislative Assembly and I'm still having discussions with the executive of the Public Service on that, but expect that it will be shortly. Of course that will be a trigger for a by-election to the Legislative Assembly. I've been trying to carefully date it so that a by-elections wouldn't occur right at Christmas. When I was advised that I had been the preferred application, if I had resigned at that time a by-election would possibly have fallen right in the week before Christmas, which I don't think is appropriate. I've been trying to delay that to the point where, for the community's sake, a by-election would happen at a time after the festive season, however I can't advise what that date would be at this time. I still will be taking an active role in Norfolk Island's politics as much as I can outside of the House as well as carry out the community tasks that I do now, and regretfully I will be finishing up before the end of this year for sure with the Legislative Assembly. I made that choice after a major dilemma for me, when I found out that I couldn't do both and yet I had learnt that I had become the preferred application for the position. It has been pointed out to me that when we introduced the legislation to prevent a Member of the Public Service at a certain level being not able to be in the Legislative Assembly at the same time, it was pointed out that I should have been aware that this particular position fell into that category and I agreed with what was being said and I don't want to cause any embarrassment to the Legislative Assembly or to the Public Service by sticking it out and saying well, I think the legislation clearly states the case. It's not clear. However, I've made my choice and I thank you for allowing me to make that choice

MR BROWN Madam Deputy Speaker, I wish to move that so much of standing orders be suspended as would prevent debate on Mr Smith's statement

DEPUTY SPEAKER There is a motion to set aside standing orders. Is leave granted. Leave is granted

MR BROWN Thank you Madam Deputy Speaker, George is one of our longest serving Members. As he said he's been a fixture around this place since 1979. To me he's a great friend and he's been a great foe at times too and at the times that we've disagreed it's always been done in good spirit. Members might not realise it but George and I can have a large barney and go straight off to lunch and have a very pleasant time together. I understand what George has said about remuneration for a backbencher. The present remuneration is inadequate for someone to restrict himself to his Legislative Assembly duties and that is something that really does need to be looked at but I want to commend George for all that he has done in his time on the Legislative Assembly. Everything he has done he has done because he believe in it. It doesn't matter whether I agreed with him or someone else agreed with him. If he believed with him he fought for it and I've no doubt he will continue to do so, and even on the present issue when he first considered applying for the job, he believed that he would be able to hold both positions and when you look at the legislation certainly it is difficult to understand what the legislation says. It takes a long time to understand it and George could have simply gone along, sought to be appointed, and argued with everyone that the legislation didn't prevent what he was wanting to do but he has not chosen that course. He has adopted a view that he should do what people think he should do, that is, he should do the right thing whether it be in his interests or contrary to his interests and for that reason he's told us that he has decided that he will step down from the

Legislative Assembly to take that position. I think he is to be commended for that and I certainly commend him. I certainly thank him for our years together here. I'm sure that our friendship will continue but I do believe that he needs to be thanked for all the efforts that he has put into this place, particularly as he said at the beginning of this Legislative Assembly when he fought to the extent that his health actually deteriorated so good on you George. Thank you for everything and good luck in the new position

MR D BUFFETT Thank you Madam Deputy Speaker. I would like to offer complements and best wishes to Mr Smith on taking up his new position. He obviously has a long period of experience with radio and broadcasting in this place and in other places, and I know that he will perform well in that task. Mr Brown has very fulsomely and I compliment him, acknowledged the role that Mr Smith has played in this forum. He has been a long serving Member. He has been Chief Minister he has been Speaker and he has been a person who has earned our respect, including mine. I would want to offer him words of appreciation at that time. There may be another opportunity before the time concludes and I'm not too sure of that so I'm not too sure to what extent I should try and say some words now or otherwise, but on the chance that there may be not another opportunity, I would want to say what I'm saying now. The role for Members here in this forum despite what may be said both in the community and elsewhere, is not an easy one, and indeed the reasons that Mr Smith has explained to us that he might need to leave which has some financial connotations, is a vexing one for us. I do have a view that we should try and make a more substantial remedy to that but that's something that will have to be discussed maybe at another time but when it draws this conclusion to a particular term of office then we see it in a light that maybe we have not seen it on other occasions and therefore might deserve re-evaluation and I commend that that happens. I don't necessarily want to go on to politics at this moment, this more acknowledgement to Mr Smith. The experiences that we have had with George whilst we will not always see eye to eye and sometimes quite vehemently not eye to eye, there has never been the skerrick of doubt that there has been good will in the process with Mr Smith and I compliment him on that because he has continued to engender goodwill amongst his colleagues in this Legislative Assembly and I have valued that and I continue to value that, and I know that we all do. Thank you for the time you've spent with us George. It has been very pleasurable times, notwithstanding the difficulties of times. I wish you well in your new task

MR I BUFFETT Thank you Madam Deputy Speaker yes, I won't choke up but it remind me of a song, George has been associated with music for a long while and it starts off, You picked a fine time to leave me loose wheel. Having sort of just got into politics being berated by George in another place over goodness knows how many years, get into politics, go and do something meaningful, and here he is. He's off. Madam Deputy Speaker, I think it would be remiss of me, having worked in the other place, not to acknowledge that George and all the work he's done in the political field and the fact that he's always respected the Public Service of Norfolk Island so having said that, I too wish him well. I understand the decision that he's made, and who knows in the future. Thank you

MR GARDNER Thank you Madam Deputy Speaker, if I could just add to the words of who I regard as two of the oldest statesmen of the Legislative Assembly, Mr Buffett and Mr Brown, I think George isn't too far behind but certainly I would like to offer my support to those words. As Members are aware Madam Deputy Speaker, I've been in the last three Legislative Assembly's with George, in the first in his role as Chief Minister and myself as a non executive Member in the early days and then moving to the executive portfolio and I must say that George was tremendously supportive, as were all Members of that Legislative Assembly in my role as executive Member in the Government and I certainly have appreciated the guidance and the

advise. Sometimes I haven't agreed with it, as I know Mr Buffett pointed out that he too have disagreed with Mr Smith at times, but that's what this job is all about. It's trying to work out the best way forward for the Island and I think it's been done in the appropriate spirit and I thank George very much for that guidance, especially in those early days. I have thoroughly enjoyed my service with George in those three Assembly's as executive Members, in the Ninth Legislative Assembly he and I were colleagues in Government on that Legislative Assembly as Members would be aware, again we had our differences but again we both respected each others position and George was again a tremendous tower of strength in ensuring that the best outcome was sought and at times achieved for Norfolk Island and I thank him again for that and for his support early in this Legislative Assembly in my role as Chief Minister and he as one of the Ministers of Government up until his time of departure from the Government, again, I have valued his support and friendship in that time, even the occasional ventures to Point Hunter for a site inspection of the reserves of Norfolk Island again have been a standout of our relationship and I hope that those will continue into the future. I certainly do wish him the greatest success in his new role. He has the skills that he will be taking there, that have been honed in his previous experience on the Island not only with radio but his experience in the musical field. No doubt we will I see him perched down here sometime when there are meaty matters to discuss and I'm sure he's going to be champing at the bit to sit where the recorder sits to listen in on those and maybe raise the occasional eyebrow from time to time but we look forward to that and I can't say any more other than what other Members have said. It's been tremendous working with you George. Thank you very much for that and for your valued and trusting friendship over the years and I hope they endure, thank you

DEPUTY SPEAKER Then I think Mr Smith that we can say there is consensus. We wish you well. We move to Statements

STATEMENTS

MR I BUFFETT Thank you Madam Deputy Speaker a short statement on fisheries. The Norfolk Island Fisheries Consultative Committee met on Norfolk Island in September and the extracts of the matters discussed at the meetings have only just been made available to myself as the Minister responsible and I thought I would just let the community know of some of the key issues that took place. There were many issues raised during the course of the meetings but the key issues were, Future directions of the inshore fishery; responsibility and coordination of data collection and concerns over long term jurisdictional issues. Now these addressed the area known as the box. These issues will all need attention over the next twelve months. As part of the meeting AFMA reiterated the policy adopted for fishing activity in the inshore waters surrounding Norfolk Island. Just to refresh the memories of the people who live here, I just briefly mention what it does. It recognised that fishing activity is undertaken by residents, using small boats, which are launched from the island. All of the catch is consumed on the island, mostly by the fishers themselves although small quantities are traded or sold to other residents of the restaurants on the island. AFMA have indicated that they are seeking to implement a formal agreement with the Norfolk Island Government and possibly with the Norfolk Island Fishing Club to provide AFMA with information on the level of fishing activity, catch and effort in the box. What was made clear, is that the policy and the way the box is fished by local fishermen is up for review at the end of 2004 and what has also been made clear is that the review outcomes will rely significantly on the collection of data in Norfolk Island in relation to

catch and effort. The question of the methodology used to collect the data is yet to be confirmed and it is hoped that this will occur shortly to allow the process to commence. For information of those who may not know the NIFCC is made up of the following membership and observers. Representatives from the Australian Fisheries Management Authority (AFMA), Representatives from the Department of Agriculture, Fisheries and Forestry (AFFA), Staff of the Administration of Norfolk Island; Norfolk Island Minister responsible, representatives from the Norfolk Island Fishing Club NIFC and Customs Officers involved on that consultative committee. Madam Deputy Speaker, the community will hear more about this over the next few months as we work to complete the matters in the next twelve months in respect of fisheries in Norfolk Island and the question of outstanding local legislation to be dealt with. We have the question of the data collection that forms part of the review and one of the important things that was raised at the session was that we need to ensure that we do some of the things that we promised in the past like addressing the question of local legislation and management issues because there is the question of the application of the EPBC Act, that is the Environment Protection and Biodiversity and Conservation Act in respect of some fisheries issues in Norfolk Island. I make that statement simply to let people know what is happening in respect of that, it's back on the agenda and given the twelve months we have left as an Assembly between now and next November it would be my intention to progress some of those issues in that period, thank you

MR GARDNER

Thank you Madam Deputy Speaker just a brief statement if I might regarding my recent attendance at the Standing Committee of Attorney's General held in Hobart on the days of 13th, 14th November. Madam Deputy Speaker, Norfolk Island has for some time attended the Standing Committee of Attorney's General. They usually meet on three occasions each year and Norfolk Island has attempted in the past to attend at least one of those meetings on an annual basis to ensure that we are within the loop so to speak of legislative change and matters before SCAG that are occurring in the wider Commonwealth sphere and also within the boundaries of New Zealand as New Zealand are a participant at that Standing Committee. Although we are not a full member we do enjoy observer status and we have certainly in my experience and times that I have attended, been extended full participatory rights in that forum which has been useful and has allowed us the opportunity to put forward Norfolk Island's point of view on those matters before SCAG. There were a number of matters of interest raised, I won't go into depth at this stage Madam Deputy Speaker, I look to make a more fulsome report to Members on that and matters before SCAG that may impact on Norfolk Island in the future but they did include the cross border agreements for forensic investigations; for transfer of prisoners, those types of matters, legal profession, model laws project, so that there is some uniformity of matters throughout the Commonwealth and certainly in this part of the world. They are matters of interest to us and matters that we are keenly pursuing. At the same time that SCAG is held, the similar arrangement of participants also participate in the Ministerial Council on Corporations and also the Censorship Ministers Council is held. Again we are not Members of those but we are invited to attend as observers and again are extended full participatory rights in those areas. One matter that did raise its head at the Ministerial Council of Corporations was I believe a need for us revisit the provisions of the Financial Services Reform Bill and the amendments that the Commonwealth have made and are planning to make in relation to that to ensure that we aren't unduly affected by the provisions of that legislation if it were sought to be extended to Norfolk Island. Madam Deputy Speaker, I'm also pleased to provide information to Members and the listening community that we have been successful in bidding to hold the next SCAG meeting and the Ministerial Councils here on Norfolk Island in March next year. There will be up to one hundred participants here for that occasion and those participants are the Attorney's General of all the States and Territories of Australia, the New Zealand Minister for Justice and also includes the Commonwealth representatives,

the current Federal Attorney General of the Commonwealth Minister Phillip Ruddock and as far as the Ministerial Council on Corporations and his participation in the Standing Committee for Attorney Generals and also the Minister for Justice who at the moment is the Senator the Hon. Chris Ellison and I had the opportunity whilst at SCAG to discuss with Senator Ellison the policing arrangements, he is also the Federal Minister responsible for police, the policing arrangements that extend between Norfolk Island and the Federal Police and a number of security related issues particularly in relation to immigration on Norfolk Island of which there will be further officer to officer discussions in due course. Thank you Madam Deputy Speaker

MR D BUFFETT Thank you Madam Deputy Speaker I wonder if I could just make a statement which relates to Emergency Managements. I would like to place on the record my appreciation, and the thanks of the Norfolk Island Government, for the service to the community performed by Peter Evans. He has recently resigned as Deputy Controller of Norfolk Island Emergency Management to take up an employment opportunity in Australia. Peter Evans has been involved for so long in emergency and disaster management on the Island, in fact when I tried to put some detail together I think it's fair to say that his service predates our written records so what I am saying has some element of recollection as well as what is actually written. But he's been involved in hands-on work in rescue and emergency situations, resource acquisition and management and operation of heavy machinery for a long period of time. He has also been a key member of teams responding to cyclone warnings and other natural disaster situations. In more recent years, he has been an important leader in Norfolk Island Emergency Management, including two years as Island Controller and a further three years as Deputy Controller after he relinquished that senior role because of the pressure of other work. He undertook significant training to enhance his already strong knowledge and skills. He went for example to the Emergency Management Training College in Mount Macedon, Victoria. Madam Deputy Speaker, I really want on behalf of all, to commend him for his tireless contributions to the Norfolk Island community, and particularly for his timely and excellent emergency services work and I am sure that the Members of the Assembly will join me in wishing him well in his new task.

MR I BUFFETT Thank you Madam Deputy Speaker could I move that the statement be noted. Madam Deputy Speaker, having done that, I do so for this reason. Prior to coming into politics in Norfolk Island I was the chairperson of the Emergency Management arrangement in Norfolk Island and on advise I retained that position. I would like to confirm the words that Mr David Buffett has said in respect of Peter, to officially and in this public place thank him for the support that he has given me during my few number of years now as chairperson in emergency management, to thank him for the pushing and the prodding that he's done to other Members within the Emergency Management Service in Norfolk Island and perhaps to sum it up by saying that Pete was always there, and I would just like to say thank you and wish him well in his future

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

QUESTION PUT
AGREED

That Statement is noted

MR D BUFFETT Thank you Madam Deputy Speaker this is about the Hospital Enterprise, just some updates in some areas that may be of interest. Firstly

about medical staff at the Norfolk Island Hospital. We have two new medical officers who have been recruited and appointed to the Hospital Enterprise, Dr Ann Marie Van der Walt who has commenced, she commenced in October as a GP Surgeon with obstetrics and Dr Van der Walt also has skills in anaesthetics and interests in telemedicine and women's health and she'll certainly be able to seek to improve hospital services in a number of these areas. Dr Gary Mitchell will be commencing duties on the 1st December. Dr Mitchell is a GEP surgeon with obstetric skills, he has an interest in telemedicine and has qualifications in public health which will also be invaluable in setting up preventative health programmes. Both of these medical officers have extensive experience in their fields and their employment does provide the hospital now with three full time doctors or will when Dr Mitchell commences at the commencement of next month. One of the benefits of this of course, is not only will there be a broader range of medical experience available but it will alleviate in a cost sense the need to seek locums for relief purposes. In the dental area, Dr Norayun has commenced and he is now accompanying Dr Colin White at the dental clinic and he will be there for a period of twelve months to ascertain the benefit of two dentists and the effects on waiting times and levels of treatment. In terms of specialists, including visiting specialists and specialist in the broadest view, Dr Elizabeth Pritchard has retired as a dermatologist to the Norfolk Island Hospital and to this community and she has been undertaking this task as a dermatologist for a number of years. She has given wonderful service and made many friends in the context of that and other spheres in Norfolk Island and I do on behalf of the Government and the community thank Dr Pritchard for her invaluable service to the hospital and the community over those years. In terms of visiting specialists over the next couple of months, there are ones beyond but I'll just cover the period from now until February. Dr Brent Waters Psychiatrist will be available on the island on the 24th to the 31st January, Dr Chris Benness who is a gynaecologist will be here from the 17th to the 20th January and Dr Merv Thomas who is a gastroenterologist will be here from the 21st February to the 28th February. That's just some advance indicators of visiting specialists at the community hospital thank you

DEPUTY SPEAKER Thank you Mr Buffett. Are there any further Statements. There being no further Statements Honourable Members we move on

REPORTS OF STANDING AND SELECT COMMITTEES

MR BROWN Madam Deputy Speaker, the Select Committee into Electoral and Governance Issues has almost completed its Draft Report. That Report as has been said previously, will be made available for brief public comment, the Report will then be finalised and hopefully we will be able to table the final report in the December meeting of the Legislative Assembly

NOTICES

NORFOLK ISLAND HOSPITAL AMENDMENT NO. 2 BILL 2003

MR D BUFFETT Madam Deputy Speaker I present a Bill for an Act to amend the Norfolk Island Hospital Act 1985 and move that the Bill be agreed to in principle. Madam Deputy Speaker, is to address the matter of alternate Members to the Norfolk Island Hospital Board. I made mention of this on a number of other occasions and this is now a task to introduce the legislation to give effect to it. It's not planned to do anything but introduce it today and then give it some further consideration and endeavour to reach some finality to it when we come together at another occasion, probably in December. The idea is that we obviously have three Members of the Board, substantive Members, they may or may not be available at all times, the plan is that we have the capacity to appoint people to be deputies to them and that's what this

legislation is all about. I made mention of this when I introduced the more substantive amendments to the Hospital Legislation at another time. I explained that I would give some further thought and with your advise would progress to that stage and that's where it's at now. I commend the legislation for further examination by Members

DEPUTY SPEAKER Any further debate Honourable Members

MR D BUFFETT Thank you Madam Deputy Speaker, I move that this matter be adjourned and that resumption of debate be made an Order of the Day for a subsequent day of sitting

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

QUESTION PUT
AGREED

That matter is so adjourned

ORDERS OF THE DAY

AMENDMENT TO ROAD TRAFFIC ACT

DEPUTY SPEAKER We resume debate on the question that the motion be agreed to and Mr Smith you have the call to resume

MR SMITH Thank you Madam Deputy Speaker at the last sitting of the House Mr Brown actually listed this motion but he had to leave the House and asked me to take carriage of them at that time which I willingly agreed to do. This motion refers to an amendment to the Road Traffic Act so as to prohibit the carriage of children on the backs of trucks and utilities; the carriage of children while standing in motor vehicles and the driving of a motor vehicle while any part of the body of the driver or any passenger is protruding outside the vehicle. I might just defer to Mr Brown to carry the motion from here though I do say at this time that I support what he is attempting to do here

MR BROWN Thank you Mr Speaker and thank you Mr Smith. This was intended to be simply a very basic road safety motion. I shudder when I see young children bouncing around on the backs of trucks unrestrained, I shudder when I see young children standing in motor vehicles and I shudder when I see people driving around the Island, sometimes with arms and I've seen it with legs, hanging out the windows of vehicles. If any of those limbs were hit by a passing vehicle they would be lost without the slightest doubt. I'm aware that Ms Nicholas proposes to move an amendment to this to this Motion to add a clause in relation to seatbelts. It may be that the seatbelt provision would in fact do away with the need for the first 2 parts of my Motion. But there is no reason why the whole Motion shouldn't be passed including Ms Nicholas' amendment and how to then handle the Motion can be dealt with at a drafting stage. As I said Mr Speaker it's a road safety Motion, while we are speaking of introducing compulsory third party motor vehicle insurance it's essential that we get some of these other areas into line with modern concepts about road safety and I seek Members support in that regard. Thank you.

MS NICHOLAS Thank you Mr Speaker. I've certainly been around long enough to recall the death of a child who fell from the back of a truck and I support

the concept that's been put forward. On that basis I also support the second point raised by Mr Brown in respect of children standing in motor vehicles, and point 3 which deals with remaining inside the confines of the vehicle in my opinion is simply common sense and I support that. But as Mr Brown has kindly mentioned I do seek to make an amendment to this Motion.

MR SPEAKER

Thank you. Is leave granted.

AYE

MS NICHOLAS

Thank you. I propose that a new Clause 4 be added at the end of the Motion and the Clerk has been kind enough to circulate copies of the amendment and I do apologise because there are a few additional words which I'd be pleased if you'd not when I come to them. I propose that a new clause 4 be added at the end of the Motion 4) A motor vehicle from being driven on a public road without the driver and all passengers in the vehicle wearing the prescribed seatbelt or other safety device, subject to appropriate transitional provisions, are the additional words I would ask you to write in.

MR SPEAKER

Thank you.

MS NICHOLAS

Thank you Mr Speaker. I have tried in the last period of time to wear my seatbelt because I knew that I supported the idea of seatbelts on Norfolk Island and I put myself to the test and thought I'd put my money where my mouth is if you like, if you'll pardon the expression, and I also sought as a mark of respect to the youngsters that we lost, and I think at the moment I'd like to read straight from the Coroners Report to the Court. He speaks of a number of issues but he says and this is the transcript from the Coroner. There is further evidence to suggest that if seatbelts were being worn lives could have been saved. It's been a Norfolk tradition that we on Norfolk Island are not compelled to wear seatbelts but circumstances change, highlighted by this accident. We have many more vehicle registrations and consequently road usage is considerably higher both day and night. Registration have also shown a move for much larger vehicles being used on our roadways in some parts of the island we have deteriorating road surfaces. Our roadways have become more dangerous places. We need to reconsider our regulations. I believe the Norfolk Island Government is in the process of implementing a new Traffic Act and I'll be recommending to the Minister responsible support for the introduction of compulsory seatbelt usage on Norfolk Island. Mr Speaker I can't add to that. I think anybody in the community who believes that we should be thinking about wearing seatbelts should perhaps start to wear them. There is no more that I wish to add. Thank you.

MR GARDNER

Thank you Mr Speaker. As Members would be aware the Members in this forum had agreed to separate the compulsory third party component from the proposed amending provisions of the Road Traffic Bill and I would continue to have carriage of the compulsory third party matter and yourself Mr Speaker as the Minister responsible for the Road Traffic Act would take carriage of the necessary amendments to the Road Traffic Bill as far as safety provisions were concerned. As far as the third party components Mr Speaker are concerned, I understand that the Report from the persons that visited the island to assess our exposure, so to speak as far as compulsory third party were concerned is on island, I haven't yet sighted it but I understand the recommendations from that is that we in some form or fashion attempt to become part of a larger pool, in other words another State or Territory jurisdiction as far as CTP cover is concerned under our own legislative requirements. As Members are aware those persons that were visiting the island at the time did indicate that if that were to happen we would probably have to bring our own Road Traffic legislative

requirements in line those States or Territories to come under the same or similar arrangements. Obviously Mr Speaker Ms Nicholas' amendments are one of those matters that would need to be given serious consideration and that's the matter of seatbelts or the compulsory wearing of seatbelts. So too I would imagine would be the bulk of Mr Brown's Motion about persons travelling on the back of trucks, utilities or standing in motor vehicles or other parts of the body being outside of a vehicle. They are important matters. This Motion and the amendments that Ms Nicholas have proposed Mr Speaker seek to have the Bill put together and brought back into this forum for debate, in other words this Motion doesn't as a result of the passage of it if it were successful today make seatbelts and the wearing of seatbelts compulsory, or does it prevent the carriage on or in the backs of motor vehicles or the driving of a motor vehicle with any part of the body of a passenger or driver projecting outside. However it does, I think alert and rightfully so community to the concern that Mr Brown has and I'm sure is shared by many Members around this table and in the community of the dangers of transport in such a form or fashion. Certainly I am conscious also of the arguments that we've been doing it for years and years and years and we're just, it's almost part of the culture that we do these things but we have seen accidents, I am conscious of the recommendations that the Coroner has made. He has written to me in regard to the accident and also shared with me the sentiments that Ms Nicholas referred to as far as the transcript from the Coroners Court sitting, and his concern about the lack of seatbelts but also some other measures Mr Speaker in regards to road safety which in copying that letter to you I've brought to your attention for consideration. They are significant issues, they are matters that I think should be widely debated, not just within this House Mr Speaker but an opportunity be given to members in the community to debate them and certainly I thoroughly support the Motion and the amendments that Ms Nicholas has made so that they can be appropriately debated as I've said in the wider community and certainly within the Membership of this House with an intention to making appropriate road traffic legislation for Norfolk Island that we hope at the end of the day is going to provide us with the grounding to give us a solid compulsory third party legislation for Norfolk Island.

MR I. BUFFETT

Thank you Mr Speaker. It's really difficult to argue against a Motion such and this, and I don't intend to argue against it but I intend to make just a couple of comments that probably fall within the need to discuss this issue widely with the community for the simple reason that if we could do it as quickly as it should be done then half the vehicles on Norfolk would probably be off the road because half of them probably won't have seatbelts in them, so it's impossible to wear seatbelts. Then we've got to decide a couple of standards when you start looking at things like seatbelts in cars and what standards and when you start looking at these issues, so I'm urging whilst I support it that time frames be put on a couple of these issues because evidently signalled and we need to set those standards way out front before it becomes an enforcement provision of any Act because we can yell and say as to prohibit it but unless it becomes an offence under an Act to do these things then there's very little we can do to be able to stop it, and we need to do a schedule of number of issues firstly at what date every vehicle coming into Norfolk would need to have a compliant seatbelt. Firstly what happens with the vehicles currently running around on the road in Norfolk Island that do not have seatbelts. Probably if you tried to screw a seatbelt into half, you know you put the bolts in you have the ? on top of you, and on it goes. So there is a number of issues and I would urge the two responsible Minister's and certainly we'll probably discuss it at Executive level but I think a schedule needs to be prepared and that's all I'm saying in respect of this. A schedule needs to be prepared in respect of these, we take each one of them, we look at where it's going to be amended so that two things can happen, we can legitimately deal with it and the community can come to terms with what they need to comply with, because quite often we do these things, it falls in the too hard basket and whilst I said I cannot argue against it but I caution that

HEALTH INSURANCE

MR SMITH Thank you Mr Speaker. Likewise with this Motion this was a Motion of Mr Brown's which I carried forward at the last sitting and I might refer once again to Mr Brown.

MR BROWN Thank you Mr Speaker. Many of our senior citizens hold private health insurance. Within our community many more people are about to become senior citizens and many of those people hold private health insurance. There are still others who presently receive benefits from Australia, and I understand that at least some of those benefits might cease to be paid by the Australian authorities in the relatively near future, and those people will need to obtain assistance from our fund if that information is correct, and no doubt some of those people also have private health insurance. When one looks at the cost of HMA in Norfolk Island and the cost of our Healthcare Fund they have been able to minimise their spending in relation to those of our senior citizens who have private cover because one must claim against one's private cover before claiming against Healthcare, but we've done nothing to encourage those people to maintain that cover. If they chose to simply drop their private fund and rely on HMA or Healthcare a very substantial additional cost will be incurred. I'm not sure whether it is possible to quantify that cost, it's certainly possible to quantify parts of it, but I expect that there are many other people who simply claim against their private insurer and choose not to make a claim for any balance against Healthcare or HMA and we would not know the extent of that. Even if we had a record of the extent of it within our own Hospital we would have no record of the extent of it in Australia or New Zealand when people go there for treatment. In my view Mr Speaker it is time that we did something to send a message to those people, something to say thank you for maintaining your private cover because not only is that a sound idea from your own Health Management point of view, and there are all kinds of reasons for that Mr Speaker, especially in the case of someone with an existing difficulty if such a person moved to Australia or New Zealand they would have a long wait before that difficulty would be covered by the authorities there. So it's a very good idea from a personal point of view to have private cover. It enables you to be treated in a private hospital if you choose on the Mainland without having to pay the quite substantial additional costs which are involved in theatre fees and the like, and in the event that the Government is successful in negotiating an agreement with the Queensland authorities along the lines of the NSW agreement there will then be quite a substantial difference between the rate charged in the public hospital system in Queensland compared to the private system and that too will have implications. But from a selfish point of view besides saying, good decision you've done well, maintain that health cover we need to do something to encourage people to do it because it saves us money. Now this Motion doesn't aim to suggest to the responsible Executive Member that X is the solution. It may be that it's an adequate solution to simply recognise the premiums for the private health cover as medical expenses for the purpose of our local funds and to say, well if you've paid \$2,500 or more in a premium we'll recognise that as counting towards the first \$2,500 for the Healthcare Fund. That's one solution. Another solution might be a degree of subsidy, I'm not quite sure how that would work but there may be some way that can be done. It may be that the Executive Member when he obtains advice in relation to the Motion if it's passed comes up with another scheme. I simply would like Members to join with me in asking the Executive Member to look into that and to find a way of providing that encouragement to our senior citizens so that they do feel that their efforts in maintaining their private cover are recognised and that we are doing something to help them achieve that. Thank you.

MS NICHOLAS Thank you Mr Speaker. Mr Speaker I'm not clear and I haven't had such a discussion with Mr Brown but I perhaps would like to see this, the terms of this Motion extended to all those who hold private health insurance, not simply senior citizens, but he may have some reasons for that, but if I may let me use myself as an example. I hold, although I'm not quite a senior citizen Mr Brown, I hold extended health cover with MBF and this entails some limited cover for dental and optical works. As a single this costs something over \$2,500 per year. In addition of course I pay the local healthcare levy and additional \$500 per annum. Now with the \$2,500 excess, if I can call it that on the local scheme I'm at the stage of thinking carefully about whether or not I should retain the overseas insurance cover. So it may well be that should the local scheme be prepared to pick up what I'll call the gap, that is between what MBF reimburses me and the actual cost of the procedure, that would be an incentive for me to retain both sets of cover. This would mean that I would be 100% covered, which despite the fact that I belong to 2 schemes at the moment I'm not 100% covered. I think the idea is worthy of consideration, like Mr Brown I'm not 100% sure on what the solution will be but that it come up for some discussion, is a good idea and I'd like to support the Motion on that basis. Thank you Mr Speaker.

MR BROWN If I could briefly respond Mr Speaker. I was trying to tackle one problem at a time but I would be more than happy to seek leave to add some words to the Motion because it is after all a Motion asking for proposals. Could I seek leave to add after the word "scheme" at the end of the Motion a comma, and the words "and to similarly encourage all citizens".

MR SPEAKER Is leave granted. Leave is granted Honourable Members

MR BROWN Thank you Mr Speaker. I don't need to add anything to what Ms Nicholas said. She hit the nail on the head, there are many within the community at present, certainly many have spoken to me about the fact that their finding it very hard to justify the cost of continuing with private cover and encouragement along the lines of recognising the premium as counting towards the \$2,500 would be a pretty good start.

MRS JACK Thank you Mr Speaker. I thank Mr Brown for his change or his addition of words because it is something that I would also like to highlight and to Ms Nicholas for bringing it up. It's interesting to note too that what and Ms Nicholas' discussion when she mentioned 100% cover, she also has an open ended cover in private health insurance offshore. In a lot of illnesses you have an upper limit that when you reach it that is it no matter how much more you may be expected to pay, for the rest of your lifetime in some instances and for the year or over a certain period of time. So in actual fact to be able to have both private health care cover and also have the local scheme you in fact have complete open ended cover which is absolutely incredible and it should be encouraged. There is at the moment a Social Service Review underway and in that Review we are asking that the current pensioners that are on the Social Service Scheme, that they will have some subsidisation to encourage them to keep those private health care costs or the costs of being in the Healthcare Fund covered, because if you were on a pension and your trying to do the right thing, keep your private health care cover, it can be a very onerous task indeed, and the idea was that we would subsidise them to a similar cover under the lowest rate, which I believe is the Southern Cross if I can mention that, and then they would have that little if they were in another fund to pay, but it was a start. Mr Brown has covered it to all senior citizens and the reason why I like the fact of trying to get the young ones into the scheme is that after a certain age trying to get private health care cover is next to impossible, because after a certain age your medical requirements start to increase and

no one wants to take that risk on, they even have the benefit of you paying over the years. So I appreciate what Mr Brown is saying, I agree with it and I certainly encourage all people to investigate the means of having their own private health care cover. Thank you.

MR SPEAKER Thank you. Debate. No further debate, then I'll put the question. The question is that the Motion be agreed to and I will say that we adjusted the words to have those, "and similarly encourage all citizens" as part of the Motion.

QUESTION PUT
QUESTION AGREED

IMMIGRATION ACT 1980 – VARIATION OF INSTRUMENT UNDER PARAGRAPH 21 (3a) OF THE ACT

MR GARDNER Thank you Mr Speaker. As Members are aware we discussed this earlier this week and if I can just provide some further information over and above the information that I've provided to Members and the community at the last meeting. Mr Speaker we have been able to, with the assistance of Ms Nicholas and Officers of the Administration, been able to identify the list of or the number of applications that haven't been overturned or indeed thrown out. It's important to emphasise Mr Speaker that the 2% population policy is not in jeopardy because of this. In fact it falls some 160 or so in numbers short of what would be required for us to go anywhere near go close to breaching the 2% population policy introduced many years ago. Part of the reason to at the appropriate time seek to amend the motion is that it would allow us when considering the setting of a quota in February to start with a clean slate within reason subject to any other applications that may be approved between now and then. I suspect that, that would not be a number any greater than probably five based on the information that I've been provided and I'm also conscious that most of those persons, thirteen out of the nineteen currently subsisting on the quota are persons on Island. As I said the important consideration from my point of view is to ensure that the 2% population policy is not breached. We are certainly far from doing that. There has been discussion and some argument that if that's the case maybe we should be setting at the beginning of each year a quota that would provide us with a figure that would at least take us to that 2% population policy. I'm comfortable in the way that we have done it, that we have in the past years said approximately 35 per year as Mr Brown mentioned the other day, this is probably the first year in a number of years that we've actually moved to vary the quota during a quota period, but certainly I'm comfortable with the way we do it. If we need to do it piece by piece at least there is some control on it rather than just having an open ended number of the General Entry Permit, well open ended as far as the policy is concerned, in other words setting 160 or so further positions, that we have some control on it, and it is a matter that is discussed as we go about it piecemeal in this forum and in the wider community before a variation is made and so that Members of the community and around this table are fully aware of the numbers that we are dealing with. I would like further debate from Members if possible on the substantive motion itself and maybe on my proposal to vary that again by five and take it to the 55 for the full period and I look to Members input, thank you

MR BROWN Mr Speaker the number 50 does not frighten me. A 2% per annum growth would be a growth of roughly 30 people per year but in addition to that growth if one was going to look towards the 2% figure. There needs to be a number to replace people who leave and historically, that's been another 30 or so each year. So if we were going to set a number in accordance with the policy we would have been for some years, setting a number in the region of 60 and we would be doing so again this

year, so the number doesn't concern me. I think I would prefer to see us review our policy before we set the increased figure however. Policies are interesting things. Some take a view that a policy dies with the Legislative Assembly that sets it. Others take a view that unless a subsequent Assembly changes the policy the Policy continues but perhaps a population policy is of such significance that it would be wise to have each Legislative Assembly affirm it or change it rather than assume that it simply continues. There are sound reasons for allowing a growth Mr Speaker. If we look at the census reports going back over the years we will see that there has been in fact little movement in the permanent component of the population. Sure there has been variation from year to year generally depending on the fluctuating economic circumstances on the Island. There's been variation in the temporary component of the population, but very little change in the permanent component but if we look at those same census reports we will see that there has indeed been a change in terms of the different sectors of the permanent population and in particular the over 65 segment has been growing. It has been growing and the number of people in employment has in fact been reducing and that means that in fact in the absence of a modest amount of growth there are less and less of us who need to pay the whole of the cost of running the island and to pay the deserved benefits to our senior citizens. Now that can't continue forever. If we look back at the Butland Report and there we are looking back into the 1970's, and if we carefully read some of the pages of that, Professor Butland tried to tell us the dangers of not ensuring that there was at least a modest growth in the population. Some have said if you plan to stand still you are indeed planning to go backwards and that in effect is what Professor Butland was saying and if we look at his words, and transfer them into today's environment, they are very telling words. They suggest to us that in time, we'll start to see some of the very problems that we are seeing already and if we don't come to grips with those problems very quickly, they are going to magnify exponentially. So I'm saying Mr Speaker that I support getting the quota up to a more reasonable level. I support people who want to sell a business being able to do so, particularly, someone who is aging, perhaps in ill health and wants to get away from the Island. In that situation the incoming person will only match his departure. But by the same token, somebody who plans to remain on the island should be able to retire, should be able to sell his business, he shouldn't have to simply close it down, he shouldn't have to simply employ someone to run it in an environment where he has reached the stage where he couldn't run it himself any longer. But how should we do all of this. Well I think we should reaffirm the population policy first. Second I think that we should have a close look at just which categories of people fill the available quota positions each year, because when we look at that we'll find that not very many of them are actually coming in and out of the business community. The overwhelming majority of them are people who've been here as TEP's, and who can only remain if they can get a gep. For ages we only allowed the TEP to be renewed a few times, even now, we're saying well, five years is sort of the end. Those people have to apply for a gep. They might not really want one. They might intend when they're kids are slightly older and perhaps old enough to go to high school to shift to Australia or New Zealand. They might intend to shift at some stage for all kinds of other reasons too. We need to look at whether we are indeed applying the same criteria to a person moving from a TEP as compared to a person coming in to acquire a business. The answer is that for whatever reason it seems that different rules apply. The person coming in to buy a business is well and truly put through the hoop, particularly in financial terms and yet a person who's been here for three years, five years, whatever the period might be on a TEP, does not seem to have that same difficulty or at least the same degree of difficulty so I'm suggesting we should reaffirm our Population Policy. In doing so we should look at whether we need to change that slightly in order to ensure that we allow the appropriate mix so that in future we don't have the quota taken up part of the way through a year and find that the business community has no ability to turn over. And that can reflect in other ways too Mr speaker, a person coming in to buy a business might be also wanting to buy a house,

from a resident who might be wanting to leave, the old one in one out scheme isn't available at the moment, and that person who's wanting to sell his house frequently, is having to wait until someone can come in and take up the business. The person wanting to move from a TEP is generally able to wait on the island while he awaits his turn in the quota queue. That is not often the case in a business situation although the executive Member does have the discretion to issue a TEP but strictly speaking a TEP in those situations would not be an appropriate permit because our front door policy says so, so I would prefer us to reaffirm or review the population policy and then to sit down and decide in the light of that policy on an appropriate number. I'm not suggesting that in this case we've had pressure on the stable doors, but for years we've had difficulties with waiting lists, every now and again when that waiting list gets to be huge, there has been such pressure that we've opened the stable doors, we've said each time, we will never do this again, this is a once only thing, but if we look through history, it's happened time and time again. As I said I'm not so much suggesting that this is a stable door problem as has been the case in the past but the executive Member should not be put in this position of knowing that he's got a lot of people waiting if a properly monitored policy would have provided positions. On the other hand, if a properly monitored policy would have said sorry, at the moment there are no positions available, then stable door pressure should not on its own cause us to make a change. I have had a number of calls from people within the community expressing concern about this particular proposal. In my view the concern is unwarranted but the community certainly deserves to know our reasoning when we make decisions. I think it is a good thing that a quota is reviewed from time to time through the year as the Chief Minister has said, this is the first time this has occurred for a few years and I compliment him for that. It enables far better management if we are able to take little bites from time to time, rather than trying to guess what's going to happen for the next twelve months at each February and just set a quota then that's intended to stay for the rest of the year. So I don't have a difficulty with the number, I would prefer that we reaffirm the policy before we set the number, and I certainly hope that not too far down the track, we will have the opportunity to actually review how the system is working, whether everyone is subject to the same rules, whether it is appropriate that some can be on the island while they subsist and others can't and so on. Thank you Mr Speaker

MR GARDNER Thank you Mr Speaker just if I could respond to a couple of the things that Mr Brown has said. As far as a properly monitored policy is concerned, I would suggest that the 2% policy is the one that we work with, that this certainly is within those boundaries and is a natural part of the monitoring of that is to ensure that we don't breach it, but that we do make the provision available for persons to come into the island and that certainly is what this motion is based on. Mr Brown quite rightly has pointed out some of the difficulties that we face with the population. We are not alone in that as far as an aging population is concerned. I think every jurisdiction around the world has to come to terms with an aging population but I need to point out, that I do have the benefit of having the details of the persons who are currently subsisting in this list of nineteen and need to point out that none of those persons are in that bracket whatsoever. Mr Brown also mentioned about the business activity and that there seemed to be in the providing of GEP's an imbalance as thought there seemed to be a lot more people that were already on island in employment getting GEP's than in business type activity. Of the number 19 that are currently subsisting there are only five of those that are employees that are moving up to gep status. The remaining fourteen of which three of those are children, are all involved in business type activities or proposed to be in business activities, whether it is tourist accommodation or other businesses on the island so I think the imbalance is probably the imbalance that we are looking for so that it generates some sort of movement within the business community. As far as the reference that Mr Brown said that it was far easier for TEPs to move up into GEP's because we don't look so stringently or strongly at their figures or the documents that

they provide I can assure Mr Brown and other Members that we give the same sort of oversight to TEP moving into GEP applications as we do people moving into the island and it certainly is one of the greatest concerns I think that the committee has in trying to determine exactly what the sound financial basis is of each applicant but I would suggest that there is no discrimination between the two bodies looking for applications so there are a number of things that I think required some comment in that area. As I said I am confident and comfortable that we are well within our policy. I did at the last meeting when I introduced this motion, mentioned that I was looking to reaffirm the policy if that is what Members wanted to do or if they wanted to revisit or explore other options for a policy and in seeking these numbers for today in my request for the service I had asked that these numbers be provided and the information for debate at this sitting so Members could give consideration to exactly that, looking at the policy. I recognise the importance of the number of people that are involved in business in this area, not to wish to delay providing those persons with some certainty and to unsettle the activities within the community and I certainly would be looking to finalise the motion at today's sitting taking on board the concerns that Mr Brown has raised and before we look to setting the new quota for the period from February 2004 to 2005 undertaking to review some of those questions that I've been unable to answer today but certainly hopefully some of the queries that Mr Brown had, hopefully the information that I have provided this morning will satisfy a number of those concerns that he had, thank you

MR I BUFFETT

Thank you Mr Speaker I intend to support the motion in its present form and I note that a lot of what Mr Brown has said this morning. I also note, and I'm not too sure whether this Norfolk Island Government has a population policy or what. We are a little bit confused and we stand between a policy on immigration procedures or whether we have a population policy. Because it seems to me that a lot of what we talk about is mixed in the procedural issue of people progressing from one thing to another but we don't as a Legislative Assembly or a Government say that we believe. Perhaps in February when we set the quota over the next twelve months, the policy of this Norfolk Island Government is to fine people in x categories. We think we need people in the age group of ten to forty, can we do that, but I'm not too sure that we have a population policy. I think we need to examine that fairly closely, whether we have that or whether we are merely being pushed because we have a partial immigration regime that we are allowed to administer that has got set things in place and then it becomes rote because if you have enough money it seems, and you make the application and somebody wants to sell, then we go through a procedure so I think those matters all need to be examined and I think we need to do that and make use of the unique situation that we as a parliament have within the Australian category of things and where we sit in this specific area. We have been given the permission to control what and who comes and goes within this community because we have control and some say over our migration and immigration. I think we need to clearly identify whether we have a population policy and to put that in context with a lot of the issues we're talking about. I'm not personally convinced that we have a population policy but more we have immigration procedures policy and I think that is where a lot of these issues come into play. I take on board the aging population syndrome. I think that yes, sure you know it is something that's happening all over the world, but I think in terms of the ability that we've been given, that we have been given to deal with, the migration into Norfolk of persons and the reasons why some of them come and some of them go I think we have an opportunity that I'm not too sure has been fully explored, and so with those words Mr Speaker I support the Minister's view. I will mention again in this forum the fact that I believe that one of the issues we in the 10th Assembly were charged with initially when we came into this forum some two years ago now, was to look at a question of an Immigration Review and for all reasons that have been explained previously it hasn't gone ahead, it hasn't gone ahead but I'm not too sure whether it's just an Immigration Review in terms of a procedurals type thing or whether

we are looking at an Immigration Review that includes all aspects of immigration and migration and the control of that and the demographics of who migrates and should we be in a position to be able to say up front at the commencement of each period, whether it's the commencement of each Assembly period, make it an initial thing of this 10th Assembly we're looking for migration into Norfolk of people who stimulate the economy. Do we make it a policy that we will just purely do a ticking procedure for people who want to sell businesses and bolt or sell businesses because they've come on a sunny day, fallen in love and gone again. I think these issues are matters that need to be discussed and with those words I have no more to say.

MR GARDNER Thank you Mr Speaker. Having listened to that maybe if I were to move now or seek leave Mr Speaker to move an amendment as I indicated which was the last figure in the body of the Motion, deleting the number 50 and inserting the number 55.

MR SPEAKER Is leave granted. Leave is granted Chief Minister

MR GARDNER Thank you Mr Speaker. If there is no further debate I would move the amendment.

MR SPEAKER The amendment is that the last figure 50 be deleted and 55 inserted. Any further debate. We're going to vote on the amendment first Honourable Members obviously. Any further debate.

MR BROWN Mr Speaker I think around the table it's clear that Members wish to deal with the matter today. I won't put the House to the trouble of voting against the amendment, I'll simply abstain but could you note my abstention.

MR SPEAKER Honourable Members I put the question. The question is that the Amendment be agreed to.

QUESTION PUT
QUESTION AGREED
MR BROWN ABSTAIN

Mr Brown abstains. Thank you. The Amendment is carried. We now have the Motion as amended.

QUESTION PUT
QUESTION AGREED

Mr Brown abstains. The Motion is carried Honourable Members.

SUSPENSION OF SITTING OF THE HOUSE

It is my intention that we pause for lunch at this moment so I will suspend and we would resume at 2.30pm. I think that would give Members not only time to lunch but time to do some other things in between that Members obviously find they need to do if they are in the House for the rest of the day. The House stands suspended until 2.30pm Honourable Members.

RESUMPTION OF SITTING OF THE HOUSE

MR SPEAKER Honourable Members we resume after the suspension for lunch.

Perhaps with one comment that the Bill that I have now placed in this House replaces that previous Bill, it takes into account the matters that were raised by Members at the special sitting that we had, it has streamlined some of the wording of the Bill that the previous legislation that we had looked at and Mr Speaker I believe it's a Bill that we can deal with today. Thank you.

MS NICHOLAS Thank you Mr Speaker. I had a fair bit to say about the previous version of this Bill which was tabled at our last special sitting about 3 weeks ago and I'm pleased to say that this Bill certainly picks up on a lot of the comments which I made at that time and is in effect a precise and concise document which I'm happy to support in principal. However the Bill was circulated on Monday afternoon. I'm not prepared to deal with it to finality at this sitting and I think I need to make that known at this time. I believe that the changes need to be considered and that we perhaps more particularly I, need to feel comfortable in passing the detail of the Bill into law. Thank you Mr Speaker.

MRS JACK Thank you Mr Speaker. I understand the want by the Minister for Land and Environment to have this Bill passed, to introduce levies, to assist in having the finance to enable the running of the Waste Management Centre is of paramount importance and I can also understand the Minister for Finance wanting it passed for that reason too. However this is a new Bill, the old one had several concerns as Ms Nicholas has mentioned and the fact that that Bill had been withdrawn says a lot. This new Bill has had no discussion amongst Members until today and I am not prepared to discuss it because as a unit we haven't discussed it away from this House. There are new taxes or levies proposed, it's going to have huge concerns within the community and I feel that it should be adjourned and made a matter of debate for the next day and sitting and I move that the Motion be put.

MR SPEAKER In terms of moving that the Motion be put I would want to give opportunity to others to say something first and I then would need to give you some detail about procedural arrangements and how the matter might move forward or otherwise, and maybe I should do that at this moment.

MR BROWN Point of Order Mr Speaker. If a Motion of adjournment has been made and a Motion has also been put before us that the question be put, are we not bound to deal with that Motion.

MR SPEAKER There has not been a Motion to adjourn at this stage unless I incorrectly heard something.

MRS JACK I thought I'd put the Motion be made a matter of debate for a subsequent day of sitting.

MR SPEAKER Then I must apologise to you. I didn't realise that you were making that as a formal Motion at this stage. If that is the case then we can put that Motion of course. I thought that you had wanted to put the question in a way that might have precluded others to have a reasonable say and the Speaker does have some discretion in that matter but that is not the case that you are putting.

MRS JACK If you would like me to withdraw it and give others, I mean I don't want to shut other people out although I do want that Motion heard, no I'll carry it forward I'll stand by it.

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

QUESTION PUT

MR SPEAKER Would the Clerk please call the House.

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

MR SPEAKER The result of voting Honourable Members Ayes 5 No's 3. The Ayes have it. This matter is so adjourned until a subsequent day of sitting.

EMPLOYMENT AMENDMENT BILL

MRS JACK Thank you Mr Speaker. Mr Speaker when I introduced this Bill at the last I spoke of the 3 issues that were covered within it and I will briefly cover them again. The first issue deals with staff uniforms. I'm of the opinion that staff uniforms should be provided by the employer. I'm not referring to the black pants, skirt and white shirt/blouse that so many employers ask their staff to wear. This is where they imply that the look they want is colour uniformity and not style uniformity. The white/black look is smart and universal. However if the employer said I want you to wear a white top, was not of normal day to day type that had embroidery on it that named the restaurant, hotel, nursery or whatever establishment then I say no the employer should foot the bill. Another example I can give refers to various coffee shops around town that have the names stencilled on the back. The shirt should be supplied by the café, and the girls could wear their own shorts or skirt or for the men for that matter not shorts or skirt but pants. If a person is to wear a blazer with a logo on it, again the employer to foot the bill. A Chef works in an area where floors can be slippery, heavy stockpots, sharp knives that sometimes drop to the floor. Part of his personal as a matter of course from his own training has the Chef supply his own shoes and pants, however his jacket should be the responsibility of the employer if it identifies the establishment, just as I would expect a labourer to supply his own work shoes I would expect the Hospital to provide as it does the shoe covers for medical staff to wear inside theatre. A group of employees may be required to dress entirely to code, same shirt and colour and style for male and female employees with the same identifying badges which result in a shirt, in fact if you look at the pants, skirts, shorts as well it results in an outfit that immediately identifies them to an occupation or industry. That uniform should be paid for by the employer. Mr Speaker as I mentioned in the House on the 29th of last month uniforms used to be in the Act. They were deleted on the understanding that they would be covered in the new employment contract form, this has not happened and some employees are bearing costs that should not be theirs to bear. The second issue I covered was that of overtime. I have a real problem with 150% of the normal hourly rate that is currently in the Act. Yes some employers are paying it but how many are not. Since the last meeting a fellow Assembly Member mentioned to me that he had been informed of a firm that had one contract for normal working hours and another that dealt with any work not covered by the first, avoiding the true payment of overtime, cheating the employees and totally avoiding the intent of the Act.

MR BROWN Point of Order Mr Speaker. The word cheating is an inappropriate word in this place.

MRS JACK Well I withdraw the remark and stand corrected Mr Speaker.

MR SPEAKER Thank you Mrs Jack.

MRS JACK I know of businesses that have stopped overtime altogether because of the result and blowout in costs. Others that still work their staff at the old roster but fail to pay staff their dues. I suggest to you all that the staff that are being paid correctly are indeed fortunate and are of a number that fails to reflect what is really happening in the workforce, so what can we do. Well of course there is an option that we nothing and keep it as it is, after all there is an option that all employees can go to the Employment Conciliation Tribunal with their complaints. We have the legislation why don't they use it, and if they are not going to use it why should it be of our concern. Never mind that the employees feel that they will have their job made so difficult once the boss hears about the complaint that has been lodged, they need the work, some money is better than none so they put up with it. Resentment grows, they may find another job, maybe they don't and you needn't tell the worker that in the legislation there are clauses that cover victimisation, they just say to you, yeah right. We can change the overtime rate, we can look at a different scheme altogether. Mr Brown did have an idea of a flat rate. I had problems with that idea and I will list the problems. One of these problems was should people doing different work be paid at that same flat rate and what would happen if a person covered 2 or 3 different job descriptions. There is also another problem that people hired off the island who may not be made aware of the different rates or options available before signing an employment contract, sign at the flat rate, get the hours of work but at what cost to other employees and I think it could devalue people's work. The other option could be to introduce what I refer to as the base rate. This is 150% of the minimum hourly rate, providing that amount is not less than the normal hourly rate. The minimum hourly rate is currently \$8-50 and the 150% of this equates \$12-75. So what I'm saying is that if a person is on an ordinary hourly rate between \$8-50 and \$12-75 that when they do overtime they would be paid at \$12-75 per hour. Any other employee whose hourly rate was above that amount of \$12-75 would still be paid at their normal hourly rate whether it is \$13, \$14 or \$17 per hour. What I am hoping to achieve here is a system that is not going to be abused by some employers, one that is not so far removed from what was happening prior to August this year. It does allow for some degree of enterprise bargaining on the part of the employee and it gives a system that gives back to employees overtime that they have recently been denied. The current system has cracks in it, cracks that current resources do not provide spakfilla for and so the very people that the Act was designed to protect and serve are the very ones falling through. Mr Speaker all I am trying to do is introduce a rate that is workable and provides work, that is all, a rate that recognises those at the lower end of the pay scale and affords them some provision, that recognises those above the medium rate of pay and says perhaps they are better placed to enter into their own overtime agreements with their employers, enterprise bargaining in the embryonic stage. The final issue is more a housekeeping issue Mr Speaker. The Regulations say one thing and the Act another and while the Act always overrides Regulations I would prefer the options that are in the Regulations. So what I am dealing with is hours of work for those under 15 years. At present the Act states that an employer must not employ a person under 15 years of age for more than 20 hours per week. This denies the under 15 years of age the ability to work full time during the holidays. Many in this age group are just starting work for the first time, saving money for trips away, and for many that first bike. I think that they should be allowed to work full time during their holidays if they want to do so. For some the reality is that the extra money they earn

helps in household finances. It is not to say that I think under 15 year olds should give up all their vacations to work, I am not. They need to have time off to chill out, have fun, socialise but if they want to work I think they should be encouraged to do so too. Mr Speaker may I also mention that should this Bill be progressed with today it is my intention to introduce into the House some detailed stage amendments and to leave them for further debate at a later day of sitting. Two areas covered deal with penalties for non compliance with Sections within the uniform amendment and the rephrasing of Section 24 that deals with the under 15 year olds and their hours of employment, during school term time and during time which is not term time, a clarification if you will. I'll just leave it open for further debate. Thank you Mr Speaker.

MR SMITH

Thank you Mr Speaker. When Mrs Jack introduced this at the last sitting I said I support 2 of the parts of her Motion. The one that I still have difficulty with is the overtime provision for reasons I said at that time and have said over the last few years. I think Mrs Jack touched on the difficulty which causes any problems in her debate. It's not so much whether somebody does or doesn't pay overtime or whatever it's anybody can avoid doing what's in the Act just by simply avoiding it, there is nobody that checks, the employee is the checker but as Mrs Jack pointed out if an employee complains to the employer or to the Tribunal or the Conciliation Board it's highly likely that it's at the end of their term of employment with that employer. From my experience with the Employment Act and the working group that we had with it the reports that we got were exactly that, people would only complain at the very last ditch effort if they weren't being treated according to the Act. I think all of us around the table would be aware that not every employer follows the Act to the degree it's supposed to. When it comes to overtime it's a difficult issue, I mean commercially for some would believe that what Mrs Jack is proposing is great. The proposal Mr Brown had on the other hand I think was a better solution and then there is others that are saying what's all the fuss, what's wrong with just paying normal overtime rates which obviously some businesses do do here. There's one thing that keeps coming out with the Employment Act, there seems to be a belief that the overtime provision has only just been introduced. The overtime provision has been in the Act for I don't know how many years, probably since 1991 or it might even be right from the beginning in 1988. The overtime provision had a quirk in it that it kind of said that you only had to pay overtime on the minimum hourly rate and that was taken by some employers as I understand it, to be well that's how it is where others would say ok if somebody is due for overtime that they should get 150% of their normal hourly rate. I just reinforce that that the overtime provision hasn't just been introduced, it's been there all the time and I know of employers that have never paid overtime, they just don't even bother, the employee doesn't bother to raise it because it's just an issue that doesn't get talked about. If there was some way that we could compromise between Mrs Jack's Motion and what Mr Brown had proposed earlier in the year I would be much more happy with making a change to the overtime provision, otherwise I would personally like to see it stay at 150% of what somebody earns. Now I realise that does cause difficulties where somebody's paying well above the minimum hourly rate and there's a lot of very good employers that do do that and if it was going to penalise the employees who are quite happy to do overtime and not get paid any extra that's the difficulty with it. There is one other solution which was discussed when we were doing the amendments in the year 2000 or just before that, was having a salary bar, not like a salad bar, a salary bar where if somebody wanted to work for an employer at a fixed rate for the year or whatever it might be that it includes all those things and that would be fine, I would be happy with that if an employer and employee signed a contract that says, ok this is your salary your works 100 hours per week, you do all this on that basis and that's acceptable, but where it can be used with the current situation that somebody say now right your going to do an extra 10 hours overtime this week and I'm not going to pay you

any extra, and there's not really much that anybody can do about it if they are to retain their job. I think I heard Mrs Jack say she's going to adjourn this to the next sitting

MRS JACK That's if it gets up when the detail stage amendments come through Mr Speaker, I'd like it to live or die this afternoon.

MR SPEAKER Yes I'm sure what the intent is in that respect. I'm unsure that your saying you want the detail stage amendments to be adjourned but not the Bill to be adjourned and I'm just trying to reconcile that. We have before us a Motion that the Bill in principal be agreed to, are you saying that you would like that to go to the vote and then the detail stage follows that and then when that stage is reached and the details come forward that we adjourn at that stage. Is that your intent to ask the House's approval for that.

MRS JACK No I don't want the whole thing finished today, just the original. I thought that it was possible for the original but not the detail

MR SPEAKER That is so and the original in my interpretation is that we would put to the vote amongst the Members the question that the Bill be agreed to in principal, the stage after that is the detail stage, are we all at one about that. I just wanted to have some clarity from Mrs Jack.

MR SMITH I'm wondering where it leaves me because as I said I support 2 parts of the current parts of the Bill but there would be one part I won't be supporting, does the detail stage still allow me to raise my objection to that or do I have to agree to the Bill in principal before that and then contradict myself when it comes to the detail stage amendment.

MR SPEAKER The vote on the Bill in principal. No I don't want the whole thing finished today, just the original. I thought that it was possible for the original but not the detail

MR SPEAKER That is so and the original in my interpretation is that we would put to the vote amongst the Members the question that the Bill be agreed to in principal, the stage after that is the detail stage, are we all at one about that. I just wanted to have some clarity from Mrs Jack.

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MR SPEAKER The vote on the Bill in principal will come before the detail stage. The detail stage doesn't commit you to every part of the piece of legislation, it makes a commitment to whatever extent each Member would want to make a commitment in terms of the general principal the totality of the situation, an overview if you like. The detail stage is when you decide whether or no you want those particular items approved or not approved.

MR I. BUFFETT Well Mr Speaker I hope Mrs Jack's clear what she does want and we didn't make an accident with the Waste Management one, so I'm hoping that we get all the bits right for this one.

MR SPEAKER May I remind Mr Buffett that it is quite improper to have any reflections upon the decisions of the House. The House has made a decision in that matter and may I make a reminder on that.

MR I. BUFFETT Well I stand corrected and thank you Mr Speaker.

MR BROWN Mr Speaker can I help by attempting to paraphrase what Mrs Jack is trying to achieve and Mrs Jack will correct me if I'm wrong no doubt. Mrs Jack earlier in today's meeting expressed a concern about amending documents of any kind being placed before the House at the last minute and she doesn't want to fall into the sin that she criticised. So what she is asking us to do as I understand it is to deal with the in principal question, she wishes to then introduce her further amendments and she wishes to then seek to have the matter adjourned at that stage so that there is adequate time for Members to consider the further amendments. I hope that that's helpful.

MR SPEAKER Thank you for that Mr Brown, that is how I had interpreted what Mrs Jack had said a few moments ago.

MRS JACK Thank you both very much for helping this girl.

MR SPEAKER Honourable Members we are continuing debate on the question that the Bill be agreed to in principal. Is there any further debate on that matter.

MS NICHOLAS Yes Mr Speaker if I may play on the word in principal, in principal I certainly support most of the provisions, the ones that Mrs Jack has spoken of uniforms, I am prepared to support the difference between the minimum and normal hourly rate of pay question. The only one that I'm not completely supportive of is the move to allow employment of those under 15 for up to 40 hours. However I understand that there is conflict between the existing regulations and I've also ascertained that within the community there's support for allowing the youngsters to work those forty hours so with some degree of reservation I'm prepared to support that so yes, I would go ahead and support the proposal as it stands

MR DONALDSON Thank you Mr Speaker the situation under the current employment act is that uniforms are not prescribed as an item that the employer has to provide or pay for. What this amendment does is say that where an employee is required by law to wear a uniform, the employer shall provide it. I understand there's some detail stage amendments dealing to that one later but in principle I support that notion, I support that concept and I shall run with that one without any problem at all. The second one is, in this three part amendment, whether overtime is paid on normal hours or minimum rate. Up to two months or so ago it was paid on the minimum rate because that was what the statutes required. An amendment that was actually commenced in the year 2001 in the year 2001 finally came through and was assented to which changed it from the minimum rate to the normal rate, so that meant that someone who was working for ten dollars an hour automatically has to get fifteen dollars per hour for their overtime whereas before they would have got one and a half times, seven dollars fifty for their overtime. What that did was that it actually closed down the opportunity for a lot of people on this island to enjoy overtime, for employees to be offered overtime. Employers said to them, look I'm already paying you twelve dollars an hour for your normal rate, the legislation now requires me to pay one and a half times that, that's eighteen dollars and hour. From my point of view the option of employing a second staff member at a casual rate is much better, I'm sorry, your overtime has stopped. For that reason I brought to the House a couple of months ago an amendment

to change the basis of overtime to a minimum rate. That amendment was lost but it's come back to the house in a slightly different form and I'm not opposing it for any reasons because it's sensible. It makes the overtime affordable for the employer and therefore available to the employee and so therefore I support the second part of the amendment that's before us at the moment. The third one is simply there's a prohibition in the Act at the moment, in that a child under the age of fifteen can't work more than twenty hours per week. This amendment allows them to work up to forty hours per week during school holidays but retains the twenty hours per week prohibition when they have to attend school and so therefore I support the third one too. I do have some reservations about the amendments that's before us should this go through but I'm quite please that this will be adjourned and further discussion will take place, thank you

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

QUESTION PUT

AGREED

MR GARDNER

ABSTAIN

The Bill is agreed in principle thank you. We now move to the detail stage. Mrs Jack I give you the call because you have foreshadowed some detail stage amendments, and then if I interpret again correctly, once debate has concluded on those detail stage amendments there will be a motion of adjournment

MRS JACK Mr Speaker I move that the detail stage amendments dated 14 November 2003 be taken as read and agreed to as a whole. Mr Speaker I briefly covered in my original statement that it was my intention to introduce penalties for uniforms and to perhaps clarify section 24 relating to the fifteen years and the hours that they can work during term time and out of term time. I'll just leave it to the Members to debate thank you

SPEAKER Any further debate Honourable Members. No. then I will seek a motion of adjournment

MRS JACK Thank you Mr Speaker. I move the debate be adjourned and that resumption of debate be made an Order of the Day for a subsequent day of sitting

SPEAKER There being no further debate I put the question to you

QUESTION PUT

AGREED

That matter is so adjourned

AIRPORT RUNWAYS LOAN BILL 2003

SPEAKER Honourable Members we resume debate on the question that the Bill be agreed to in principle and Mr Donaldson you have the call to resume

MR DONALDSON Honourable Members as foreshadowed on the Notice Paper and Programme I now seek leave of the House to withdraw the Bill introduced at the last sitting and to replace it with a new Bill dated 14 November 2003.

SPEAKER Honourable Members is leave granted. Leave is granted. The Bill is so withdrawn. Mr Donaldson.

MR DONALDSON Mr Speaker I'll just talk on the replacement Bill that I want to introduce. The replacement Airport Runways Loan Bill has the same intention and purpose of the original Bill that it replaces. The difference is in the wording and the presentation of the replacement Bill

SPEAKER I wonder if as a prelude to that, if you could present the Bill and then move again that the Bill be agreed to in principle so that we have it in context please

MR DONALDSON Thank you Mr Speaker my apologies. I present the Airport Runways Loan Bill 2003 and move that the Bill be agreed to in principle

SPEAKER Thank you Mr Donaldson. The new Bill obviously, now Honourable Members

MR DONALDSON Thank you Mr Speaker. The replacement Airport Runways Loan Bill which is dated the 14th November 2003 has the same intention and purpose of the original Bill that it replaces. The difference is in the wording and the presentation of the replacement Bill. The wording is clearer and the wording is actually a lot more economic in its use of words and therefore a lot more concise. It is an improvement on the original version and is a lot more readable. The purpose of this Bill is to confirm a loan from the Commonwealth for the purpose of resurfacing runways at the Norfolk Island Airport. The Bill puts in statutory requirements for the management of the loan moneys for the duration of the project. It does this by requiring a loan fund to be kept in a separate bank account and the bank account will be designated for the Norfolk Island Airport Runways Loan Fund Bank Account. These funds are to be used exclusively for the purpose for which they were intended and to be separately accounted for within the loan fund of the public account of Norfolk Island. Finally it puts in place a statutory requirement to create and contribute to a Trust Fund entitled the Norfolk Island Airport Runways Trust Fund. This fund is also established within the public account of Norfolk Island. This Trust Fund shall accumulate funds equal to or greater than \$7.875m which are to be made available in the year 2005 or thereabouts to finance the next runway reseal. Deposits into this Trust Fund will come from four sources. Interest charged on a loan from the Commonwealth. This interest is to be calculated, not paid to the Commonwealth but deposited into the Trust Fund as being part of the Administrations money. Over the life of the loan, interest earned will total approximately \$2.2m. Secondly, interest generated by the Trust Fund itself over the twelve year life of the loan will be \$1.1m. There will be an amount of \$100,000 each year, contributed for ten years from the airport undertaking and in the last two years after the loan has been repaid before it is expected for the reseal to be due again, the airport will contribute an additional \$1.8m per year. All this adds up to, at the end of a twelve year period, having \$7.875m in the Trust Account to be used for the reseal of the runway. The contributions by the airport undertaking have been costed into the airport budget over the next twelve years and are affordable from existing sources with a once only increase of \$5.70 to the passenger transit fee at the end of the year 2005. Mr Speaker, this Bill is an integral part of the funding arrangements for the airport runway reseal. It is a requirement of the loan agreement that we have entered into with the Commonwealth and I commend the Bill to the House

MR BROWN Mr Speaker, this Bill explains in an understandable form what the Minister has been attempting to do for some months now. I have no difficulty understanding the Bill in its new form and I have no hesitation in supporting it

MS NICHOLAS Thank you Mr Speaker. The legislation, this Airport Runways Loan Bill, is similar to that of the Waste Management Bill in that it's a replacement Bill. However the words in this Bill have simply been rearranged to allow clarity. The Bill itself in various forms has been around as Mr Brown said, for some months. There's no real change and I'm prepared to support it

MR SMITH Thank you Mr Speaker I support the bill. Obviously it's in a form that is very acceptable. Just a related question with it. With the funds that we are going to get from the Commonwealth, if there has to be an extension to the runway because of the factors that were being discussed this morning, is that included in the amount that we are looking at borrowing, or likewise, if you decided as the Minister to change from upgrading the runway that's current, and upgrading the other runway because it could be made longer, would that be covered in such a document as this

MR DONALDSON No this Bill itself deals only with the runway reseal. It doesn't deal at all with the RISA requirements. That's a separate requirement and that's probably a much bigger requirement than just a simple reseal. The loan moneys are committed for the next reseal, they can't be spent on other things along the way and I believe that's what happened last time when it was resealed in 1991, the passenger landing fee was set at an amount that was expected to have enough money put aside for the year 2000/2003 for the reseal to take place. Regrettably that money didn't materialise in the quantities that they expected and I think some of it was spent on the terminal and other activities, that's why we had to enter into a loan agreement and to prevent that situation from happening again, that money will be quarantined for the twelve or thirteen years between now and the next reseal and it will only be able to be used on the next reseal

MR SMITH Thank you Mr Speaker yes, that's kind of what I was getting at I suppose. If we have to extend the runway or do something with it would you do the major reseal which is due now or would you hold that off until you've made the extension or do you wait five years until this other thing kicks in, then if you had to add to the runway would you have to then borrow some more money to seal that bit. Maybe it's a bit of a naïve question

MR DONALDSON Thank you Mr Speaker. No, I think like I said, they are both separate issues. The reseal has to be done. It's already running a little behind schedule although it's not causing any distress at the airport, they are maintaining the runway in good working condition. The RISA problem, or the runway extension problem if it is needed, will be a separate issue, it will be a major issue, will be subject to separate financial arrangements completely. The advise I've been receiving is that there is no point at all in delaying the reseal that's before us at the moment in the expectation that we might have to have a bigger job in two or three years time

MR BROWN Mr Speaker, the Minister has hit the nail on the head when he says that there should have been a lot more money than there is now. He said that some of it got spent on things that really mightn't have been intended, because the airport movement charges were certainly meant to ensure that there was plenty of money in the bank account to cover the costs of the present reseal and Members might recall that half a million dollars or so was loaned to the Electrical Undertaking. Something like a million dollars was spent on a fancy landing system. Quite a bit was spent on the airport terminal, \$600,000 or so was spent on a set of plans that never actually resulted in even a sod being turned. \$300,000 has been spent in the last year on new domestic fire tenders. Well in excess of \$100,000 a year is being spent as a result of the domestic fire service being transferred to the airport which conveniently

got that expenditure out of the revenue fund and lumbered it on to the airport undertaking but the Minister is right, Mr Speaker. The structure that he is attempting to create as a number of Members has said, we've known what he's been attempting to do, it's just that he couldn't get a bill that actually said it, but now that he has got a bill that says what he wants to do, it will create a Trust Fund into which the money will go and the money won't be able to be taken out of there for other purposes, so that is a worthwhile precaution and it is a protection for the community against future Assembly's being a little carefree in the amounts they spend on other things, thank you

MR DONALDSON Thank you Mr Speaker if there's no further debate I would like to make a move that I foreshadowed earlier and that is that so much of standing orders be suspended as would prevent the Bill being considered through all stages today

SPEAKER Thank you Mr Donaldson and I'll put that motion to you Honourable Members and I would just give you a reminder that in terms of Standing Orders it requires that, that motion would require the support of six Members

QUESTION PUT
AGREED

I would interpret that, therefore there are at least six Members who support that, and that would allow the Bill to progress further. Then I put the question that the Bill be agreed to principle which is the basic principle amount before us. Any final debate?

QUESTION PUT
AGREED

The ayes have it, thank you. Do you wish to dispense with the detail stage

QUESTION PUT
AGREED

We so dispense with the detail stage. I seek a final formal motion

MR DONALDSON Thank you Mr Speaker. I move that the Bill be agreed to

SPEAKER Thank you. Any final debate. I put that question

QUESTION PUT
AGREED

The ayes have it, the Bill is agreed

BILLBOARDS REPEAL BILL 2003

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

MR I BUFFETT Thank you Mr Speaker. I ask Honourable Members as is foreshadowed on the Notice Paper, I now seek leave to withdraw the Bill introduced at the last sitting and replace it with the new Bill dated the 13th November

SPEAKER Is leave granted Honourable Members? Leave is granted thank you. The bill is so withdrawn Mr Buffett

MR I BUFFETT Thank you Mr Speaker I present the Billboards Bill 2003 and move that the bill be agreed to in principle

SPEAKER Thank you. The question is that the bill be agreed to in principle

MR I BUFFETT Thank you Mr Speaker it is my intention to save confusion about any adjournments or anything, that this bill will be adjourned and made an order of the day for a subsequent day of sitting and it's only a three line bill and I don't think there's been much changed, expect to fix up a couple of words in the actual bill

SPEAKER Any debate Honourable Members

MR I BUFFETT Thank you Mr Speaker. There being no further debate I move the debate be adjourned and that resumption of debate be 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 that resumption of debate be made an Order of the Day for a subsequent day of sitting

QUESTION PUT
AGREED

That matter is so adjourned

FIXING OF THE NEXT SITTING DATE

We've concluded the substantive business now, and move to the next sitting day

MR BROWN Mr Speaker I move that the House at its rising adjourn until Wednesday 17 December 2003, at 10.00 am.

SPEAKER Thank you Mr Brown. The question is that the Motion be agreed to.

QUESTION PUT
AGREED

ADJOURNMENT

MRS JACK Mr Speaker, I move that the House do now adjourn

SPEAKER Is there any debate Honourable Members?

MR BROWN Mr Speaker Ms Nicholas has become a Granny in the last short time, and to my recollection she's the first sitting Member to actually become a Granny while a Member of the House and I just thought that it might be appropriate for us to wish her well in her old age. Could I take back old age Mr Speaker, I really meant in caring for her grandchild

SPEAKER Thank you Mr Brown, especially for the adjustment in terminology. Is there further debate. There being no further debate I put the question

QUESTION PUT
AGREED

Therefore Honourable Members this House stands adjourned until Wednesday 17 December 2003, at 10.00 am.

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