

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

CONDOLENCE

We move to condolences, are there any condolences this morning? Ms Nicholas

MS NICHOLAS Thank you Mr Speaker. Mr Speaker it is with regret that we record the passing of Gordon Craddock Duvall on Wednesday 7th January 2004. Gordon was born on the 21st December 1909 in the northern French town of Dieppe. His father was British and his mother Polish-German. Gordon was truly a European gentleman. He was educated in Europe finally at The School of Mines at Chemnitz in Germany. Before and during World War II Gordon worked as a consultant engineer and geologist for various mining companies. His work taking him to the Middle East, Thailand, Malaysia and (the then) Dutch East Indies and Ceylon. In 1948 whilst working in Kuwait Gordon met and married Kit who was then Headmistress at the Anglo-American school. They married in Beirut and spent following years working in Kuwait and holidaying together in the less travelled parts of the world. Gordon and Kit, along with their Land Rover, and I suspect a trusty power generator as well, arrived on Norfolk Island in 1964. Kit pre-deceasing Gordon in September 2000. During his time on Norfolk Island Gordon participated in many scientific and geological projects, among them work for the University of Miami and the United States Department of Energy. There were not many scientists, of any discipline, who did not visit Gordon during their stay on Norfolk to elicit some esoteric gem of information. Most recently Gordon worked with Professor David Stowe, Professor of Physics at Auckland University on a study of Norfolk Island and sub-tropical South Pacific region rainfall. Mr Speaker, to Gordon's family - Kit's niece Joanna Tranka and nephew Jeremy Clarke - to his friends and carers who will miss his presence this House extends it's sympathy

SPEAKER Thank you Ms Nicholas. Honourable members as a mark of respect to the memory of the deceased, I ask that all members stand in silence please. Thank you Honourable members.

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

MR ROBINSON Thank you Mr Speaker, my question is addressed to the Hon Toon Buffett. Mr Buffett could you tell us why the Norfolk Guardian was not fumigated before it set sale for Norfolk Island and was this ever a practice in the past

MR I BUFFETT Thank you Mr Speaker I cannot answer the first part of the question as to why on this trip it wasn't. Fumigation of ships used to be part and parcel of the arrangement for shipping to Norfolk Island. I am not sure at the present time what the current situation is regarding shipping out of Australia, especially to Norfolk Island and of course the guardian going to New Zealand, I could take that on notice and find out exactly why that didn't occur in this respect. In relation to this incident I was informed early in the morning on the Tuesday that there had been an infestation of earwigs on board the ship and that it had been recommended to me as the Minister responsible that the ship not be allowed to continue unloading and that to proceed to another alternate port so that the ship could be decontaminated. As to the first part as I said of Mr Robinson's question, I will find out definitively why that did not occur and what the current procedures are in those ports to be carried out

MR NOBBS Thank you Mr Speaker a supplementary question. Minister I ask you if you've initiated any inquiry into what happened yesterday

MR I BUFFETT Mr Speaker in short, yes

MR NOBBS is the Minister able to tell us what protocols were put in place following the last incident of a similar nature, less than twelve months ago

MR I BUFFETT Thank you Mr Speaker what I can inform Mr Nobbs and the community, is that following the last incident where the ship was in fact requested not to continue unloading but to proceed to New Zealand for decontamination, I on the 20th November had significant discussions with both the local agent of the shipping line and with one of the principals of the shipping line in respect of that infestation incident and a number of other issues. On that day the discussions that took place was that we did not have adequate facilities here to decontaminate a ship with those sort of infestations and that the principle of the shipping company was going to.. and I informed him that if a subsequent event occurred that we would be left in no other situation but to do exactly the same thing as was done in the first incident and that is to have the ship go to some other port where they have sufficient decontamination equipment and occupational health and safety issues and the handling of the cargo would be more economically viable for them to decontaminate. The principle and the agent were both fully aware of my position at that time, and have undertaken to go back to their other principles in that shipping company and to confirm those arrangements in writing. I have not received that in writing and let me just emphasise that it was on the 20th November. I have had some minor subsequent conversations but I understand that they were fully happy with that procedure at the time on the 20th

MR NOBBS Supplementary to that on the same subject, Minister does the shipping company pay a penalty under any of the Norfolk Island statutes related to quarantine and what is the penalty

MR I BUFFETT Thank you Mr Speaker I'm not sure there is a specific penalty under the Quarantine Act that would cover that situation. I would certainly look at that and take it on board and provide a more comprehensive answer for Mr Nobbs

MR NOBBS Another question on a similar subject. Minister I understand, and is it true that a quantity of cargo was unloaded and it wasn't reloaded on the ship or treated on the pier itself, it was actually taken across the island and treated at another site. Why did this happen? Why wasn't it reloaded on board the ship and taken away with the rest of the stuff or treated on the spot?

MR I BUFFETT Thank you Mr Speaker my understanding was that when the infestation was discovered certain cargo had been unloaded, and was in the position of being transported and loaded on trucks. It was agreed that they be taken to a neutral position at one of the works areas where they were encased in plastic and decontaminated by a local pest control officer. As to why they weren't taken back on board, I have not questioned that at this time, this is the information that I was given during the course of this incident yesterday

MR NOBBS A supplementary. Minister are you aware that some of this cargo could possibly have been contaminated with the insects? Do you intend to make a release apart from the one that was on the radio a few minutes ago, stating precisely what the problem is; what the problem actually looks like and if anybody sees them can they notify and get some action going immediately and not like the wasp; be left in abeyance for a number of years

MR I BUFFETT I certainly will

MS NICHOLAS Thank you Mr Speaker. A number of questions addressed to the Chief Minister if I may in respect mainly to the JSC report. Chief Minister are you in a position to advise when Members of the JSC intend coming to Norfolk Island to commence their inquiry into financial sustainability and are you able to advise what role the committee will play, given that Members of this Government place importance on the comprehensive report issued by the Commonwealth Grants Commission in 1997

MR GARDNER Thank you Mr Speaker. In response to that the only thing that I can report is that I've heard through the grapevine that the Joint Standing Committee intend to visit the island within coming months. I understand that possibly to be April. I also have been lead to believe but have had no formal advise in relation to the matter that the JSC would be looking to call for submissions to that part of that inquiry either later this month or early in March however in the absence of any formal advise, I can't confirm that that is actually fact other than an email advise that had been provided through one of the Members of the House in relation to that. As far as credence that we place on the findings of the Commonwealth Grants Commission and whether the JSC has a role to play in looking at financial sustainability, all I can report is that the JSC operates under its own mandate and under a mandate from the parliament of the Commonwealth but if asked to comment on the Commonwealth Grants Commission Report of 1997 I would probably suggest that an expert commission such as the Commonwealth Grants Commission is far better placed to comment on financial capacity and sustainability than a committee of the Federal Parliament

MS NICHOLAS Thank you Mr Speaker. Chief Minister present legislation before the Australian House of Representatives seeks to amend the Norfolk Island Act in respect of electoral issues. Given that the present JSC report foreshadows some 22 or 23 further amendments to the Norfolk Island Act what action is being taken by this Government to address the potential impact of those legislative changes

MR GARDNER Thank you Mr Speaker the proposed legislative changes that are attached in the recommendations to the JSC report into Governance on Norfolk Island are fairly extensive. I have made representation to and received an undertaking from the Federal Minister for Territories, Minister Campbell that before developing a Commonwealth position on that report and delivering a Commonwealth response that he will come to Norfolk Island and he will undertake wide ranging and comprehensive consultation with the Norfolk Island community, the Legislative

Assembly and other interested parties in regard to that. Late on this morning I will be tabling a full and comprehensive response developed by the Legislative Assembly which has been sent to Minister Campbell in regard the inquiry into government on Norfolk Island by the Joint Standing Committee. That in itself contains what I would regard as our response and the initiatives that we have put in place and continue to pursue in relation to matters raised in the course of the recommendations in that report. I have made independent representations based entirely upon the electoral issues that are the subject of the legislative before the Australian Senate at the moment and on that issue my response has contained thoughts, sentiments along the line that the Norfolk Island Legislative Assembly and community through their elected representatives have gone some way to proposing a compromise on the proposed arrangements from not only the electoral inquiry but those matters that are repeated in this inquiry by the JSC that we have gone some measure in moving towards what we believe is a fair and equitable position and we still await a similar response from the Commonwealth which to date we have not received

MS NICHOLAS Thank you Mr Speaker a supplementary please. Chief Minister would it not be sensible to advise the community of the potential impact of those legislative changes so that more informed debate can take place within the community

MR GARDNER Certainly I can do that without being armed with a piece of legislation that is currently before the Senate. It basically repeats the position of both this Joint Standing Committee in its current inquiry into governance on Norfolk Island and the Joint Standing Committee's inquiry into electoral issues on Norfolk Island and the recommendations contained in those reports which were firstly to re-establish Australian citizenship as the only allowable citizenship that somebody must have to enrol on the electoral roll of Norfolk Island and to be elected to the Legislative Assembly of Norfolk Island. Currently the compromised position that the Norfolk Island Legislative Assembly have agreed to by way of our own amendments to our Legislative Assembly Act provide for Australian New Zealand and United Kingdom citizens to be eligible to be enrolled on the Electoral Roll and to stand for election to the Legislative Assembly. The second part of the legislation I understand that is before the Senate relates to the period of time that somebody must have been resident on Norfolk Island before they would be eligible to be enrolled. As I say, without having the legislation in front of me, I believe that to be a period of six months. The Norfolk Island position as established under our own amendments to legislation which is still awaiting assent from the Commonwealth, we had reduced the qualifying period for enrolment on the electoral roll on Norfolk Island from a period of 900 days or approximately two and a half years initially to a period of eighteen months, the legislation reflected the desire of the Legislative Assembly to see that period reduced to twelve months and in fact stands at twelve months. So in a nutshell the legislation before the Australian Senate at the moment makes it a prerequisite that you must be an Australian citizen to enrol and to be elected to the Legislative Assembly of Norfolk Island. It does contain so I understand a grandfather clause that retains the rights of those already on the roll of other nationalities and secondly it reduces the qualifying period of time for somebody who has resided on Norfolk Island to be eligible to enrol on the electoral roll of Norfolk Island from the current 900 days which is established under our legislation to a period of six months

MS NICHOLAS Chief Minister my question was aimed at the foreshadowed amendments to our legislation and whether or not anything is being done to address the potential impact of those foreshadowed amendments, rather than the ones which already exist and have been tabled

MR GARDNER Thank you Mr Speaker I apologise. I believed that the question was aimed more at those amendments that were currently before the Australian Senate. As far as those others that may be foreshadowed and I think the reference was to the 22 or 23 further amendments proposed to the Norfolk Island Act, the Government's response to those are contained in our response that I will table later on this morning which talks about those matters that have already been addressed. Those matters that are already in existence on Norfolk Island as far as reporting and audit performance and those type of issues are concerned. It looks at the initiatives that have been put in place as far as Norfolk Island is concerned to address concerns over accountability and transparency with the proposed and imminent visit of the Commonwealth Ombudsman to Norfolk Island next week to undertaken discussions to put in place practical and workable arrangements for Norfolk Island in regard to some of those queries and I might add there Mr Speaker that these are matters that have been in the wind for a long time, raised by various Assembly's by Members in the community. The question now is, does this Legislative Assembly have the resolve to take those matters forward and do something about it before that opportunity is taken away from us

MS NICHOLAS Thank you Mr Speaker a further question please. Still with the JSC matters Chief Minister the Commonwealth Minister Senator the Hon Ian Campbell addressed a letter to you in which he said that in respect to the JSC report and I quote "in particular I would be grateful for your advise on whether there are any recommendations which your Government might be willing to support and implement through changes to Norfolk Island legislation". So what amendments has the Chief Minister indicated a willingness to support and on what grounds

MR GARDNER Thank you Mr Speaker I don't propose so long as Ms Nicholas is comfortable with that, to go into the detail of the report right at this moment, but I can give an overview of those areas that we have undertaken a desire we wish to pursue and there are a number of those areas. As I said I will be tabling the response later this morning which certainly gives a great deal more detail in regard to those initiatives that we are pursuing however included in that response this morning is a proposal for the introduction of an ombudsman for Norfolk Island a matter that we have been in discussion with the Commonwealth ombudsman as I guess a source of expert knowledge in that area and as I said earlier, that is linked to his visit to the island from this weekend. Also our desire to establish complaint mechanisms and review mechanisms and improve those that we already have in place. A review of our legislation. Those matters in legislation that are considered not only by this Legislative Assembly but supported by the JSC as being matters of priority as far as our review of our justice system is concerned, the establishment of committees of the House which is a matter that is coming before the House later this morning, and also deals with a number of matters that are already under way or already established and as I said, those include the reporting processes to the House that are already established such as Annual Reports and Financial Statements, the publication of Assembly Notices and the Notice Paper and a significant number of other things that are already in place which seemed in one way or another to have received oversight by the Committee

MS NICHOLAS Thank you Mr Speaker. If I could move to the ombudsman's visit, again to the Chief Minister, the Ombudsman, Professor John McMillan's visit Norfolk Island next week for discussions has been mentioned, are you able to advise what matters and what particular recommendations of the JSC Report that the Ombudsman is to address. I think you may have covered most of them but there may be others

MR GARDNER Thank you Mr Speaker. Attached to my presentation of the paper later this morning and our response to the JSC Report, the

following are issues that we have identified with the Commonwealth Ombudsman being matters that we are keen to hold some discussion on and they are as follows. The possible provision of an Ombudsman service to Norfolk Island, the widening of the jurisdiction of the Administrative Review Tribunal, the Review of Administrative Decisions including complaint processes, Freedom of Information, Privacy matters and relevant recommendations of the Joint Standing Committee and the Norfolk Island Government Responses. I think the second part of that question dealt with the particular recommendations that we may be addressing or asking the Ombudsman to give consideration to and address. My understanding is that those matters that we have recommended to him are recommendations 3, 4, 5, 6, 7 and 13 contained in that report and without going into detail they deal with matters such as Codes of Conduct, the Role of an Ombudsman the proposed establishment of an independent institution looking to investigate allegations of corrupt conduct, looking at the establishment of a body similar to an independent Commission against Corruption. We are going to ask the Commonwealth expert his view on what is appropriate for Norfolk Island

MS NICHOLAS Thank you Mr Speaker. One further question if I may to the Minister for Land and the Environment, will the Minister advise what steps have been taken since early 1999 when an agreement signed by a representative of the Minister for State for Regional Services, Territories and Local Government and the then Norfolk Island Minister for Tourism and Commerce, containing a clause stating the Norfolk Island Administration shall upon execution of this statement take immediate steps to establish and secure an alternate site on Norfolk Island for the operation of a basalt rock crushing facility

MR I BUFFETT Thank you Mr Speaker the short answer is that the Administration probably has not taken much action at all as a body politic to establish a crushing site for persons who wish to come along and crush. Mr Speaker I intend to take the question on notice because I am not personally aware of the agreement that's been referred to in this, the veracity of that agreement or whether it binds subsequent Government's in Norfolk Island. The date was 1999. Ms Nicholas was kind enough to let me have this question earlier this morning. I haven't in the interim period been able to get hold of a copy of that agreement, when I do I'll provide a full answer to Ms Nicholas and in respect of that issue, that is, the question of the Norfolk Island Government providing a site for crushing. Having said that, I think that the people who have observed this aspect of Norfolk Island will know that certain individual and private companies have made efforts to establish crushing sites in Norfolk Island and whether it's overtaken any tacit agreement that may have been in place as a result of the 1999 discussions that Ms Nicholas refers to I'll need to really have a look at and see where we stand and I'll take that on notice

MR NOBBS Thank you Mr Speaker I ask the Minister for Finance, I have three questions on the same subject. First of all, Minister are all regular passenger aircraft using the Norfolk Island airport charged a fire serviced fee and if so, what is the current fee

MR DONALDSON Thank you Mr Speaker no, that's partially correct, but there is no specifically designated fire service fee for the airport. The fee they pay is a landing fee which is about \$20.50 per passenger. Part of that is used to pay the airport fire service, other parts are put away for resealing of the airport, paying the other airport costs and developments, but there is no specific airport fire service fee

MR NOBBS Was the fee increased by a certain amount to take account of the fire service now being required to be provided

MR DONALDSON About a year ago we had to increase the fire service to meet all international flights. It was costed in that, that would increase the landing fee by about \$5 per person, that was costed in from \$18.30 to \$23.30

MR NOBBS Is there a provision in this fire segment for an automatic increase in that particular component of the landing fees for instance say with increased costs in providing the service, is there an automatic provision allowable in that

MR DONALDSON There is a limitation on how much we can charge and we can charge \$1.87 times the fee unit, the fee unit currently being, I think, \$16.50 so we are well under that per passenger movement. The matter is reviewed quite regularly as more costs are incurred and its happening all the time with security increases, fire service increases and other costs around that happen. Although there has been a budget done, the budget was done over a ten year forecast period. It was done to secure the airport loan for the reseal and that has got built into it, I think 2004 and 2005 another increase but that's the only increase in the ten year period. I think it goes up \$4 more per passenger. I haven't the paper in front of me I'm sorry

MR NOBBS Does that cost take into account capital expenditure like provision of new fire engines which I understand will be worth \$1m each

MR DONALDSON Yes, after reading that letter in the paper on the weekend I did a bit of research on this just to refresh my memory as to where we stood, and the ten year budget I referred to earlier has \$1m in it in the year 05/06 for a new fire engine and it has another \$1.2m in the year 09/10 for another replacement fire engine so it is costed into the ten year plan and it still allows us to repay the loan amount and repay the loan for the reseal and meet a lot of known costs at this time

MRS JACK Thank you Madam Deputy Speaker I ask the Minister for Community Services and Tourism, Mr David Buffett, Minister I refer to tourist figures recently published in the Norfolk Islander and ask how confident are you that those record figures can be achieved, what is driving these figures. Last year we had two airlines from Australian, massively discounting in order to fill those seats. How good are those forward bookings

MR D BUFFETT Thank you Madam Deputy Speaker I'll be tabling when we come to papers, the current tourist figures so that we can see how we are travelling within the time frames that we've already experienced. The figures that we have produced to date show actual figures, and we have been able to exhibit a full year in terms of a calendar year. They have indicators of total figures for Norfolk Island in about the 41,000 mark. Of course, that's not the end of the measure, because the normal measure that we have and publish at the end of a particular period is the financial year and we still have a number of months to run in terms of that period. The figures that we have to date are increases on earlier years, they are in fact increases on some of our better years and obviously that means that they are significant increases on some of our worst years. There have been some projections for the balance of this financial year that is taking us through to the end of June 2004, and those projections are being made in line with the increases that we've experienced for that part of the year that we've already run. Those figures are to be proven, they are not guaranteed at this movement, but they are provided to give an indicator as to how it is thought that we may be able to travel, and so that, that might be useful for people who want to take them into account or if people wish to wait and see the actual figures they are at liberty to do that but there have been some projections for the few months that are the balance of this financial year\

MRS JACK A supplementary please. Minister there are survey results from these tourists, and do those surveys include the question on the amount of money spent on Norfolk Island

MR D BUFFETT Thank you Madam Deputy Speaker yes, I mentioned that I would be tabling some figures and I will table the latest results that we have which will be for the commencement of this calendar year and that will give indicators on a basis of the cards that have been lodged with us, in other words, the visitors surveyed in terms of the spending pattern. It will show for example, spending patterns, in groups of money up to \$500, up to \$1500 up to \$1000 or something like that, I would have to look at the paper just to say exactly but I'm trying to say that they are segmented and they will show the number of people that had that spending pattern and the source of those people, in other words, where they came from, whether they

MRS JACK Thank you Madam Deputy Speaker, so are those figures being used in the marketing strategy or is the marketing strategy remaining non specific, that is, numbers through the door rather than quantity over quality. Are they targeting those age groups with the financial indicators given

MR D BUFFETT Thank you Madam Deputy Speaker until reasonably recently the marketing programme has been a broad brush approach which has meant that we've gone out into the marketplace and anyone who will listen we tell them our story. That has had it's plusses as time has gone on, but the reality is that we feel we need to be more efficient and we need to target more people who we feel will bring benefits to this place so we are not only aiming at having significant tourists figures but we are aiming to have people who will bring the maximum amount of funds into Norfolk Island's economic community and so we are trying to be more specific in terms of where we can target people who will provide a greater yield and to endeavour to target those people who come from areas or who are of a nature that will best enjoy those things that we have to offer

MR ROBINSON Thank you Madam Deputy Speaker, my question is directed to the Minister for Health, the Hon Mr David Buffett, could you tell me what is happening about the purchasing of a stretcher to be held on Norfolk Island for medivac on the 737

MR D BUFFETT Thank you Madam Deputy Speaker the matter of a stretcher has been around for a long time, I suppose maybe 18 months plus ago there was a significant thrust to purchase a stretcher and significant examinations were done and significant negotiations were had with the appropriate airlines. I think it's fair to say that we were almost at the stage of actually buying one at that time. There were questions about how well the stretcher would fit into the particular aircraft that came to Norfolk Island, aircraft in plural and there are differing types and how they would be structured so that they would fit into the range of aircraft. There were matters of insurance and some other matters as well as the matter of cost. It was identified that the probably cost of such a stretcher may be in the vicinity of \$20,000 Australian dollars, that's the purchase of the stretcher itself, there would be costs of course each time you used it in terms of placing it in an aircraft, sending it off and bringing it back again. It didn't happen then and one of the things that probably put it on hold significantly was that there was another proposal that came forward and the other proposal was for an item called a MERF which is really a self contained medical evacuation kit. Of course it included a stretcher but it included many other facilities as well and it was a unit that one might place inside another aircraft and the whole kit and caboodle including patient would be able to be up and moved. We had people who came to the Island to demonstrate that to us and if I remember correctly Members of the Legislative Assembly

who were then in the Legislative Assembly had an opportunity to hear those who brought it across and to see it and to experience it. The cost of that unit if I remember correctly, don't hold me to this, but I'm just trying to give an indicative figure, was \$100,000 plus, maybe \$130,000 but I could stand corrected on that figure but it certainly was in that vicinity. So there was a significant cost to that. That has not moved forward, that particularly project for a number of reasons. One is the cost although if the cost was justified, we may well look at that, but it did mean that whereas in other sorts of medical evacuation the personnel would come in with it and move out with the patient and the unit it would mean that we would need to field the personnel and there may well be times when that would be difficult so we have not at this stage moved along that track, which then leads us back to the more basic stretcher situation. There is a prospect that it could be useful although the figures show that it's likely that such a facility may only be used say a couple of times per year. Certainly there are more people than that who are evacuated and I have figures over a period of eight years or so which show the various categories of people who have been medically evacuated, but when it is boiled down to those who might use this particular facility, it may well be that it's only a couple of times per year, notwithstanding that, although I'm trying to say that it probably wouldn't have a huge and a wide application, notwithstanding that, it may well still be useful in terms of the cost and I have asked the Director at the Hospital to now reopen negotiations both in terms of airlines and the suppliers of it to see how useful it would be in the context that we find ourselves today. I'm sorry that that's a fairly long and maybe convoluted response, but I think the background to that may well be useful for Members to know about

MR NOBBS I ask the Minister for Finance, is it correct Minister that the airport Government Business Enterprise is carrying considerable debt due to regular passenger airlines not paying their landing fees, and if this is so, what are the details of that debt

MR DONALDSON Thank you Madam Deputy Speaker yes it is true that all three airlines are behind their preferred payment schedule which is a fourteen day payment schedule, two of the airlines are of particular concern, I'm not prepared in a public meeting like this to state the amount of money involved but it is significant, and legal measures are being taken to secure the debt and to collect the debts so I really can't say more than that except that it's not being unattended to

MR NOBBS Minister in relation to debt what progress has been made to the proposed new debt policy given that a draft was discussed with Members in March and I think it was actually 2001 that it was discussed

MR DONALDSON Thank you Madam Deputy Speaker I've sought further details from the service on this to do with serving summonses by mail, adding interest to the debt, whether the Administration accounting system has the facility to add a daily or weekly amount to a debt after its so many days overdue. I'm still waiting on a response from that. As it stands at the moment the debt recovery policy remains unchanged from what it's been for quite a few years

MRS JACK Thank you Madam Deputy Speaker I ask this of the Minister for Finance in that he has control of the airport undertaking. Is the Norfolk Island Administration in control of security at the airport and is this a permanent situation

MR DONALDSON Thank you, yes the Norfolk Island Administration has taken over security duties at the airport and that was mainly due to a result of an inability to reach an agreement signed with another security provider. It's a temporary measure that is being reviewed on an ongoing basis. My preferred option is

that it stays three to six months say to about the 1st July and then the service be put out to tender to the public. The situation at the moment is that the Administration owns the walkthrough archway, the three image projection x-ray system and the scan machine at the airport and their the items that are subject to lease to an operator but at the moment in order to secure proper services, the Administration has taken over the running of the security at the airport

MRS JACK A supplementary, why wait months to put it out for tender, why can't it be done straight away

MR DONALDSON There's views in the service that differ from mine, and there's views in the service that differ from Members in the service. We are waiting to see how well the system is working the way it is to make a decision as to whether it stays as an Administration function or whether it goes out to tender, and like I said the review period will be three to six months from now on

MR NOBBS A supplementary to that, are the airlines being charged for this service and is it on a cost recovery basis or are we subsidising that as well

MR DONALDSON Thank you Madam Deputy Speaker, no there has been a cost recovery base calculation done and that has been passed on to the airlines, the airlines are more than happy from what I understand to pay that amount. It's based on the labour involved in performing the service and not a return on investment but a depreciation on the investment we've got over a five year period so we've actually got \$160,000 worth of equipment at the airport in a security area and we will be recovering that over a five year period built into the charges to the airlines

MR NOBBS Just another question. Is it proposed that there will be additional security facilities required on outward bags etc

MR DONALDSON Thank you Madam Deputy Speaker yes I think at the end of this year 2004, we will have to provide an x-ray service for checked in baggage. At the moment we are only doing an x-ray service and examination of cabin baggage so there is an increase in requirement for security at the airport and it's probably not going to stop there, it's probably going to get more intense and more demanding as years go on

DEPUTY SPEAKER Are there further questions?

MR NOBBS Thank you I ask the Minister for Land and the Environment what is the new structure being built at the Headstone Tip and has there been Planning Board approval for this and if not, why not

MR I BUFFETT Thank you Madam Deputy Speaker there has been a small burning facility constructed at the Headstone Tip site and under the arrangements that particular construction did not require planning application

MR NOBBS I ask the Minister, are we talking about the same building. A block structure about the size of this room

MR I BUFFETT I can't comment on the size but certainly there's been a burning facility constructed to improve the ones that are already there and it didn't require planning approval under the current arrangements of the 1996 plan

MR NOBBS Can I ask the Minister why under the 1996 plan that this application wasn't required

MR I BUFFETT Thank you Madam Deputy Speaker because it's on reserves and under the 1996 plan the Administration and public utilities under that particular plan to be constructed does not require formal planning approval

MR NOBBS I ask another question of the Minister for Land and the Environment, what is the current status of the Heritage Act and Register

MR I BUFFETT Thank you Madam Deputy Speaker the current position is that is still on display to the community, the sixty-five day period expires on about the 20th of this month, the Register itself is a disallowable instrument and it's still on display and after the 20th on the basis that there is no motion to disallow the Heritage Register, the Register will be made

MR NOBBS Thank you Madam Deputy Speaker a question for the Chief Minister. Chief Minister I asked you at the September meeting in reference to your speech of dedication of the new Mt Pitt Road as to an unfortunate accident which occurred during road construction and I ask again, whether an inquiry has yet been held and if so, what is the outcome or outcomes of that inquiry

MR GARDNER Thank you Madam Deputy Speaker as I responded to Mr Nobbs back in September it was a matter that I had referred to my colleague I think responsible for Employment and Occupational Health and Safety and those types of issues and again I refer the question to the responsible Minister

MR DONALDSON Thank you Madam Deputy Speaker yes that matter is still a live issue, the file is still open. There have been some reports by the safety inspectors, and the matter is progressing. It is a sensitive and confidential matter. I'm not fully aware of its exact current status but I have made enquiries about it as recently as yesterday. It's not the sort of thing you give a progress report in the House as it happens except to say, yes the matter is being progressed under the provisions of the Employment Act

MR NOBBS I ask the Minister responsible for the Public Service a question if I may, I've been asked Minister to ask you this question. Is the Minister satisfied with the morale within the Public Service at the present time

MR D BUFFETT Thank you Madam Deputy Speaker the Public Service has moved through, through recent times, some quite difficult phases. We've had changes in the Chief Executive Officer we've had changes at senior officer level, and indeed we've had some unsettled changes in various grades within the Service. One can't pretend that, that is something that engenders good morale and so we have been through a particular difficulty period, however, of recent months, we have endeavoured to solve a great many of those things. We of course have put in place a permanent Chief Executive Officer, we have now completed the process for the senior directors in the service, we are moving through now, the recruitment for the manager level for those areas that needed to be recruited for and at long last there are a number of positions within the service that have been temporarily occupied for far too long, that the processes are now being gone through to remedy that and therefore fill them on a more permanent basis. That process is not yet complete and so one can understand that some difficulties may still continue, but in addition to those recruitment processes there have been also in recent times some adjustments in the policy areas such as we have adjusted the organisational arrangements, we have amended and u-upgraded

some of the human resources areas, and we are still working through others. They too are still not necessarily all complete but they are part of the process and we are substantially improving the situation and substantially have moved on from other times. I would like to think that within that context, that morale within the Service will have improved. I think it will take some time for it to reach levels that we may have experienced at other times but I think we need to be positive and look forward that what we are doing now will improve the situation both for people who are in the Service and for those who are in the community that the Service needs to deliver services to

MR NOBBS I ask the Minister for Land and the Environment, Minister will you be making a statement on the Waste Management Centre because if you are not I've got a couple of questions for you

MR I BUFFETT Thank you Madam Deputy Speaker I wasn't intending to make a definite statement Madam Deputy Speaker so if Mr Nobbs would like to put the questions to me I will endeavour to answer them or otherwise take them on Notice for a more in depth response to Mr Nobbs

MR NOBBS The first one is, does he consider that the Administration has provided appropriate receptacles in the public areas, there are new ones in these areas, and was there a public education campaign conducted at the time that these new facilities were put in place

MR I BUFFETT Thank you Madam Deputy Speaker I am aware that some of them have not been operating as expected. There certainly were some notices in the paper saying that these were going to be put in place in public areas. I will examine the proposition that Mr Nobbs has put in that question and respond to him

MR NOBBS Is it correct that bottles and tins are still being put down the chute at Headstone and both the top and bottom tips are used for burning rubbish

MR I BUFFETT At the present time that is absolutely correct. The top tip is being used for burning pending the finalisation of some upgraded burning facilities at the bottom tip. They have almost been completed. The construction work because of its nature had to be cured for a period of x days, I believe that has almost expired. When that is completed and things are able to be burnt the top tip will be completed closed and rehabilitated. Under the present arrangement we have no alternatives but to deposit the bottles and the steel cans the way we are doing at the moment. There are moves afoot to have them processed. The bottles for local consumption as part and parcel of the building material, the cans we hope will be in a position to process for further recycling offshore in conjunction with other metals of that nature but in the meantime that is certainly the situation and we have no alternatives but to do that. In respect of that issue, what I can say is that we've substantially reduced the vast array of waste that's been going off that area and other people who watch what we do in that area, I've certainly been in discussion with and are more than fully aware of what we are currently doing

MR NOBBS Can the Minister say what other recovered rubbish is being sent away for recycling other than the normal aluminium cans and batteries

MR I BUFFETT Thank you Madam Deputy Speaker we are looking at the quantities that are coming through the area and looking at a method of getting those particular waste streams off the island. That has not been easy. One of

the main issues that we have confronted is that prior to the establishment of the Waste Management Centre we had people do some projections in respect of what we believed to be our waste stream. The reality has been that those two reports have significantly underestimated the rubbish that we have so what we've been doing in the last three months or so that we've been operating is to try and cope with the quantities that are coming in and to get a proper handle on the quantities and then do some negotiation with recyclers offshore including the methodology of having that, what we can recover, shipped and that was incidentally part and parcel of some of the discussions that I had with the principles of the shipping company on the 20th November. We are discussing with other people how we might be able to do that but in the meantime, certainly some of that other waste stream has had to be disposed of locally. There are simply no other alternatives right at the moment

MR NOBBS I ask the Chief Minister, I was away for a little while, but what progress have you made in proposed reforms to the public liabilities insurance of the island

MR GARDNER Thank you Madam Deputy Speaker as far as Norfolk Island is concerned there has been little movement as far as the issue of public liability and moving as other jurisdictions have to cap payouts in regard to public liability. As I have reported in the past it is a matter that is still under consideration by the Standing Committee of Attorney's General and again as I've reported in the past there is a move by those jurisdictions to look at the model national legislation and by national I mean that legislation that's been looking to be adopted by Australian jurisdictions in the field of public liability. New South Wales and Queensland I understand have both moved in that direction and the preferred model at this stage that has been looked at for adoption by the other jurisdictions in Australia is based on the New South Wales legislation. Of course I'm not suggesting that we adopt it in its entirety in addressing the problem on Norfolk Island, the New South Wales legislation, we obviously would need to adapt something to our own specific purposes. I'm not aware of any major or pressing examples at the moment that need the matter to be dealt with, with any urgency on Norfolk Island however the Legal Services Team are aware that it is a priority of this Government to address that issue in the remainder of the term of this Government

MR NOBBS I ask the Minister for Land and the Environment if he would please update the community on arrangements that are being made to provide crushed metal to the community

MR I BUFFETT Thank you Madam Deputy Speaker in short, I haven't much to say except that as I mentioned the last time we met, there are a number of matters that are being considered both within the review processes, that is the Administrative Review Tribunal and there may be some other court matters that are being discussed, but Madam Deputy Speaker, I should be in a more definitive position to make some announcements following the date of the 23rd February which I understand the Administrative Review Tribunal will sit and certainly hopefully make some orders in respect of that issue. Madam Deputy Speaker, I don't intend to say much more than that at this time because there are a number of matters that I understand will be dealt with at that sitting

MR NOBBS I ask the Minister for Finance, when is it proposed to commence the actual physical works in relation to the upgrade of the Norfolk Island Airport runway

MR DONALDSON Thank you Madam Deputy Speaker no date has been set on that. It very much depends on the availability of crushed rock and it relates to the last question you asked the Minister for Land and the Environment. We are virtually ready to go as far as the tender documents etc are concerned. We have taken it up to the stage where its on hold now until such time as the price of rock and the availability can be determined then we can move forward

MR NOBBS You might not be able to answer this but could you find out if you can, how much clean rock, that is rock which is has been previously cleaned of what has been classified as other than rock or OTR and stored at the stockpile, actually remains at the stockpile at Cascade

MR DONALDSON Thank you Madam Deputy Speaker no, I can't answer that off the top of my head but if I get the question correctly it's virtually what have we got in reserves, is that correct

MR NOBBS What we've got in reserve for the airport actually as clean rock, What I want to know is how much is actually left of it

MR DONALDSON That's not an issue I've taken control of. I understand there is sufficient rock for the airport and other domestic uses for the next few years but there has been some dispute as to quantities at the quarry and quantities elsewhere on the Island but there's certainly sufficient there for the airport upgrade and a couple of years roadworks etc

MR NOBBS I ask the Minister for Immigration, Minister there was confusion last year as to the ability of the Government to require the holder of a tep to be covered by medical insurance, that's compulsorily. What is the current requirements

MR GARDNER Thank you Madam Deputy Speaker the current requirements is that persons coming to Norfolk Island become Members of the local health insurance scheme, in other words the healthcare Scheme, with the payment of a levy which at this current time, I think equates to \$500 per adult per year. That is a requirement of every person coming and living on Norfolk Island other than if they are in a position to demonstrate that they have private health insurance elsewhere. In other words, all expenses over and above two and a half thousand dollars which are chargeable to the Healthcare Scheme are picked up by the Scheme for every person who is a Member of the scheme aside from those that are exempt from the Scheme because of being the holders of their own private health insurance and under the Social Services Benefits

MR NOBBS Just a supplementary, so Minister they are not required to hold any insurance up to the \$2,500 ceiling

MR GARDNER My understanding is that, is correct

MR NOBBS I ask the Minister for Land and the Environment again, Minister have you engaged in discussions with the New Zealand Maritime Authorities which co-ordinated the recent search for a lost fishing boat, and have there been any comments or recommendations by them or elsewhere which could assist in future incidents of that nature and if so, what does the Norfolk Island Government propose to do about it

MR I BUFFETT Thank you Madam Deputy Speaker yes, I'm not too sure whether Mr Nobbs is raising this on the basis that it has something to do with fishing or whether it's a safety question in terms of emergency management procedures and Intergovernment arrangements in respect of emergency management arrangements. If it's the latter whilst I'm a chairperson of the Emergency Management Committee which is the local committee, I'm not the Minister responsible, Mr David Buffett is the Minister responsible but certainly I have not entered into any formal discussions as chairperson of that particular organisation. I was away when they had the debriefing on it which was a week or so back. The Emergency Management local arrangements are scheduled to have a meeting shortly and I will be briefed on that. Perhaps the question can be directed to Mr David Buffett if it deals with Ministerial level discussions with the New Zealand Government in terms of emergency management arrangements. I have not personally as chairperson taken that issue up directly with them

MR NOBBS Could we have some response from the Minister responsible

MR D BUFFETT I can try and be helpful although I'm not too sure that it addresses all the areas that Mr Nobbs has mentioned but could I just give this resume. After the incident there has been a debriefing of the principles in the process of rescue and I attended that debriefing as the Minister who has responsibility for emergency services. The result of that debriefing was that there were certain recommendations that were talked about that were going to be formulated and then directed to the Norfolk Island Emergency Management Group and also to the appropriate Minister which would come to me and there were a number of things that are likely to be recommendations out of that. Don't ask me to repeat them at this moment because it would not be sufficiently fulsome to do so but when I get the document I would be happy to share it of course and it would be more appropriate that I do it in that context. I've not yet received that document but I do know that the processes are going on to, in other words, see if there are any ways in which we could do it better having experienced that situation and for us to make recommendations for those improvements now and well before should the difficulty arise again. I'm not too sure whether that's the sort of thing that you were interested in Mr Nobbs, but if it is there we are in that context

QUESTIONS ON NOTICE

DEPUTY SPEAKER Time for questions has expired. We move to answers to Questions on Notice

MR DONALDSON Thank you Madam Deputy Speaker I had a question on notice from Mr Brown which reads, will the Minister please advise what the approximate annual cost would be to provide half airfare entitlements to the whole of the community similar to those which are made available to the employees of the Administration. That really needs a bit of an explanation as to what the entitlements are so I'll have a bit of a long response. Employees of the Administration receive a benefit referred to as recreation travel allowance. This benefit is specifically to enable staff to gain time away from the island once every two years. The travel allowance is for travel offshore and shall be reimbursement for the actual paid cost of airfares to the maximum value of half the economy class airfare from Norfolk Island to Sydney for employee and their partner and their dependent children of preschool age or dependent children up to 18 years of age who is still at school and residing at home as long as they are accompanying the employee on the trip. The allowance is payable only provided that the employee spends at least five days outside Norfolk Island on annual recreational leave. The entitlement is not accruable and that's actually a quote from the Human

Resource Policy. By saying that the entitlement is not accruable, if you don't take your benefit in two years and you take it up to three years, you still have to wait another two years for the next benefit to accrue, so it often happens that employees don't get the benefit every two years, they might get two benefits every five years for instance and just extrapolating that information out to the whole population of Norfolk Island, the last census and statistics conducted on Norfolk Island in August 2002 gives a figure of 2037 persons ordinarily resident on Norfolk Island. That includes TEPs, gepes and those not requiring a permit or awaiting issue of a permit. Using that population figure and the half cost of a current economy airfare from Norfolk Island to Sydney plus taxes being approximately \$326, the cost every two years of all persons including public servants having the same benefits would be approximately \$664,000

MR D BUFFETT

Thank you Madam Deputy Speaker. Question 51 is directed to me as the Minister for Community Services and Tourism. The question asked is this, will the Minister please advise precise details of the safety equipment which is contained in each of the Government launches and if that safety equipment does not include EPERB and appropriate radio equipment will the Minister please advise the reason or that deficiency and undertake to correct same without delay. Madam Deputy Speaker, I've enquired about the two Government launches in terms of that question. In terms of one them, it is equipped with this equipment. Radio equipment which is marine VHS radio equipment, a trunk dialling phone, lifejackets a supply of fresh water, first aid kits, flares, navigational lights, spotlight, fire extinguisher, ropes and a spinal board. That's in respect of one launch. In respect of the other launch, it has radio equipment which is again marine VHS radio equipment, life jackets, a supply of fresh water, first aid kits, flares, spotlight, fire extinguisher and ropes. I am advised, from that answer Madam Deputy Speaker, you will see that whilst they both have radio equipment neither of them have at this stage, EPERBs and in terms of that piece of equipment, I'm advised that equipment has been ordered through Norfolk Telecom for both of the launches. I also mention that I understand that there are additional private people who wish to make similar purchase. EPERB is a automatic position finding piece of equipment and makes finding people much simplified and more accurate in times of difficulty so there are a number of people especially in the fishing club area and others who would want to make such purchases, and I gather that there is still a gathering process from others so that there may be a bulk order placed by I understand the Norfolk Telecom people but that's in response to that question regarding those two launches

Could I just now address the matter of Question 52 which is a question that asks me this. Would the Minister with responsibility for Education please advise the class size targets currently applied in Norfolk Island in respect of each of the infants school, the primary school, the high school up to and including years 11 and years 11 and 12. I have a table here Madam Deputy Speaker, which I'll read out but I'll also table so that Members might see it in a visual form and probably may make more sense to them when they see it in visual form then just listening to my voice. In terms of 2004 the maximum numbers upon which we are working which is that set down by the Department of Education in New South Wales runs from Kindergarten at 26, Year 1 27, Year 2 28, and then through from Years 3 to Year 10 at 30 for each class each year and then Year 11 and Year 12 each 24. They are the maximum number of students in those particular classes. Our actuals in this year, in other words the people that we have in those classes, do not exceed any of those numbers and I'll run through them. There are two Kindergarten classes in 2004, one of 19 and one of 20. There are two composite classes Years 1 and 2, one of 26 and one of 25. Year 3 is 30, Year 4 is 26, Years 5 and 6 twice, two composite classes are 23 and 21 respectively, then 29, 26, 18, 24 then moving into Year 11 14, and Year 12 10. Again I just mention that I table this document so that Members will have an opportunity to see those figures in their perspective. Can I

now mention this. That I mentioned the year 2004 and that they are figures that are set by the New South Wales Department of Education from whom we buy an education package. In 2005 there will be an adjustment. Within recent times there has been a revision of class numbers within that Department and they have put in place a progressive arrangement to adjust class numbers to bring them down in effect. They don't effect the more senior classes but they do effect the Kindergarten and Years 1 and 2. So, let me give you the projection for the year 2005, whilst it might be 26 this year, it will be 22 in 2005 and whilst it might be 27 for Year 1 in 2004 it is projected to be 24 in 2005 and similarly for Year 2. They are the adjustments that may take place in Year 2005. I table that document for information

MR I BUFFETT Thank you Madam Deputy Speaker. This question didn't actually physically make it on to the Notice Paper but I certainly received written notice of it from yourself and Mrs Jack both in November and December and it's been pursued a couple of times since and I'm not too sure whether I should answer it now or place it on the paper for next time but it relates t that doggy thing around Emily Bay and the Golf Club

DEPUTY SPEAKER Perhaps you would care to deal with it in Statements Mr Buffett

MR I BUFFETT Well certainly

PRESENTATION OF PAPERS

MR GARDNER Thank you Madam Deputy Speaker paragraph 34(2) of the Immigration Act 1980 requires that the executive Member report to the Legislative Assembly not later than the 31st March each year the number of declaration of residency granted under section 33 during the year ended on the previous 31 December. Madam Deputy Speaker, I now accordingly report that there 24 declarations of residency granted during the year ended 31 December 2003 and move that the paper be noted

DEPUTY SPEAKER Thank you Chief Minister the question is that the Paper be noted

MR GARDNER Thank you Madam Deputy Speaker it is interesting to note in this report the make up of those 24 declarations of residency that were made in the previous twelve months. For the record nine declarations were for spouses of residents who received their the General Entry Permits under special relationship, eleven were for children of residents who received their the General Entry Permit under special relationship and four were for persons who obtained their the General Entry Permits through the quota. Madam Deputy Speaker, it is interesting to note that only four declarations of residency were achieved through persons who obtained their the General Entry Permits through quota. If we take the time to look back on the corresponding period when those the General Entry Permit applications would have been approved which was the latter half of 1997 and the early part of 1998 which is the five, five and a half year period required for somebody to hold a the General Entry Permit before they are eligible to apply for residency, I note that in that period there was some thirty the General Entry Permits granted during that quota period. It certainly is some cause for concern and the first time I've really notice that there's only four who have actually progressed to a declaration of residency five to five and a half years on. That certainly is going to require some closer analysis and will I hope with the provision of a report from the service on that and the trends associated with those types of activities, provide some I guess questions, some thoughts to Members of the Legislative

Assembly to consider on the vexed question of the quota system and how it is established each year and the success or otherwise, the determination of the success or otherwise of the quota provisions in the Immigration Act, but certainly an observation that I've made Madam Deputy Speaker, and I think something that is food for thought for other Members

MR NOBBS Thank you Madam Deputy Speaker I would like to say something on that. I'm pleased that the Minister is now seeing that there are some problems with the immigration situation. A suggestion was made last year of one way of overcoming it, was to extend it and not go for a the General Entry Permit but to have other permits and this was poo-pooed a the time and I think that these sort of indications that the Chief Minister has given us, actually support the need for a change and I hope that the Members now seriously consider the possibility of that occurring

MR GARDNER Thank you Madam Deputy Speaker, Probably an unfortunate choice of words from Mr Nobbs in relation to that. I don't think anybody poo-pooed the idea at all. Simply an observation that I made this morning that requires some further development of a paper in relation to the workings of the quota system as to whether it is delivering on its intent and whether it is actually a suitable vehicle for persons wishing to participate more fully in life on Norfolk Island or whether there is a need to look more closely at the issue of the General Entry Permits and persons commitments to long term intentions on Norfolk Island and I will look forward to working with the service in the presentation of that information, the assessment and analysis of those figures in bringing it back to Members for consideration

MR BROWN Thank you Madam Deputy Speaker, I'm not sure if someone has moved that the paper be noted..

DEPUTY SPEAKER Yes they have, is there debate

MR BROWN Yes thank you. Madam Deputy Speaker, as I sit here it often seems that some of us feel that our role in terms of the General Entry Permit quota is to repel the borders at all costs. Now that's not our role at all. What the figures quoted by the Chief Minister tells us, is that for one period four people obtained residency. After a number of years, between 1997 and 2003 of annual quotas varying, or at least up until 2002, varying between 30 and 45 and in 2003 increasing to 55. If those statistics turn out to be representative of the situation year after year it says to us that of whatever number of the General Entry Permits that are granted subject to quota each year, about four out of 35 or roughly 12% stay on the island. Now all that, that says is, we don't need to panic about the General Entry Permit quota. Some of us year after year, notwithstanding that at one stage we did agree on a population policy, some of us have said, goodness gracious me, if we allowed this policy to actually be implemented a lot of people might come. We have seen year after year that in fact there's not a lot of people who apply to come. We have had in the past, years where we have had a zero quota and in those times a bit of a waiting list builds up but when the next quota is set, frequently one finds that a lot of the people who did want to come have changed their life plans. Very few people are in a potion to just sit back waiting for several years for their name to come up. I find the statistics interesting, I will be more than interested to look at them when either are calculated over a much longer period, but for heavens sake I say to you all, don't treat our role as keeping everyone away from the Island, that's not what our role is at all, and when we make statements that make it seem as if we resent the possibility of people coming we are not doing ourselves or the island any real justice, thank you

DEPUTY SPEAKER Thank you Mr Brown. 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 in accordance with established policy I table the travel allowances that have been paid to the Administration and Assembly staff. This particular table covers a bit more than the normal three months, it goes from the 5th August to the 21st January 2004 and I so table it

Madam Deputy Speaker, I also with to table Regulations made under the Employment Act that were made on the 23rd December 2003 and relate to the public holidays for the calendar year 2004

MR GARDNER Thank you Madam Deputy Speaker as I indicated earlier this morning I table the Norfolk Island Government's response to the Inquiry by the Joint Standing Committee of the National Capital and External Territories Inquiry into Governance on Norfolk Island and I move that the paper be noted

DEPUTY SPEAKER Thank you Chief Minister the question is that the Paper be noted

MR GARDNER Thank you Madam Deputy Speaker as Members would be aware I made an extensive preliminary statement in relation to the Joint Standing Committee's Inquiry into Governance on Norfolk Island at the December 17th sitting of the House and Madam Deputy Speaker, this morning I presented what I considered to be a very carefully considered response addressing all thirty-two recommendations arising from that report. As I indicated earlier this morning Madam Deputy Speaker, we will be welcoming to the island this weekend the Commonwealth Ombudsman Professor John McMillan, to hold discussions with Members of the Public Service, Members of the Legislative Assembly and others possible roles and functions that could be provided by the Ombudsman's office in establishing an Ombudsman's office on Norfolk Island and that relates to a motion that had been raised on a couple of occasions by Mr Brown in this and previous Legislative Assembly's about the establishment of an Ombudsman's role for Norfolk Island also tied to Freedom of Information and as I mentioned this morning Madam Deputy Speaker, a number of other matters that the Commonwealth Ombudsman Professor John McMillan is considered to be an expert in to do with Administrative Law and review of decisions etc. Coupled with this are a number of other initiatives, as I said, matters that will appear later on in the Notice Paper and without meaning to pre-empt those matters, discussion obviously of the establishment of a Pecuniary and Non Pecuniary Interest Register, the matter to be brought forward by Mrs Jack and also Mr Nobb's notice No. 1 as it appears on the Notice Paper, the establishment of committees which in themselves are raised in the body of the Joint Standing Committee Report and are contained in some form or fashion as recommendations for those to be established in Norfolk Island and it's good to see that there is a willingness and a desire to want to genuinely address the recommendations and the report itself, a genuine desire by this community and by Members of the Legislative Assembly to do that. In tabling the report this morning it is certainly my intention to have that response published as widely as is possible and through the offices of the Speaker would be encouraging him to allow that to happen and that copies would then obviously be made available from the Office of the Clerk, made

available to the local press, and also to be published on the Norfolk Island Government website. It is also important to consider that there are a significant range of views on the recommendations contained in that report. They range from a total rejection of the recommendations in that report, in some quarters to a total acceptance by other Members in the community of all thirty-two of the recommendations contained in that report and a sprinkling of persons from one end of that range to the other. The response that I have tabled this morning is a carefully considered response that has had the input and participation of all Members of the Legislative Assembly the elected representatives of the people of Norfolk Island in the preparation of that document. I also need to note that there are views contained around this table that may differed from the response but in general the response is supported by those Members of this Legislative Assembly. Thank you Madam Deputy Speaker

MR ROBINSON Thank you Madam Deputy Speaker, I was just wondering why the Joint Standing Committee was not informed that we already have a Pecuniary Interest Register and why didn't someone inform the Joint Standing Committee that the ridiculous voting system that we use on Norfolk Island was a Federal Government initiative. Why should we take the wrap for stuff that's been thrust upon us. I also would have thought that systemic corruption was where politicians voted themselves a superannuation package that was seven times better than the package received by the average tax paying worker who put the politicians in place and I'm referring of course to the Commonwealth Parliament, thank you

MR NOBBS Thank you Madam Deputy Speaker I would just like to correct something that I understand has been circulated in the community that all nine Members actually supported this document. I don't support this document inasmuch that it is the wrong way of doing things. That the thrust is different to what I would suggest and that I believe the island should take and I mentioned this at the December meeting when I got back here in the adjournment debate, I had missed the earlier discussions as my plane arrived too late for that, but I did say at the time that in my view the Government should have taken it on four fronts and the first one, and I've spoken to the Members in relation to this in the past but I'll repeat it for the record at this point in time and the first one is that those issues that we have already discussed, we have done considerable work on and which the actual standing committee pinched from the Legislative Assembly Committee's and the like and the works that have been done by the previous and also the current Government of Norfolk Island. Those issues I believe should be addressed as a matter of urgency and should have been addressed for this meeting. The second one is in relation to the corruption issue. I believe that if the Committee had all this information and they made some outlandish statements in relation to this, well then it was up to them to either put up or shut up. If they were unable to put up then the validity of this report comes into question and by that I mean that there should be some form of judicial inquiry conducted by the Commonwealth in relation to those allegations and that means that they would have been addressed and those issues which I find quite abhorrent and I'm angry that the community has been pulled down to this level by people who visit the island and by the make-up or take the views of some that do not wish to be named. The third thrust should be in relation to one of their major questions as to our management of Norfolk Island and that's in relation to legislation. Now there have been lists made in the past, there have been works commenced but I guess never completed, for various reasons, some of it not due to ours or the Legislative Assembly, but these should be collated immediately, put up and a time frame put over and this would take years to actually complete what they are looking at I believe, say four or five years, so put a time frame in place and say to them, well this is what we are doing and it should have been done for this meeting and the fourth one is this, that those other issues such as income tax, and I'll say the word because I can't see really how else they will be affording what they suggest that we

should do for this island, under their system, done through income tax and it's not a scare tactic, it's a fact. Those sort of issues which really come down to a Government to Government should be dealt with at a Government to Government level. They should be done between the Commonwealth Minister and the Norfolk Island Government and those issues are really coming to the heart of what Norfolk Island is about, has been, what the community's been fighting for over the years, and what we intend to try and keep and progress into the future so those are the four particular components which I believe should be acted on. I don't believe that a document like this no matter how well it was put together and how much the back bench has put into it, and they've put a lot of time as well into this, that it's a substitute for those four issues. I think there should have been more action and less talking, thank you

MS NICHOLAS

Thank you Mr Acting Deputy Speaker. I suspect that the report has come about as part of Australia's push into the South Pacific. There's a need for them to ensure that what is seen as their own back yard is up to scratch before pursuing others and it's not the only place that this is happening. UK Prime Minister Tony Blair is having the same arguments with the European Union about normalisation. France is with French Polynesia so we're in good company. There's one thing that I would like to say and that is that in standing for election I made it very clear that I sought restoration of our relationship with Australia and this Legislative Assembly began well I thought with the appointment of the Chief Minister as Minister for Intergovernment Relations and we've had visits from Senator Nick Minchin and officers from the Treasury, Minister David Kemp, the current Minister Ian Campbell and a number of visits from former Minister Wilson Tuckey. Perhaps others that I've omitted. Whatever you may think about the range of people involved, at least we were communicating. Then came the JSC. Specifically, press releases and statements in various places from certain Members of the Committee. Those Members of the JSC have done more damage to the relationship between Australia and Norfolk Island than anything else or anyone else I can think of. However, I accept many of the criticisms contained in the report, some and perhaps all Members of the Legislative Assembly and certainly Members of the community are painfully aware of shortcomings in our system of Administration and Government. That's not to say or to agree that everything is hopeless or beyond the point of no return. We are after all only twenty-five years old and thus far have not done too badly. I don't intend to dwell on specifics at this time, most of what needs to be said about the various recommendations has been said in the document tabled by the Chief Minister. We recognise that it takes money to put remedies in place for the shortcomings and this Legislative Assembly continues to address that issue. For me it's a fundamental, and one of three issues detailed in my various policy statements prior to election. I wanted to see work done on alternate revenue sources. Focus was set up to identify expenditure improvements and sadly through lack of community participation that became an internal Administration review. The Minister for Finance with assistance from Australian Treasury officials is seeking advise in respect of alternate revenue raising measures and their report is now overdue. We have a fair idea of the options which need to be considered in terms of local imposts, GST, land rates, perhaps a tax on improvements, as Mr Nobbs says, income tax, you name it, we've chewed on it. Now we've asked the so called experts for their considered opinion and we've yet to receive that recommendation so down to the bottom line, a fork in the road as I see it, a three tined fork, Norfolk Island can raise its own impost and charges to enable spending in areas detailed in the JSC report, other than those which they indicate a willingness to fund, or they indicate on behalf of the Commonwealth being funded, in doing so a great burden will fall on young families. Without Norfolk Island having the ability to provide the extensive support structure which applies on the mainland as something in return. The Commonwealth Grants Commission report suggests that we are under taxing by 60%. Add that potential to the cost of living expenses and the average family will be in financial trouble. Option No. 2 and in this I'm

perhaps like Mr Nobbs guessing the likelihood of taxation proposals to be contained in the second JSC report. Negotiate an acceptable level of impost to be collected by the Commonwealth in the knowledge that assistance will be forthcoming. There is separation of responsibilities in Australia, the States are expected to raise revenue for certain matters and the Commonwealth raises imposts and pays for others. That's what the huge fight is about in respect of hospital's in Australia right now. Funding. Who pays for what and at what level? Norfolk Island has some big ticket items coming up and I doubt there's anyone who lives here who can't recognise that we would be hard pressed to finance them ourselves and the new hospital is only one of those items. So taxation in return for benefits is the No 2 proposal but the all important question is, at what rate? Negotiate an appropriate rate based on a number of considerations such as what the Commonwealth makes or takes out of Norfolk Island and what it will cost the Commonwealth to extend the benefits. Is this the answer? Is this what the second JSC report will recommend? Perhaps so. There is a third path achievable one hopes through discussion and negotiation with the Commonwealth. Enable Norfolk Island to raise significant revenues from such things as fishing rights, internet gambling, an offshore finance centre, perhaps a shipping registry. A number of options have been put forward over the years and under present circumstances all appear to require levels of dispensation or legislative change by the Commonwealth. Are they prepared to offer that level of facilitation and, as Mr Nobbs too has said this morning, if not, why not? We await production of a second report by the JSC. The Commonwealth Grants Commission conducted a significant inquiry into the Norfolk Island fiscus in 1997. The JSC plans another set of Australian taxpayer funded visits to Norfolk Island to blend further insight into our affairs. No doubt that will be debited against Norfolk Island's perceived costs to the Commonwealth. When are we to get on with our own list of priorities rather than finding ourselves having to drop all of ours to address theirs. Unless and until we are fully funded by whatever method we will continue to experience flak from the JSC and others because we simply will not achieve our goals. Our own. Let alone anyone else's. Mr Acting Deputy Speaker as one who hoped to develop a sound working relationship with the Federal Government I'm sorely disappointed by the damage which has been done by some Members of the JSC. I can only hope that Minister Ian Campbell is able to weigh the facts against the fiction and help us to help ourselves into an economically stable future. Thank you

MRS JACK

Thank you Mr Acting Deputy Speaker. I would just like to make a few observations regarding the JSC. Observations that resulted for me in the feeling of disappointment in the whole process and for me it began when the JSC and Members met and we were asked if we had any questions for them. I asked if any of them had read the Norfolk Island Act and when asked why or what part I said, well in particular the Preamble. Answers varied from "yes, and it was so interesting", to an outright "No". And with that No, came a feeling of "Well, what for?". I found those answers, especially the last, disappointing to say the least. Another disappointment came for me when the JSC were over here to take submissions and one Member seemed to have some confusion regarding the relationship between Schedule 2 and Schedule 3 matters, indeed that such Schedules existed. Another disappointment came for me and I'll quote here Mr Acting Deputy Speaker from the official Hansard of Thursday, 4th December 2003 already briefly alluded to by Mr Robinson, when Mr Cameron Thompson states "...the implementation of the new electoral system that is in the report will replace the quirky Illinois system with something which is first past the post". We had first past the post before I arrived on Norfolk Island, apparently in 1979 this Island had first past the post. The Commonwealth didn't like it and it was moved to preferential and then undertakings between the Commonwealth and consultation with the Norfolk Island, the modified Illinois system of voting came in. So it's this lack of research that disappoints me here. No trying to reach any depth of understanding, but an attitude that is gung-ho, do as I say not as I do, I lead, you follow. The fourth

disappointment, I mean there are many, but the fourth one would concern media interviews with Members of the JSC which to me were just pompous and patronising. Mr Acting Deputy Speaker I realise that these observations shouldn't tarnish the entire Committee but it gives me reasonable cause for concern because I start to wonder just how much research did other Members of the Committee put in. Members that we never met, never saw, never heard from. And it also makes me wonder Mr Acting Deputy Speaker just how current their briefing notes are. Thank you

MR I BUFFETT Thank you Mr Acting Deputy Speaker I don't personally believe that we've lost this battle. Let me just say that. There is a second part of this Report that is yet to be filed. I, like a number of other Members certainly question the ability of this particular Joint Standing Committee to allege or say that they are coming to Norfolk Island to take evidence and then within that Committee make some definitive finding regarding Norfolk Island's financial sustainability or otherwise. I certainly question that aspect. I think Members of this Legislative Assembly and Members of the community will know where I stand in respect of a report that has been said, not on one occasion but on a number of occasions, as being the most definitive report into Norfolk Island and that's the Commonwealth Grants Commission Report and let me re-emphasise was not a unilateral report by the Commonwealth but was one that was sought by the Norfolk Island Government of the day in conjunction with the Commonwealth, so it was a report that both Norfolk Island and Commonwealth Governments agreed needed to be done. I say I don't believe the battle has been lost for this reason. I think the Joint Standing Committee if one was to look at just the Latin title that they've given to the report, I think that applies to the Commonwealth almost as much as it is alleged to apply to Norfolk Island for this reason. I think when one reads and looks at it is almost as scathing of the Commonwealth as it is of Norfolk Island and I think that is where we have some opportunities. When one looks at the path that we've trod I think there's been one common denominator in respect of this. This whole thing started off with a look at the Joint Standing Committee of the Parliament of Australia in the Annual Reports of the Department that was responsible for Norfolk Island. Let me give a brief synopsis of that Department. I make no bones about the fact that the submission that I personally made as a Member of this Legislative Assembly made reference to a couple of things, and that is, that I personally believe that given Norfolk's strategic position, and I emphasise strategic, not integral part of the Australian physical mainland, but the strategic position, that we deserved to be recognised for what we were and that is the strategic part. I don't argue with part of Australia for the purpose of those delimitations, but we have not been given in my personal view the respect that this Island deserves. We have not been acknowledged for the respect that I think this Island has, on the other hand, given Australia. I don't think we've been respected enough for the spheres of influence that the position we occupy in this part of the world has been able to be used by Australia in terms of the economic zones, in terms of spheres of influence, in negotiating agreements in respect of, for example, the delimitation of boundaries. Resources. The whole effort in respect of where we stand. Getting back to the Department and what might be called the grass roots of where this whole thing started, as I mentioned it started with a look at the Annual Reports of the Department and then a couple of significant things happened. I think the Ministers who've been in charge of Norfolk Island, I'm not too sure what their personal briefs were, but certainly the references by those particular Ministers and additional matters that have been referred to this Joint Standing Committee have been in my view, they have been matters that have been either personal, they have been matters that have not been looked at globally by the Minister responsible in terms of where Norfolk Island sits within the entire Australian scheme of things. I don't believe that we've lost this battle for the very reason that I mentioned earlier, I think this thing is as scathing of the Australian Government as it is of Norfolk Island. When I made an initial response during the absence of the Chief Minister when the report was first released I suggested that out of the thirty-two

recommendations in this particular report twenty-three of them dealt with amendments to the Norfolk Island Act. Mr Acting Deputy Speaker part and parcel of the arrangement upon which Norfolk Island has progressed to self-Government was always, I emphasise always, on the basis that in 1979 when we got the Norfolk Island Act and with all the hand shaking and flag waving and kissing of babies and different people at that time, we were all supposed to go to the table five years after that time to look at what needed to be reviewed. We have not done it. We have attempted to do it. The Australian Government certainly has not done it. I believe that albeit twenty-four years late, I think from recollection we are probably coming up to our twenty-fifth year in August or sometime this year of the Norfolk Island Act, but it's not too late. Some of those issues were certainly matters that would be developed over the period that we had progressed along the track to internal self-Government. I am confident that given the situation we have and the nature of the Minister that is now responsible for us, the undertakings that I believe had been given by that particular Minister, that whilst I do not totally agree with what Mr Nobbs said with resources issues we couldn't have possibly since the release of the findings of the Report, complied with what Mr Nobbs said as number one and that is, to prepare all the drafts of the legislation, all necessary Administrative Arrangements and have them in a position to run with but I certainly believe that for the balance of the term of this Legislative Assembly, we can look at the twenty-three recommendations that have been recommended in this report, look at the others that we've been talking about for a number of years, add to the number of amendments that we now need to make to that particular piece of legislation, let's put it on the agenda for an inter-Governmental meeting, and let me just pause there. My recollection was that the last formal inter-Governmental meeting occurred prior to this particular Tenth Legislative Assembly being elected. That's the last formal inter-Governmental meeting that was had and at that time my recollection was that one of the specific agenda items was the review of the Norfolk Island Act and the invitation of the then Minister and agreement by the people attending the IGM that we go away and do an agenda. We haven't done that. We still haven't done it. I don't think it's too late. I think this emphasises the fact that we need to do it and I believe we should get on with it and do it and that even if we do not much else between the time that have left in this place, between now and October or November this year, let's set that agenda, let's set some time frames and as Mr Nobbs says, let's stick to it. Now let me just mention one other thing that was mentioned by Ms Nicholas. The cost of what this report is saying to the local family. I urge anybody who believes, who sincerely believes that an open arms acceptance of the Australian terms and conditions as it affects the average family, that they closely inspect that. Closely have a look at it. And closely put the two sets of figures that it costs to live in Australia, the benefits they get and what we have got on Norfolk Island, put them down side by side and have a really close look at it, because my personal view is that we probably have more opportunities in Norfolk Island and without going into that in detail I don't believe that, my calculations are that far off track when you hear what the general majority of the so called average family in Australia is saying in the press and it's not only one state but across most of the states in Australia. This particular report that the Chief Minister has tabled this morning, one of the interesting things I noted is that when the four executive Members did the original report and presented it for the rest of the Legislative Assembly to look at, I really and truly thought the thing came back unrecognisable. In fact it didn't and the bottom line is this, that some changes were certainly made. I don't think they were major changes. I don't believe they were major changes. There were certainly some pedantic changes made in terms of how things might be expressed and there were certainly some words that might have been a little bit flowery or we didn't completely follow Sir Ernest Gower's the Art of Plain Speaking, or whatever it is that we need to follow in this thing but the bottom line is that there wasn't a huge rift between what the majority of this Legislative Assembly believed was a total response to the JSC. I believe that what we should be careful of is how the second half of the report, which frightens me just a little bit, what the Joint

Standing Committee is saying the second half of this report says because my personal view is that I don't think Committee as a collective have the total capability of examining our financial system of the island or the community of our nature and then making strong recommendations in respect of whether it's sustainable or not. However, I believe if they were to be smart that what they would do is accept the invitation that I think I certainly invited them to do and that is contact the Commonwealth Grants Commission again if it need be, I'm sure we're adult enough to go back and half a look at the figures that were contained in that report to see if we are truly sustainable and if we are truly capable of what they say. I urge this community to have a look at what the Commonwealth Grants Commission said because what they said were two key things, let's have a look at the Administrative capacity, and we are doing that and it's been a helluva teething problem with the Public Service and even up here in some of the things we do here but we're doing it, and we've done a whole lot of what's in that report. The other one is the financial capacity by looking at increasing our taxation and they believe it's not impossible to increase it by another 60% but we need to look at two key issues and those two key issues in my view is we need to be open minded when we look at it and we need to be equable when we look at it and I think if we do that then the second report should be one that I think we can almost take carriage of to complement what I believe have been in our submissions to the Joint Standing Committee

MR NOBBS Thank you. I just wanted to say something in relation to something Mr Buffett said about it being lost. It's not lost I can assure the community in general and I think he was trying to make that point, that we haven't lost this and there is work going on not only just here but elsewhere in relation to this to beat this. There are parts in this which will change the community completely in the future and they are the ones that we are against but we need to complement that as Mr Buffett said by doing things on the ground here and showing them that we are into it, and I think that there are a couple of motions on here this morning which is a start but I think there's a lot more that needs to be done, thank you Mr Acting Deputy Speaker

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

QUESTION PUT
AGREED

MR D BUFFETT Thank you Mr Acting Deputy Speaker I firstly have a paper which is an Exposure draft of the proposed legislation and the proposed legislation is the Road Traffic Amendment Bill. This is intended to be the public presentation of proposals to amend our existing Road Traffic arrangements. The initiative for these amendments have come from a number of areas. They have come from the courts, they have come from our Drug and Alcohol Working Group, they have come from the Police area, they have come from our Insurance Consultants who have explained some of the difficulties that we experience in gaining motor vehicle and the like insurance which relates to the inadequacy of our Road Traffic legislation. So there are a number of particular areas that have identified that we need to do better than we are doing at this moment. This particular piece of legislation is not designed to be the total remedy for our difficulties. We at an earlier time had done significant work to combine the nuts and bolts of Road Traffic amendments with the introduction of Compulsory Third Party. Both of the two components were difficult to move forward. We have now segmented the legislation and this is touching upon some of the more nuts and bolts and the Chief Minister in his particular area will continue with the compulsory third party components. The particular areas that we are going to talk about here, relate to these areas, it will cover the requirements in terms of mobile phones. Mobile phones will not be able to be used whilst people drive motor vehicles. There has

been a motion of the House that has asked that this legislation come forward. Exactly as there have been motions of the House about seat belts and other things, so mobile phones is covered in this draft legislation. Particularly there is covered driving under the influence of alcohol. The Courts have shown, the Drug and Alcohol people have shown, but starting with the Courts, have shown that a good percentage of offences that are brought before the Courts are alcohol related and that means that a lot of the driving offences have been alcohol related. This therefore is an introduction of measures that are designed to decrease those who will drive whilst they are influenced by alcohol. Seat belts will be a requirement. Can I mentioned that seat belts will be a requirement on a phased basis. There is no requirement at this moment for seat belts but it is planned that on a progressive basis that we should no longer import vehicles that don't have seat belts within a certain time frame and then in another time frame we will consider those vehicles that are on island will need to have seat belts of a certain standard. There are details still to be worked through in terms of what standards will apply but in the first instance we will be consideration not allowing vehicles in to the island unless they have manufacturer standard of seat belts and there are time frames that are set in this particular piece of legislation. The legislation also talks about motor cyclists and cyclists helmets. There is provision for people to be of appropriate behaviour when they are travelling in motor vehicles. Honourable Members will remember that we had a motion of the House to say that we should introduce legislation which should not allow people to stand in the back of vehicles, that children should be appropriately cared for when they travel in vehicles and the like. Those sort of provisions are also in this proposed draft and finally there is a proposal for a Road Safety Committee that might review requirements of this sort of nature and bring forward recommendations. Can I just be specific about a couple of areas I mentioned alcohol. There is a proposal that there should be zero tolerance in some particular areas. That is for new drivers for example. Another example is when somebody is driving in a vehicle that has a multiple number of people in it in other words, buses or the like where they have responsibility for a number of lives and so I draw your attention to that because these are issues that have not been in the community as a requirement before and they will need to be talked about in the terms of this proposed draft. Also there is a proposal that the alcohol level be at .05%. That is a reduction from what it is at present. At present it is at .08 and so that needs to be drawn to the community's attention in terms of public debate on this particular matter. As Members can see, there are a number of new issues. There are a number of issues that have been around for a while and quite simple we've not tackled before. Well we've come to the stage that we do need to tackle them. Like it or no, we need to give it very mature consideration and it is adjusting how we've handled some matters when compared with earlier situations. I emphasise that this is a public exposure draft. In other words it's putting on the table some proposals and proposals for public comment. It may well be that there will be adjustments to these proposals, but I think we must give mature consideration to the thrust of what this legislation is saying. I commend it for consideration when I put it on the table, the Road Traffic Amendment Bill 2004

MR BROWN

Madam Deputy Speaker, I move that the Paper be noted. Madam Deputy Speaker, this is the Bill that had to happen. The sum parts of it have come about because people have simply been irresponsible. I'm not sure that I support the reduction in the blood alcohol content from 008 to 005. there are reasons for its presently being 008. Those reasons include the fact that Norfolk Island has a lesser speed limit then other places. The fact that Norfolk Island has lesser distances to cover and the fact that Norfolk Island has no public transport system apart from those taxi's which are present available. Some will suggest, oh well the clubs could get a bus and the bus could drop people home. I'm well aware that that happens in many areas but generally, quite surprisingly in areas smaller then Norfolk Island, that is, in areas where the urban part covers just a small area and is surrounded frequently by country

areas but what I would say about this is, fellows it's up to you. If you are going to continue to puff on your drugs and to mix that with drink and to have the sorts of accidents that are regularly occurring, fortunately normally without injury, but if you are going to continue doing that I don't see that the Legislative Assembly will have any option. If you are going to show a more responsible attitude then I'm prepared to fight for the 008 limit to continue. This draft will establish several levels of alcohol offences and I have no difficulty with that. It will allow for what are called immediate suspension offences where you will not be able to have various offences waiting to be dealt with by the court and continue driving in the meanwhile. There will be situations where you might be off the road straight away and if you don't like that, be more responsible now before this is introduced as an actual Bill. This Bill provides the necessary mechanism to allow the importation of a breathalyser into Norfolk Island. Previously we have been of a view that providing the ability to require a blood test after an accident was sufficient deterrent. Well that has not proven to be so. And again, unless the community is able to show a lot more responsibility than that which is being shown now, it is going to be very very difficult to resist the introduction of a breathalyser. Now the introduction of a breathalyser together with random breath testing means that the Police can be pulled up outside the Leagues Club and as you pop in your car and head off they can say, pop a little bit of breath into here old chap. They can pull up outside the RSL. They can pull up outside the Golf Club. They can pull up outside any restaurant. They can pull up outside the Compound at Kingston. Random breath testing means exactly that. No one will be immune and if that comes about because of some of us being irresponsible, then we will only have ourselves to blame. There's much argument in different places about the worth or otherwise of seat belts but the general opinion appears to be that more people are saved by having seat belts than injured as a result of having them. Seat belts I have no doubt will be an unavoidable consequence of the introduction of compulsory third party insurance. Motor cycle riders will have to have a helmet and this legislation has no exemption so if you have trouble getting a helmet that fits you, you'd better start looking now because if this legislation is passed it doesn't appear to have a transitional provision that allows you to keep riding for three months while you find a helmet. You'd better go and look for it now. The legislation will prevent pillion passengers being carried on bikes that are not designed to carry a pillion passenger. Now that's really overdue. One thing that is not in there yet but I trust will be in there before the Bill is presented as a Bill is a requirement for motor cyclists to have both of his wheels on the ground, that is, a prohibition on the practise which I understand is known as doing a wheelie. It's a dangerous practise Madam Deputy Speaker. Many accidents occur in other places as a result of it. There are sections in this exposure draft which will prevent passengers being carried on the back of a utility. That too unfortunately is long overdue. Many years ago I worked as an ambulance officer and I have seen the sorts of results that can occur from many types of motor vehicle accidents but there are none as unavoidable as accidents involving people falling from or being thrown from the backs of utilities or trucks and if this Bill is passed then that will be the end of that practise. But I would urge people to stop that practise now. Don't just wait for a Bill to be passed. For heavens sake. Don't continue driving around as is so often seen at present, with numerous small children playing on the back of utilities or trucks while they are being operated. There will be new requirements in relation to opening doors and getting out of a vehicle safely and there will be new requirements requiring a driver and passengers to keep their arms and bodies inside of a vehicle while they are driving. We've all seen people with arms out of vehicles merrily tapping the side of the door as they drive along. We've probably all seen people lying in vehicles with their legs outside and in that scenario where the person can't see what's coming or where the vehicle is travelling, the risk of losing an arm or a leg is simply far too great because that becomes a community expense. And much of what this Exposure Draft is aimed at doing is reducing the risks to the community, the risk of injury to innocent people, and the risk of the community having to meet the costs of medical treatment and whatever

long term cost might be involved as a result of someone having done something that is simply stupid and it is time that came to an end. So Madam Deputy Speaker, I would say to the community please re-examine the way you behave in relation to drink and motor vehicles. Please re-examine the way you behave in terms of the way you drive motor vehicles. Please try to sort the problem out now but it possibly has gone too far. It may be that we will now end up with all of this but I hope that a more responsible attitude will nevertheless be adopted, effective from right now, thank you

MR I BUFFETT

Thank you Madam Deputy Speaker it is a really difficulty piece of legislation or draft Bill to argue against. One could summarise it I guess with a Norfolk saying and that is, si wiah wi se kam! However, I don't think a couple of key issues have been mentioned. I agree with a lot of what Mr Brown has said. Having worked in the court system for in excess of twenty years as an officer within the court system I understand some of the necessity for where we are heading. I would like to point out to the people out there that it is an Exposure Draft and we need your comment on it. Members have heard what I've said in respect to the question of seat belts. I need to say to the Members of the public out there that there are some time frames. The Minister touched on that there will be time frames for things but there are some actual time frames in this Exposure Draft. An example is, a motor vehicle without seat belts has until July 1st 2005 to install them. A motor vehicle imported from July 1st 2004 must have either seat belts or the Collector of Customs must be satisfied with arrangements to install them. After December 1st 2004, a vehicle which has seat belts but which are inoperable or defective must replace them. After July 1st 2005 all vehicles must have approved seat belts unless they are exempt. Madam Deputy Speaker, Madam Deputy Speaker, there are some time frames and dates in this Exposure Draft. At the moment those dates run and they will become less and less time for compliance the longer we deal with this issue. Madam Deputy Speaker, I would suggest that we probably need to look at adjusting those dates depending on what the community says. Sometimes in the near future but I urge all Members of the community to have a read of this particular piece of draft legislation and to let Members of this Legislative Assembly have your comments and as I said, it's really difficult to argue against it. There are some real community feelings that say this thing changes us all, it changes Norfolk Island and it will. It will. And we cannot continue as has been said, and has been represented to me, it's not what we do, it's the condition of the roads that are causing this. Unfortunately that is not quite the situation and that we as a community adopt and become more sophisticated and decide we want to do what other communities are doing, drink more, pot more, I don't know what all the rest of the things we do but I guess this is the penalty that we have to pay but I urge you all to have a look at it and let us know what you think about it

MR ROBINSON

Thank you Madam Deputy Speaker, with the use of mobile phones while driving, surely it's only a matter of time before you can get some hand free mobile phones, so we've got to take things like that into account. Seat belts as Mr Buffett was referring to, I don't know where you'd possibly put a bolt through a secure place on a World War II jeep and hold the seat belt in place because they just aren't built for it, antiques and vintage cars, I think would have to be exempt. I don't know but this is only an Exposure Draft fortunately. On a lighter note, the requirement to give blood samples at 32 g(4) is subject to subsection 32g(5), "a blood sample which is taken in pursuance of this section is the property of the Norfolk Island Police Force". Well under 19(2)(a) of the Norfolk Island Act the power of the Legislative Assembly in relation to the making of laws does not extend to "making of laws authorising the acquisition of property otherwise than on just terms", so I'm not sure we are allowed to do that

MR NOBBS

Thank you Madam Deputy Speaker as Mr Toon Buffett said, I think this is inevitable of the wiah wi se kam, but there are certain things that we should look at and I think there's an explanation owing to the community in a lot of areas and this needs additional work done and some done in additional legislation. For instance there's just been a study completed in the last few months the results of which suggest that the use of mobile phones while driving are far more dangerous than being under the influence of alcohol. Now I'm not saying that being under the influence of alcohol is good, but it does show that there are problems with people not concentrating using either hands free or hand held phones and so that's some support I guess for the phone business. Not a jealousy because you can't get one now because they're all being used is one criticism that has been made. There's also, we were advised the other day, that the cost of blood tests is something like \$600 which is a significant amount. I myself, just as far as the breathalyser is concerned have made a couple of points, and I believe that the 008 should be retained. Breathalysers elsewhere commenced at that level and I think there's no reason why they can't stay that way even just for that reason alone, let alone those other issues that were mentioned by an earlier speaker. I'm suggesting the breath test in all liquor licence areas be made mandatory for use by the patrons. I believe there's a need for general tightening up of other dangerous practices including of course, not reporting accidents. I believe that the lower alcohol drinks such as light beer and the like should be available at a far cheaper rate than the normal beer is and I believe that there should be an introduction into the Liquor Act that the mandatory requirement regarding responsible serving of alcohol. It's been put up as a suggestion and it should be looked at from a voluntary basis, I believe with the introduction of this sort of legislation that that type of thing should be made mandatory because not just so the publican can kick people out when they are full, but it also protects the staff when they say, "You've had enough" and they are trying to protect the person and they get abused and at times maybe assaulted for trying to help a person. I believe that that's a need and those are just points which need to be looked at and they require I believe that something like this should be brought in as a total package and whilst I'm not giving a plug for the Bills Committee which I'm suggesting that we should bring in shortly, that's an area where a Committee, and I don't use the word Committee lightly, a formal Committee should look at all aspects related to this particular Bill and not just concentrate on those particular areas that are covered by that legislation. Thank you Madam Deputy Speaker

DEPUTY SPEAKER

The question is that the Paper be noted.

Thank you Mr Nobbs. Any further debate?

QUESTION PUT

QUESTION AGREED

MR D BUFFETT

Thank you Madam Deputy Speaker, I have a number of papers which relate to passenger statistics. Firstly I table the Inbound passenger statistics January 2004. These have been earlier circulated to Members. Madam Deputy Speaker, this table of figures show that our monthly total for January 2004 was 2528. it was down on last year which was 2850 but significantly up on the year before which was 2121. it continues to show that most of our visitors come from New South Wales and secondly from Queensland and then from New Zealand. Those figures are consistent with how we have been moving in terms of visitor numbers over this year. I would additionally like to table the Inbound Passenger Statistics which collates figures from 1999 to this year and does give the projections that Mrs Vicky Jack asked about in Questions Without Notice earlier in the meeting. Accompanying that is a graph which shows the movement of our inbound passengers over the last five years including the year which we are part way through at this moment and there are some additional useful statistics for Members to see. I also table a document which really is

the visitor exit survey and again I made mention of this when I responded to Mrs Jack's question. This is the tabulation of responses to the visitor exit survey that people do when they fill in their departure form and it asks up to nine or ten questions and they relate to people's motivation for coming to the Island, their occupation, accommodation choice, accommodation rating, where they have come from. Importantly it does talk about the discretionary spending of individuals and those figures are equally in this table. The table only runs from the period that commences this year so as the year goes on the figures will multiply and have greater standing because we are talking about an additional volume of people. The number of cards that were completed in this year, was something like 1945, we've processed one in five in this survey and that has the figures there and I table those for the information of Members also

MR DONALDSON

Thank you Madam Deputy Speaker I table the financial indicators for the six months ended the 31 December 2003 and move that they be noted. These financial indicators are for the first half of this current financial year and they provide some useful information indicating emerging patterns. They've taken on a bit of meaning now they have a bit of substance and a few months behind them. The information is good and bad but the good thing is we can react to it and it amend our targets accordingly. Total income and total expenditure is in a favourable position when compared to budget however, one alarming factor in here is our main income source which is our customs duty is only running at 81% of budget. That's actually down \$300,000 on budget. Getting back to the overall income, the overall income is 2% up on budget or \$138,000, expenditure is materially down on budget at 86% of total budget on a pro rata basis or \$902,000 below budget however not all expenditure accrues in equal monthly instalments throughout the year and this factor's been recognised in preparing the budget review that I'll be presenting later in the meeting. I mentioned earlier that customs is only running at 81%. There is a review of customs income currently taking place to determine what factors are contributing to this decline and one of the expected outcomes will most likely be that the increase in duty on cigarettes and alcohol which became effective if July 2003 and expected to bring in an additional \$500,000 for the whole year did not have it's fully impact on the first six months of the year, and that happened for a number of factors. Later today I'll be presenting a Supplementary Appropriation Bill which is based on financial indicators and modified taking into account the changes in the estimates that we know will occur. Although we know the customs duty is definitely down, the overall indications are that we are heading for surplus year for the revenue fund because some of the other areas of income have been performing enough to compensate for the decline in customs revenue and I'll be having more to say about this when I talk about the Appropriation Bill later in today's sitting

DEPUTY SPEAKER
that the Paper be noted.

Thank you any further debate? The question is

QUESTION PUT
QUESTION AGREED

MR D BUFFETT

Thank you Madam Deputy Speaker, I table the annual financial returns for the Norfolk Island Tourist Bureau and also the Boards report to me in terms of the Tourist Bureau. The annual figures have been presented to me from the Norfolk Island Auditor and they are presented at this sitting which is the first sitting which is available after I have been in receipt of the documents and I table those

MR BROWN

Madam Deputy Speaker, I move that the Paper be noted. Madam Deputy Speaker, one of the criticisms by the Joint Standing Committee appeared to be timeliness in terms of documents such as that which has just been tabled. I appreciate that we've not had a meeting since our December

meeting so if the Minister received that document after mid December today is indeed the first day on which he could have tabled it but I hope that in future we will be able to avoid that embarrassment for the Minister and enable him to have the documents much earlier so that he is able to table them at the same time as the tabling of the Administration's general financial statements as the Administration's financial statements are, after all, a far more complex set of documents and there is no reason for these documents to wait as long as they apparently have before being presented to the Minister

MR D BUFFETT Thank you Madam Deputy Speaker I understand what Mr Brown is saying. Two things. I firstly confirm that the date of the document that is provided by the Queensland auditor is the 24th December so I confirm that this is the first available opportunity that I have to actually table it. The second point is that I would certainly endorse that we have more timely presentation of both the audit and therefore the tabling in terms this particular enterprise and any other

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

QUESTION PUT
QUESTION AGREED

MR D BUFFETT Thank you Madam Deputy Speaker, I would like to table in terms of the legislation what is known as the Gatekeepers Report in terms of the tourist accommodation. I should say at the very outset that I received this very late yesterday and so I have not had an opportunity to do more than what I am doing now. There is a legislative requirement for me to table it and I want to fulfil that requirement today but I do want to say that I don't expect that people will be in a position to make any evaluation or response and I would want to give opportunity for that to happen at our next sitting. My main purpose is to meet my statutory requirement at this time and that is to table it as soon as I get it. This is a review of the Tourist Accommodation Quota. Members will know that there is a prescribed process for this evaluation. There is under the Tourist Accommodation Act 1984 a tourist bed quota and that that is to be reviewed periodically and in fact it can't be shifted without such a review. The legislation says that in two years after a certain date I need as the executive Member or any other appropriate executive member needs to implement such an arrangement and I did this mid last year, commenced the process and the participants of the group have been Mr Gary Richards, Mr Peter Davidson, Mr Jason Adams and Miss Cheryl LeCren and some of the people have designated responsibilities which means they are participant in the process. They have undertaken their study and they have provided this report to me. It's a report which is in detail and I thank the Members who have undertaken this quite in depth task for doing this. Some of these people are officers of the service but there are others who are voluntary people from the community so I want to acknowledge their participation with thanks. I want to put this on the table and with the concurrence of Members I would like at our next sitting to bring it forward so that it might have some public discussion but at this instance I would like to make it available not only to Members but in the wider community and I just again emphasise that there is a legislative requirement for me to table it and I am endeavouring to do that today

MR BROWN Madam Deputy Speaker, to facilitate the Minister's wishes, could I move that the Paper be noted and indicate that I propose to immediately move that debate be adjourned and in that event, I move that the paper be noted and I move that debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

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

QUESTION PUT
AGREED

MR D BUFFETT Thank you Madam Deputy Speaker I would like to table a document which is entitled Specification of charges for health services. I have foreshadowed to Members on earlier occasions an adjustment in charges, an increase in charges at the Norfolk Island Hospital and related services. We discussed at some reasonable length how we should go about that and the result of all of that was that we should generally adopt the Medicare schedule that exists in Australia except in some particular areas here that might have some differences and those different areas were dental services, pathology, x-ray and I think the Pharmacy and so there are specifics in terms of those five areas here but then it goes on to mention the more wider picture has acceptance of the Australian Medicare schedule. This does mean that there is an adjustment of fees here but it also means that there will be periodic adjustments of these fees in terms of how the Medicare schedule travels from time to time and I think that particular provision, in other words, an automatic update is something that Members were very keen to do. I think Mr Brown particularly, but I think there were others and that has now been put into place. I have signed an appropriate document today which will be gazetted, and fortuitously we sit today so I equally table this document which I am equally required to do, thank you Madam Deputy Speaker

SUSPENSION

DEPUTY SPEAKER Thank you Minister. Are there further Papers? Then I would suggest Honourable Members that at 12.40, this in an appropriate time to suspend the Sitting for a lunch break. Shall we resume at 2.00 pm. The House stands suspended until 2.00 pm.

RESUMPTION

DEPUTY SPEAKER Honourable Members we resume the programme at Statements

STATEMENTS

MR I BUFFETT Thank you Madam Deputy Speaker, during Questions on Notice I mentioned something that originated out of the November and December sittings of this Legislative Assembly and it is one that yourself and Mrs Jack had been pursuing in respect of dogs. Madam Deputy Speaker, you gave me a written notice and had intended to put it on the Notice Paper in December, a question to the effect, Minister, will you please examine the Dogs Registration Act, the Dogs Registration Regulations, the Public Reserves Act and the Plans of Management of the Norfolk Island Public Reserves as passed by this House and advise whether they complement each other or are in conflict with each other. Madam Deputy Speaker, I'll read the research that's been done on this because it's been around for a while and a couple of people have phoned up regarding some confusion of dogs in this general area and in particular some of the marks they leave on the golf course. In response to that Question I find no conflict between the Dogs Registration Act 1936, the Dogs Registration Regulations 1994, the Public Reserves Act 1997, **nor do I find a conflict with** the Plans of Management for Norfolk Island Public Reserves **for the following reasons.** Section 17 of the Dogs Registration Act 1936 refers to a prescribed place, which is a place where dogs are

prohibited. Clause 3(1) and Schedule 1 of the Dogs Registration Regulations 1994 defines a prescribed place for the purposes of section 17. Section 5 of the Dogs Registration Amendment Act 1999 repeals Section 17 of the Dogs Registration Act 1936. With the repeal of section 17 of the Dogs Registration Act 1936, Clause 3(1) and Schedule 1 of the Dogs Registration Regulations 1994 are redundant. Therefore there is no definition of a prescribed place, that is, where dogs are prohibited, under the Dogs Registration Act 1936, the Dogs Registration Regulations 1994, and the Dogs Registration Amendment Act 1999. However, Section 6 of the Dogs Registration Amendment Act 1999 provides for making regulations prohibiting a person from permitting a dog to be in a place specified in the regulations. At present, no such regulation has been made. Section 47 of the Public Reserves Act 1997 provides that 'A person shall not use an area of a reserve for an activity if its use for such an activity is inconsistent with the plan of management'. Section 11.7 of Part A of the Plans of Management for Norfolk Island Public Reserves defines the area within Norfolk Island's public reserves that dogs are permitted in. Now this is the interesting part of all of that research for the people who walk their dogs in the Kingston area. Those areas in public reserves to which cattle normally have access for grazing; all of Point Hunter, Kingston Common and Kingston Recreation Reserves except for those parts of those reserves between the seaward side of Bay Street and high water mark and between the seaward side of the road around Emily Bay and high water mark; and those parts of Government House Grounds Reserve generally to the south of the wall on the south and south east of Government House grounds and driveway to which the public normally have access. It is therefore considered that no conflict between the Dogs Registration Act 1936, the Dogs Registration Regulations 1994, the Public Reserves Act 1997, and the Plans of Management for Norfolk Island Public Reserves as passed by the Legislative Assembly in 2003 occurs. I table a copy of that written advise.

A short statement Madam Deputy Speaker, regarding some fishing issues, particularly Norfolk Island's fishing in the EEZ or what might be called the Norfolk Island Offshore Demersal Finfish Fishery. Madam Deputy Speaker, the Norfolk Island Offshore Demersal Finfish Fishery is an exploratory fishery which was managed by AFMA under an Exploratory Management Report Regime, EMR commonly referred to, which expired on the 31st December 2003. It is the area outside of the Norfolk Island box and is made up of the balance of the economic zone around Norfolk Island so that's generally the area that we refer to as the exploratory fishery. The EMR had operated for some three years and on the conclusion of the exploratory period AFMA produced a report and that was received by stakeholders in Australia and Norfolk Island towards the end of December of 2003. That report was circulated to all stakeholders seeking comment and arranging for a meeting to discuss the report on the 28th January in Canberra. I attended that meeting on the basis that I believed the Island is a major stakeholder in the exploratory fishing area and to listen to the other stakeholders who were made up of persons who were granted exploratory licences, seven in all. The report prepared by AFMA suggested four main options and they were, (1) the fishery become a managed fishery with ongoing rights being issued or (2) and interim management in place until a formal Management Plan is established, (3) further period of exploratory fishing be permitted or (4) the exploratory programme ceases and no further fishing be permitted. Upon reading the report prepared by AFMA, they quite clearly indicated they favoured the fourth option. That is, totally close the fishery and not allow any further exploratory fishing or allow any fishing within the area. The basis upon which AFMA based that particular preference was that they found that while limited fishing had taken place and how these could be addressed in any future exploratory fishing period was not satisfactorily answered by the stakeholders. The level of interest and financial commitment from potential applicants in undertaking further fishing in the EMR was not generally supported, stakeholders views taking into account the objectives of the Fisheries Management Act 1991 or potentially closing the Norfolk Island fishing waters

REPORTS OF STANDING AND SELECT COMMITTEES

MR BROWN Madam Deputy Speaker the Select Committee into Electoral and Governance Issues is close to finalising its Report. I regret to advise that I have not yet completed the Report which the Standing Orders require me to complete in draft in order for consideration by the other Members of the Committee but I expect that the other Members will have that within the next week

DEPUTY SPEAKER

We move to Notices

APPOINTMENT OF ADDITIONAL STANDING COMMITTEES

MR NOBBS Thank you Madam Deputy Speaker, I move that this House amend Chapter IV of its Standing Orders to provide for the establishment of the following additional Standing Committees, each of which shall consist of three members — (1) Scrutiny of Bills Committee, (2) Public Expenditure Review Committee and (3) Public Works Committee. This is a facilitatory motion, it is not a motion that will actually appoint those Committees at this point in time. That will be done if this motion is successful. I would hope that we will have motions to the effect for the next meeting. The Standing Committees are dealt with in the Legislative Assembly's Standing Orders under Chapter IV and it is proposed that these Committees will be slotted into Chapter IV and would then be formed not only if this motion is passed by this Legislative Assembly but also succeeding Assembly's as are such other Committees as the House Committee and the Business Committee and the like. The establishment and details of each Committee will be dealt with if this motion passes, by a motion at the next meeting. The Scrutiny of Bills Committee, I touched on it briefly before, I think there's a need for a far greater Scrutiny of Bill by the Legislative Assembly than we do at this point in time. I think there is a need to look at Bills not only as that Bill sits but what its effect will be on other pieces of legislation and I think that a Committee such as this which occurs in other places will aid in that and will also be more efficient as far as dealing with the Bills because at the present time we are running around each Member, trying to put together their particular views on Bills and I guess at times I find that we don't have sufficient time whilst we are doing that and doing other things and it would be far more efficient if these sort of issues could be dealt with in a Committee situation other than by the whole Assembly. This particularly applies to the Public Expenditure Review Committee which I believe should deal mainly but not totally with the various budgets. Whilst this Assembly has not instituted a practice of previous Legislative Assembly's where senior Members of various sections with the Administration come before the Legislative Assembly in a type of Committee as a whole and put their case, I would suggest that this would be far better done by a smaller group which allows each Member in their area of interest to participate but those sort of expenditures, like the budget, are dealt with by this particular Committee. I think there is a need to extend it beyond that because that's not the whole area of public expenditure and it was mentioned amongst Members on Monday that there was a possibility of a role for that in all such areas of expenditure, be it transport, or shipping or those sort of areas, that a Public Expenditure Review Committee could deal with these. Public Works Committee is something that I feel is necessary not to run around looking over the shoulders of blokes actually participating in the works, but to look at the overall view of the infrastructure of Norfolk Island, how we can best fund replacements and the like and to co-ordinate it fully whereas at the present time I think you would find that the responsibilities are spread amongst various Ministers and I think there is a need for some sort of co-ordination in that area. All these Committees are held usually in place in other Parliaments and whilst I don't think that everything is wonderful in other Parliaments I do think that these are areas where Norfolk Island could be improved and become more efficient. As far as the costs of these Committees are concerned that was a matter that there was some discussion on. The cost will be in

the servicing of these Committees. My view is that there will be a greater efficiency and therefore a saving in there and I would say that the cost would minimally outweigh the savings and there will be a need for some servicing of those Committees but I don't think that it will be all that great. It depends of course on the terms that are placed on each Committee and that's something that needs to be looked at, whether we are going to be bound down by Committee Members working their butts off and the like. What I would suggest is that it would increase the responsibility for backbenchers assuming they get a run on these Committees and reduce the responsibility of Ministers and that's where there may be some adjustment. I don't think I need to expand on it any further Madam Deputy Speaker. This as I say is just to facilitate the possible formation of those Committees and it's up to the Legislative Assembly if this motion is passed, if they accept that they need to have one of each or one of the three, or three of the three or whatever they like, for the remainder of this Legislative Assembly which I think is about ten months. Thank you Madam Deputy Speaker

MR ROBINSON Thank you Madam Deputy Speaker, Ron I presume you are going to leave this on the table and see if there's any mention of this by our own Select Committee because it would be sort of jumping the gun just as the Federal Government has done with their Norfolk Island Amendment Act to come up with a recommendation before our Committee has looked at it and put it on the table. I think it's a good idea but that we should stave off voting before the next meeting I would be happy with that

MR BROWN Madam Deputy Speaker, I certainly support the concept of the motion. I think one thing we should do though before we finalise the motion is define precisely what we mean by each of these Committees. If you look in the Standing Orders at present you will see that there are a number of Standing Committees provided for and there is a definition of their roles in the standing orders. One could come up with all kinds of differing interpretations of what each of these three proposed committees would do, in the absence of that definition so subject to that definition, I think it is well and truly time for us to introduce Committees of this nature. I appreciate that some would argue that we are but a small legislature and by having our informal meetings of a Monday and so forth we can handle all of these things quite okay, but the fact is that we don't. If we look back and Mr Nobbs certainly can think back to these times, there were earlier times when at the time of a budget we would actually have each of the heads of the Public Service come up and talk to us about their budget bids. We would receive a copy of all of the budget bids. We would receive information as to what the Public Service had decided to not support and what they felt was worthwhile. Now these things don't happen anymore. What the backbenchers get to see at the moment until they jump up and down and say hey, we want to see those budget bids, it's a finished product and the backbenchers don't know just what was the worth or lack of worth of each proposal. They don't even know what the proposals were and six months down the track when some Public Servant – I notice the Chief Minister with a big grin on his face, saying neither do we! – I notice our colleague George, and I for a motion I thought earlier today that he'd voted, but I recall that Mr Smith when he sat down at this lower level before he reached his present exalted position on the higher level used to have similar difficulties, and this Public Expenditure Review Committee properly structured with a proper understanding of its role, can handle a lot of those things. Backbench Members will be able to trottler on and sit in on Committee meetings if they wish to do so, because that's my understanding of the way those Committee's work. Similarly the Public Works committee, it might have a role of determining whether public works are worthwhile, it might have a role of actually suggesting to the Legislative Assembly that certain public works are essential, it might have a role suggesting that others are a waste of time, but once we've defined precisely what those Committee's are going to do I think they will be very handy things and they will overcome the criticism in

some part that we've received from the Joint Standing Committee. Now we're not the only legislature in the world that doesn't presently have these Committees. We are not the only legislature in the world that is wrestling with what should be the role of Committees. One of the problems with them of course will be that backbench Members will be required to spend much more time on their Legislative Assembly duties than they spend now and if we are serious about leaving it open for every eligible person in the community to stand of election to this place then we need to ensure that the remuneration is such that people are able to afford to come down here, so the introduction of these Committees and the workload that they will involve if they are properly attended to will require a revision of remuneration. Perhaps not a difficult one. Perhaps it's a per day payment for attendance at Committee meetings. There might be a way that is simpler than that. That will be one of the consequences. Another consequence will be that Members of the Public Service will have part of their time consumed by appearing before the Committee saying what they want to say, responding to questions that the Committee may ask of them. All those things are good things. During the course of recent years there have been a number of publications about Committee systems in different parts of the world. I daresay that in 1979 when self-Government started in Norfolk Island those publications weren't available and I think that the system that was put together in 1979 for the time was an excellent system but as I think I've said before the Legislative Assembly in Norfolk Island is maturing. This year we will have been here for twenty-five years and that's a milestone Madam Deputy Speaker, and in that twenty-five years we have not suffered the difficulties that have been suffered by our colleagues not only throughout the Pacific but throughout many parts of the world. We have done a good job. There's a long way to go but in my view we are moving towards the sorts of results that the community really wanted to see twenty-five years ago and it is our responsibility to keep achieving those results and Mr Nobbs motion will facilitate that. I'm expecting that Mr Nobbs is proposing to adjourn it for today. I certainly hope that he is and if he is able to come up with a definition suitable for the Standing Orders of what he wants to achieve with each of these Committees I'll be the first one to stick my hand up to support him, thank you

MR D BUFFETT

Thank you Madam Deputy Speaker without a doubt there is a need to improve in a number of areas that we now presently operate. There is a need to improve in terms of scrutinising our Bills, there is a need to improve how we look at our expenditure and without a doubt our public works can suffer the same scrutiny so without a doubt there is a need to look at those areas. In bigger Parliaments they do have Committees of this nature but of course bigger parliament means that they have bigger numbers and we with our nine sometimes may have an opportunity I'm not saying necessarily that we do, but we may have an opportunity to handle things with the same degree of attention but not necessarily in the same manner. Having said that there needs to be some improvement I'm not too sure that that always means that you immediately form a Committee to do so. That's a method that many people want to adopt but I'm not too sure that that is the case. That doesn't necessarily mean that I am arguing against this motion but I think I need to try and put it into perspective in the context that I've mentioned. There isn't at this stage, as has already been mentioned, a real definition and I do understand that maybe that could be the next stage but I think that maybe it is wise to try and be more specific about what these groups will be about. A. to see that they will deliver what we are on about and secondly I think we need to be more realistic about what it will require to resource them. It will require further attention by Members but more than that, it will require more attention by officers of the Public Service in servicing these groups. Now in terms of servicing and spending money to do that in fact we could do a lot of these things that should be done now if in fact we provided the resources now, but the reality is that we don't. the reality is that we don't. now if in fact this is a method to ensure that we do, well I'm happy to consider that but don't let's kid ourselves that just because we think we've established a

Committee that it's all suddenly going to be magically solved. There needs to be the understanding that there needs to be the resources if they are to be successful. If we just want to do it in a token way well one needs to understand that token ways don't always deliver the product. In terms of being further definitive about the roles I would like to see that so that I can have better assurance that it might deliver some pluses for us and that this might be the best way to deliver those pluses. Because I do recognise as I've already said that there is need for improvement in a number of areas. One of the other things that obviously needs to be recognised and I think one or two have made reference to it, is that the Joint Standing Committee have encouraged that we have measures such as these to improve our accountability and the like and as I've said I think we do need to do those things whether this is the exact best method I think remains to be seen. For those who are on the Joint Standing Committee it's really the only way that they've experienced to handle these matters and so they are endeavouring to say, therefore you need to do it exactly the way that we do it. Well I don't subscribe to that theory. I've said it time and time again that Norfolk Island may handle its issues differently but equally effectively so I make those comments at this early stage.

MR I BUFFETT

Thank you Madam Deputy Speaker thank you very much. I'm not too sure whether the very reason that we've suggested that we need to define what all these Committees are going to do is the one that will cause its defeat. Let me make a suggestion to you. That if we were to define what each one of these things, we'll probably have a Standing Order book that will almost double the one that we have at the moment. My personal belief is that we have the ability to do that under Order 21 Chapter IV page 7, right at the moment. It's just a matter of how well administratively each particular Legislative Assembly is going to be organised. Now whether we believe, and whether we run a full term and there is a changeover period of Legislative Assembly's where ongoing programmes are in place, ongoing projects are in place and whether we've identified things that need to be done and carried over. Let me put a proposition to you that under Order 21, other Standing Committees may be appointed from time to time to consider and record on such subjects as may be decided by the House. Now I would suggest that whilst I haven't a real personal difficulty, and I understand what Mr Nobbs is doing, we've got the ability to do that right now but it's the matter of having the will to do it, whether we perceive it is necessary and the mere fact that we are going to try and identify which, because just on the Public Expenditure Committee I can see the definition of what that needs to be probably do, would occupy at least two or three pages of this Standing Orders because it's got three or four different roles in my view and on and on it goes down the track so if there is a way where in the Standing Orders we just say these are the sorts of Committees that we should look at, at the commencement of every Legislative Assembly then I would feel more comfortable then rather try and specifically identify what each will do within the Standing Orders. My personal belief is that we have the ability to do that right now anyway

MR BROWN

Thank you Madam Deputy Speaker, indeed we have the ability to do that right now but the problem is that we are being criticised for not having a system which ensures that it's done in every Legislative Assembly. Now quite some Legislative Assembly 's ago a voluntary pecuniary interests register was established. And in that particular Legislative Assembly I think the majority of us completed our page in it but it was not part of the Standing Orders, it was not part of the Legislative Assembly Act and it was easy in a later Legislative Assembly for it to be overlooked. Now Mr Speaker has said that, that very register is still controlled by him. It's still there. It's always been there. But we probably didn't do a good enough job of recording the fact that it's there. The same thing applies with the Standing Committees. Indeed we could just set one up today. Not bother with the two or three page definition and through the life of this Legislative Assembly it might well work okay. Come the next Legislative Assembly, they might think it worthwhile appointing one or might not and if

it's not in the Standing Orders there'll be nothing to remind them but they might have a view that it should do something totally different. They might feel for example that its role is not to worry about those two or three pages that we've just talked of. They might think that their role is just to make sure that there's not too much overtime in the Public Service and that there is close scrutiny of virements. Some might think that's all that needed to be done. It is for those reasons that I would prefer us to actually amend the Standing Orders and actually create something that every Legislative Assembly doesn't have to follow admittedly, because many of our Legislative Assembly 's have not appointed a Privileges Committee so we can pass a motion to say that we shan't appoint that. Similarly if there was not a requirement in the Standing Orders to appoint a Public Moneys Committee then it could be overlooked and even if there was a requirement to appoint one and if there was a particular Legislative Assembly might decide not to, so although I understand what has just been said to us, by both of the last speakers I certainly favour the motion if it can just be expanded in the space of a few lines as is the case with the definition of the other committees in the Standing Orders to define precisely what its meant to do. As was said in Australia in I think 1974, I think it's time, thank you

MR NOBBS Thank you Madam Deputy 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 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

IMMIGRATION ACT 1980 - DETERMINATION OF GENERAL ENTRY PERMIT QUOTA FOR PERIOD 17 FEBRUARY 2004 TO 16 FEBRUARY 2005

MR GARDNER Thank you Madam Deputy Speaker, I move that for the purpose of subsection 21(1) of the Immigration Act 1980, this Legislative Assembly resolves that it be determined by instrument in writing that 35 General Entry Permits be granted during the period 17 February 2004 to 16 February 2005. Madam Deputy Speaker, in the paper dated 2 February that was circulated to all Members, it's a paper that's been generated by the Immigration Officer with the support of the Manager of Customs and Immigration and the senior management of the Public Service right through to the Chief Executive Officer for a proposal to provide for a quota of 35 the General Entry Permit for the period referred to. Madam Deputy Speaker, 35 is the number which approximately averages the quota over the last ten year period. In fact the average is slightly less than that. When assessing the impact of the quota and the value of the Australia one has to take into consideration the potential adverse impact on the environment, population numbers, health system, the economy of Norfolk Island, that the setting of a quota may have and certainly as far as the control of immigration is concerned those matters need to be taken into consideration. Today's proposal Madam Deputy Speaker, I'm confident will not adversely impact on those matters. To the contrary I believe only a positive impact on the economy of the island will result. Basically the establishment of a quota allows for the changing of ownership of properties, and different persons within the community have different reasons for wanting to depart Norfolk Island and I believe it is a function of Government to try and facilitate the free movement of persons and the transaction of businesses on island so

as to create a healthy and vibrant business community. Madam Deputy Speaker, I referred this morning in relation to a tabling of a document regarding the numbers of declarations of Residency in the last twelve months. I certainly did indicate at that time that my observations had indicated that I believe there needed to be prepared for Members consideration a paper on the effectiveness or otherwise of our quota arrangements and the options for change if that was thought necessary. I certainly will be instructing the service to prepare such a paper for Members consideration. At the time of the supplementary quota in October I had a view that it was necessary before we considered a quota this year that we consider just where we are going with a population policy and as I explained to Members on Monday last for a number of reasons and in particular the need for the relocation of immigration and the uncertainties in the senior management of the Public Service that just simply has not occurred and as I said on Monday I apologise to Members for not doing that however, I am committed to bringing a paper back to the Legislative Assembly in regard to the processes that we use for the establishment of a quota for the reindorsement if necessary if Members so choose of the 2% population policy that has been much talked about in the community over a number of years or whether in fact we should be looking at a completely new regime for the establishment of permanent population numbers and the entry of people on a permanent basis into Norfolk Island. One of the differences that we face this February compared to the many February's that we've had in years gone by when determining a the General Entry Permit quota is that this is the first year for as long as I can remember since I've been down here that we have not been burdened when setting a quota with a significant backlog of numbers of people that have been approved for the General Entry Permits find subsisting on the quota queue. Madam Deputy Speaker, as Members around the table would be aware that was brought about primarily because of the supplementary quota that we put into place in October of last year bearing in mind that I think at the beginning of last year in February, we already had twenty quota positions subsisting which in reality in the twelve month period from February last year until the date in February this year we really only had the flexibility of the issue of a further fifteen the General Entry Permits in that twelve month period. We've picked up the slack on that which has enabled us this year to start afresh with a full 35 quota. I commend the motion to the House thank you

MR BROWN Thank you Madam Deputy Speaker, this is not intended to be a quota that is fixed for the whole year just as we were able to review the quota last year we are able to review the quota this year. On that basis I have no difficulty in supporting the motion. The number is considerably less then what the number would be if we followed the 2% growth policy. I recognise that some will say oh but that policy may have expired. Well that might be the case but no other policy has been set to replace it. It is not sensible to look at a zero policy for many reasons but the most important of them is that if we plan to stand still that is with absolute certainty planning to go backwards. It is unreasonable for us to not facilitate movement in and out of the island in various ways and just as someone who is here as an employee should be able to come and go someone who has invested in a business should have that same opportunity. We've heard earlier today that in the last year, only four of the perhaps 35 who received quota General Entry Permits five years ago sought residency, there is no reason to think that a the General Entry Permit quota of 35 set today is going to cause any pressures in terms of the population and when we look at population numbers we actually have experienced a fall on my calculation over the last twelve months compared to previous times so as I said I have no hesitation in supporting the proposed quota of 35

MR ROBINSON Thank you Madam Deputy Speaker, I think its pretty obvious that we sometime soon have to look at the 2% growth policy. As John said it is a fair age now and it's time we sat down and had a look at it and went through

the whole thing perhaps. It's hard to argue with the figures that Geoff gave us this morning of the 24 new residents only four declarations so I'm afraid I've got no option but to support it with some encouragement to get on and have a look at that growth policy because when you go up the mountain, which we can do nowadays and have a look at the lights at night it seems to be an awful lot of new houses and yet some of the figures don't seem to say that there are more people living here. That's all I've got to say thank you

MR I BUFFETT Thank you Madam Deputy Speaker to a certain degree Mr Robinson took some of the words out of my mouth because what we are dealing with is only part and parcel of the study that was done in 1976. That was three years prior to achieving self-Government. It was based on, what to a great degree, what the Commonwealth thought was good for us. It was based on a number of issues and we are only using part and parcel of what might be called a more holistic view of what should be happening in Norfolk Island both in terms of development, subdivision, rural policy and a whole range of issues. Whilst I have no difficulty supporting this we seem to go through this thing, and because it's based on 2% and we don't achieve it, we agree with it each year. I am not too sure whether it's still a good basis to do that. There's another issue that runs in conjunction with this. For quite a number of years we've done this and used the 2% on the basis that we are not going to achieve it, we've virtually stymied the other parts of this report that was supposed to run hand in hand with this. For example, we've probably had moratoriums on subdivisions and things for quite a few years which runs as part and parcel of this bigger picture. Touching on what Mr Robinson said about observing the houses, understanding that we've had the moratorium on subdivision, so what you are seeing is the development of portions that have already existed which means that as there's been moratoriums in excess of seven or eight years, there have been no new ones. These issues have really got to be looked at so all I'm suggesting is that as part and parcel of this population thing we also look at the other elements of what Gilbert Butland said to us as a basis of why we needed the 2% growth. I think it would be quite interesting

MR BROWN Thank you Madam Deputy Speaker, to such extent as any of us has not read the Butland report in recent years it makes very good reading and I would urge Members to do so. To such extent as any of us feel there is pressure on the population well I would urge you to look at the figures provided by the Chief Minister this morning. Out of 24 declarations of residency 20 must have come from section 18's. now that's wonderful. That's in general people with an island connection, it should be in every case but it certainly would be in general, people with an island connection moving back to the island. But if you look at that twelve month period any population pressure has come from that group and that group we should be encouraging. If you look at the fact that there's some new houses being built there'll be many causes of that, but as Toon said a moment ago, we've largely prevented subdivision for quite some years now and all that we are seeing is that there are many, many blocks of land that most of us probably didn't even realise was separate portions. Probably didn't realise could ever be built on but they are starting to be built on and some of them are quite steep, some of them are quite isolated, some of them have all kinds of characteristics. Now it may be as part of this whole exercise we should be reviewing our attitude to subdivision yet again. Did we make the right decision when we said well look, if leasehold blocks are converted to freehold they should be able to be subdivided in just the same way as any other block. Maybe we should be saying hang on a minute there's concerns about the number of houses going up. Perhaps blocks being converted from leasehold should be looked at in the context of preserving the rural character of the island and should be prohibited from subdivision. Perhaps we should go back through our present policy for subdivision once subdivision is possible again and just look at the question of whether we are allowing blocks to become too small. There's

all kinds of considerations there but the question for today is, do we or do we not support a the General Entry Permit quota of 35 and I support that

MR NOBBS Thank you Madam Deputy Speaker I've had concerns on these issues as Members know for a number of years and I've put in my protest at each of these times by not voting for the quota not that I don't believe that there is a need for something to be in place, but I don't believe that the processes that we are using for the immigration system is the right way at the present time and therefore I won't be voting in favour of it, thank you

MR DONALDSON Thank you Madam Deputy Speaker I would just like to say that I support the 35 quota from what I understand of it. The 35 people are coming to the island not to provided the island with economic stimulus which was once the proposal, ten years ago in immigration was to import wealth onto the island so that it would stimulate the economy, these are people who are coming in and fitting into the existing economy and providing a service or utilising aspects of the existing economy, in fact they are beneficial to the existing economy and they are coming here mainly for social needs because they like the lifestyle so I support the quota but I just think it's timely to also make mention that one of the recommendations of the Joint Standing Committee is to abolish the Immigration Act and replace it with Land Planning issues or with a permit system similar to reserves on the mainland and if that happened then we wouldn't be sitting around the table discussing what the quota will be for the next twelve months. That would be decided by some other forum, thank you

DEPUTY SPEAKER Any further debate Honourable Members. There being no further debate I put the question is that the motion be agreed

QUESTION PUT

AGREED

MR NOBBS NO

Do you wish the House called Mr Nobbs. No. Then we shall record it in Hansard. That motion is agreed

PUBLIC SECTOR REMUNERATION TRIBUNAL ACT 1992 – APPOINTMENT OF PUBLIC SECTOR REMUNERATION TRIBUNAL

MR GARDNER Thank you Madam Deputy Speaker. I move that in accordance with subsection 5(2) of the Public Sector Remuneration Tribunal Act 1992, this Legislative Assembly recommends to His Honour the Administrator, that the Honourable James Burchett be appointed as the Public Sector Remuneration Tribunal as soon as reasonably practicable; and that he determine the terms and conditions of the appointment be as specified in the Schedule. Madam Deputy Speaker, with the resignation of the Hon Justice Morling as our Public Sector Remuneration Tribunal there was obviously a need to fill that role to allow determinations of claims under the Public Sector Remuneration Tribunal Act to be dealt with. There had been quite a level of discussion between myself, Justice Morling, the Hon Justice James Burchett and senior officers of the Administration particularly in the Legal Services Unit about an appropriate person to fill that role. Madam Deputy Speaker, after as I say a lengthy consultation period and discussion the daily sitting fee of \$800 per day was settled upon. It might sound that that's an extremely high figure in this day and age but I can assure Members that different persons involved in these types of roles, those sorts of costs can exceed that figure by in some cases, eight and ten fold for similar types of roles and responsibilities in other jurisdictions. I think we are particularly fortunate to be able to have the expertise of Justice Burchett and look forward to a long and prosperous and

beneficial role played by him as the Public Sector Remuneration Tribunal for Norfolk Island. There are a number of matters that the remuneration tribunal will need to attend to this year. There's one outstanding claim I understand from the Hospital Staff Madam Deputy Speaker. I am aware that with some of the changes that we are proposing with the committees and some of the debates that's gone on there may well be a need to return to the remuneration tribunal for the salaries for Members of the Legislative Assembly depending on the workload that is envisaged by the Committees and the establishment of those Committee but I don't want to pre-empt that, other than to say that it is a necessary role that needs to be filled after a lengthy period of consultation with various persons Justice Burchett has been identified as being an appropriate person to fill that role for Norfolk Island. I commend the motion to the House

MR BROWN Thank you Madam Deputy Speaker, one of the first persons to constitute the Tribunal was Bob Fitzgibbon's and I recall a very detailed decision that he delivered where he identified many difficulties and one of the suggestions he made was that future applications of remuneration increases within the Public Service should have as one of their criteria the question of productivity and it is interesting to read back over such things and find that really, very little has been achieved in that regard every since. Bob Fitzgibbon's did an excellent job in filling the role. In more recent times we've had Justice Morling and he can only be described as a very eminent person. Justice Morling has now resigned, it's been suggested to us that Justice Burchett replace him. I have absolutely no difficulty in supporting that. I think that we have been fortunate in so far as the high standard of the people who constituted the Tribunal in the past and I have absolutely no doubt that Justice Burchett is a very fitting appointment to continue in that mould thank you

DEPUTY SPEAKER Any further debate Honourable Members. There being no further debate I put the question is that the motion be agreed

QUESTION PUT
AGREED

The motion is agreed to

ESTABLISHMENT OF A COMPULSORY REGISTER OF PECUNIARY AND NON-PECUNIARY INTERESTS OF MEMBERS OF THE LEGISLATIVE ASSEMBLY

MRS JACK Thank you Madam Deputy Speaker, I move that this House requests the Chief Minister to bring forward at an early date a Bill to amend the Legislative Assembly Act 1979 so as to provide for the establishment of a compulsory register of pecuniary and non-pecuniary interests of Members of the Legislative Assembly; the Bill to include the following provisions: (1) The register shall be held by the Chief Minister (2) Members shall provide all relevant information to the Chief Minister – (a) within 30 days of their election to the Legislative Assembly; and (b) within 30 days of any change taking place in respect of this information; and (3) Details on the register are confidential and are only available for inspection by Members on request. Madam Deputy Speaker, my initial interest with greater accountability in Government was sparked actually when Mr Brown put a motion before this House dealing with the need for an ombudsman and I thought that if this type of checking system, that of Administrative Review was good for one side of the street, then why not the other side too. In other words, if it was good for the Administrative side then why not the Government side as well. The fact that such a measure of accountability was mentioned in the Joint Standing Committee gave me cause to bring this motion before the House. This motion is a step toward greater accountability in Government on Norfolk Island. We have at present a voluntary register of pecuniary interests and this motion seeks to make

it compulsory. It also seeks leave to extend the register to include non pecuniary interests. Madam Deputy Speaker, the method I chose to make this happen is through an amendment to the Legislative Assembly Act 1979. In the various States and Territories in Australia the disclosure of Members interests or their register of pecuniary interests has been accomplished in a variety of ways. By either an amendment to the Standing Orders, and amendment to the relevant Act, or an introduction of a new Act. In other overseas parliaments the same variations in arriving at a register with similar requirements has also occurred. In the United Kingdom the duty of compiling a register rests with the Parliamentary Commission of the Standards whose functions are set out in Standing Orders. Scotland has the Scotland Act 1998, transitory and transitional provisions, Members interests order 1999. In New Zealand information on the public duty and private interests of Ministers is contained in the cabinet manual. A Members of Parliament Pecuniary Interests Bill was introduced into parliament in New Zealand in October 2003 and read for the first time on the 16th October 2003. the Parliament voted to refer the Bill to the Standing Orders Committee all showing many ways to reach a similar result but in ways to suit the different political systems. Amending legislation is a more resource intense solution to save amending Standing Orders. The reason I chose an amendment to our Legislative Assembly Act is because to me it is a compelling process and personally shows that I want to give the matter that more formal authority. As for the Chief Minister holding the register, well its just because the Chief Minister has carriage of this particular Act and so I merely extended his role to include holding the register. The 30 day limit set for the initial notification and notification regarding any change is because in my research into this has shown that 28 days, one month, thirty days seem to be the normal choices and so I just chose 30 days. The final point, point 3 says that details on the register would remain confidential and be only available for inspection by Members on request. Well since this has been in the paper I've had several bits of feedback on this issue. One view was to have both registers tabled and make the whole issue open and transparent. Another view was to make the registers accessible only through a formal request done through a Committee of Members Interests and that Committee formed by amending Standing Orders. Another option was to make formal application through the Chief Minister who would consent and notify the Member. All these are alternatives to my proposal but I feel that they need to be examined along with what I hope will be many other options raised over the coming weeks. Let me add that next Monday Members will be talking to Professor John McMillan the Commonwealth Ombudsman and I personally am looking forward to discussing with him issues raised in this motion. In closing Madam Deputy Speaker, I would just like to highlight some facts that came to light in researching this subject and I'll just quote from a couple of things I downloaded of the net, both from the Australian Parliament House and one was from the Parliamentary Library and the other was Odgers Australian Senate Practice, Tenth Edition and its just on the history within Australia of Registers of Pecuniary Interests and these Registers were adopted by resolution of the House of Representatives on the 8th October 1984, some 84 years after Federation and in the Senate on the 17th march 1994 some 94 years after Federation. Historically the requirements within the Senate for formation of the Register of Interests can be seen as the long term result of two significant enquiries that started in 1974 so we note that it was formed in 1994 but the original start off point was 1974 some 20 years in the making. A second inquiry was in 1978 and here the Committees recommendations in relation to Ministers were adopted including confidential disclosure of pecuniary interests. A motion proposing a system for the registration of Senators Interests in general was referred to the Standing Orders Committee in 1983 in October and they had a bit of a talk about this and in fact the talk last some three years and almost three years until May 1986 and it was at this point that they decided there was a basic fundamental disagreement amongst its Members about the effectiveness of the proposed register and the soundness of the proposals and the resolution relating to registration and declaration of interests so the Committee considered that the question

should be determined by the Senate. Well from May 1986 until the 17th March 1994, that's how long it took them to decide that the Committee of Senators Interests would be appointed so I think Madam Deputy Speaker, that after some 25 years of being in operation this Norfolk Island Government really isn't doing too badly. We are not dragging the chain by comparison to just what I've read out in fact, one could say that there is another interesting point that I will also read out Madam Deputy Speaker, and it relates to the 15th September last year in 2003 the Senate agreed to the amendments to the resolutions relating to Senators Interests and Declaration of Gifts to the Senate and the Parliament. The amendment increased the value of gifts and assets that must be declared and removed the requirement that Senators declare a conflict of interest or financial interest in an issue before voting in the Senate. The House of Representatives agreed to similar amendments regulating to gifts and assets on the 5th November 2003. I find these rather interesting points and ones that put an interesting twist on this whole concept, indeed on the motion that I'm putting before the House. But the various ways that I've mentioned that the States and Territories have used indicate that there is no basic strategy to be picked up and run with, but the considered choice to be made that suits us, that is Norfolk Island and in this matter I do not mind being assisted, and I do not mind when such assistance leads us in suitable steps into a desired destination but Madam Deputy Speaker, I do mind being pushed. Thank you

MR GARDNER

Thank you Madam Deputy Speaker it is interesting when giving evidence before the Joint Standing Committee in Canberra last year that when we were talking about everybody on Norfolk Island knowing everybody's business, I basically had said that, I said that everybody knows what business I'm involved in, they know where I live so pretty much my interests are covered. That the Chairman of the Joint Standing Committee then turned around and said well how come you don't know who's responsible for the murder on Norfolk Island. That was just an aside Madam Deputy Speaker, but I certainly am supportive of this and pretty much want to support the words of John Brown in his debate where we need to probably get away from what was a voluntary type arrangement, lock it in somewhere so that people do pay some serious attention to it, in years to come and that the criticism is then removed from us for not having those types of things in place. Whether the Legislative Assembly Act is the appropriate Act to have this in is probably open to debate because as Members around the table would be aware the last time we amended the Legislative Assembly Act or attempted to almost twelve months ago, we are still awaiting assent to that so it certainly would be outside of the term of this Legislative Assembly that we would have something like that locked into place going on the lack of assent that we've received to Legislative Assembly Act amendments and that's in relation to the electoral issues that we passed in this House in I think March of last year. Madam Deputy Speaker, I guess my only concerns, we are talking about transparency and accountability, and they are vitally important, I have absolutely no difficulty with that. One thing the Joint Standing Committee I think probably omitted from their critique of Norfolk Island and our lack of transparency and accountability was that my firm belief, that if we are going to do this let's make sure that every person who is responsible for administering Norfolk Island legislation and who is empowered or required to make decisions under Norfolk Island legislation is bound by the same requirements and I'm suggesting that the office of the Administrator and the Official Secretary also be included in these requirements, made for people who are administering legislation on Norfolk Island. I don't think that there should be any objection to that whatsoever. We are talking about accountability and transparency. I think it would only be appropriate. Madam Deputy Speaker, the detail in Mrs Jack's proposal I hope if it is passed in that formal fashion is not intended to bind the development or promulgation of a piece of legislation to bring back for consideration to this House. I leave that open to other Members maybe to have some discussion on or maybe Mrs Jack herself may be to delete those requirements. I think if that is her intent. I know what her intent is. I know

what the intent of it is, but not to be bound by the constraints that are built into this motion, may be providing some more flexibility so that if the legislation is brought back to the House in whatever form or fashion the appropriate piece of legislation that we are able to openly debate that and move ahead with this very important matter

MR BROWN

Thank you Madam Deputy Speaker, we frequently see pendulums swing and they go from one extreme to another and at the moment one of the very visible pendulums is accountability, pecuniary interests registers, these sorts of things. I don't have a difficulty with the motion. I would like to see it end on the fourth line after the words "Legislative Assembly " but let me range across a few issues. The present motion deals only with the Members, it doesn't deal with their wives, children, cousins, mates, and more importantly it doesn't deal with people they don't get on with. I can see some strange looks and let me explain why I just said that. There's a gentleman by the name of Gerard Kelly he used to be the Mayor of Casino from recollection, he now lectures at the University of New England. He has written a book which is published I think by Butterworths about bias and in it he makes it very clear that the problems are not pecuniary interests. In a place like Norfolk Island everyone knows Geoff's got a nursery. Everyone knows he's got Café Pacifica or his wife is there. Everyone knows that Graeme's got relations that are in the accommodation industry. Everyone knows Vicky and Michael are involved in cigarettes and in earlier times were involved in other things and they know Ron's got lots of sheep and he doesn't come from New Zealand. Everyone knows these things. But what everyone doesn't know is who someone doesn't get on with and one of the greatest problems is people squaring off with someone that they don't get on with in the guise of righteousness. They can sit there and be as righteous as you like and stick it up someone and have a wonderful time. No-one ever criticises them. That's bias and bias is the thing we need to address because we are a small community just like those small communities that Gerry Kelly addresses in his book. I think it's important that whatever we do go well beyond just Members of the Legislative Assembly. The Chief Minister suggested that it should include senior appointees on the island. I would like to suggest that it should include at least all of the senior level of the Administration. Every one of them. And perhaps it should be more extensive than that. And the Declarations needs to extend not only to oneself personally because its easy to divest oneself of a particular interest and bear in mind if we are talking of a Commonwealth level all that a Commonwealth Minister to comply with the Ministerial Code needs to do, is give his shares to someone else to hold in trust and manage and he complies. He can have all the shares in the world as long as they are not in his name. Now this is a Minister in the same place that the Joint Standing Committee comes from. The Joint Standing Committee that seems to have a phobia about accountability. The Joint Standing Committee which probably didn't know that in New Zealand this type of issue is only being addressed now and quite probably has not been dealt with by the New Zealand Parliament to finality as yet. It's one of those things that get on the pendulums and people attach themselves to them. In ten years time there'll be a different trend but at the moment one of the fads is pecuniary interests. But lets make sure as I said that it applies to everyone and that pecuniary interest has the widest possible definition so as to include everyone who makes decisions of significance and their families. Madam Deputy Speaker, I expect that Mrs Jack will be proposing to adjourn discussion today and if that's the case I certainly will endorse that but if she does wish to proceed to finality today there are two changes I would like to see, firstly as I said the deletion of all material after the words "Legislative Assembly " on line four and secondly the insertion of words to make it clear that we are talking of the Public Sector Management Act and perhaps other legislation in addition to the Legislative Assembly Act, thank you

DEPUTY SPEAKER

Any further debate Honourable Members

MRS JACK 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

REFERRAL OF NON-RESIDENT HYPOTHETICAL APPLICATION UNDER THE TOURIST ACCOMMODATION (OWNERSHIP) ACT 1989 TO THE LEGISLATIVE ASSEMBLY

MR D BUFFETT Thank you Madam Deputy Speaker, I move pursuant to the notice that I have given that for the purpose of subsection 8(3) and 10A(7)(b) of the Tourist Accommodation (Ownership) Act 1989, this Legislative Assembly directs the Minister for Community Services and Tourism to make the following ruling in respect of the hypothetical application for Douglas James Matthews and Elizabeth Ann Matthews to acquire a non-resident ownership of the tourist accommodation house known as Christians of Bucks Point That had the application been dealt with under the Act it would not be contrary to the public interest, and the Legislative Assembly would direct the executive member to deal with the application in accordance with the Tourist Accommodation Act 1984.

MR BROWN Thank you Madam Deputy Speaker, could I just indicate that I have done legal work for these applicants and I propose to not participate in the debate and in fact to leave the room while the debate takes place

DEPUTY SPEAKER Thank you Mr Brown. We will record that

MR I BUFFETT Thank you Madam Deputy Speaker I don't intend to participate in the debate on the basis that I have two small accommodation units and therefore will not be participating. I think in the spirit of the previous discussion I can sit here without saying anything whilst this is dealt with

DEPUTY SPEAKER Thank you Mr Brown. We will record that

MR D BUFFETT Thank you Madam Deputy Speaker just to outline some of the requirements of the tourist accommodation legislation, this piece of legislation requires that ownership be registered obviously of tourist accommodation arrangements and it also requires that changes of ownership be so applied for and there is criteria that one applies when such applications are made. In the normal course of things, these would go to the Minister and he would settle these matters then and there. He would have advise of course from officers in terms of a number of the components. However there are certain situations whereby the consideration process needs to go wider then the Minister and one of the situations would be that if the applicant to become an owner is a non resident. That is the case in this case. The applicant that is, Mr and Mrs Mathews are non residents of the island and they are therefore needing to negotiate the process that I am referring to so its not just up to the Minister. He needs to refer it to the Legislative Assembly. The question that the Legislative Assembly is asked is this. Would this situation be or not be contrary to the public interest. That's the question that

the legislation says that the Legislative Assembly needs to answer and that's the question that has been put to the Legislative Assembly in this particular motion. Convoluted though the terminology may be, that's really what it all says at the end of the day. There is another not exactly complexity, but intricacy that I should explain and it is this. There is provision in the Act that an applicant can put forward what is called a hypothetical application, in other words this is the plan and if we follow the plan how would it go and that's what this one is. It is called a hypothetical application so that means that if this is given the nod there still needs to come another application but it would come and if it came in the same terms then there would be a requirement on the executive Member to give the same answer. So there we are. That's the processes. Now in terms of the details of this application Christians of Bucks Point is presently owned by the Pearson's in Norfolk Island and this is an application to buy from the Pearson's. There is a family arrangement of course as has been demonstrated in the documents that I have circulated to Members so this is a family purchase and arrangement and that has been documented to me succinctly and one well and I have received representation from the applicants solicitor and I have circulated that to Members and I have had that elaborated to me by Mr and Mrs Mathews in a concise and respectful manner. The matter of non resident ownership is not widespread in terms of tourist accommodation. If I remember correctly we've probably only had one other application so it doesn't come every day of the week and that application was approved. There may have been others I don't recall them off the top of my head and if they have been, they've been quite small in number so there we are. In this instance I am able to advise you that the family of which we speak are respectable Norfolk Island families and they are endeavouring to perpetuate family interests in this particular property being purchased by one Member of the family from another. There obviously is a continuing interest by all Members of the family in the property and in that context it is my evaluation that it would not be contrary to the public interest for such a decision to be made and that is the terms of the recommendation that I make to you in terms of this motion. In other words I have given the recital as to what it's about, I have now explained to you what it's about and the motion itself in its last indicator asks that you make a motion that it not be contrary to the public interest. If you did that then it means that I would as the executive member continue to finalise the matter in those terms. I would be happy to have further participation on my part if members raise queries

MR GARDNER

Thank you Madam Deputy Speaker as the Minister has pointed out we are asked a question here, the question being would it or would it not be contrary to the public interest for this matter to be dealt with by the Minister. The bits that are tagged to it, whether it's a family connection, whether there's a lot of money involved, the size of it, in my view are not factors that I would take into consideration. The factors that I have to take into consideration is would the sale of this property, is it against public interest to do that or is it for the public interest to do that. I don't believe it's against the public interest to do that. My understanding of the way that the Tourist Accommodation Ownership Act was framed and the reasons for it or the intent of the legislation was to ensure that the control of our major industry wasn't taken away from local hands and placed in hands overseas, in other words, the benefits that were derived from that were not being siphoned out of the community and placed elsewhere. With a relatively small percentage, a very small percentage of the total tourist accommodation market on the island this property I believe will not impact significantly on the flow of funds, profits if you like of the island and away from locals hands. I do note the connection with the local families and certainly its preferable that that type of arrangement continue if it is going to continue at all. My only warning is that this should not be read, my support for this, that if it were to come up again next week with another property a hotel chain or a complex of a similar type that my support would not be readily forthcoming for something like that unless it could be demonstrated to me that it would

be in the public interest to support such a motion. To cut through all of that Madam Deputy Speaker, I support the motion and wish the applicants well with their venture

MRS JACK Thank you Madam Deputy Speaker it's just a question I have for the Minister. You mentioned that this was a sale, it's a proper sale isn't it? With all the correct dues going to be paid, the fees and what not

MR D BUFFETT As I understand it

MRS JACK Well then I have no problem whatsoever. If it was just a double entry book-keeping type of arrangement I wouldn't but I have no problem with it at all

MR NOBBS Thank you Madam Deputy Speaker I've sat here in this place and heard arguments for two previous ones I think both external, and I've voted against them both and I'll tell you straight now I will be voting against this one. We heard with the last one which was By the Bay I think, that the people had lived here for a while or something or the kids lived here and on it went but as far as I'm concerned the basic thing is that the Act was set up as the Chief Minister says and the Act should be preserved and if you put a precedent, or continually put precedents in place, you might as well give the Act away and whilst I've got a lot of time for the family concerned, on the principle of the whole issue, and that's why I want to take all the paperwork out of it and just look at the basic matter so that then this wire switch can then be either bias for or bias against, doesn't come into it. Because the principle is the thing that we should be looking at and whether we are going to be setting up yet another precedent to tear down what I believe should be maintained. But the principles in the particular organisations that own these things are resident of Norfolk Island and we've heard a lot of drivel over the years about, Really you know, the banks aren't here yet they really own the place, and all this sort of stuff, the arguments go on, but the issue really is that the people actually are resident. If we can keep it that way then I would support any applications as long as they were within the quota of course but in this case, they are outside it. I think they can do things to alleviate that particular concern I have and so I'm sorry I can't vote for it

MR D BUFFETT Thank you Madam Deputy Speaker I appreciate Mr Nobbs' participation I would like however to just make this comment that the legislation to which I've referred that is the Tourist Accommodation Ownership Act 1989 in fact does not provide a prohibition on non ownership arrangement. It does however provide a process to asses on its merits and if in fact one was to automatically say no, then really that is a prohibition. If in fact one looks at the case in hand which I'm inviting Members to do now, then there is the opportunity to consider it on its merits and I understand that that is the way it is proceeding at this moment

DEPUTY SPEAKER Is there further debate? Then I put the question that the motion be agreed to

QUESTION PUT

Would the Clerk please call the House

Mr D Buffett	AYE
Mr Gardner	AYE
Mr Donaldson	AYE
Mrs Jack	AYE
Mr I Buffett	ABSTAIN

Mr Nobbs	NO
Ms Nicholas	AYE
Mr Robinson	AYE

Mr Brown has absented himself from the Chamber and the result of voting Honourable Members, the ayes six, the noes one, with one abstention, the Motion is agreed to

SUPPLEMENTARY APPROPRIATION BILL 2003-2004 - MESSAGE NO. 24 FROM THE OFFICE OF THE ADMINISTRATOR

Honourable Members I have received the following message from the Office of the Administrator, and it is Message No 24 headed Supplementary Appropriation Bill 2003=2004. In accordance with the requirements of Section 25 of the Norfolk Island Act 1979 I recommend to the Legislative Assembly the enactment of a proposed law entitled "A Bill for an Act to authorize supplementary expenditure from the Public Account for the year ending on 30 June 2004 and that message is dated the 10th February 2004 and is signed by Grant Tambling, Administrator.

SUPPLEMENTARY APPROPRIATION BILL 2003-2004

MR DONALDSON Thank you Madam Deputy Speaker. I present the Supplementary Appropriation Bill 2003-2004 and move that the Bill be agreed to in principle. This Bill seeks to supply additional funds for purposes of the Revenue Fund expenditure for the remaining period of this financial year. The amount of additional appropriation sought is \$130,000. this amount cannot be identified as relating to a single item as it is a composite figure of identified savings in some areas and the need for additional expenditure in others. Part of the process of preparing a Supplementary Appropriation Bill is to look at trends to date for both income and expenditure, analyse those trends and make predictions as to the outcome for the balance of the financial year. This has been done and the following comments are relevant to this process. Expenditure for which appropriation was sought was split into three sections being salaries and wages, recurrent expenditure and capital expenditure. The budget review has identified savings in salaries and wages of \$70,500, savings in recurrent expenditure of \$28,450 and additional capital expenditure of \$291,000. major items now included in the capital expenditure vote include the following, drug detection equipment for the customs, that is for inwards customs, \$77,000, additional office furniture for the Administration offices \$10,000, additional supply to the school administration block construction project \$20,000, additional supply to the school furniture fittings and plant and equipment votes, \$17,000 and an additional grant to the hospital to help it fund the acquisition of a generator \$43,500. in fact that last one was a generator, a water pump and some mobile phone or pager equipment for St Johns Ambulance. The emerging trends in the Revenue Fund income have identified areas where changes incur. Traditionally Customs have been the main source of revenue fund income and has increased each year, however for this year, Customs Revenue is only running at about 80% of budget and the half yearly review has taken a conservative approach and amended the original Customs Revenue from \$4.5m to \$3.8m for the year. This is a decrease of \$700,000. Reasons for this decline are still being investigated. On a more optimistic note other income areas of the Revenue fund are performing well above budget. These include land title fees, departure fees, miscellaneous revenue, liquor bond dividend and telecom dividend and these additional better performing areas collectively compensate for the loss experienced in customs. Although this revised budget and the additional Appropriation requested would allow the Revenue Fund to achieve or to possibly get a deficit for the year of \$176,000 it is most unlikely that this will be achieved as at the end of the year many votes are underspent and it would be reasonable to expect based on previous years performances that the revenue to achieve

a small surplus for the year ending 30th June 2004. the passing of this Bill will allow the Administration to fulfil its programme for the financial year, including some much needed capital expenditure. The total capital expenditure vote in the overall Revenue Fund budget for the whole year is \$1,064,000. I foreshadow that I won't be taking this Bill to finality today, but will be leaving it on the table for further discussion. I commend the Bill to the House and I'll shortly be moving that the matter be adjourned but before I do that I will let other Members have an opportunity to comment
Currently there are no powers of delegation in the airport

DEPUTY SPEAKER Any further debate Honourable Members. There being no further debate I suggest that you put that motion Mr Donaldson

MR DONALDSON 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 Thank you, 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

AIRPORT AMENDMENT BILL 2004

MR DONALDSON Thank you Madam Deputy Speaker. I present the Airport Amendment Bill 2004 and move that the Bill be agreed to in principle. Madam Deputy Speaker, this Bill amends two section of the Airport Act 1991. The first amendment deals with delegations of powers and functions by inserting a new section, section 3(f)(a) into the Act and this allows for all powers and functions other than the power of delegation to be delegated by the executive Member to another person. Currently there are no powers of delegation in the Airport Act and the inclusion of a power of delegation provides a practical solution that allows other persons who have carriage of the act to perform their duties without any doubt as to their authority to do so. The second amendment of the Act deals with the penalties provided by the regulations and deletes the section referring to penalties not exceeding ten penalty units for contravention of the regulation and adds the following and it's a three tiered penalty system. For the first offence a maximum penalty of twenty units; for the second offence a maximum penalty of thirty penalty units and for subsequent offences a maximum of fifty penalty units. For information of Members a penalty unit is \$100. Again this Bill is not urgent and it is my intention to adjourn debate to a subsequent day of sitting but before I do that I once again give other Members an opportunity to speak on the matter

MR GARDNER Thank you Madam Deputy Speaker its an interesting Bill. It addresses some obvious problems that have occurred with the operations of activities at the Airport, particularly the new clause 6 part 3, the control of commercial activities at the Airport. I guess it would be useful if it were possible for the Minister to give us some insight into the need for these controls to be enacted the way they are and whether other ways of dealing with the matter have been exhausted prior having to develop legislation

MR DONALDSON Thank you Madam Deputy Speaker I would be pleased to do that. I think the Chief Minister with respect to him, is getting two bits of

legislation confused. The one he is talking about is amendments to the Regulations which talk about touting at the Airport. Regrettably they were pinned to the back of the amendments for the Act. The amendments to the Act really deal only with delegation of powers and adjustments for penalties for offences against the Regulations. I'll just speak briefly on the regulation amendment hopes to achieve but it's not a matter for today's sitting. Really it says in the original Norfolk Island Airport Act, that the Administrator may make regulations not inconsistent with the Act prescribing matters controlling commercial activities at the airport. The regulations prescribe those commercial activities we wish to control but that's not the matter before the House at the moment

MR GARDNER Thank you Madam Deputy Speaker, maybe that's a question that I can put to the Minister when he tables the regulations

MRS JACK Thank you Madam Deputy Speaker just a question for the Minister regarding the control of commercial activities. In part B would that not infringe somewhat or fail to take into account what the Norfolk Island Tourist Bureau does

MR DONALDSON Thank you Madam Deputy Speaker once again the regulations are not the matter before the house at the moment but there is an answer to that, and the answer to that is that the regulations apply only to persons engaged in private enterprise, it does not apply to a person employed by the Norfolk Island Government Tourist Bureau

MR I BUFFETT Thank you Madam Deputy Speaker one matter for clarification in respect of part 3, clause 8 section c, is that the act of placing a sign there once they've got to the airport or am I on the wrong thing again

DEPUTY SPEAKER Once again, that is the regulations. My understanding is that the Minister circulated the regulations as a matter of courtesy. Thank you Honourable Members I take it there is no further debate

MR DONALDSON 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

CUSTOMS AMENDMENT BILL 2004

MR DONALDSON Thank you Madam Deputy Speaker. I present Customs Amendment Bill and move that the Bill be agreed to in principle. Madam Deputy Speaker, this Bill amends several sections of the Customs Act 1913, specifically the Bill amends schedule two of the Act which deals with goods the importation of which are prohibited absolutely. This schedule contains a prohibition on any bus or motor vehicle designed principally for carrying passengers which exceed the following dimensions, length 7 metres, width 2.3 metres, height 2.8 metres and tare weight 3500

kilograms. These dimensions restrict the importation of buses of what is commonly referred to as coaster size buses with a carrying capacity of around 20 to 25 persons. The proposed amendment does not materially change the size of the bus that may be imported and the length and the width measurement remains the same. The trend in bus construction is now to build higher buses so that they are heavier and accordingly the height of allowable buses will increase to 3.3 metres, and just to remind you that is from 2.8 to 3.3 metres and the tare weight to 6500 kilograms. The passenger carrying capacity which is limited by the length and the width remains basically the same. The second part of the Bill amends the process by which buses are imported and requires application to be made to the Collector of Customs before any buses are imported. The application must contain documentary evidences of length, width, height, kerb weight and kerb weight of the bus and an undertaking to return the bus to its port of export if on its arrival its measurements exceed the allowable limits. There is also provision for buses that are imported without application being made to the Collector of Customs to be dutiable by double the normal rate even though they comply with the dimensions. Again Madam Deputy Speaker, this is not an urgent Bill, it is my intention to move at an appropriate time that the matter be adjourned and made an order of the day for a subsequent day of sitting

MR BROWN Thank you Madam Deputy Speaker, I have two queries. I understand that this Bill has come about because the Administration imported an oversize bus for the school. If that is the case I question whether it is intended that the amendment will apply to the Administration, that is, will the same rules apply to the Administration that apply to everyone else, and secondly am I correct in understanding that the Bill proposes to increase the duty on buses from the present level to 30% or is it already at 30%. If it is proposed to be an increase is there a reason for that

MR D BUFFETT Thank you Madam Deputy Speaker I would like to immediately respond to one thing that Mr Brown has said. There is an allegation in what Mr Brown has said in that the Administration imported an oversize bus. I might say that, that has been repeated to me on a number of occasions and I have specifically asked the question within the Public Service as to whether that is the case and I have been assured that the measurements of the school bus is within the dimensions of the existing legislation, so that's a furphy and I really should put it to rest at this moment. A number of people, including the proponents or present bus proprietors have made that allegation to me and I need to explain that. That's the first thing. But that aside for a moment now, can I address the particularities of the Bill that my colleague has introduced because there is an element of co-operation between his ministry and my ministry in terms of this situation. Mr Donaldson has responsibility in terms of Customs for imports and I have responsibility in terms of road registration for buses once they have been imported and so there has been a co-operative effort in pursuing this. The principle reason for pursuing the amending legislation both in the customs arrangement and in the road traffic arrangement are these, that when those dimensions were set they were appropriate for the time. However there are business people who quite naturally need to now upgrade their plant to ensure that they are kept spic and span in terms of pursuing their particular business and buses of that dimension are no longer being made within those exact dimensions. Not a lot of difference in the dimensions but nevertheless they marginally would not meet the requirements. These adjustments which as one can see are not huge, it adjusts two areas and keeps the other areas the same, are in line with how buses are manufactured today so it will allow people to upgrade their equipment and still import but still be within what is generally known to be the coaster bus limits. Now I know that there are some bus proprietors who would want to go beyond that. That is not being addressed as I understand it, by Mr Donaldson's legislation, nor in mine when I come to that time. It is to update the existing arrangements. So I just make that explanation. Can I now move to another step. I don't mean to be pre-emptive about

but by way of explanation. In fact this is approved by Members and hopefully it will, then I foreshadow that there will be a corresponding amendment in the road traffic regulations to mirror the measurements that are being pursued here. Now I did explain that to Members on another occasion but I emphasise it again whilst we are walking through this process. Thank you

MR DONALDSON Thank you Madam Deputy Speaker if I could respond to Mr Brown's second part his enquiry. The second part deals with a change in the process of importing buses. What happens now is you import a bus, turn up to the Customs Office with your paperwork, pay your duty and that's it. The amendment to this Act that is contained in the Bill requires people to initially go to the Customs Office before they import the bus with documentary evidence that the bus is within the maximum dimensions. If they fail to do that and the bus turns up without first having an application and permission to import then they pay 30% duty rather than the 15% duty. 15% is the standard rate of duty. That's sort of a backhanded penalty for not making correct application. It sits a little uncomfortably with me. I'll have discussions with various people between now and the March meeting. There's a distinct possibility that I might amend my proposed legislation to take that section out because I feel it could impact wrongly on people who realise that their bus is well and truly below the maximum dimensions, it might be a combi van bus or a smaller type vehicle. They think, I'm quite safe, I'm well within the limits I won't apply for an application to import a bus. They then import the bus and find hello, I've got to pay 30% duty because I forgot to apply. They really haven't done anything wrong and they shouldn't be penalised

MR BROWN Thank you Madam Deputy Speaker, I greatly regret causing disturbance to the Minister in reporting the suggestion that had been made to me but could someone tell me whether it's intended that this legislation will bind the Administration just the same

MR DONALDSON Thank you Madam Deputy Speaker it is my understanding that whether it is legally binding, it will bind them in the spirit of the law and either way they will comply with it. It's really a technical question

DEPUTY SPEAKER Any further debate Honourable Members

MR DONALDSON 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

TELECOMMUNICATIONS AMENDMENT BILL 2004

MR DONALDSON Thank you Madam Deputy Speaker. I present the Telecommunications Amendment Bill 2004 and move that the Bill be agreed to in principle. Madam Deputy Speaker, in general terms this Bill makes it clear that the Administration has the power to provide telecommunications to and from Norfolk Island and to control telecommunications within the boundaries of the Administration's

telecommunications network. This intention is not new. It is expressed in the current Telecommunications Act but it is thought prudent to amend the Act to put the issue beyond doubt in order to clarify further the authority of the Administration in connection with incoming and outgoing communications. The Bill provides that it has always been the case that a person cannot attach a line link or a reserve line link or install a satellite dish that was capable of sending or receiving communications other than those used to receive from PAY TV providers without prior approval of the Executive Member. The Bill does not however allow penalties for breaches of the retrospective application of the Bill but ensures that a person who is, in future required to dismantle or remove the offending connection, may be subject to a penalty or other action for failing to comply. It has appeared that the position of the Administration with respect to the operation of communications into and out of Norfolk Island under the Act was ambiguous, nor was it clear what, if any, approvals might be required or how they should be sought. Furthermore the expression of openness to competition of operations connected to but beyond the boundaries of the Administration's telecommunications network raised issues concerning the carrier agreement we have with Reach and whether that agreement closed off competition contrary to the Act. Accordingly the Bill declares that the agreement has full force and the effect is in accordance with its terms. The Bill provides a number of consequential amendments necessary to give full effect to the basic changes such as clarifying the right to take part in proceedings in the Supreme Court without first seeking to recover a penalty or disconnect supply thereby providing an alternative course of action to follow depending on circumstances making it clear that applications to attach a line link to a reserve link or to install a satellite dish capable of transmitting and receiving communications are to be made to the Executive Member ensuring that the approval given to the Executive Member is not approval of a basic carriage service and ensures that a person effected by the direction to disconnect a line link or satellite link cannot bring an action against the Administration and the Administration is not liable for any resulting loss. Madam Deputy Speaker, this is a complex amendment to the Telecommunications Act 1992 and it is not my intention to deal with it to finality today. I intend to table the Explanatory Memorandum, the clause outline, the Bill itself so that all Members of the Legislative Assembly as well as interested Members of the public have time to study the ramifications of the Bill and provide appropriate comment where warranted. Once again it is my intention to move at an appropriate time that the matter be adjourned and made an order of the day for a subsequent day of sitting but I would like to give Members an opportunity to comment

MR BROWN

Thank you Madam Deputy Speaker, one of the important things that we need to bear in mind with this Bill is that it does provide the means to bring to an end an experiment which has gone on, on the island for some time. My understanding that at all relevant times Reach Global Services and any predecessor of it has been the sole carrier in terms of our international network and that the agreements with Reach or any predecessor have included a provision preventing any other person or entity acting as a carrier in competition. A number of years ago one of our then Executive Members approved a certain private telecommunication experiment, and I stress the word experiment and my understanding is that the approval was conditional on their being no detriment to the revenues of Norfolk Telecom. At the time I greatly doubt if the Executive Member realised that the approval which he purported to grant actually breached the agreement with the international supplier. Now at the time that happened Norfolk Telecom was not providing wireless internet services and so I can see that there was a justification in saying well look, until you are providing those services why don't you let me do something. 'And so on an experimental basis there was a supplier on the Island who was providing some internet services on a wireless basis and some through Norfolk Telecom, all of it on the basis that there was to be no detriment to Norfolk Telecom's revenues. The time has come where the Government has as I understand it, decided to review the situation, firstly because experiments don't

last forever, and secondly because the particular person now downloads from a satellite using his own dish and sends it back to a satellite using his own dish. We need to be very careful that we do not cause an injustice in passing this Bill but at first glance it seems to me that the passage of this Bill would not interfere unduly with that business because that business would still have the ability to use Norfolk Telecom to receive and transmit its information and in fact that business has always been quite successful in competing with Norfolk Telecom because to my recollection it's always been about .50 cents per unit cheaper than Telecom in its charges. At this stage I don't have enough information to form a view as to whether all of that constitutes taking someone's property or livelihood from him. It's said on the island that the particular business makes the massively overwhelming majority of its income from selling internet domain names and that some of its income also comes from selling and installing computers. If that's the case it may well be that the part of the business we are talking about might be a very minor part of the business but if it is other than that then the owner will have the time between now and the next meeting to come down with his financial statements, talk with those Members with whom he wishes to talk and show them just what component of his income is represented by this internet business and I expect that those Members will listen carefully to what is said. I've raised those issues because I think it's important that the community know that the Legislative Assembly isn't just blindly going down this track. I think it's important that the community knows there have been problems as a result of an experimental approval granted in the past that from what we are told, the conditions of the experimental approval have in fact not been followed, and in any event from what we are told it creates a breach in the agreement with Reach Global Services so as I understand it the matter is now to be adjourned for a month. I'll certainly be interested to listen to anything that might be said to me during that time and I'll form my view before we come back to our next meeting as to the appropriate action. We need to bear in mind that this Bill does provide that the Administration will not be liable to pay any compensation as a result of the passage of the Bill so all of these issues are right on the table now. They are public now and if anyone in the public has a concern about them they need to bring forward that concern. They should not sit back and go crook in x months time. Now is the time to come and address it, thank you

MR DONALDSON Thank you Madam Deputy Speaker just picking up on a few things that Mr Brown said. It is my understanding that this Bill doesn't affect wireless internet on Norfolk Island. Wireless internet providers can still go from their office or whatever it is to the homes on Norfolk Island. What this Bill does is clarify some deficiencies in the original legislation whereby permission had to be sought to operate a satellite down link. It appears in the original legislation there was provision to apply for a satellite down link but there was no penalty for not applying nor was it an offence to do it or continue doing it. Really this just amends that section of the Act effectively. In addition it's... No I'll leave it at that. That's probably sufficient for this time

DEPUTY SPEAKER Any further debate Honourable Members

MR DONALDSON 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

POWERS OF ATTORNEY AMENDMENT BILL 2004

MR GARDNER Thank you Madam Deputy Speaker. I present the Powers of Attorney Amendment Bill 2004 and move that the Bill be agreed to in principle. Madam Deputy Speaker, in tabling the Explanatory Memorandum I'll use that for the basis of my introductory speech for the Bill to the House today. This Bill has been prepared to make provision for individuals to make powers of attorney that enable family Members or other trusted persons to make decisions concerning their affairs even if they become incapable of attending to their own affairs. This is done by means of what has become known as an enduring power of attorney. Under common law Madam Deputy Speaker, relating to attorneys under power, the authority granted ceased if a person became incapable of handling their own affairs which were then turned over to the State to control through a Public Trustee or the like. Another issue that has often created great difficulty is that concerning issues of providing medical treatment where a person is not able to make a decision themselves as for example if they have suffered severe injury in an accident or are in a coma with a terminal illness or suffer extreme dementia. The Bill makes it clear that an ordinary power of attorney may be granted to more than one person and provides a number of definitions that relates specifically to enduring powers of attorney as well as tidying up some of the existing law relating to ordinary powers. In particular by requiring the donee of any power, the attorney, to keep records of transactions done under the authority of the power and to disclose them when requested. The enduring power of attorney which continues even if a person becomes incapable may be expanded to include but need not, the granting of special power to a person called an agent who may be the same person as the attorney but can be someone else. It is the agent who may make decisions as to a persons medical treatment. Special provision is made to ensure that a person who accepts the position of attorney or agent must not once the donor becomes incapable of making decisions, refuse to carry out the task as attorney without the agreement of the court. The Bill provides typical forms for an enduring power of attorney and for the donor of a power to acknowledge and accept the responsibility. Madam Deputy Speaker, in my covering note to Members when I circulated the Bill and the Explanatory memorandum and clause notes I did indicate that the Bill to some degree had been given some consideration by Members of the Social Services Board and the secretariat of the Social Services Board as their concerns relating to powers had been generated in that forum and the need to review them. I also too understand though I haven't had direct contact with the chairperson of the mental health Tribunal that that gentleman too has had time to give some consideration to this Bill. It's not my intention Madam Deputy Speaker, to move to have it dealt with to finality today, in fact at an appropriate time it is my intention to move that debate on the matter be adjourned and made an order of the day for a subsequent day of sitting but I would be interested if Members do have any preliminary comment on the Bill save for the fact Madam Deputy Speaker, that I think I identified to Members the other day a technical drafting error in clause 7 where it referred to amendment to subsection 11 – Effective Registration, I believe that after the number 7 it should read section 11 instead of subsection 11. Thank you Madam Deputy Speaker

MR BROWN Thank you Madam Deputy Speaker, this Bill has been on the drawing board for some time and I certainly commend the Chief Minister in getting it to the stage of presenting it to the House today. Enduring powers of attorney are not a new concept. The States and Territories of Australia to my recollection all now make provision for them and as the Chief Minister said they are intended to not only allow someone to be appointed as an attorney under power but to enable that appointment to continue notwithstanding that the person might become incapable of looking after his own affairs and it is intended in this legislation that the agent will be able

to make health directives as well. The Bill will remain on the table as I understand it for a month. Members will have the opportunity to carefully peruse it during that time but I have no difficulties with it and when it comes to the stage of being finalised I'll be more than happy to support it. I think it's an important step forward, thank you

MRS JACK Thank you Madam Deputy Speaker I too support the Bill and I know that on behalf of the Social Services Board I would like to thank the Chief Minister for pushing this amendment forward. It has as Mr Brown rightly said, been overdue and I too won't have any problem agreeing to it either now or when it comes to finality next month I hope

DEPUTY SPEAKER Thank you is there any further participation, any further debate Honourable Members. No. Chief Minister

MR GARDNER 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

SALE OF TOBACCO BILL 2004

MR D BUFFETT Thank you Madam Deputy Speaker, I present the Sale of Tobacco Bill 2004 and move that the Bill be agreed to in principle. Madam Deputy Speaker, firstly I table the Explanatory Memorandum and describe the Bill thus. This Bill provides for the control of sale, distribution and use of tobacco products in Norfolk Island. The sale of tobacco products is regulated through a system of licensing which includes restrictions on licensed vendors selling or supplying persons who are under 18 years. This regulation process of tobacco products extends to the sale of products, the marketing including the marketing of confectionary and toys that are designed to look like tobacco products. It also controls advertising and it controls sponsorship where sale of tobacco products are concerned. The social aspects of smoking are controlled through the designation of places that must be smoke free and the requirement in smoke free areas for owners to erect signs to ensure that people in the premises are aware that they are smoke free. Can I just give you some indicators of the areas that are covered within the legislation which are proposed to be designed to be smoke free in other words, smoke free enclosed public spaces. Hospitals, fitness centres, bowling alleys and sport and recreational faculties, community centres or halls and places of public worship, common areas in licensed premises, childcare faculties, buses, school buses, taxi's, theatres, cinemas, aeroplanes, libraries, museums and gallery's and the like, shopping centres and plazas, schools, restaurants, cafes, cafeteria's, dining areas and eating places, professional trade commercial and other business premises. It's designed that where there are such designated areas, there will be signage and people will know their obligations in terms of all of these situations. The impetus for this particular piece of legislation, that is, more stringent control in the sale and use of tobacco stems from the DAA Working Group, the Drug and Alcohol Group that had earlier examined this particular difficulty amongst others in Norfolk Island and made recommendations which the Legislative Assembly accepted that we should introduce

legislation that should draw to attention some of these areas that are detrimental to both personal and public health in Norfolk Island. Whilst it is an endeavour to assist people to improve their healthy situation, but it is also a measure to try and prevent people moving into a situation which in due course may have significant cost in a public health situation. This Bill is introduced today. It is designed for a public display process and public comment to be made upon it, and therefore not designed to go any further today. It will be brought forward on another occasion and any comments and I have received comments already from some people including Members of the Legislative Assembly and at the next opportunity of discussing this I will bring forward those proposed adjustments to the legislation. It doesn't necessarily change significantly the thrust those comments that I've received today but it is certainly refining some areas and giving clarity to others

MRS JACK Thank you Madam Deputy Speaker I'll refrain from any further debate in this issue or voting, both now or next month owing to a slight conflict of interest and also some pecuniary interest in this field, thank you

MR ROBINSON Thank you Madam Deputy Speaker, as one of the few people around this table who contribute to the community fund by paying 500% duty on what I consume in the way of cigarettes I would just like to ask with the declaration of exempt premises etc, is the outside dining area excluded from the smoke free area. I'm just confused. Does the smoke free area include the enclosed public place. Now in Australia and other places, dining areas that are outside are generally permitted to smoke and that's why they have the tables outside of course

MR D BUFFETT Thank you Madam Deputy Speaker the specifications that are in front of us at this moment refer to smoke free enclosed public places. It however, does indicate that there are requirements to ensure that a smoking area doesn't contaminate a non smoking area. But I think in answer to your question we are talking here about enclosed public places

DEPUTY SPEAKER Any further debate Honourable Members? Mr Buffett I seek a motion

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

FIXING OF THE NEXT SITTING DATE

MR BROWN Madam Deputy Speaker I seek Members support in moving that the House at its rising adjourn until Wednesday 17 March 2004, at 10.00 am.

DEPUTY SPEAKER Thank you Mr Brown. Is there any debate. The question is that the Motion be agreed to.

QUESTION PUT
AGREED**ADJOURNMENT**

MR ROBINSON Thank you Madam Deputy Speaker I move that the House do now adjourn

DEPUTY SPEAKER Is there any debate Honourable Members?

MR GARDNER Thank you Madam Deputy Speaker I just would like to not as I know is noted by Members on Monday when we were discussing the Notice Paper for the Legislative Assembly the large number of legislative items that we had on our Notice Paper is due in part to the great support that we have received in recent weeks from the Legal Services unit. We've had a change of personnel, that is certainly not intended to reflect on personnel that have previously been involved but it has been pleasurable in dealing with legislation that has come to us in recent days and weeks, and certainly makes the process a lot easier, thank you Madam Deputy Speaker,

MR BROWN Thank you Madam Deputy Speaker I would like to endorse the words of the Chief Minister. Today's meeting has achieved more than I think any previous meeting in the life of the Tenth Legislative Assembly and that has been for two reasons. The first reason is that like most Legislative Assembly's much of our time has been consumed by problems foisted upon us by those in Canberra and today we have been able to get beyond those problems and get down to some of our own work and if only the Government and those who advise the Government had more time to do that and could spend less time being attacked by Canberra I'm sure we would progress much much further very much more quickly. The second this I wanted to say Madam Deputy Speaker, was to clarify something I said earlier in the meeting when I supported comments made by the Chief Minister to the effect that any pecuniary interests register should not be limited to the Legislative Assembly. I was aware of certain aspects of the Administrators situation when I made my comments but I chose not to refer to those things at the time because I had not checked whether he would object to my doing so but I have since then had the time to check and I should say to you all that quite some time ago His Honour the Administrator told me of the things that he had done in terms of pecuniary interests when taking up his position as Administrator of Norfolk Island and that is quite relevant to what we are talking about. He had provided a declaration to the Prime Minister and to the Minister for Territories, he had resigned from his membership of his political party, he had resigned from his membership of an economic think tank in which he had been prominent for some years; he had resigned his directorships, and if my recollection is correct he had given up control of a family company in which I think the only asset was a boat mooring of some kind, but I think it is important to put what I said earlier into context. I was not suggesting that His Honour or any other public servants were in a situation which was anything other than purer than Caesar's wife, but I was certainly supporting the Chief Minister in suggesting that what is good for one, should be good for everyone. His Honour the Administrator's situation is one over which we simply do not have legislative power and we quite properly should not be attempting to have too much to say about that but it is relevant for us all to know the steps which His Honour took before coming to Norfolk Island and taking up his position, thank you

DEPUTY SPEAKER Thank you Mr Brown. Is there any further adjournment debate Honourable Members? There being no further debate I put the question that the House do now adjourn

QUESTION PUT
AGREED

Therefore Honourable Members this House stands adjourned until Wednesday 17 March 2004, at 10.00 am.

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