

terms and conditions enjoyed by this airline as it repays some \$400,000 in unpaid landing fees...

MR BROWN Point of Order. Question time is limited to questions. It is not for statements and outrageous allegations

MR NOBBS Point of Order Mr Speaker. I don't think it appropriate for Mr Brown to interject in this particular matter but I agree with the thrust of his point but I think it is inappropriate

MRS JACK Well then can I reword it and ask...

SPEAKER Yes, can I just respond to Mr Brown's Point of Order first of all. Mrs Jack it is not time for statements and if you would then address the question as promptly as you are able. Certainly there is room to give some descriptive arrangement but if you would promptly move to the question itself

MRS JACK Thank you Mr Speaker is the Minister going to renegotiate the landing fees repayment schedule and if not will he do so as soon as possible. I also ask the Minister if he is not prepared to revisit this agreement how many other businesses can apply for subsidisation in order to expand their presence in the marketplace

MR DONALDSON Thank you Mr Speaker the decision to allow Norfolk Jet to pay off their outstanding debt was a commercial decision. It was made with the knowledge and participation of the Administration senior staff, it was made with the knowledge and participation of the Executive Members of this House. I haven't in any way shape or form entertained the idea of revisiting that arrangement. It is working well, they are maintaining their payments. The fact that they are flying to New Zealand does not necessarily mean that they have surplus cash or are in a good situation. It is certainly not my intention to react to a press announcement or a letter in the paper to say that Norfolk Jet is expanding their activities and therefore it can be assumed that they are in a position to repay their agreed debt at terms and conditions other than to what was agreed. It is probably an integral part of their arrangements and I'll just add one more item to that. They are paying interest on that outstanding debt

MR NOBBS More as a supplementary but it's really to the Chief Minister and it relates to the application referred to by Mrs Jack. Minister will there be a statement in statement time in relation to this application at all and if not, what is the Government's view on the application

MR GARDNER Thank you Mr Speaker, I'm afraid I can't help Mr Nobbs as to whether there will be a statement. I'll have to turn either to my colleague who is responsible for international transport matters as to whether there will be a statement made in that area or to the Minister for Tourism or both as to whether there is a position statement to be presented on that. Maybe I'll look to both those gentlemen now

MR NOBBS Point of Order Mr Speaker. The question was really the Government's view on the application and it spreads across quite a number of positions or Government Ministerial responsibilities not only those two but airfreight and actually down to the environment side of it and tourism in your area. I would have thought that the Chief Minister would be able to provide for us a statement from the Government on this

MR GARDNER Thank you Mr Speaker, as I said I look to either yourself or the Minister for Finance with responsibility for international transport to give

an indication as to whether yourself or himself have prepared a statement in relation to that. That's all I can say. I've got nothing further to add

MR NOBBS

Will you be making statements gentlemen?

SPEAKER

moment if I could do that

I'm happy to respond to a question. Maybe in a

MR ROBINSON

Thank you Mr Speaker my question is addressed to Mr Donald, the Minister for Finance. During the life of the Tenth Legislative Assembly what new positions have been created in the Administration including the GBE's and more importantly, what has been their cost

MR DONALDSON

Thank you Mr Speaker and I thank Mr Robinson for giving notice of this question about ten days ago. I have sourced information from the Service to answer the question and I received some information yesterday. Regrettably it doesn't define or give a final answer as to what's been the cost of the increase in the staffing of the Public Service or the changes in the staffing of the Public Service in the life of the Tenth Assembly although the information I got does give the salary ranges of the positions. Some of the new positions are part time so the annual salary range isn't applicable, but I'll read through the information I've been given and maybe a supplementary question might flush out a bit more information if it is required. It just says attached to the summary of positions that have been formally created on the Administration staff establishment since December 2001. there are twenty-nine positions. Eleven of those are part time security officers at the airport. They are the ones that have been recently established to perform the security operations at the airport. Of the eleven people who have been appointed there's only five or six of them that meet each plane so it's a rotating roster and it allows for flexibility in who we use and who is available for those particular positions. There is another six positions which were the result of the Chapter 13 of the Human Resources Policy, they are the people who are long term employees in temporary positions in the Administration and as a result of I think it was a resolution of this House those who were appointed to those positions as part of the changeover between the Public Service Act and the Public Sector Management Act. There were two people who commenced at the Waste Management Centre. There were two positions created for the introduction of land legislation. There was one position introduced for the Gaming legislation and that's combined with Telecom. There were two new positions created for the Fire Service Attendance arrangements, and that's when we had to meet all international flights to Norfolk Island. The KAVHA Board decided on two more positions from within the KAVHA organisation and they were two tradesmen from what I understand. There was a position created to administer insurance requirements and special projects within the Administration and that position remains unfilled. There was a position created within the Electricity Undertaking that brought the complement of officers within the Electricity Undertaking up to its former numbers and there was one new Police Constable's position established and that position is not filled. All up there were twenty-nine new positions established. Two of them are unfilled and that's twenty-seven and you can take off the eleven part time positions so that comes down to sixteen and if you take off the six, three for the Chapter 13 positions who were once holding temporary appointments under the old arrangements that comes down to ten. On the other side of the ledger it hasn't been static. There have been eighteen positions that have been abolished. Now I can't say from the information available to me at the moment whether those eighteen positions that were abolished were filled or not filled but I know some of them were filled and that's what I was alluding to earlier when I said it's difficult to come up with an answer as to what's been the cost of the changes within the Public Service over the life of this Legislative Assembly because we have to take a snapshot of what it was, what positions were actually filled and being paid in December 2001 and take another snapshot now as to what's happening. It's a moveable feast it changes all the

time and really from the information that's been made available to me that's the best I can do to answer the question at the moment

MRS JACK Thank you Mr Speaker Minister the eleven casuals or part timers in security arrangements are they being funded by the fees charged to the airlines. Fully funded

MR DONALDSON Thank you Mr Speaker they're being paid out of the airport undertaking. The airport undertaking gets most of its income from the landing fees of the airlines and there also is a fee charged to the airline for the provision of security services. I'm informed by the Administration that the provision of security services fee contras the cost of running the security service at the airport

MR NOBBS Can I ask a supplementary to that Mr Speaker. Minister it's probably not in your area but you've been talking about positions. Is it not correct that there's a thing called an establishment within the Norfolk Island Administration of x number of positions and is it not correct that in 2000 a bar was put on the addition to the number of positions within the Administration until such time as a new establishment was developed and is it not correct that the only real approval we've done to a change in that is the approval of the executive positions which actually reflect in total what was there before. We were looking at four executive positions and then it was brought back to three including the CEO so isn't it correct that the establishment should actually be held, and how come we've had these additional positions put on

MR DONALDSON Thank you Mr Speaker I can't answer that question fully. It's not an area that I have much to do with although I do understand that under the old system which was under the Public Service Act or the Public Service Ordinance years ago, positions were created and abolished by the Public Service Board and when the Public Service Management Act came into force the role of the Public Service Board was changed. It was reduced from creating and abolishing positions and establishing terms and conditions of employment to purely an appeal mechanism for people who are aggrieved about them being appointed. The other change that happened in the Public Service Management Act was that the CEO was given the power to virtually hire and fire people. As from the fact that a bar was put on the number of the people in the establishment at a certain time, I've no knowledge of that at all. I don't know what restrictions this Legislative Assembly or previous Legislative Assembly's have placed on the growth or the increase in numbers in the Public Service. Perhaps that question would be better directed to the Minister with responsibility for the Public Service

MS NICHOLAS Thank you Mr Speaker. My question is addressed to the Minister for Land and the Environment, specifically a possible heritage or planning matter I think. Is it a fact that a building which adjoined the old Leaside was recently demolished and that a sandstone paved area and a small stone building was revealed and that it possibly dated from the early 1900's. Was an onsite inspection carried out to ensure compliance with relevant approvals and was any consideration given to the preservation of the building and the paved area and is there provision within our grand new plan to take account of and retain such finds of interest

MR I. BUFFETT Mr Speaker I think given the complexity of the question that Ms Nicholas has asked me, I need to take that on notice and I will certainly investigate that but I guess in terms of the heritage issues, unless the building has been listed and specifically identified and protected by some heritage regime it is a building that the people who occupy and own the land can deal with as they wish. Now if it is not their plan to have that building listed as a special heritage item then the building has been dealt with but I will take that on notice and certainly get back to Ms Nicholas. I don't recall the building had any specific heritage listing

MS NICHOLAS Thank you Mr Speaker a further question to the Chief Minister on insurance. Will the Minister advise this house and the community when he intends to bring forward legislation introducing a requirement for a compulsory bodily injury insurance scheme

MR GARDNER Thank you Mr Speaker, the question from Ms Nicholas is pretty specific about a particular part of an insurance scheme. My proposal in relation to that as I've already indicated to members is to move at an appropriate time and without meaning to pre-empt matters further on in the notice paper Mr Speaker it will come during debate on the Motor Traffic Bill which will hopefully seek to have added to that appropriate words that would compel persons to have to present a policy document for what's better known as third party motor vehicle insurance to give effect to registration of motor vehicles

MR ROBINSON Thank you Mr Speaker I direct this to the Minister for Land and the Environment. The Minister received a letter from the Norfolk Island Flora and Fauna Society about the vandalised trees down the road here. Do you have that letter with you. Do you have the questions there or shall I ask each individually

MR I. BUFFETT For the sake of everybody in the community I would ask Mr Robinson to ask the questions but perhaps I can give him the answers to the questions before he asks them and it's this. I'm a little bit Nostradamus this morning but it's in this category. Mr Speaker as I understand it and having this matter being such an important issue in the community there are letters that have been sent from the Office of the Administrator and the Norfolk Island Administration. At this particular point Mr Speaker the matter could well be subjudice and therefore if I could leave it in that category and invite Mr Robinson to ask his questions on the basis that I will not be fully answering them for that fact but for the sake of public record Mr Robinson I invite you to ask those questions

MR ROBINSON Thank you. The first question was, why were these trees denuded of their lower limbs in such a fashion. Was permission sought for this action. Was permission granted for this action. If so by whom. Was approval granted by the KAVHA Board. Is it the intention of the perpetrator to mutilate any more trees in this fashion. Will it be a continuing policy of the current government to allow the desecration of the Norfolk Island emblem in this manner elsewhere on the island and finally if this trimming was undertaken without permission, what action will be taken to strongly discourage such action in the future

MR I. BUFFETT Mr Robinson thank you. I guess what I said initially in the opening remarks, the matter I believe may become a matter that becomes subjudice for me to try to answer all of those specific questions here today and that perhaps by the June sitting of this House we may have some specific answers to those issues. Undoubtedly when the matter is fully dealt with there will be some publicity in respect of what occurs

MR NOBBS I ask the Minister for Finance. Will the Minister be making a statement in statement time on the airport upgrade and if not will he please provide an update on progress of the project

MR DONALDSON Thank you Madam Deputy Speaker I hadn't planned on making a statement in statement time but I'm happy to give a brief upgrade on where we are at, at the moment. It has been my intention now that tenders have been called to put some sort of press release in the newspaper not this weekend but the following weekend but basically we've reached the stage now in the airport reseal project where tenders have been called. Prospective tenderers have visited Norfolk Island, have had a look at the airport, the work to be done, the site up there, had a look

for the administrative side of the arm of Government and relying on whatever requirements there are in the Planning Act and Building Acts etc to protect peoples rights

MRS JACK Thank you Madam Deputy Speaker I ask this of the Minister for Tourism Mr David Buffett, do you have a view that with Norfolk Jet's proposed entry into the New Zealand market and Norfolk Jet's strongly held view that there is no room for competition on routes servicing Norfolk Island will you be petitioning the Government or initiating a revisiting of competition in services on the Australian sector

MR D BUFFETT Thank you Madam Deputy Speaker there are no Government plans to be moving to adjust the service in the Australian sector. That's what I interpret that you have described. There are no Government plans to disturb that which is in place at this moment

MRS JACK Do you have any concerns given that there were two airlines operating with how many tourists coming in from the Australian sector, there's a marked decrease in numbers out of New Zealand and now we are looking at a competition between two airlines. Do you have concerns over market share or I suppose two airlines managing to compete on that route

MR D BUFFETT Thank you Madam Deputy Speaker, yes it's not clear to me whether you are asking me about the Australian route or the New Zealand route. They seem to be intermingled but maybe I can try and address them but maybe address them separately. There have been two airlines operating to Norfolk Island out of the Australian marketplace and what has resulted there is that at an earlier time one of them ceased to trade and of more recent times when two again entered the market there has been an element of amalgamation. Not formal amalgamation in the true sense but some significant amalgamation of services. That does give some reasonable indicator that it may be difficult for more than one player to operate that route on a profitable ongoing reliable basis and it has now come more basically to one although it must be acknowledged that, that one player has a number of co sharing arrangements, for example, co sharing with Qantas in one particular instance and use of aircraft from another airline in the other instance, that's Alliance. Now having said that I should also describe the Australian market that, that services is the major market that we experience. If I might then turn to the New Zealand sector. At present Norfolk Island is serviced by one airline which is Air New Zealand from New Zealand and has been so serviced for something like twenty or thirty years. Don't hold me to the exact number of years but I'm trying to illustrate that its been for a number of decades and a satisfactory service I might say. That is the smaller segment of the Norfolk Island tourism market. Now in terms of whether that route and that market can accommodate more than one airline one may look at the Australian as an example to see whether the answer is yes or no and whilst I am not trying to say that I know the answer of whether it's yes or no I do want to identify that members of this Legislative Assembly and members of the community have expressed concern to me as the appropriate Minister that there are danger signs in terms of trying to split that particular market. Now a question was earlier raised about Norfolk Jet Express seeking from the an Australian authority permission to work that route and what was our view and what we were doing about it, in broad terms and maybe it would be useful if I would explain this at this moment. The Norfolk Island Government has through it's officers been in touch with the Australian authority that its been referred to in both press reports and earlier on at this sitting to ask them what the considerations were or are to be in terms of that route and we are continuing to talk to that authority to see whether the considerations given give us room to make some factors and affairs known in that particular arena because those factors that I've just talked about and you have raised with me may well be factors that might need to be assessed in whether or no it would be a good thing or a bad thing. I've got to say that a number of people in the community have expressed significant concern about trying to

split that market. I hope that information at this stage which is really all that I'm able to say is useful and indicates that there is movement to examine that situation very carefully

MR NOBBS

Can I ask a supplementary to that, to the Minister for Tourism. Minister are you happy with tourism on Norfolk Island at the current time. When I say happy with tourism I really mean issues like the number of tourists to share with relevant destinations elsewhere, the share of the overall market and also the share within Norfolk Island's situation, the share that is going to various houses and what have you, and I just draw your attention to a letter that was in the paper last weekend. Minister are you happy with the current arrangements and if you are not happy what are your concerns and then obviously what do you propose to do about them

MR D BUFFETT

Thank you Madam Deputy Speaker the answer to that deserves some significant attention and not just an off the cuff answer and I think it might be useful if I said that I would be happy to take some of that on notice to give you a more fulsome answer. It's not that I'm not prepared to answer now and maybe I will give you a bit of an overview at this moment but there are a number of important factors that have been raised in that question and it deserves probably some more fulsome response but let me just try and give you some indicators at this very early stage. Some of this will not be new to you. The number of tourists has been asked about. Members will know that our best year in terms of visitor numbers was at the end of the financial year 2001 and it was something over 40,000. The year after that fell back to 33,000 and the year after that rose and it has progressively risen since that low of 33,000 and up to 37,000 and it is likely this year whilst there have been earlier predictions that we might come back to the 40,000 which is the major figure that we have experienced I say again, it seems unlikely that we will go over the 40,000 this year but maybe we will be approaching and oscillating under that figure. But likely to be more than last year which was something like 37,000 so there is room for increasing the number of tourists and therefore uplift our tourist figures. However I keep saying again and again, the number of visitors is not the only benchmark. An important factor that we need to take into account is, and we have said this time and time again, Legislative Assembly after Legislative Assembly, that Norfolk Island is a small place. It has a particularly attractive character and environment and an overabundance of people may well destroy it and therefore we have to do a balancing act. Yes we need to gain a sufficient number of people for us to have economic viability but not too many that it destroys that which we all enjoy and so not only do we want to have respectable figures, and there is still room for increase I might say at this stage, but we also want to increase the yield or the value brought by each visitor to the island and so our thrust of more recent times is to in fact address markets that will bring a greater yield. We are for example talking about younger people, we are talking about families, we are talking about niche market travellers and we are talking about what is now approaching the retirement age and therefore time and resources to spend in the baby boomer category of people. What needs to be understood however is that those categories of people will probably enjoy things quite different from some of our more traditional travellers to the island and so we need to be able to demonstrate that we have, and indeed we do have, a range of activities and attractions for such people. In the last few weeks we have launched a new brochure, which is dynamic, which is up to date, which tells and gives the image that would attract those people of which I have just spoken so that's part of a strategy to increase the yield as well as the number of people coming to visit Norfolk Island. The share of destinations, in other words the number of people that come to our place is quite small in comparison to people who will go to many other destinations but it must be said that many of the other destinations if one wants to just example Bali, Fiji and a number of other places, spend significantly more dollars. They have more dollars than we have to spend but however we are trying to be smart with the dollars that we do have and we enter into a range of advertising and marketing arrangements. Those marketing arrangements include co-operative advertising with major wholesalers in both

Australia and in New Zealand. It includes co-operative arrangements with media people both people who write for newspapers, people who write for magazines, people who write for weekly's, people who write for monthly's and whether they be in the trade or related arrangements. We have tried to be again smarter in targeting journalists who might be attractive or the particular media that they operate in might be read by the categories of people that I've earlier described. We are also trying to give impetus and presence to Norfolk Island in television arrangements, for example we shall very shortly have an outdoor food show that is widely viewed to come to the island and make a presentation from this place and there are significant radio slots that we have contracted with various people to present both in Australia and in New Zealand and so there are some examples of the efforts that are being made and I might say that the ones that have been progressed to date have been well received in the market place. But of course the real test and it's not always easy to measure the test, and I will come to the matter of measures in a moment, it's not easy to measure the direct result from a lot of the advertising arrangements. One of the things as the appropriate Minister I have tried to put in place, is a more statistical measure of the people who come here, the categories that they are in, the amount of money that they may spend, and a whole range of other things so that we might be able to say that we've spent for example \$800,000 in this particular financial year and it has bought us x number of people in various categories and they have spent x in again, various categories which might be more useful to us in terms of where we might direct our spending dollar. It is very difficult with limited funds and with limited capacity and resources to be able to be all embracing, in other words to advertise every single tourist activity that exists in Norfolk Island. It is not always possible to do that by name. Although we can certainly try and do that by category and the Tourist Bureau is endeavouring to be involved in a wide range of generic advertising that is wide ranging advertising, but also to do it in a way that those who want to, whether they be large or small, can coat-tail on that arrangement and provide details of their individual product. That is probably easier for those who are larger than it is for those who are smaller because there are costs involved and that is not an easy matter to overcome, however the Board's particular want is to get the image of Norfolk Island across so all of those who operate in the market place can benefit from it. It would be wrong to think that because the Board is advertising on behalf of the total community that individual areas need to do nothing. All need to do their own advertising in conjunction with a more generic advertising which is done by the Government's agency and so I mention all of that in terms of trying to give an initial response to Mr Nobbs and if he feels that I would need to be more fulsome in terms of that I can endeavour to do some further work but they are issues that immediately come to my mind and I thought might be useful to give him that information

MR NOBBS A supplementary. I would appreciate it if the Minister would follow up on those questions and I think it is possible to have some sort of inquiry into it because of the concerns within the community in relation as to exactly what is happening with the market. I can't make a statement so I might leave it until a little later on

MR D BUFFETT Thank you Madam Deputy Speaker I'm happy to talk to Mr Nobbs in terms of where he would like me to make further examination, I'm very happy to do that. If he's asking me to commit to an inquiry I'm not too sure if I would do that at this moment but if there are specific areas that he would want me to be more fulsome about I'm very happy to talk to him further about that. Maybe I should say this, that one of the things promoting Norfolk Island has that is difficult is that we might have for example, fifteen hundred people living on Norfolk Island, let me give you reasonable assurance that, there may be fifteen hundred different ways wanted by that community to promote and pursue Norfolk Island's interest so it is sometimes difficult to draw some of these things together and I would quite accept that others may have other views at other times

MR NOBBS I ask the Minister responsible for the Public Service some three years ago the Administration commenced a review of the positions which from memory were known as a job evaluation process I think. Has the process been completed as yet and would the Minister provide details of its outcome and if it's not would he please explain the reasons for this and the possible completion date

MR D BUFFETT Thank you Madam Deputy Speaker is it complete. No. I would venture to say that it is far from complete. It's not an easy process and it has struck a number of significant snags. It has been going on for a long time also. There have been a number of efforts and attempts to undertake the job evaluation process. It relates to salary relativity and the like if I might use that term and that has been difficult. There have been a number of studies. There have been a number of groups that have been got together to make those evaluations and there have been some results although they may have been partial results. That part is not quite at the tip of my tongue but some results have been made available. The results that have been made available have not drawn favourable comment. They have thought to have not satisfactorily address some of the relativities within the Service and so there has been the thought that maybe that particular effort or method had not been successful and so there still remains outstanding the matter of completing job evaluations for job relativities. I can given the question to me today, have further discussion with the CEO to find out where this matter rests and to come and advise members but it is a difficult task and it is not complete at this moment

MR NOBBS I have a question for the same Minister as the Minister for Health. I'm not picking on him. It's concerning the medical evacuation of patients Minister. Are procedures put in place some several years ago where such medical evacuations are subject depending on extenuating circumstances of course, are subject to the opinion of at least two doctors before the evacuation process commences. Is that still in place

MR D BUFFETT Thank you Madam Deputy Speaker I'm not sure about that. I wouldn't want to say it isn't but I wouldn't want to be giving an assurance without maybe going and checking on that. Can I just say this however, that there is a team at the Hospital and that really means that there are consultative processes amongst the professionals. For somebody to be evacuated it does mean that there is a serious case and in those set of circumstances one would assume that there is a consultative process amongst the team and that may well give some partial response to the matter that Mr Nobbs has raised. But I may be walking into an unknown and unwitting and unwanted situation in terms of giving an assurance when I maybe should check that, that is the case and I'm happy to do that of course

DEPUTY SPEAKER Thank you. Further questions. There being no further questions without notice we move to Questions on Notice

QUESTIONS ON NOTICE

MR DONALDSON Thank you Madam Deputy Speaker I have two questions on notice submitted by Mrs Jack. The first question is, Can the Minister please list each Government Business Undertaking and indicate the date when the budget for each was signed off for the financial year 2003-2004? Well first of all I'll list the Business Undertakings. There's the Liquor Supply Service, the Postal Service, the Electricity Service, Norfolk Telecom, Lighterage Service, Norfolk Island Airport, Water Assurance Fund, KAVHA Fund, Norfolk Island Bicentennial Integrated Museums, the Workers Compensation Fund, the Norfolk Island Healthcare Fund, the Gaming Enterprise, the Cascade Cliff Sale of Rock Enterprise and the Offshore Finance Centre and the answer to the second part of the question was the GBE's budgets were signed off on the 10th July 2003 and I gave written approval for the operating expenditure as detailed in the third draft of the Budgets.

There was a second question I have on Notice. Question 2 was, and it deals with the debt situation in the Administration, the question reads if a "bad debt" is considered to be one owed beyond a 3 month period, then what is the total "bad debt" owed to the Administration/Government Business Undertakings in the following sections: Electricity, Telecom; Lighterage; Healthcare levy; Customs and Hospital. And in answering that question I would first like to clarify that a debt over 90 days is not necessarily a bad debt so there should be no inference drawn from any of the information I'm about to give you that the following amounts which are over ninety days are bad and will be written off. Firstly the electricity. The total debt owed to electricity as at 30th April 2004 was \$373,800 and the over 90 days portion of that was \$47,615 being 12.7% of the total debt. Telecom was owed \$465,641. \$61,471 was over 90 days and that represented 13.2% of the total debt. Lighterage, the total debt was \$116,951. The over 90 day portion is \$19,120 and that represents 16.3%. Healthcare the total debt is \$168,000. The 90 day plus is \$46,500 and that represents 27% of the total debt. The Hospital which is an entity outside the Administration and stands on its own has a total debt of \$478,037 and of that the 90 days plus component was \$283,592 which represents 59% of the total debt but I am informed by the Hospital Manager that a large part of that debt is under arrangement and is being reduced by part payments. The final part is customs. Customs does not run a debtors ledger. You pay your customs duty when you deliver the invoices to the Customs Office for clearance of imports. Just as a further comment, in the Appropriation Bill I'll be tabling later today there is provision for a new officer in the Accounts section of the Administration and the position is for a debt recovery agent within the Administration and the thrust of putting that position in is to alleviate some of the debt problems that are occurring

MRS JACK Thank you. A supplementary please. With regard to the Healthcare Levy left unpaid that still goes back to the September amounts doesn't it, because the ones handed out in February March don't even cover the 90 day period so in actual fact come the end of this month that could well increase again

MR DONALDSON Thank you Madam Deputy Speaker I think you could conclude that because there was a March Healthcare Levy and it's now only May, that none of that March Healthcare Levy debt had actually reached the 90 day limit so this must apply to the previous September Healthcare Levy or there is a portion of it that would apply perhaps to people who arrive on the Island and have to pay a pro-rata levy on arrival but that would only be small, but that would be an assumption I've made, that's not information that's been provided

MRS JACK Thank you Madam Deputy Speaker. Could I ask another please. You made reference to a Debt Recovery Officer. Are you going to do anything with regard to debt recovery assistance in legislation, by that I mean putting on a percentage of interest to overdue accounts, summons through the mail, as I've mentioned here before. Are you going to be getting any backing or incentive to that position

MR DONALDSON Thank you. Yes that proposal has been around for a long time, it's been with the Service for a long time, that perhaps we could charge interest on outstanding debts once they are over a certain amount, and two, in order to make the service of summonses easier, service summons by the mail but that is still with the service and I haven't had a response to progress that matter at this stage.

MRS JACK Thank you Madam Deputy Speaker . With regards to the Hospital and the long term debt owing there and they already are using a Debt Recovery Clerk, is it not so that they may be using a clerk but that amount is staying as a constant. It's treading water so is that position valid

MR DONALDSON Thank you. I guess that was aimed at me but I have very little to do with the Hospital though my ministerial has the finance position. I can't comment on the conclusions or inferences that Mrs Jack has drawn. I'm as aware there was a debt recovery person appointed at the Hospital six to twelve months ago. I'm not sure of the results of that appointment

MRS JACK Thank you could I then refer it to the Minister for Health Madam Deputy Speaker

MR D BUFFETT Thank you Madam Deputy Speaker the Hospital Enterprise did at an earlier time engage somebody who would have included in their task particular reference about debt recovery and as I understand it, that position continues. It has been said that the debt situation at the Hospital has not hugely decreased, that is true. It has decreased but it has not hugely decreased but what has happened is that those who do have a significant debt are now not in a situation of not doing anything about it but have been brought to a situation where there is recognition of their debt and progressive recovery of it, albeit on a phased basis, but that is an improvement on the earlier situation and the debt recovery person has been involved as I understand it, in those processes. The workload and the duties of that person whether it remains exactly relevant to the original recruitment or the original thought I'm not able to say off the cuff but I'm happy to make some enquiries to see whether that still stands

PRESENTATION OF PAPERS

Any Papers for presentation this morning

MR D BUFFETT Thank you Madam Deputy Speaker. I just want to put on the table some Tourism statistics. Particularly detail relating to inbound passenger statistics for April 2004 which was last month which brings us up to date in terms of collation of monthly figures. We had 2861 visitors to the Island last month and they have come from the tradition sources. From NSW 32%, from Queensland 24% from New Zealand 23%, from Victoria 11% and lesser percentage from other places but we will see from that especially in relation to a question earlier asked of me, that the major part continues of course to be from Australia and some 23% from New Zealand. The figures that I've tabled which is part of a bundle of five pages, also gives in terms of comparison the previous four years and the total to date in this year which is the financial year. Up until the end of April in the year 2003/2004 we have received 32,345 visitors to Norfolk Island. Last year we had just over 37,000 and the year before that we had 33,000. If you will remember my earlier words here this morning I mentioned that the year before that we had our highest figure of 40,221. The group of papers also provides an updated graph in terms of inbound passenger statistics for Norfolk Island which shows very easily discernable pattern, and that's handy for us to keep an eye on and to know about and the other range of accompanying statistics. I table those Madam Deputy Speaker with an additional page which is a result of our visitor exit survey and we are as I mentioned on another occasion and made passing reference to statistics earlier today, we are in the process of consistently gathering information so that it might be more telling and useful for us as the information increases in volume. This period to date is from the 1st January to the 30th April in 2004 and it covers questions like motivation to visit Norfolk Island, people's occupation, how they rate accommodation, whether they came in groups or families, where they have come from in terms of States and countries, the choice of accommodation, the age group and an interesting question about their discretionary spending. This is probably more useful as the body of information builds but it won't build unless we commence and this commenced on the 1st January so I include that in the figures that I've tabled

MR GARDNER Madam Deputy Speaker, I move that the Paper be noted.

DEPUTY SPEAKER
noted.

Thank you. The question is that the Paper be

MR GARDNER

Madam Deputy Speaker, I know there's been a tremendous amount of discussion in the community over numbers of visitors that we welcome to our shores on an annual basis and I think too often the actual total number is what's given emphasis and that if we are achieving a pretty good total number then things must be buoyant and rosy and there's not too much to worry about. My query, my concern that arises from the provision of the statistics that we have before us today of the April 2004 period clearly raise with me a significant concern. If I can go back to the figures contained in this paper for 2002 for the financial year to date to 2002, in other words, the corresponding period this year, there were some 28,254 visitors to Norfolk Island and they spent a total of 20905 days on Norfolk Island. If you were to translate that to this corresponding period in this current financial year, we've had almost 4000 more visitors to the island equating to 32438 in this financial year however, the decline in the number of visitor days spent on the island has been in the region of some 1400 or thereabouts. I may be off the mark here but it just appears to me that there may be a discrepancy in I guess blowing our trumpets so to speak about having wonderful total numbers of visitors when in actual fact, what remains on the island is declining, in other words the total spend of the period that remains on the Island is declining and that is of a significant concern to myself in particular. I would certainly be interested in other members views on that but it is something that I don't believe we can overlook

MRS JACK

Thank you Madam Deputy Speaker I would like to participate in this debate but I don't have the paperwork that I think the Minister has just referred to and certainly the Chief Minister has just referred to and certainly the Minister for Tourism has referred to and I'm just stating my displeasure at being left out

MR GARDNER

Madam Deputy Speaker, sorry I borrowed this from the Minister for Finance I think I may be in error about my quote. It refers to the particular month as far as the total days and obviously where there was roughly 120 more persons in 2002 translating to 20000 bed nights there still is in my view a decline and its obvious where they say the overall average of stays is 7.7 and dropping to 7.6 that's a percentage movement and a worrying concern I think in general about the trends and we need to be wary of it

MR BROWN

Madam Deputy Speaker just to help Mrs Jack, we are distributed regularly with a single page visitor information, by month document and that I have and I would have thought...

MRS JACK

I have that...

MR BROWN

the Minister has tabled another document which we haven't seen but once the Minister has tabled it we are all entitled to ask for a copy and the Minister has no obligation to circulate the document before he tables it. His responsibility is to table it. Our responsibility is to be energetic enough to ask for a copy and all that one does after the meeting is to ask the Clerk and along comes the copy. Madam Deputy Speaker I'm disturbed about some things. Firstly I'm disturbed that we are losing our politeness. The Minister has been reported in the trade press as saying that basically, he's looking for a different market for people to come here. He didn't say that we are wanting to add an additional segment. He said we are looking for a different market and that is the wrong way to go about it. I welcome each and every one of our visitors. I don't think anyone should be made to feel that their segment of the market is about to be thrown out with the dishwater and more importantly, it would be absolutely stupid to do so. The Minister was reported in the trade press as saying this year there's going to be close to a record number of visitors. The manager of the Bureau had assured us that the number would be in the region of 41000 which is still well short of the number set out in the Unity 2005 document which according to that

document we are seeking to have visit the island by the 1st January 2005. the Minister has now been reported in the trade press as saying he doesn't want that many visitors. Now perhaps the trade press has incorrectly reported what the Minister has said, and I certainly hope that there has been an error by the trade press rather than the Minister because it is not the Minister's role to change the already agreed target set out in the Unity 2005 document. But what I would also say if the minister really is the view that he wants to change something, for heaven's sake don't go out being critical in the press or in this House about our existing market. Nothing could be sillier or worse than that. Madam Deputy Speaker the Chief Minister has quite correctly indicated that there appeared in the April month to be a fall compared to last year. A fall both in terms of visitor numbers and in terms of bed nights and if one has a look at the April result and projects that into May and June giving it a little bit of leeway because although June's busy in Bounty Week its not busy for the rest of June, it would seem that rather than the 41,000 that the Bureau Manager has told us we are going to receive and rather than the 40000 that the Minister has told us that we're going to receive, the numbers could well be somewhere below 38000 and that certainly doesn't put us anywhere near a record year. Why has there been that decline. Well there's probably been a lot of reasons for that. We can't change the new Qantas subsidiary airline putting seats out at \$28 or \$29. we can't change Virgin matching that. We can't change cruise boats going out of various Australian ports with discounts of anything up to 50%,. We can't change that the new railway from Adelaide to Darwin is now operating and is drawing large numbers of visitors from our market. We can't change the fact that the Tasmanian authorities now have a car ferry sailing from Sydney to Tasmania, again, taking a large part of our market. So Tasmania is supposed to be booming. And do know another thing about Tasmania. You don't hear them saying oh we don't want visitors. You don't see them saying oh we don't want visitors over this many years of age. You see them getting out there, promoting their project, ensuring that they provide a quality product, making everyone feel welcome and succeeding and I would like to suggest to our Minister that that is a policy which we might do better to follow rather than the present one where the existing Bureau seems to have taken as an absolute instruction comments that were made by individual people at the think tank type[e affair that was made a couple of years ago. And as the Minister has already said today, out of 1500 people it's very easy to get 1500 different point of view and if you ask the same question three days in a row, you'll probably get closer to 4,500. so I hope the Minister will go back to the Bureau and suggest that they not take as an instruction from the Minister or from the House, that they should pursue everything that may have been said by one person at that particular think tank meeting. Madam Deputy Speaker there are some bright lights. One of the bright lights is that the Minister is regularly tabling documents and the new format in which they're tabled instead of just one or two pages per month we now have graphs and so forth, we now at last have the visitor comment cards being processed, even if it is only one in five of them that are processed so we are getting statistically, an idea of what's been said but I think we need to be far more careful in our criticism of the existing market that comes to the island, we need to ensure that, that market understands that it is totally welcome and that we are totally pleased to have them visit us and if the Minister wants to add a little to that market then good on him, that's worth a try, but don't throw the baby out with the bathwater. Think of it in terms of a small additional segment which the island would like to attract if that turns out to be possible

MR NOBBS

Thank you very much Madam Deputy Speaker I would just like to make comment. Mrs Jack was quite right and whilst the Minister is not obliged to deliver information before meetings and just table it as such we normally get which I can't find, but we usually on a monthly basis before the meeting we get a paper on what's arrived and what hasn't arrived and where they come from and from day and all this sort of stuff which we haven't received, which has confused me but we have a total passengers carried to Norfolk Island which I assume is locals as well as tourist, and I find it difficult to discuss these sort of issues if we don't have it and by the next meeting people tend to forget that those things exist or are not relevant and the like and I would ask the minister if he has data particularly of a nature of that which he quoted from that it

be made available to us and we have a reasonable discussion because he's perfectly correct. Everybody has their own way of doing things and everybody has their own views on these issues but there are certain things that we have available to us and a lot hasn't been used in the past and it's great that it's being pulled together now but there's still more information out there that people can have and then they can make a valued judgement on it and not a hearsay or personalised judgement on it. I've heard what other members have said in relation to other destinations and I would suggest that we should look at the relevant destinations to see what Norfolk Island has, what it is capable of attracting, what type of visitors its capable of attracting and then look at comparable markets in that particular area. I think its extremely difficult to compete with businesses starting up like the Gann and the like which are new attractions and have been gong for about six months or so, its extremely difficulty to compete and they should be put aside out of the equation and we should look at precisely what markets we've got. What money's been expended. There'll be a huge amount of a one of money spent on the Gann situation for instance whereas we couldn't actually compete with that. We should look at the situation of what flows on from the Gann trip. Do they come back on the Gann, or do they go overland or do they fly back. What do they do. Those are the sort of comparisons we need whereas they fly here and they fly out again. We've got them for x amount of time and we have to entertain them in a limited area with limited compared to other destinations, attractions. And that should be taken into account. I would have thought and it's been suggested that maybe if we got the industry together and I know it's extremely difficult once again, people have their own views and what have you and these sort of statistical information that was put before them and they had the opportunity of discussing fruitfully and openly with the Minister on a particular point and that's the sort of enquiry I would suggest Minister that you should have. Not a selected group but the lot but have information that you can give to the people beforehand so that they can come to some sort of decision there in their own minds before they come there, based on that sort of information. And that's all I have to say Madam Deputy Speaker

MR I. BUFFETT Madam Deputy Speaker I just make a brief comment on what Mr Nobbs has said. The last part in particular in getting the industry6 together. One of the important issues I thought we were going to do at the very beginning of this Legislative Assembly was to get the local industry together. But what in fact happened, is that we certainly got the industry together but we got a heckova lot of representation from off shore who came and told us what they wanted, what we needed to do and how we're going to go about it to please them so if what Mr Nobbs is thinking about is a local group, no externals, get the local mob together, have a talk and see if what we are really achieving is what we all desire in this game of tourism and have a good and open and frank discussion locally then I would strongly support it but not to have a get together and invite all the externals to come once more and tell us what they want of us. I think we've got to take a little look at ourselves and I think that's what Mr Nobbs is suggesting and I support it

MR NOBBS That's what I'm suggesting Madam Deputy Speaker. I went to the last think tank, I forget what the name of it was, and Mr Buffett's right there was a lot of pressure from outside and it didn't achieve what I thought it would achieve actually and I would have thought that one purely within the industry internal on the island here would be a major step

MR D BUFFETT Thank you Madam Deputy Speaker I wonder if I could just enter the debate again and respond to a couple of points that have been made and I do think it's important that I do put some of these things into context. One of the things that have been said of me as the Minister is that I have been critical, critical is the word that's been used a number of time, of the existing market. I really should clarify to Honourable Members Madam Deputy Speaker that I have been very careful to be appreciative, appreciative, of the regular market that we have in Norfolk Island they have been wonderful patrons to this place and they continue to be so my words have been careful to be appreciate of their customs. I have been equally clear however to want to

extend and broaden the range of visitor to come to Norfolk Island for a number of reasons and I think that, that has needed to be clearly enunciated to the trade press and I've equally gone about that businesses. There has been some toing and froing about the numbers. There are two things to be said again about the numbers. Firstly I mentioned the maximum figure of 40000 at the end of the financial year. 40221 if remember the correct figures, and that has been our maximum figure as far as I've been able to understand in our measures of more recent times. It seems clear that we are not going to exceed that figure at this time although there were earlier predictions that we may have done that but whether or no we do, and even if we are below that, there is every likelihood that we will be better than last year and certainly better than the year before and we need to be in that category but I'm not too sure that one should be whipped whether it be me the Minister or others who were involved in the promotional effort, because it has not reached a record situation again in this particular year because the other part is, that there is a dependence upon the value that people bring to the island. In other words it's the yield question, and that's what the additional statistics that I keep talking about and endeavouring to bring to you in terms of spread of spend that might then show to us, because it is a combination of the number of people plus the value of what they bring to the island. I don't want to labour that but I don't want it to go again unsaid and the efforts there whether or no we reach the 40000 mark, the efforts are still to be in line with the Unity 2005 document so they are not at odds with that situation and what the Bureau and myself as Minister is endeavouring to pursue is a consistent approach so that our message might have clarity as well as consistency. There has been talk earlier, Mr Nobbs mentioned an inquiry, and in the conversation of just more recent moments, we talked about the industry getting together so it might be useful if I mention to you that there is a proposal and the proposal is talking about August of this year, for there to be a further gathering of people within the industry that may have some similarity to last time although I note what has been said about the external factors on this particular occasion and maybe there is some finessing to be done in terms of that but I think I should say this clearly also, that if we think that we can pursue tourism from Norfolk Island without consulting those who work in the marketplace, then we are kidding ourselves. We do need to have conversations with those people. Now whether we allow them to rule the roost is another matter but we still certainly do need to have continuing and meaningful conversations in that area so there is a balance to be struck in those processes, is what I'm endeavouring to say in all of that and again to emphasise that the Board is working towards a gathering of that nature which can be finessed in the context of some conversations today and the aim is for the August timeframe. I thought that might be useful for Members as well Madam Deputy Speaker and why I sought the call a second time

DEPUTY SPEAKER
The question is that the Paper be noted.

Thank you. Is there further debate? No. The

QUESTION PUT
QUESTION AGREED

Are there further Papers for presentation?

MR GARDNER
Madam Deputy Speaker, thank you. As Members will recall at the April sitting of this House I tabled a copy of the Norfolk Island Annual Report for the year 2002/2003. Madam Deputy Speaker at that time it was an unbound version and I had indicated to my colleagues and to the listening public at that time that it was hoped that the bound copy of the Annual Report would be made available sometime early in May and Madam Deputy Speaker in an effort to keep the Clerk's and the House records up to date I now table a copy of the bound copy of Norfolk Island Annual Report 2002-2003

MR DONALDSON Thank you Madam Deputy Speaker I table the financial indicators for the ten months ended 30th April 2004 and move that they be noted.

DEPUTY SPEAKER Thank you Minister for Finance

MR DONALDSON Thank you Madam Deputy Speaker just speaking briefly to the financial indicators they are based on the revised budget and were approved by this House at the March meeting. The revised budget predicted a deficit in the revenue fund for the whole year of \$177,000, however at the 30th April on a pro-rata basis, income is \$32000 ahead of budget and expenditure is \$1.3m or 12% below budget. The combined effect of these two positive directional moves is that there is currently a surplus of \$1.2m in the revenue fund when you compare expenditure to income to date. The emerging expectation is that there will be a surplus at the end of the year and I table the financial indicators

MRS JACK Thank you Madam Deputy Speaker I'm just wondering if any of the surplus that's there, are they going to start any major capital works programs in the remaining few months of this year

MR DONALDSON Thank you Madam Deputy Speaker I've had no requests to run out and spend this money on new capital works projects. Attached to the financial indicators on page 2 are details of capital expenditure. The revised budget contained \$1.1m of capital expenditure. At the end of this 30th April period only about half that of \$585,000 had been spent or committed. There still remains some spending of capital expenditure that will happen towards the end of the year. We've allocated over \$200,000 for the information technology system within the Administration, that's the computer software and computer hardware and today out of that \$200,000 only \$40000 has been spent or committed but I do understand they are moving towards completing that project by the end of the year but apart from that there's been no requests for opportunity spending of surplus funds between now and the end of this financial year

MRS JACK Thank you Madam Deputy Speaker I note that the Minister just referred to in excess of \$200000 being spent on information systems. Dare I ask, does it mean one bill for all. One envelope. Is this what you are referring to or is it just generally EDP within the Service or are you looking at the billing system going into one account

MR DONALDSON Thank you Madam Deputy Speaker it is a further development of the Smartstream system that's been put into the Service. One of the things I hope for is a combined debtors ledger within this system that will provide for a lesser number of green envelopes or green statements to be sent out each month. I can't give a promise that that will happen by the end of the year but that is the direction we are heading in

DEPUTY SPEAKER Thank you. Further debate? Then I put the question that the Paper be noted.

QUESTION PUT
QUESTION AGREED

Are there further Papers for presentation?

MR DONALDSON Thank you Madam Deputy Speaker I wish to table a paper detailing the virements that have been made between 10 March and 30 April 2004; the 10th March being the last time that virements were tabled in this House. Madam Deputy Speaker section 32b of the Public Moneys Act requires that I table in this House any virements made between votes and as I've said on numerous occasions

before, such virements are really just a relocation of approvals from one vote to another and do not in any way increase or decrease the amount of money available to be spent. Accordingly I table a list of virements and copies of the individual authorisations for each virement

DEPUTY SPEAKER
we move to Statements

Thank you. Are there further Papers. No

STATEMENTS

MR GARDNER Madam Deputy Speaker, I have a statement to make regarding my recent visit to Canberra last week which principally was to attend the Ministerial Council on Immigration and Multicultural Affairs and during the course of that visit to Canberra I also took the opportunity to receive a status briefing on the current status with regard to the negotiations between Australia and New Zealand on the delimitation of maritime boundaries from Dr Greg French and Mr Dean Biolett from the Ministry of Foreign Affairs and Trade. Dr Greg French, Members might be aware is the leader of the Australian delegation in relation to the current negotiations on delimitation of maritime boundaries between Australia and New Zealand. Madam Deputy Speaker Mr Nobbs asked me a question in the House in April regarding my attendance at the last round of delimitation talks held in New Zealand in March and in response to those questions from Mr Nobbs I think I made it clear at that time that because of the confidentiality arrangements that pertain to those discussions between the two parties, that is the Australian and New Zealand Governments I was unable to disclose and continue to be in that position, unable to disclose the exact nature of the discussions in terms of boundaries that have been identified and continue to be the subject of those negotiations. They are still ongoing. However Madam Deputy Speaker I can quote from the press and it is useful that an article appeared in the Wellington newspaper in New Zealand in I think it's called The Dominion, in relation to the discussions between Australia and New Zealand in this matter and I understand that the Australian High Commissioner in New Zealand had indicated that the area that was still under significant discussion was an area associated between Norfolk Island and Lord Howe Island and that really was the last area of discussion. I think last month I had indicated that the remaining area that was the subject of discussion whilst in New Zealand was some 5% of the total and it did also include that particular area. Madam Deputy Speaker I need to make it quite clear that there has been significant press coverage in relation to the delimitation of maritime boundaries that had involved Australia over recent months and you were kind enough to loan me a videotape on I think a Four Corners program that related to the Australian negotiations with Indonesia at the time on the setting of maritime boundaries and the ongoing discussions now between Australia and East Timor in relation to the East Timor Sea. GAP and the Timor Sea Treaty. Madam Deputy Speaker it needs to be made quite clear that those negotiations in that area of the world are completely separate to the negotiations that are taking place between Australia and New Zealand. If there is some cross over its of the personnel that is involved in those discussions but more so of providing technical support and advise on physical attributes of the sea floor etc and things like that so a duplication of the expertise that's provided but certainly not a duplication of the negotiated team. I can report that the Australian and New Zealand officials that have been meeting on this matter for the last three years have referred the matter to their respective Ministers of their respective Governments and that means that the New Zealand team have referred the matter to the New Zealand Minister for Foreign Affairs Minister Gough and the Australian team to the corresponding Australian Foreign Minister Alexander Downer in relation to this matter and possibly subject to the agreement of both those Governments and both those Minister an announcement in a more formal fashion about the status of those negotiations is expected to be made within a matter of weeks and I certainly will welcome that. Just to add some more to that, Mr Nigel Fyfe who I think Members had the opportunity to meet when he was around with delimitation talks on Norfolk Island who is the leader of the New Zealand negotiating team or who heads the New Zealand

Foreign Affairs Legal Team, had said that the negotiations have dealt with geophysical characteristics of the areas of joint interest between Australia and New Zealand, that the teams have gone on to discuss the legal implications and how best they could determine the boundaries. He has indicated all the way along that it was always going to be a slow process. I've made reference previously to the fact that these negotiations have been underway for some three years, simply because of the nature of the negotiations. He has said that nothing like this has been undertaken by New Zealand before and has stressed in the Press that there has not been any directly applicable international precedent for the circumstances of this negotiation. That is because of the vast area that New Zealand has claim to and certainly the vast areas that Australia have laid claim to in the area under negotiations and they are significant areas and the clash between the two nations have centred about each of those countries territory on ridges and continental shelves and also their positioning as far as the extension of exclusive economic zones are concerned within the 200 mile zone boundaries, and where those areas have crossed for example between Norfolk Island and the Three Kings Islands, between Lord Howe and its characterised extended continental shelf as it extends towards New Zealand and vice versa from New Zealand toward Lord Howe and certainly in the great southern oceans where Macquarie Island exists which is an Australian territory and its associations with Campbell Islands and the South Island of New Zealand both as far as exclusive economic zones are concerned and the extended continental shelf that the process that has gone through in establishing these boundaries are using the principles set out in the law of the sea convention which I've previously referred to, known as the United Nations Convention of the Law of the Sea. It has been a priority of both negotiating teams and Governments to sort out the areas between them and in the long term to submit that agreement when it is finalised to the United Nations Convention of the Law of the Sea Commission for eventual ratification. Again there has been significant speculation in relation to delimitation of maritime boundaries and the reason for it. Indeed increased speculation in recent times about the delays in Australia and New Zealand coming to some sort of reasonable arrangement as far as sea bed boundaries and also EEZ and that basically speculation is in relation to the potential vast resources that may exist in those areas. To clarify that I need to say that I've been made very aware that I have been party to and have been provided with every document in relation to the prospective arrangements for those areas, there has not been a hole drilled in the ocean floor in the areas under negotiation as yet that have identified that there are any deposits of oil or gas or any significant deposits at all but there have been extensive surveys carried out in the Tasman Sea by two oil companies back in the 1970's and data has continued to be gathered by the Governments involved including the French Government on scientific matters and surveys that have been carried out jointly by those Governments in the areas under negotiation between Australia and New Zealand and as I said not a single barrel of oil or a smidgen of gas has been identified as yet. However that is not to say that there are not areas that are indicative of some form of prospectivity that may in the future when technology allows, to be able to be extracted and be of benefit to the parties involved in the negotiations. It wasn't my intention to go into quite so much depth in relation to the briefing. Suffice to say that after three years I think the negotiations are certainly drawing to a close and as I said earlier an expectation that a more formal announcement will be made in due course in relation to the discussion on delimitation of maritime boundaries between Australia and New Zealand and that further those matters will then be referred to the United Nations Convention of the Law of the Sea Commission for ratification following agreement by both countries. Following that briefing by the Department of foreign Affairs the following day I attended the Ministerial Council on Immigration and Multicultural Affairs. My primary reasons for wishing to attend that was for the opportunity to speak with the Hon Gary Hargraves who as my colleagues would know, recently visited Norfolk Island in relation to multicultural affairs and I also had an opportunity whilst he was on island to provide him with a briefing of what I proposed again without pre-empting discussion on matters before the House later on today the development of legislation for the hearing of immigration appeals on Norfolk Island by the Norfolk Island Administrative Review Tribunal and necessary amendments to our

Immigration Act and Administrative Review Tribunal to facilitate that action. I met in Canberra with Mr Bill Farmer who was the secretary to the Department of Immigration and Multicultural and Indigenous Affairs. We had some discussion on the continuing arrangements and the assistance that DIMIA which is the Department has provided to Norfolk Island in relation to the review of our Immigration regime and the improvement in the process of applications from persons outside of Australia and New Zealand. Unfortunately the Hon Gary Hargraves, the Minister for Multicultural Affairs was absent from that meeting. He had a more pressing engagement in his own electorate however I did have the chance to briefly discuss with the Federal Minister for Immigration Senator the Hon. Amanda Vanstone the proposals of the legislation that will come before us today. As is the situation when bringing legislation to this House the Commonwealth are pretty non committal on giving the nod of approval on legislation before it has passed however there has been significant agreement in principal to those concepts that are encapsulated in the legislation and so we'll be taking them forward. The Commonwealth will obviously be given an opportunity if they pass this House then to provide for the extensive comment that I'm sure that they will on that and hopeful agreement to those matters. From the conference itself I was as was each of the State Territory and New Zealand representatives, given an opportunity to provide an overview on initiatives and highlights as far as Immigration and Multicultural Affairs are concerned in each of the respective jurisdictions. I gave a five minute presentation on an overview of Norfolk Island immigration, how our immigration regime is structured. The particular legislation that gives effect to it, ie the Norfolk Island Act and our own Immigration Act. I also gave an overview of the proposed changes that we were looking at introducing and the reasons for that. An overview of our multicultural day activities that are held on Norfolk Island. An overview of the visit of Senator Gary Hargraves to the island last month and his request that we give some consideration to a commission being provided to undertake citizenship ceremonies on Norfolk Island by leaders of this community and particularly, the Chief Minister's office which is seen as an advancement of the principles of self government and the devolution of authority and also an overview of the cooperative arrangements that the Department of Immigration on Norfolk Island and DIMIA have entered into as I said on the processing of foreign applicants applications for settlement on Norfolk Island. The New Zealand representative gave an update on their immigration programme, particularly in relation to the settlement of refugees from the Tampa experience which was particularly interesting. There were also concerns as we have had in Norfolk Island about tourism and the industry. That is shared by most of the States and Territories in Australia as far as the potential increase of tourist or visitor numbers to Australia and certainly New Zealand in relation to the allocation of visitors visas which is seen as a potential hurdle for many of the States and Territories and the delay to that and other persons looking to move outside Australia as a visitors destination and that many of the expanding market that is available particularly in Asia with many hundreds of millions of people travelling these days, Australia is concerned about the numbers that they are not attracting simply because the processes that they need to go through require visas. Certainly the Commonwealth is looking to try and improve that and in a small way that may have a potential positive impact for visitors internationally coming to Norfolk Island. Madam Deputy Speaker there is a significant amount of paperwork that was attached to the Ministerial Council meeting, particularly paperwork from Queensland, Victoria and New South Wales, the major States so to speak, in relation to multicultural activities. I will certainly make that available to Members in the Members lounge and maybe put it into the keeping of the Minister responsible for multicultural activities and the office of the Speaker to look after those rather than tabling them and taking the burden to Madam Clerk as far as the records are concerned. Some of those are of particularly interesting reading about the activities that are undertaken in other places, particularly those States in dealing with multiculturalism. It was a useful visit in both terms as far as the briefing was concerned and also my attendance and the opportunity to discuss with the Federal representatives the legislation that I'll have before the House later today, thank you Madam Deputy Speaker

MR NOBBS Madam Deputy Speaker, I move that the Statement be noted. I thank the Chief Minister for his statement, particularly in relation to the delimitation zones. I won't be asking further questions in Questions Without Answers in future because I'll just have to read it in the paper because I seem to get more information but I would on a more serious note, I would really like to ask, what is the role of the Norfolk Island Government now that it's gone to Ministerial level. What role do we play in this

MR GARDNER Madam Deputy Speaker, as my colleagues would be aware, Norfolk Island lobbied pretty hard back in about 1998/99 for inclusion in any negotiations or discussions that would take place in relation to the delimitation of maritime boundaries between Australia and New Zealand and I think Mr Nobbs was at the forefront of that lobbying. As a result of that we were invited to take a seat on that negotiating team as part of the Australian negotiation team. We accepted that responsibility. The first opportunity to attend was early in the life of this Legislative Assembly and with Members' endorsement we took a seat on that negotiating team and I think I've attended all but two I think of those rounds of negotiations and now that it appears that the lines in the sand may be closing in on finalisation the matter has been referred back to the respective Governments to ensure that they agree with any outcomes that have to date come from those negotiations but the Norfolk Island Government has no further continuing role unless it is asked that those negotiating teams be drawn back together again, in the event that those respective Australian and New Zealand Ministers don't agree on the progress made to date

MR NOBBS I'm particularly disappointed that we can't be involved in the ongoing negotiations that obviously will occur between the two at ministerial levels but be that as it may if we've agreed to that, that's it, but the situation is really based on the Four Corners programme, and we seem to be going into the media fairly well this morning, but based on that I would be quite concerned if New Zealand haven't had a lot of experience in this particular area because there are some real problems and whilst it's fine to talk about the UN arrangements they don't seem to have happened in that area and that's why I thought that we would still be putting our two bobs worth forward

MR GARDNER Madam Deputy Speaker, just in response to that, the negotiations and eventual ratifications are taken under cover of the United Nations Convention of the Law of the Sea and as I've said in previous answers to questions in this House there are State signatories to that convention. We are not a State signatory to that convention. The two State signatories are Australia and New Zealand. That means that the negotiations and the outcomes will be ratified by the United Nations. One of the matters that I did seek on briefing was just clarification on insuring that if both the Australian and New Zealand nations were making claims and they had agreed the claims that were not in accord with the United Nations Convention of the Law of the Sea does that necessarily mean that the United Nations Committee was going to ratify that. I'm assured that, that is not done that there is very careful consideration given to the agreement. The boundaries that are drawn on to ensure that they comply with the requirements of the United Nations Convention

DEPUTY SPEAKER Mr Robinson? You sought the call?

MR ROBINSON No Madam Deputy Speaker. I'll only get annoyed and wonder why we can get away with sending someone to have discussions over our waters and our EEZ but Mr Gardner has answered that and it's a UN affair. Perhaps we should be doing something about that side of things

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

QUESTION PUT
QUESTION AGREED

Are there further Statements for presentation?

MR I BUFFETT Madam Deputy Speaker thank you. It's not so much a statement of an official nature but it's a method that I've been informed is the best way to answer a question that I thought was to be put on notice for this Sitting, that Mr Nobbs asked me last time. I invited him to put them on Notice. He didn't but I've got some answers for him so I'll be going from delimitation to what we are not throwing in the sea. Mr Nobbs asked at the last sitting Madam Deputy Speaker if I could give him a list by type quantity and category a list of waste exported from the Waste Management Centre to Australia from 1 October 2003 to 30 May 2004. I gave an indication of that. I have a definitive answer to that question here. To this point the 44 pallets have already been recycled and ship on voyage 26North, they contained 12 pallets of crushed aluminium cans, 14 pallets of crushed steel cans, 18 pallets of car batteries. At the moment we have ready for shipping, when the ship can take them, 14 further pallets of crushed aluminium cans, 5 pallets of crushed steel cans, 16 pallets of asbestos waste to be disposed of on the mainland, 2 pallets of shredded aluminium extrusions, 3 pallets of copper, a pallet of glass and 5 further pallets of car batteries all ready to be shipped at this point, off Norfolk Island. Madam Deputy Speaker coupled with that question Mr Nobbs asked me to be cautious regarding the forthcoming budget and referred to some figures in that budget for the Waste Management Centre and Water Assurance Fund. At that time I indicated to Mr Nobbs that what he was looking at was the first cut of the budget. Colleagues will recall that the Minister for Finance informed us at the Monday meeting that the revised budgets for the GBE's are now being prepared. I have not had the opportunity to go through all of what's been cut from those budgets but for the purpose of this answer so that we'll all be discussing those budgets, and to discuss further details and more fuller details of how the cost expenses are and what we've incurred once we finalise those GBE budgets. Thank you Madam Deputy Speaker

MR NOBBS Madam Deputy Speaker, I move that the Statement be noted. There's a difference of opinion in this area. Ever since I've been here I've always believed that a Minister once he takes something on Notice, that he will respond to it. Now apparently it's not the way things are done, but that's the way I always thought it was done and that's the way I always responded when I was a Minister

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

QUESTION PUT
QUESTION AGREED

Are there further Statements for presentation?

MR I BUFFETT Madam Deputy Speaker, I have another short statement and its evolved from some questions that a couple of Members have asked me during the week and once again I thought I would have been asked these in Questions Without Notice, but I'll make a short statement because it's a matter of current interest. It's in respect of the Supreme Court action in which the Administration is involved with SMEC and Kaipara who worked on the Cascade Cliff Safety Project people. Kaipara have lodged a stay motion and this has been set down for hearing in Sydney on the 10th June 2004. In addition, it is the intention of the legal representative of the Administration to file a motion returnable before the judge on that same day the 10th June seeking directions as to the conduct of the proceeding to trial. If Kaipara is successful in obtaining a stay, of course it is intended to seek directions against SMEC only and that's about as much as I can say in respect of the position of that matter. For those who are interested in following it, it's in the

26 May 2004

Supreme Court of Norfolk Island that will be sitting in Sydney on the 10th June 2004 and that's all I have to say in respect of that

DEPUTY SPEAKER

Thank you Minister. Are there further Statements

REPORTS FROM STANDING OR SELECT COMMITTEES

We move on. Before calling on the Report I inform the House that Mr Ivens Buffett on the 3rd May 2004 advised that he wished to be discharged from membership of the Committee and I table the letter received from Mr Buffett. Thank you

SELECT COMMITTEE INTO ELECTORAL AND GOVERNANCE ISSUES – TABLING OF COMMITTEE'S REPORT

MR BROWN

Thank you Madam Deputy Speaker I present the Report of the Select Committee into Electoral and Governance issues and I move that consideration of the report be made an order of the day for the next sitting. Madam Deputy Speaker I wonder if I might just say a couple of words so that people might know what we have done. The Report contains something in excess of 40 pages and at pages 15 and 16 of the report there is a list of references, that is, a list of documents. Some are books. Some are papers. Those documents referred to are contained in the red folders that I am also presenting. Some of them are subject to copy right and so the red folders are not available for photocopying but they will be available through the Office of the Clerk for inspection at the Legislative Assembly by anyone who wishes to look at them. The report however will be able to be copied and at a modest cost, any Members of the community who is interested to obtain a copy of the report will be able to do so. Because the report has only been tabled today it is intended to give time for Members and for Members of the community to read the report, consider it, form views about it and to express those views to Members of the Legislative Assembly prior to our next meeting at which time we will hopefully consider the report and adopt such parts of it as are agreed and perhaps amend any parts which are not agreed, thank you Madam Deputy Speaker

DEPUTY SPEAKER

The matter before us is that the matters for consideration of the report be made an order of the day for a subsequent day of sitting. That's the Report of the Standing and Select Committee

QUESTION PUT
AGREED

That motion is carried

Honourable Members it's mid-day. We now move on our Notice Paper to the matters of legislation. Is it your wish to break now and deal with the legislation after lunch break. Yes. Then I would suggest to you that we resume at .1.30 this afternoon

MR DONALDSON

Thank you Madam Deputy Speaker could I just raise a query here. You've skipped over an item on the agenda here called Message from the Office of the Administrator and that's a necessity for the Appropriation Bill that I'll be presenting

DEPUTY SPEAKER

Thank you Mr Donaldson. I think it is more appropriate in this instance, because that is a Message from the Administrator concerning the Appropriation Bill, that it be heard immediately prior to the debate on that Bill

MR DONALDSON

Thank you Madam Deputy Speaker

DEPUTY SPEAKER

So, as it's agreed by Members the House stands suspended until 1.30 this afternoon

APPROPRIATION BILL 2004-2005 – MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 30

SPEAKER Honourable Members we reconvene after lunch and I call upon the first notice. As a prelude to that, I report Honourable Members that I have received the following message from the Office of the Administrator, and it is Message No. 30. Appropriation Bill 2004-2005. 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 authorise expenditure from the public account for the year ending the 30th June 2005. The Message is dated the 25th May 2004 and signed Grant Tambling, Administrator

We move to Notices Honourable Members

APPROPRIATION BILL 2004-2005

MR DONALDSON Thank you Mr Speaker. I present the Appropriation Bill 2004/2005 and move that the Bill be agreed to in principal. Mr Speaker in speaking to the Bill the Appropriation Bill has the purpose of authorizing revenue funding expenditure from the Public Account for the year ending 30th June 2005. The Bill is required by the Public Moneys Act 1979. The Bill in front of us deals with revenue expenditure approvals contained within the revenue fund budget. As you would be aware the budget has been prepared by the Administration from departmental budget bids covering the expected expenditures in the areas of salaries, recurrent expenditure and capital Expenditure. These bids are then reviewed by the Corporate Management Group, a group made up of the CEO and Executive Directors and on occasions senior members of the public service staff. It has been discussed and reviewed with the relevant Minister and then discussed with other members of the Legislative Assembly and where appropriate has been resubmitted to the Corporate Management Group for further review. This process reduced the original budget bids from \$16.6million in the first draft to \$13.3million, a reduction of \$3.3 million dollars. The Appropriation Bill before us Members, seeks expenditure approvals for \$13.3 million dollars which is within \$100,000 of last years expenditure approvals. This expenditure is divided into salaries \$5.8 million, that's a 4.6% increase on last years amount, recurrent expenses \$6.4 million, that's a 3% decrease on last year, and capital expenditure \$1.1million which is substantially the same as was granted last year. Mr Speaker, the Revenue Fund has responsibility for a large and diverse range of activities and included in the \$13.3million dollars sought are the following big ticket items which account for \$9.3million dollars or 75% of total expenditure sought. I'll just list those and I think there's ten of them. Education we are seeking \$2,145,000, Welfare we are seeking \$1,756,000, Legislative Assembly we are seeking \$545,000, Roads \$855,000, Works \$1,203,000, Forestry \$358,000, Police \$451,200, Hospital Subsidy \$843,500, Tourist Bureau Subsidy \$800,000 and the Norfolk Island Governments contribution to the management of the KAHVA area \$290,000. All up that's totals \$9.3million of the \$13.3million can be accounted for by ten major areas. Budgeted income for the next financial year is predicted to be \$13.06 million dollars which is \$25,000 less than last year. This means that the predicted budget outcome is a deficit of approximately \$250,000. In arriving at this figure there has been a conservative approach taken in assessing next years income and provided there are no abnormal events during the year which adversely impact on the economy of the island then the income targets should be achieved. Members will be aware of a Revenue Review Options paper prepared at our request, and I emphasise that it was prepared at our request, by the Commonwealth Treasury which addressed six possible revenue options for our consideration. At the time of the 2005 budget preparation no increase in revenue has been included in expectation of adopting any of the recommendations, although further investigation of the options is proceeding and that further investigation could result in additional income before the end of this financial year that we're talking about, that's the 30th June 2005. In Summary, Mr Speaker, the Budget and the subsequent

Appropriation Bill that will lay on the table until the next sitting of this House are a joint effort of the Administration and the Assembly. Preparation of this budget has again identified the difficulty in achieving a balanced budget in a time of rising costs and rising expectations by the public of the services that the government should provide. The process of balancing the budget has had the effect of enforcing savings and I emphasise that point, the process of balancing the budget has had the effect of enforcing savings within the public service of Norfolk Island to ensure that the Norfolk Island Government and Public Service live within our means. Mr Speaker I table the Appropriation Bill 2004/2005.

MS NICHOLAS Thank you Mr Speaker. There is certainly a distinct sense of déjà vu for me here today. Most of the things I could say would merely repeat what I said last year and the year before. It seems to me that there's been minimal progress made towards broadening our revenue base. There has been minimal self examination designed to ensure that our expenditure is effective and services efficient. What progress has been made with the Organisational Review within the Public Service? I think we learnt this morning, probably not much. What across the board business performance indicators are in place? Don't know that there are any. What is happening about the implementation of Spread of Hours? What debt recovery process has been put in place by the Administration and what analysis has been done of those not making payments? Have any meaningful steps been taken towards cost minimisation? I think the only control that's been put in place is that of supply. There is an argument for either privatising or partially privatising the Government Business Enterprises and at very least they should be put into the hands of business managers on performance contracts. On the expenditure side of this current budget I am relieved to see that the Legal Services Unit is to be fully staffed and funded. However, there is still no provision for a health co-ordinator and just looking at the figures that have just been given to us, there's a substantial amount of money going towards our health issues on Norfolk Island. We continue to have escalating costs in areas of HMA and welfare generally. Community Health Care is minimal for the people of Norfolk Island and we need to address these issues. There is a report from Commonwealth Treasury to be dealt with which the Minister has mentioned. We asked for it and it's recommendations must be considered. The Minister for Finance may not wish to consider integration into the Australian taxation system and certainly the Federal Minister Ian Campbell made it clear that he doesn't believe it is the best path for Norfolk Island to pursue either but without modelling, without enquiry, none of us, around this table or in the community, can be well informed about increased taxes or a broad based consumption tax or anything else. Unless significant revenue is forthcoming from somewhere, as yet unrecognised, there is a choice to be made, between a rock and a hard place I agree, but that informed decision must be made in order to broaden our income base to ensure that our economic stability which is of vital importance for Norfolk Island to survive in its own right. That's all I'll say at this stage thank you Mr Speaker. I am disappointed that those issues have not been addressed

MRS JACK Thank you Mr Speaker. I'm having a lot of problems with this Bill. Firstly, I don't think the revenue side to this document has been considered enough and in this way Mr Speaker, I mean both in looking at new sources of revenue and indeed looking at the GBE proposals because really, how can any of us make an informed decision when we don't know, haven't even looked at the GBE's. This expenditure relies on x dollars from Telecom, x dollars from the Bond and so on and we haven't seen those budget proposals and won't until the 9th of next month. To me, especially in such financial insecure and tight times as we are in at the present, revenue and streamlining staffing and management functions need to be closely monitored. After all, there is the expectation of \$3.7million revenue from these GBE's to help offset a \$13.3million expenditure in this budget. I have made some figures from the financial indicators that have come to us as Members over the past and also from income statements over the various years and over the last four financial year we see that customs duty has decreased some \$260,000. We see that FIL has decreased

some \$130,000. And the same goes on from other taxes. Earnings from GBE's have gone up some \$380,000 but when you look at the total revenue overall, we see that the increase from these sources of income has risen only \$300,000 and if we are to take into account inflation at 4% over these years, we should see that the last financial year we were expected to have \$12.5 million when in actual fact we had \$11.4million so we are not keeping pace with inflation. On the expenditure side, if you look at the expenditure from the administrative costs and charges, this has gone up \$300,000, some 12.5%. the hospital subsidy has doubled. Education has risen by some 25% and welfare has also approximately doubled yet during these times we've had the building boom, increased visitor numbers, a change in duty on cars and still we haven't had a match in inflation or running with it so even though you would like us personally to have a positive slant on things, I find it is very hard to when we are not even keeping pace with inflation. So what really do these figures tell us. Well one, that we are living beyond our ability to pay. That expectations are driving some of the issues and for 1600 these expectations are too high. They are great but with such a rocky base as tourism, perhaps we have too much too soon. Indeed what would any of us go without. Do we go back to only one doctor. Well we'd never get one. So do we look at two doctors. And everybody around this table knows the problems that used to come with having only two doctors so we forget that idea. Medivacs. Do we say, right, from now on everyone must have private travel insurance. Some people think this reasonable but what about those that won't be eligible for it. Do we just say tough. Do we say to all the young people living on Norfolk Island that if you are going to start a family then we're not going to have a maternity section so all the pregnancies are going to have to be catered for offshore. Indeed we are not. So do we look at education. Do we look at localized wages for the core group of teachers. Do we look Years 11 and 12. Do we look for parents with children in kindergarten to pay x number of dollars. For those who have children in primary to pay x number of dollars and so on for the 7 to 10 years and then 11 and 12 years. I can already hear the responses Mr Speaker coming loud and fast. And it is the same in whichever area we look at. We all have our separate expectations and comfort zones so we must look at increases in efficiency and productivity and if we can't find a way of streamlining or getting more bang for our buck then we just have to look at perhaps tendering or semi partial privatization as Ms Nicholas has mentioned before and I refer my colleagues to a background paper by the House of Representatives on economic and social impacts of privatization of regional infrastructure in Government Business Enterprises in regional and rural Australia. It's an interesting document Mr Speaker and it sets out advantages and disadvantages that have become apparent since the implementation of full and partial privatization. I know that there are ways and means of getting more bangs for our bucks in some of these areas and definitely in some of the GBE's but it is because of insufficient knowledge or training, poor management practices that are allowed to continue and oversight by persons who have never been in private enterprise that allows a lack of efficiency and productivity to continue. No one person or group is to be held responsible. Just various combinations and permutations over time started what I perceive to be a decline. The third problem is what isn't mentioned in this document and that is what lies buried in it. And I'm talking here of the OH&S issue or the occupational health and safety issues. We've picked up this system and are running with it and I feel that this together with insurance demands and risk management are going to bury us. Yes we need better work practices. Yes conditions such as using electrical power tools whilst standing in a pool of water in a shed with one side and a roof that's seen better days are dangerous and should never have been allowed to get to that stage but why have we not listened to managers more. Why have we a system on board that is a giant millstone around our necks. Yes it is great but can Norfolk Island 1) adhere to it, 2) afford it and 3) will it ever be finished. There are OH&S concerns all over the place and just how far will it all go and to what detail. I shudder. I'm told that it will be a gradual process. Well I read that in Bureaucratic speak that ought to be years. That matters are being prioritized. I read here that the list will never be finished and that there are costs involved that correct and recognize safety issues do cost money. At this point I read that this exercise is going to bleed us dry. Look. We need safety measures but we need to look at things on a scale

that suits Norfolk Island and that is within our capacity to pay and meet, not standards set by outside forces. I can refer to a memo to the Minister for Finance. I don't see it has any confidential arrangements on it. But in it, it talks of the changes to Government enterprises which listed the OH&S service proposed putting into the airport, the electricity service, Telecom, Lighterage and Water Assurance some \$317,000. It has been trimmed down to \$22,000 so one says, if you can trim it down is it still being efficient. I know that it's a bit of cross purpose here but you wonder if we can cut it down that far, is it still as efficient and worthwhile putting in, so I ask that perhaps now would be a good time to reassess this service, the goals, final aims and expectations, methodology, costs and so on. To put this on a Norfolk Island slant. I'm not saying get rid of it. My full concern Mr Speaker involves some of the asks in this document and I refer here to being told that some of the money for the Immigration Department is for a laptop computer in order to assist the taking of minutes. Now that's all well and good but it just means that the minutes are going to be taken on a laptop. I have heaps of problems with that. If it's going to mean that the minutes can be distributed as the Members of the Committee walk out the door, then that's great. If it means that the processing of the applications for immigration or GEP or whatever are going to be processed faster. That's great too. But if it just means that we have a laptop computer to take minutes, then I object to that. A shredder. That may be a minor point but I thought they were rather padded at \$650. A debt collector for Administration is a fine idea but as I mentioned before I feel that we should also look at the interest added onto bad debt and also summonses through the mail to give them a little bit more oomph. My other concern, concerns the Forestry and Works Department. Now whenever any of us leave our home and go and enjoy the parks and reserves or picnic areas on Norfolk Island we are enjoying the work done by Forestry and Works. There are also a lot of commercial enterprises who make money out of Forestry and Works endeavours and I feel and this comes down to the revenue side of it, that a cold seat tax for buses could have been looked at. It's been spoken of down here for years but it is a positive aspect that could have been considered and I think encouraged. The nursery aspect, the only problem I have with the Forestry is the nursery aspect in the prices that it sells its plants for. I feel that those charges should go up a tad. I realize that they are to encourage the public but at the same time, if the plant isn't available they'll still go and buy a plant for a much higher price at one of the nursery's. I'm not looking for a cost neutral or a cost effective exercise in these areas by any means but I think there are ways to make more money, more effectiveness say for Forestry so \$350,000 cost with a \$93,000 revenue base and I just think more money could be made for it. Airport security, part of this exercise highlights some of my concerns because with the stroke of a pen, twelve more persons became part time employees, approximately an 8% increase. I've had concerns over the costing of this area and was assured that there would be no cost to the Administration. Indeed over a period of time all costs would be met through revenue income from charges made to the airlines yet in a letter made available to us the other day we see however that any additional costs will be minimized by absorbing cost increases to the greatest extent possible and through prudent and efficient management of airport security and services by the Administration. I find that it's either going to be a partial cost saving or its going to be no cost to the Administration. Not one or the other. In this area new staff are in the process of being trained and we were given the following amounts as I recall for possible training cost implications. \$500, \$1000 up to \$5000 for a person to change. It's since settled back at around \$1200 and all these attempts have made me more than a little nervous Mr Speaker and I wonder just how accurate the final figure is. So Mr Speaker I've mentioned some of my concerns with this Bill and I reserve full judgment on it but I look forward viewing the GBE budgets and I look forward to further discussion with the Minister because I feel there's a lot more to be done on this Bill. Thank you

MR GARDNER

Thank you Mr Speaker, my debate today will centre basically on those areas that I in my ministerial capacity have responsibility for with some brief comment on some of the wider ranging principals and concepts that are encapsulated in the budget that's before us today. Mr Speaker as Members around

the table would be aware I guess I'm the poor relation as far as the executive Members are concerned in that my portfolio responsibilities are limited in their draw on the revenue fund budget however it is important that I do make comment in particular areas. The first of those is in the recurrent expenditure area regarding the Remuneration Tribunal and the Administrative Review Tribunal. There are funds obviously that continue to be provided for the operation of both of those, the Public Sector Remuneration Tribunal have recently had appointed to it the new remuneration tribunal in the form of Judge Burchett. He has already as I understand considered in this financial year an application from the HOSPITAL staff. It is expected that there will be further applications to the Public Service Remuneration Tribunal in the next financial year. Funds have been made available for that. Funds have also been made available in that area for some training aspects particularly associated with the ART and something that we need to bear in mind that this Legislative Assembly in the remainder of this term and the incoming Legislative Assembly is that subject to successful passage of legislation later today there may well be some added cont implications for the ART in relation to the immigration appeals.. I don't expect those to be tremendously great costs, but something we need to bear in mind as we consider the budget this year. My next center obviously is the Legal Branch and I'm grateful to Ms Nicholas to hear her support for the added resources that will be available in that area. Certainly it's been demonstrated and justified in recent months with the additional staff that have been working in that area that it has produced results. We certainly are enjoying timely advice when advice is sought from the Legal Department. There is certainly a great deal of complex issues that a number of the Administrative arms of the Administration have to deal with and consequently they do have increasing requirements to seek legal opinions and views in different matters and we are being supported by very competent persons in that area at the moment. One area of concern hat Members had raised was in relation to the Crown litigation and advising. Though it's down from the \$280,000 last year to \$200,000 this year the purposes of the establishment of that level of funding are the same as they were last year, in other words the ongoing requirement to be able to fund Crown litigation and the advising sector, that is primarily directed, the funding is primarily directed to the resolution of the Cascade Cliff Project problems that have been experienced. I know that the Minister for Land and the Environment made some comment about that earlier today so we have to make provision for that. It is expected that, that continue though it was expected that it would be finalized before the end of this financial year but as these things do they become more complex, more complicated and have dragged on beyond what was reasonably expected to be a time for finalization of that matter, hence the need for continuation and funding and at obviously a slightly reduced level at this stage. In the Immigration office I know Mrs Jack made mention about a laptop computer. My understanding is that was provided as part of their requisites in this current financial year so it's not a matter that's been dealt with in the new financial year or in this budget, however I am pleased to say that provision has been made in this budget for the population policy study and that came out of discussion around this table my Members seeking to review the 2% population policy that is often referred to in this House to give more meaningful guidance to this Legislative Assembly and following Assembly's on the level of population required and obviously the impacts that flow from an increased population or a population staying stagnant as we've experienced in recent years. I expect to have something to Members towards the end of July for consideration for the establishment of a new policy. I'm pleased to see that we're continuing with the revenue base investigation with the sum of \$50,000 in this year's budget. I am disappointed though in that area, this is my third Assembly and for three Assemblies' we've been talking about how we are going to investigate our revenue base and how we are going to improve it. I daresay that the 11th and 12th Legislative Assembly and the 13th Legislative Assembly and every other Legislative Assembly from hereon in will be grappling with the same problems about revenue. Where we're getting it from. We're not alone in that. Every other Government on the face of the planet faces that problem but it is something that really does, and my disappointment stems from the fact that we really haven't as an Assembly, I don't blame any one particular person for this, but as an Assembly we

haven't gone out grabbed it with out teeth and really got stuck into it. There have been different commentators in the community that have maybe praised the Office of the Administrator for initiatives taken with the Australian Taxation Office. Look, those things need to be corrected. It's as simple as saying that, that initiative to go to the Australian Taxation Office was an initiative that came out of this forum through the Office of the Administrator to Treasury and thank you Minister for Finance for correcting me, the Treasury not the Australian Taxation Office, to begin those investigations. We have a paper widely circulated in the community, it's on the Government website to discuss the options that are available to us for taxation. It is a job of this community and through this Assembly to channel it's views into an understandable taxation regime for this Island to make the hard decisions and to implement it and get it in place and get moving on it. There is obviously widespread debate about what form that should take and without going into the detail of the six options that are provided in that they stem basically from full integration into the Australian taxation system into as far as just increasing our current taxation regime. Those are things that we need to get some consideration to. We need to workshop it. We need to get on with it because the Island cannot afford not to have an answer to our revenue base and the required increase in that revenue base to meet future expectations of this community. Just in relation to that there has been and maybe it's not the flavour of the month around this table to mention Focus 2002 but there was an investigation that was undertaken. There was a look at expenditure and I know Ms Nicholas mentioned that earlier. Those things had been looked at. I think the result of Focus 2002 in my mind, and it's only my personal view, but in my mind I think it was identified that you can't really go trimming things any more then they've already been trimmed. It may be there's some minor modifications that could be made on the edges but at the end of the day to address our long term commitments and requirements in this community we need to turn our attention away from expenditure. Certainly there is a role to maintain oversight of that but to turn our attention away from expenditure and look at how we can address the revenue side of things. It's something that in the remainder of the term of this Legislative Assembly we need to give some priority to and certainly to encourage those Members that will make up the 11th Legislative Assembly to encourage them as a priority to address and finalise in the interests of the future of this community. I move on to the welfare vote, contribution to the Legal Aid fund, there may be persons out there that see this document and say well look, Norfolk Island is not contributing to it. What's happening to the Legal Aid fund. Basically the answer to that is that the Memorandum of Understanding between the Commonwealth and the Norfolk Island Government in relation to legal aid has in it an equation for level of contribution from both Governments to maintaining that fund there is a top figure and when that's reached the contribution ceases and that top figure has been met. I think it's around the \$300,000 mark. Certainly the fund contains funds in excess of that at this moment so there is no requirement in the next financial year to make any further contribution to that however, when funds drop below that agreed level there will be a requirement. Maybe the next Legislative Assembly will at the next budget next year will need to look at that subsequent to developments in that area as far as legislative amendment and amendment to the Memorandum of Understanding which I've spoken to in this House and to Members at length about. There is a further provision in the welfare votes for the Coroners Court. Some \$1500. Next to it with the word training. That is because of the re-arranging of the Coroners Court and the recruitment of a new Deputy Coroner with the retirement of Mr Ross Reynolds from that position. A retirement as is appropriate in a position of that type to provide some training and it is hoped that, that training will be provided through the ACT with the assistance of the Chief Magistrate who sits with the Coroner currently on Norfolk Island. There's one other area and obviously it's going to stir up a bit of a storm and it's a general observation on the budget and it wasn't really until the Public Service the Minister for Finance in this case in this year provided us on page 48 of this document a graph showing the budget comparisons by expenditure category that I really did realize the cost of maintaining the Legislative Assembly is a major burden on this community. Without saying too much more about that it is something that needs to be borne in mind by future Legislative Assembly's as to just what level of expenditure this community can

continue to bear for the cost of Government so to speak in the form of the Legislative Assembly on Norfolk Island without saying any further comment I'll move on from that one but it is an important one and we need to bear it in mind. To the subsidies and grants costs No 290, in those particular areas I have responsibility for the Army Cadets programme and I'm pleased to see that the Norfolk Island Government and the Legislative Assembly support for the Army Cadets program on Norfolk Island will continue. I think it can be argued that it has been of immense benefit to the youth of the island for those who have participated in that and all credit to all those persons who have been involved, particularly Mr Tim Sheridan who at this stage is the commanding officer of the Cadets Unit on Norfolk Island for the work that they have done and continue to do on Norfolk Island. I think it's a tribute to those persons, their dedication to the task and for the provision of an outstanding service to the youth of Norfolk Island that, that continue. The Sports Promotion Grant for the second year running has been reduced to \$6000. In previous years that had been up to a level of \$12000 and we found that it wasn't being utilized. We've trimmed it back and in this last financial year the number of applications for Sports Promotion were disappointingly low and we were only able to provide half of the moneys that were budgeted for. I guess in a gesture of hope that the sporting community on Norfolk Island continue to want to fly the flag for Norfolk Island. I have given my full support to retaining the \$6000 in the hope that that's going to assist with sports promotion and in due course with the promotion of the Island with a tourism perspective and this year I have supported the re-inclusion into the budget of the grant to the Youth Sports Fund to assist again in the development of youth on the island and in particular, sport. That totals \$11000. Still \$1000 less than the 2002 budget had in it but as was identified late in the last financial year there was a significant demand from the Youth Sports Trust Fund for assistance for the youth on the island for attendance at major competitions and also to assist with training and coaching in the youth field and I wholeheartedly support that grant to the Youth Sports Trust Fund. They do outstanding work, have in the past and certainly my view is that they will continue to do that. The contribution to KAVHA as Minister responsible for KAVHA has changed little from that in the last five or six years as far as the total is concerned. Mrs Jack did make mention of Occupational Health and Safety. That is something that needs to be considered. That is something that the manager of KAVHA has taken on board as part of his role in providing advise back to the Chief Executive Officer about Occupational Health and Safety issues. I've had discussions with him on those. He has identified three particular areas to do with Occupational Health and Safety in the KAVHA area and though he would have liked to have had all of those addressed rather than provide a smattering of money to each of those three areas, his view is that we concentrate on one of those and provision has been made available for that in this budget and I'm pleased to see that, that has been included. A couple of other general comments if I might. They relate to the revenue fund budget in that the revenue fund does draw contributions from some of the Government Business Enterprises on the Island and again it is with some concern that I'm watching this happening. One of those areas is the Gaming Enterprise. Mr Speaker when we first established gaming in Norfolk Island in our hope that it was going to end up deliver a return to Norfolk Island I think all the Members of the then Legislative Assembly were committed to ensuring that those money's that was generated from an industry like that was not used to balance budgets and were not just taken into consolidated revenue and used for salaries and wages and the like but would be better directed to ensuring that if there was a benefit to flow from those types of activities that that money should be directed towards capital investment and major capital works and infrastructure improvement. I guess it is disappointing that it's been another little grab that's taken at gaming. I can explain that in previous years where a contribution has been sought from the revenue fund, I think last year it was somewhere in the region of \$200000. My view at that time, was that I saw that as being a repayment of the funds that had been advanced by the revenue fund for the development of gaming and the establishment of authority and establishment of the office of the Director. My view is that's well and truly been repaid now and that certainly this Legislative Assembly needs to give some consideration to the increased activity in that area and the increased revenue that we

are enjoying from the gaming enterprise to turning its mind to just how we are going to deal with those funds. It is a fickle industry which can be here today, gone tomorrow. We cannot pin our hopes on that balancing budgets for years ahead. We need to use the funds that are generated by that, wisely and it is my recommendation to the Legislative Assembly that we seriously consider just how we are going to ensure that those funds are used in the manner. Mr Speaker it's also disappointing that we are looking at a draw down for want of better words from the airport undertaking to assist with the revenue fund,. It just seems a little strange to me that we are looking at doing that, paying a dividend from the Airport Undertaking to the Revenue Fund this year. It's a little bit strange when we are out, we have a \$5.8million loan from the Commonwealth to upgrade the airport, we are going to have to kick the can for \$1.2million or thereabouts to make this a \$7million project for the upgrade,. We don't yet know what the cost is going to be because we haven't received the tender documents. If those tenders come back in at \$10 or \$12million we are going to look a little silly having drained the Airport Undertaking of a couple of hundred thousand dollars. Those things don't quite stack up in my mind. However it's just something that I think the Legislative Assembly as a whole have to bear in mind when we receive the return of the tenders and we are going to have to have a long hard look at that. The last thing I want to do is having to come back and provide some supplementary appropriation in another couple of months and return the \$200,000 to the airport but that's something for us to consider as we continue. I've spoken to Members a couple of weeks ago about the current world oil prices. At that time I think we were going to look at about \$41.5US for a barrel of oil. As I said at the time the commentators seem to suggest that for every US\$ increase in the price of oil on the world market that, that increases fuel at the pumps by approximately 1cent. Now that's in the Australian and New Zealand scenario. They're obviously other factors that come into play when you consider what effect that has on the price of fuel at the pump in Norfolk Island. The extra freight and bits and pieces that are included. But if you were to look at that over the last few months there's been an equivalent at the pump price increase of some 10cents per litre on the international market, I'm not talking about Norfolk Island here and that possibly if that were to be equated on Norfolk Island could potentially see an increase of electricity for example, the generation of electricity on Norfolk Island increasing by some 2 to 3 cents per unit. Again, that's something that we need to bear in mind. It's important that we bear in mind those outside influences so to speak when we are formulating budgets. This budget's been put together I guess based on current prices but the price of fuel whether it's in Forestry or whether it's how the airport operates or the Administration works, the bitumen for the over seal, any of those oil products potentially are going to be impacted by the movement and significant movement in price of international oil. One other matter that I did speak about to Members a couple of weeks ago when we were going through the budget was the potential for the review of the fee unit. If that were to increase and I understand that currently it stands at about \$16.50, if that were to increase to about \$18 I think is what it's been promoted if all the figures stack up, that's an increase of \$1.50 per unit. My mathematics and I stand to be corrected by the Minister for Finance may add additional revenue to the sum of some \$60 to \$70,000 and again that needs to be borne in mind as far as revenue is concerned. If I could just flick back to the price of oil and fuel, certainly the revenue fund would obviously benefit though everything else would suffer with the price of fuel increase internationally. The revenue fund would benefit from customs and the importation of fuel because it attracts both a duty and a fuel levy. Granted that the fuel levy of 20cents per litre wouldn't increase but the level of duty per litre would increase as its value increases so the impact of fuel prices, the fee unit have potential to impact on the revenue side of things. I've already addressed Occupational Health and Safety. Just one last comment if I may, certainly I'll have more to say next month and the next sitting of the House but one last comment on the cost of Forestry I think one of the previous speaker's had spoken about the cost of Forestry. I think it's important to bear in mind and I think the Minister for the Environment had made mention of it and will probably go into it in more depth than I will but has made mention of the fact that the benefits, the maintenance of the barbecues and the work that they've undertaken and the condition that they keep the reserves and

things in, are things that are enjoyed by all or not just locals but also by visitors to the island and before we start going in and looking at cold seat taxes and things like that we need to just look at just how and where we may already be recouping some of those costs directly and indirectly through some of the other taxes that local people and visitors to the island pay now for what it's worth. That's my contribution at this stage Mr Speaker thank you

MR ROBINSON Thank you Mr Speaker. Echoes of the Joint Standover Committee there with the cost of our self government there Geoff. Here we are complaining about the revenue and looking at heaven forbid, information supplied by the people who are our Colonial Overlords and running to tax everyone more and yet on cost centre 124 is absolutely nothing, not a skerrick put aside for primary industry development, business development or offshore financial centre or more importantly as far as I'm concerned self government advancement. We seem to have closed our minds to every other possibility apart from a Treasury paper that says "tax them". Thank you Mr Speaker

MR GARDNER Thank you Mr Speaker, just if I could respond. I don't mean to take up the time of other Members who obviously want to make equally important contributions to this debate but Mr Speaker the Offshore Finance Centre I do apologise for skipping across the top of that. It wasn't intended. There are no funds that have been provided this year for the Offshore Finance Centre. I have had discussions in recent days with officers who were involved in the primary development of an Offshore Finance Centre on Norfolk Island and I have indicated to them that the discussions that have taken place and certainly have had better reception from Members of the Federal Parliament, particularly Minister Ian Campbell in relation to that, have been very positive. Certainly a more refreshing outlook on things then we had previously experienced with previous persons in that position and certainly I've been encouraging him to invite contribution of the Australian Treasurer in a joint development of something that would be of benefit to Norfolk Island. It's too early yet to go into any detail of that because it's only in its preliminary and juvenile stages as yet. That is something that will develop. Should continue to develop but I don't have a crystal ball. I can't say whether it's going to cost a dollar or whether it's going to cost \$100,000. I'd rather not have anything in there at the time. It's going to take some significant development before the costs start to become incurred. There will be things that I believe can be done in house between the Commonwealth and the Norfolk Island Administration without incurring any extra cost at this stage

MR NOBBS Thank you Mr Speaker. I've been holding back because I don't have a lot to say at this time because I hope that the Minister for Finance will distribute information in relation to the budget to the community and it will be sitting on the table for a month and the second point was that I always believed that the Minister should speak first and outline to the community what's in their particular areas, similar to what the Chief Minister has just done. And I was waiting on Mr Ivens Buffet and also yourself Mr Speaker to provide information but the points that I wish to make is in relation to I don't know whether you call it bracket creep but it's some sort of creep in positions within Administration and are highlighted by an oversight on my part but I think on other Members actually as well as I seem to recall in relation to the position of a third policeman in the time of the budget review last January/February whenever it was and this was overlooked and now we are faced with a full time policeman within this budget and I just draw Members' attention to the progress of things on Norfolk Island. We had three police brought in here and at the time we had two doctors and two lawyers. Now we have a situation where we have three doctors, three lawyers and four policemen. So I hope this doesn't continue. That's all I can say. Mention was made of a debt collector. If we can't put a policy together well we can put a policy together but if it can't be accepted and implemented why would we have a debt collector. Surely to appoint a debt collector there is need for a very distinct policy and I'm not talking about the policy that you've got in place at this point in time because it

doesn't work, it's obvious. We went through it this morning, the number of outstanding debts. I don't believe we've even provided a place where somebody can go in private and have a discussion with an appropriate officer as to their financial position. I don't believe we even provide that, even at this stage and that was something that was supposed to happen three or four years ago. Another point is that we seem to be looking at a budget of \$13point something million and you sort of lose track of the point something because really what we are concentrating on now is the millions. Whether it's \$16million as it was in the first draft or \$13million which is what it's been trimmed down to and the point something's are really only a small part of it I guess. Not insignificant but quite a small part. This has increased 25% in the life of this Legislative Assembly. There's been talk about the 2000 or whatever that thing was that we did, Focus 2002 there's been talk about it and ha ha ha, isn't it a big joke but since then as the ladies have pointed out, the revenue hasn't improved at all but we haven't controlled expenditure. Expenditure's gone as well. Expenditure's gone. It's passed. It's out the window virtually. We're trying to catch up to this expenditure. The problem with the business is it lost track and it didn't really concentrate on the specific areas to any great degree other than what was thought to be reasonable from each particular section and being a public servant I know darn well that when you put in the estimates and what have you, you put in about 50% too much because you think oh those dopey brutes up there, they won't understand it. They'll cut me 50% and I've still got what I wanted so that's the philosophy that I was brought up with in the training that we had in the Public Service in relation to provision of estimates and the like. But I'm really concerned with where the funds are actually coming from if we are delving into the GBE's and I look at electricity and regardless of whether the cost of oil goes up or not, I mean it obviously will and there'll obviously be an impact and we'll know in a few weeks time the answers to the next quarter and I'll bet pounds to peanuts that it will shoot up considerably. Be that as it may, and it's usually a gamble with the price of oil, up and down but the electricity is an area where we need some major works. Now there's been some under grounding done from the power station around to the bottom of Longridge Hill or Country Road as they call it now and it feeds very few people actually. What it does it that it takes it away from a bad situation in relation to the overhead lines running down behind the Tree Farm and those areas. It's got rid of a real problem and that's great but there are a heap more on the island here that need attention and if we are taking \$200,000 in this financial year from the electricity setup I don't believe that we can do that really. Bearing in mind that the ongoing philosophy, appears to have been by succeeding Assembly's is one that electricity is a need within a community and should be consistently run either at a break even point or at a very low loss because it's some sort of a social problem. What's really happened is that they haven't been able to keep up with the maintenance in those areas. We had to buy second hand generators and that which is fine and they probably got a good deal, I'm not too sure on that but the go on that is that it's still second hand gear that was brought in and that means ongoing maintenance and obviously in time and I see in the forward estimates that are available that there's a need for a new generator in a few years time so what I'm saying to you is this. You shouldn't be taking funds out of those Government Business Enterprises. They should be brought up. That's where a lot of the money for the so called infrastructure fund, is required. People look at it and think oh, \$80million for a port. That's fine. You can put that to the side. A brand new hospital. \$10 to \$15million. Put that aside. You can do that gradually. Really when you've got facilities like electricity, the airport, things like that, you can't really put them aside. We've been trying hard to do it and it worries me that it's actually costing us money on the maintenance side of things. We're buying new poles all the time and they have to be imported because we can't do them here and all these sorts of things, so I believe we actually are getting into what is really part of the infrastructure fund that we should have. Anyhow. Don't get me carried away on that. The other thing is, there's been mention earlier about the reserves and I hop on my hobbyhorse again because we were promised at the time that we passed the Plans of Management, that an implementation plan would be available, fully costed and also the times put on it because within those documents are a time frame. And I don't care what people want to say they are a time bomb waiting to blow up. They

are completely overboard as far as the funding requirements and that are concerned and that we need definitely, an implementation and I would hope that the implementation of those particular aspects within the plans of management don't commence. Maintenance is fine but these new things that they've got in there, don't commence until we've had it fully funded and a time scale put on them. It's interesting that mention was made of the cost of the Legislative Assembly and it's true. I've been harping on this for years. My personal view is you don't need nine Members. You don't need a full time Speaker. You don't need four Ministers. It should be reduced considerably. The committee system should be instituted and with a maximum of three Ministers and an independent part time Speaker be instituted. I don't say that to save us money but gee whiz it would raise the efficiency for the dollars put in. There's been talk here today about the revenue section and where we are actually going with it. Really the taxation of the... and when I was in the Treasurer's position, I was accused of being the highest taxing Minister for Finance ever. I accept that but we only did a couple of budgets. It never got warm. But the thing with it, what you have to realize and I realized also in doing that, that there was a certain amount of money in the community that goes around, that you can draw on. And it's not important that we consider in any proposal that we put up, is to where the cash is actually going and who should be paying. The putting up the price of electricity is fine but everybody pays. There's no commercial as against a household. If you want to subsidise the electricity which tends to be a policy, everybody gets subsidized. The commercial organisations get subsidized and so do the private homes because it's all the same price. I think we should be looking at tax and it sort of worries me because people keep pulling me up and saying to me when are we getting Australian tax and I say, I'll be down the road here before we get that if I've got anything to do with it having lived under it for years. It's not the be all and end all. The people will be paying. The disincentive to do extra work is incredible. You have to be a real smarty to get around two and three jobs if you're in the tax system otherwise you are just giving most of it back and that's been the nature of the place here, that you can do extra work. What you earn goes straight into your pocket and you can do with it what you will. For sure there are commitments you have to make but basically the first grab is not the Treasury and the main people that it would affect is the majority of the population because they can't get away from it. Every week man you put it in. You give it to Mr Costello. Here's your share first and that's it. It comes out. I mean, it's fine. You get all these different social advantages I suppose if you want to be on the dole and those sort of things but for me I don't agree with it at all and the sooner this place drops it and stops talking about it the better as far as I'm concerned because sooner or later one of these blokes in Canberra and that's all they know in Canberra because they're the taxation capital of Australia, all the money goes there for goodness sake. That's all they want. But anyway I've said enough, thank you Mr Speaker

MR I. BUFFETT

Mr Speaker I hadn't intended to go through in detail each section that I'm responsible for at this time of the budget process but what I would certainly urge is, that each time the budget gets discussed in this place, what we do is we get the Appropriation Bill which shows all the nasty expenditure and we sit here and we thrash and attack and we publish and everybody sees what it's costing us. I'm just wondering whether a process might be in place once this is tabled that we actually Gazette or publish this for the community to have a look at what the expense of running Norfolk Island really is, for them to have a look at the various areas that we've got expenditure under and for them to seriously consider these issues. But not only do we do that, along with that, we publish what none of us have talked about this morning. We have not talked about this wonderful list of revenue, the revenue from earnings, the revenue from taxes. It's been touched on by Mrs Jack and she's made some calculations and various other notes that go to explain why things may have decreased and increased but I think the community should have a look at this and they don't get to see it each year and they sit hear and listen and they hear my Chief Minister has a poor relationship in the taxation arena and I'm the bogeyman who's spending \$350,000 on Forestry and I don't apologise for that one iota let me tell you right now just in case anybody's misdirected about that. I don't make any apology for that. But I think what

needs to happen is that this community needs to be a little bit more informed and they get informed by us showing them what this Appropriation Bill actually says. For them to look at it. For them to read it. It's fairly simple. It's clear. The areas are highlighted and there's money put against those areas for them to have a look at it and they've got a month to do that but lets also do that in conjunction with what we believe we are going to get from the various areas of revenue that we control. Let them have a look at it. Let me also suggest to you that my first experience in the political arena. I put a proposition up to my fellow Members that would return them something like \$2.8million of additional revenue. Now having thought about the \$2.8million of additional revenue that I suggested to them I thought that they were reasonably equable, were reasonably easily collected and I thought that given the basis upon which that revenue would have been gathered would have shown a great deal of equity across the board in this community and we talked about people who are able to pay and people who should be paying and whatever category they want to fit into under those headings. We scratched and tickled the edges of it. The Treasurer did not agree with all of it and that's entirely his prerogative but I think that if we are talking about these issues then we've also got to do some of those sorts of things. I mean we eternally go off and we call on people like the Treasury, and we call on people like Access Economics and we call on people like somebody else to come along and tell us what we need. I think we need to be more practical. We obviously don't want income tax. Half my life I've been working for people who have been advising people how to minimize what they pay in the form of income tax and what have you and so I'm not an advocate of that at all but there's another issue that I think we've got to clearly understand, that I don't believe we are on the road to self Government. I believe we have self Government. I don't believe there's much more we can have but there's something else we must do and we must do almost immediately. I too am a little disappointed that we didn't get it done in the 10th Legislative Assembly and that is to completely acknowledge the cost of self Government and tell the people what it's really costing them and let's get out there and fund it because I think some of the issues that I raised in those proposed revenue streams that I suggested earlier in the life of this Legislative Assembly would have done a lot of that and if we had for example, in a perfect world, adopted some of those recommendations we would have the \$2.8million additional revenue and I think we would be here instead of doing this the Treasurer could get up and say my dear friends, we are now tar sealing from the top of Mt Pitt to where it runs off into the sand at Emily Bay or that we are under grounding from Steels Point to the shopping centre where the under grounding finishes. These are the sorts of issues but one clear thing, the community has got to understand and have got to really have a say, is if they believe that the proposed revenue streams are equable and they are willing to contribute to it and I think the only way to do that, rather than hear them yelling at what we are going to expend, they are going to have a look and let us know what they are prepared to do. I intend to say a little more in my various sections a the next sitting when we hopefully will be approving some of this but I certainly look forward to any comment from anyone in the community on the basis that hopefully these things will be unpublished for people to have a look at

MR GARDNER

Thank you Mr Speaker, just if I could briefly comment on the Minister for Land and the Environment comments in relation to the budget and particularly in relation to what was a very sensible proposal that was put to Members early in the term of this Legislative Assembly about the proposal to increase to generate extra revenues for the Government. In theory there was nothing wrong with it. It was outstanding. Absolutely nothing wrong with it. No blemishes on it at all. In fact and it's important that it be said, though we don't like to admit it too often there are sections of this community that currently are suffering. They are under enormous pressure. I often pass on comments that gee, if things don't improve we really might have to think about packing up and leaving Norfolk Island because everywhere you turn there's the electricity bill, there's the healthcare levy, there's the this, there's the that, and there's everything else. Those sorts of things need to be taken into consideration whatever we do and however we do it, we just can't assume that everybody has some

spare dough in their pocket and it's the same assessment that must be made of those six recommendations that have been provided to us and we have an onus of responsibility upon us to go out and tell the community as Mr Nobbs has quite clearly stated about the Australian taxation and why we don't want to be part of that but we need to tell the people why it is that we don't want to be part of that if that's what we want to say or why we want to be part of it. Well we need to tell people why we are better off just increasing our existing levels of fees and charges as far as revenue is concerned, or telling people why we don't want to go out and raise those things and all those things in between need the same type of assessment, in my view. We just can't ignore any of the recommendations. There may be others that flow as part of that. Just that brief comment Mr Speaker as far as revenue raising measures is concerned

MR DONALDSON

Thank you Mr Speaker I'd just like to have a very brief sum up of where we're at, at the moment. Does anybody else want to speak? I would just like to thank all the Members for their contributions, their opinions and expressions of interest and expressions of concern for the budget. The bill before us at the moment doesn't deal with all those things that we've talked about for the last half hour or so directly, the bill before us at the moment deals with approving the expenditure side of the budget only and I made that quite clear in my initial budget speech. However the discussion necessarily extended to the revenue sources that exist at the moment and the potential revenue sources we might look at and that's an exercise that's being undertaken at the moment. We've taken a year to get here, I think we decided about this time last year to have a revenue base investigation to get us to where we are now. I'm disappointed that it's taken so long but out of necessity of the resources available to us that's been the case. It just hasn't happened quickly. We are now in a situation where we've got some options in front of us and we have options in addition to those ones. I distributed a paper to Members on the 14th April this year giving my expressions of those six options on the revenue review paper were, which of those options I preferred and which ones I rejected. I sought direction from Members for my recommended priorities. I'm still waiting for a full discussion. I haven't pushed the matter but I have circulated a paper to Members on revenue options. Discussion this morning also centred on discussion of revenue that's in the budget. The efficiency of the expenditure that's in the budget. The accountability of the expenditure that's in the budget and all these are good things. They are things that keep us, me as Minister for Finance and the Administration and the senior staff there on their toes. We've made mention this morning of the cost of self Government and I think that's a significant comment because self Government on Norfolk Island and don't forget that we actually have self Government of three levels of Government, the Commonwealth or Federal level of Government, the State level of Government and the local level of Government and we've got to fund all that with a population of about 1000 working people. that's a very difficult ask to do. The Appropriation Bill before you at the moment does not rely on any increase in fees at the immediate time. We are existing on existing revenue sources with the exception of, we have taken a \$200,000 dividend from the airport and from the electricity undertaking as part of a return on our investment of capital in those undertakings. This is going back to a situation that existed quite a few years ago. There used to be a dividend payment from those two undertakings to the revenue fund and slowly as expenses of those undertakings increased the dividend was cut out but at the moment I think Members, there's been a lot said and a lot of people's thoughts have been laid on the table and if nobody's got anything further to say I'm going to move that we adjourn the matter and the debate be adjourned and that resumption of debate be made an Order of the Day for a subsequent day of sitting

SPEAKER

Thank you Mr Donaldson, 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 Honourable Members

CUSTOMS ACT 1913 - EXEMPTION FROM PAYMENT OF CUSTOMS DUTY

MR DONALDSON Thank you Mr Speaker. I move that, under subsection 2B(4) of the Customs Act 1913, this House recommends to the Administrator that the goods specified in the first column of the Schedule imported by the person specified opposite, and on the conditions mentioned, in the second column of the Schedule be exempted from duty – Schedule, Column 1 is an Outdoor Portable Amplifier and Microphone imported by the Norfolk Island Lions Club and the duty that we are asking to be exempt is \$320.00 and the reasons we are asking that it be exempt is that it's a community use project for the Lions Club. That's consistent in its duty exemption application with the existing policy. The actual equipment I found out belongs to the Lions Club, it doesn't belong to the Administration or any other entity on the Island, it is used primarily for graveside services and for ceremonies at the cenotaph and for any other public functions where an outside amplifying system is needed. It is provided to those services free of charge from the Lions Club. I recommend to this House that exemption from duty be granted

SPEAKER Thank you. The question before us Honourable Members is that the motion be agreed to. Any debate? I put that question to you

QUESTION PUT
QUESTION AGREED

That motion is so agreed

CUSTOMS ACT 1913 – EXEMPTION FROM PAYMENT OF CUSTOMS DUTY

MR DONALDSON Mr Speaker, I move that this House recommends to His Honour the Administrator that, acting in accordance with section 2B of the Customs Act 1913, he exempts from duty under section 2 of the Customs Act 1913, goods within the following specified classes of goods Plant and equipment, and spares for those items, and all materials (excluding fuel and oil) which are imported into Norfolk Island for or in connection with works for the Norfolk Island Airport Pavement Upgrade Project. Mr Speaker there are conditions attaching to the importation and I'll read them out so that there is a full understanding of the recommendation before the Legislative Assembly at the moment. Condition 1. is that written details of all such plant and equipment, and spares for those items, and all materials and their date of arrival on Norfolk Island are provided to the Collector of Customs, in accordance with the directions of the Collector of Customs; and 2. unless sold after importation, such plant and equipment, and spares for those items, and materials shall not, except with the executive member's written approval, be used otherwise than for or in connection with works for the Norfolk Island Airport Pavement Upgrade Project; and 3. subject to any approval granted by the executive member under condition 2 herein, or unless sold after importation, the plant and equipment, and spares for those items, and all materials shall be exported from Norfolk Island upon completion of the works for the Norfolk Island Airport Pavement Project; and 4. where the plant or equipment, spares for those items, or any materials are sold in Norfolk Island duty shall be payable on the value at the date of importation into Norfolk Island of any such plant and equipment, spares for those items, or materials in accordance with section 2C of the Customs Act 1913; and 5. where there is any dispute as to whether plant or equipment, or spares for those items, or materials are goods within the specified classes of goods herein, the decision of the Collector of Customs shall be final and binding.

SPEAKER Thank you Mr Donaldson. All that is encompassed in the motion Honourable Members so the question before you is that, that motion be agreed to

MR DONALDSON Thank you Mr Speaker just briefly speaking to that motion I read the full text of it as I stated. I support the duty exemption being granted on the above, and on the above basis. One of the basis is that any duty payable would increase the cost of the project to the Administration at least by the amount of duty paid. What we are doing here is charging ourselves duty to a large extent because any duty that is payable by the import on this equipment will be tacked on to the tender price for the airport upgrade or airport reseal and be paid back by us as part of the tender process. Possibly with a mark up attached to it. I think there's sufficient safeguards within the system, within the conditions attached to it to prevent equipment coming onto the island that is not paying duty and I commend the recommendation to the House

MS NICHOLAS Thank you Mr Speaker. I recall going through this same exercise some many years ago now in respect of the first airport upgrade. I looked back some time later and came to the conclusion that it had not been a wise decision to allow exemption from customs duty during that exercise and unfortunately Mr Brown's absent from the Chamber at the moment but I believe that he would agree. He was here at the time. I don't intend to make the same mistake again. I believe that duty should be levied and there is a method. And it's simply a matter to Charge the duty; The cost will be built into the contractor's costs; A valuation of plant and equipment will e provided as part of the exercise; An appropriate percentage of duty can be refunded on completion if the gear is exported, maybe as much as 80% of it and there would be no refund of duty on the equipment which may remain on island. It's not my intention to support the motion Mr Speaker

MRS JACK Thank you Mr Speaker, I ask do we really have the ability to quarantine all plant and equipment for this project. I don't think we do. I'm of the opinion that customs duty should be paid. This would mean that there's no need to quarantine plant and equipment. It would be simple to have one entity pay the duty and as far as customs is concerned, it would be a done deal and then the only time that customs would be involved again would be if any plant or equipment was taken off, then a rebate would come into force. There would be no hassles if any plant or equipment was used on outside work. There would be no hassles if any separate plant or equipment was sold at the end of the contract and remained on the island. Any duty charges would be added on to the mobilisation costs of the contract, and we could even probably include say a 20% rebate of customs duty back with the first progress payment. As well as that Administration would get the use of some extra cash over the term of the contract, even though it may only be a short contract Mr Speaker, there would be a bit of a benefit for Administration there so I intend to not support the Bill or the motion, thank you

MR ROBINSON Thank you Mr Speaker could I just ask one question Graeme. As tenders have already gone out, have they gone out on the understanding that there will be no duty

MR DONALDSON Thank you Mr Speaker yes I understand that the tenders have gone out and they do contain a clause that says duty will not be payable on plant and equipment but they don't contain a clause that says duty will not be payable on the materials consumed and we are talking there about the bitumen, the paint, whatever bonding materials are necessary for the overlay at the airport. Can I just add a little bit there, there have been two comments made before and they both alluded to a refund of duty should the goods be exported off the island. That's news to me. I'm not aware of any refund provisions within the Act that says you can claim your duty back when you take goods off the island. That would be something outside my understanding

of the Customs Act and it probably is not supported by the Act itself but I will take advice on that

MR NOBBS Thank you Mr Speaker. The process has been in place for some considerable time, long before I was down in this place they did it and it's followed on. If you want to change it, if the Legislative Assembly wants to change it, that's fine but I mean the understanding, I can quite see how the Treasurer and the Members of the Administration just accepted that, that would be it because it would have been sort of a policy within the Administration and that's one of the problems I have here. We have these sort of policies but nothing's put in place. I want to jump on one of my hobby horses again, but I believe that in this case we don't have any choice really, you can vote against it, but I think it's something that's sort of a policy that's been around a long time and I'll be voting in favour of it Mr Speaker

MRS JACK Thank you Mr Speaker why are we being asked to consider this if it's already in the tender documents. Has one been jumping the gun in the tender documents if they say this? If that's the case well I'm sorry but I'll still hold my feeling on this issue. It's not my problem that the tender documents have been perhaps incorrectly worded. If you're going to assume because of a sort of policy as Mr Nobbs refers to it, that needs fixing up in the Administration side and I am upset to hear that such a thing is allowed to occur. Pre-empting of a decision of the House. No. I'll continue to say no to this

MR I. BUFFETT Mr Speaker I intend to support the motion. The motion is one that puts in place as Mr Nobbs said, a long established procedure that's been in place where an outside tenderer has come in with substantial equipment and do work. I believe the motion has sufficient safeguards in it that it will permit the equipment to be used. I hope the motion is sufficiently clear enough that consumable materials are to be re-exported and therefore any consumables for example, the actual stuff that we pay duty on and all of that, I believe this is a condition precedent to the airport tender project and in that position I intend to support the motion

MS NICHOLAS Thank you Mr Speaker if this is a done deal why was this motion put before us. I support exactly what Mrs Jack has said and I certainly will continue to vote against it

MR NOBBS Could I just say from experience Mr Speaker that its unfortunate that it's come to the Legislative Assembly at this stage because it normally comes to the Legislative Assembly after the contracts been signed, just to give it some sort of formal backing and Ms Nicholas might fall off her chair but that has happened and so I mean, the situation is that we should confirm these policies that have been around for some considerable time

MR GARDNER Thank you Mr Speaker, I have to agree with the thoughts about this, I guess for want of a better word, the policy that exists in relation to this. I have been of two minds over various years about whether we support these motions or whether we don't and maybe it's something that we should have clarified. We get a bit hot under the collar every time these matters come up but once it's passed we don't seem to raise it again, we don't seem to revisit it and maybe that blame falls upon all of us for not wanting to do that, or not having done that. However, I'm trying to look past this particular project and to see what is in front of us in the future and just my very rough tally I've just started to add up \$7million for this airport job and it may well exceed that figure, \$5.2million for the generous proposal from the funding from the Lord Mayors Trust Fund for a breakwater and/or development of piers on the island, the \$4.4million or thereabouts for the development of a wind farm, the \$2.6 to \$3million project for the upgrade of the Kingston pier. We've got some \$20million dollars of capital works expected on this island in the next eighteen months to two years. If we are going to go and suddenly start talking about duty, on this one, then I guess we are establishing

a precedent for the remainder of them and that has the potential, I know, \$20million worth of project is a significant amount but the duty that we are going to collect if one was to hazard a guess is approximately \$2million on large projects but what's it going to do. It's going to make the Treasurer look bloody good at the end of the day when he says gee my take over the next couple of years as the Minister for Finance has been elevated by an extra \$2million generated by revenue in customs duty, that's pretty good. The thing is, we can't fool ourselves. That's something that we are going to pay out on the job plus we are going to pay out on top of the \$2million probably whatever it is that the contractors are going to build then on top of that which is the 10 or the 15, or the 20 or the \$50% or the 100% as some operators do build these costs on top of. And potentially that is going to have an impact on this community of \$4million that's going to elevate the costs of these by \$4million. I mean really it's a bit of a paper chase as far as the dollars are concerned. I'm still uncomfortable with it. We've really got to sit down somewhere along the track and we've got to work out a better system of dealing with it. Certainly there are considerations, about, well it's for the public benefit and simply yes, we do away with duty. We have thoughts about you know, just robbing Peter to pay Paul, the money goes into our pockets and goes out the other end but whenever we charge duty, there's always that extra bit that's put on by contractors when they do their pricing. It's a reality. In this day and age that happens, end of story. I guess my concern is, and I expressed the other day a level of disappointment that I understand that the tender documents didn't contain references to ensuring that we maximise the use of local labour and local equipment and things on the island for these projects. A benefit I guess of saying that you are going to impose duty on these things is maybe it would encourage the contractors to look at utilising trucks for example that are locally based and thus saving dollars and cents on the duty of bringing it in, so maybe it just might be another stick to encourage them to look to utilising local labour and that, but then I guess at the end of the day, rather than having plant and equipment in Australia and New Zealand sitting idle because they've had to take this up, they are far better off utilising their own plant and equipment, after all, they are going to be paying the duty and they are going to put their mark up on it and they are going to get the added benefit of it and I guess in a nutshell Mr Speaker I am forced to have to support this motion for that very reason. I think some of the other aspects of it, about maximising the utilisation of stuff locally is something we just have to pay more close attention to in the development of our tender documentation from hereon and as I said, I'm disappointed that it hasn't been included. I don't believe that we can force people to do that but certainly we should be providing encouragement for them to do that

MR I. BUFFETT

Mr Speaker thankyou. I guess one needs to, and I can't recall it off the top of my head, if something is brought into Norfolk Island with the clear intention not to remain in Norfolk Island and its going to be used in a specified area, whether that in fact its been imported in the first place and if it's not imported it's going to be in a bonded area for example, an area you might define as the airport then perhaps it's not imported for the purposes of the Act and therefore I'm just wondering whether duty is payable in any event. But that aside I'm sure my colleague the Minister for Finance would be able to clarify that issue. I am of the view that the equipment is here for a short time. There are other sections in the Customs Act that allow people to import things free of duty on certain conditions and I think this is just another one of those issues. It's of significant importance to the community and I'm sure the provisions are in place to ensure that there is no dodging of any duty if the goods are sold locally at the end of the contract period. I move that the motion be put

SPEAKER

Before I accept that Mr Buffett there is one other Member at least who I know wishes to be heard

MRS JACK

Thank you Mr Speaker no, I was going to raise the point that the Chief Minister did on the failure as I understand it within the tender documents to give sufficient credo to local industry and I do also feel that it's a little bit of a subsidising of use of these outside companies to stay outside the use

Norfolk Island man and machines I suppose. I hear what the guys are saying. I just disagree thank you

MR ROBINSON Thank you Mr Speaker I've been in the same quandary that Mr Gardner has over this issue but I'm afraid when it comes to the crunch tradition seems to win out

SPEAKER Any further debate? Mr Buffett I'll just move directly to putting the vote on this occasion. The question before us is that this motion be agreed to

QUESTION PUT

Would the Clerk please call the House

MR BUFFETT	AYE
MR GARDNER	AYE
MR DONALDSON	AYE
MRS JACK	NO
MR IVENS BUFFETT	AYE
MR NOBBS	AYE
MS NICHOLAS	NO
MR ROBINSON	AYE

The result of voting Honourable Members the ayes six the noes two, the ayes have it. The motion is agreed

IMMIGRATION ACT 1980 - -APPOINTMENT OF PERSONS TO IMMIGRATION COMMITTEE

MR GARDNER Mr Speaker, I move that for the purposes of subsection 6(4) of the Immigration Act 1980, this House recommends the appointment of Barbara Elvey; and Joanne Elizabeth Elliott as members of the Immigration Committee for the period 19 May 2004 to 18 May 2006. Mr Speaker in relation to this motion I'm pleased to say that Ms Barbara Elvey who has served on the Immigration Committee has again shown a desire to continue on that and I recommend her appointment to the House. She is a particularly valuable Member as all Members are of the Immigration Committee and is never shy to make her views known on matters and certainly I have valued her contribution and look forward to valuing her contribution into the future as far as immigration matters are concerned. Mr Speaker the second name on the motion, Mrs Joanne Elliott is proposed to be a new Member of the Immigration Board and I have provided to Ms Elliott the policy and guidelines document of immigration and the Immigration Act for her to consider if she is willing to consider that appointment and she has indicated that she would be willing to serve on that committee for the next two years. I've had quite a lengthy discussion with Mrs Elliott on that and am satisfied that she has a very open mind as far as immigration is concerned, immigration matters and obviously is prepared to consider the pros and cons, the development of the population policy for Norfolk Island which I spoke about earlier today and the continuation of the review of the immigration system on Norfolk Island and I commend both those appointments to the House. Whilst I am at it, as Members would be aware the outgoing Chairman of the Committee, Mrs Joan Kenny is unfortunately unwell and I haven't progressed her reappointment with her to date but I would like to make mention of her particularly valuable contribution to the immigration committee over many, many years and I understand probably in excess of some twenty years, she has been on the immigration board and I wish her a speedy recovery from her current ill health and on her return and when she's in better health I will continue to have further discussion with her about her continuing role with the immigration committee and hence the reason why I've left one name off the motion today. Mr Speaker the position that Mrs Joanne Elliott is filling is a position that was held by Mr Lisle Snell and I would also like to take this opportunity to

commend Lisle on his contribution to the immigration committee during his spell on the committee and the very valuable contribution that he has made. Certainly Lisle is somebody again who is not backward in coming forward when he has a particular view on something and they are all things that I have welcomed as the Minister for Immigration in the arguments for and against to give consideration to applications or matters that are before the Immigration Committee for discussion whether it be on establishment of quota's or positions available for persons coming to Norfolk Island. Mr Speaker a particular thank you to Lisle Snell for his contribution, a speedy recovery to Mrs Kenny, a welcome to Joanne Elliott, obviously subject to the endorsement of this House to the motion and indeed a thank you to Mrs Barbara Elvey for her desire to wish to continue in the role as a Member of the Immigration Committee and I commend the motion to the House Mr Speaker

MS NICHOLAS Thank you Mr Speaker. As a member, in fact the last remaining Mohican standing of the Immigration Committee at the moment, until this motion passes I wish to say that, should this motion be passed I shall be delighted to be joined by Joanne Elliott on the Immigration Committee, she is a young Norfolk Islander, businesswoman and mother who has a significant stake in the island's future and I believe she will represent the community well. Barbara Elvey has already served as the Chief Minister has said, a considerable time on the Committee and I value her input greatly, particularly her ability to thoroughly reason the decisions which she makes. May I also say that I am sorry to see the departure of Lisle Snell, he has served this community well in his time on the Immigration Committee and I certainly echo the words of the Chief Minister in respect of Mrs Kenny, a speedy recovery, thank you Mr Speaker

SPEAKER Thank you Ms Nicholas. Any further debate Honourable Members. The question is that the motion be agreed

QUESTION PUT
QUESTION AGREED

That motion is so agreed

EVIDENCE BILL 2004

MR GARDNER Mr Speaker, I present the Evidence Bill 2004 and move that the Bill be agreed to in principle. Mr Speaker in tabling the Explanatory Memorandum to the Bill I propose to incorporate that explanatory memorandum into my introductory speech. Mr Speaker I have already indicated to Members that this is a significant piece of legislation in both size and implication to the island. It tidies up a number of outstanding matters over a long history of evidence type legislation for Norfolk Island. It is my proposal to later on today seek to adjourn debate on this matter, principally for a number of reasons. Because of the extent of the legislation, secondly because as part of the consultation process regarding the contents of the legislation I have sought from Members of the Police Force on Norfolk Island the magistrates on Norfolk Island the practicing lawyers on the island and the President of the local Bar Association, their comments upon the provisions contained within this Bill and that is principally because they are the experts in this area and they are the people who have to work with the legislation and I do appreciate Members difficulty with some of the provisions within this legislation and I guess their own struggle to try and understand exactly what the legislation is about and do need to emphasise the fact that I think that the Members around this table to a large degree will be guided by that comment that is received back from those people. We have Mr Speaker I'm pleased to report, received back some comment from the President of the local Bar Association, Dr John Walsh of Brannagh, some of those matters that he has raised have already been incorporated into the new draft of the legislation. I have also received just in recent days also some comments back from one of the practicing lawyers on the island who also is the President of the Mental Health Tribunal on Norfolk Island and he has particular concerns

with the Bill and queries with the Bill. He has already discussed extensively with the Legal Services Unit some of the provisions I understand, that is with the Crown Counsel in regard to some of the provisions within this piece of legislation and has satisfied himself now of those queries that he did have but as I said I will undertake, as that material comes to hand, to circulate that to Members and to workshop through the various concerns that those eminent people so to speak have and will raise so that prior to passage of the legislation both the professionals that are involved and have to deal with this on a daily basis and Members of the Legislative Assembly are satisfied with the provisions. Mr Speaker the explanatory memorandum reads, this Bill has been prepared from work done over many years and follows the Commonwealth Evidence Act that has become the basis of a uniform Evidence Act. The law of evidence has been evolving over many years but change has accelerated with changes in technology and criminal behaviour. The Evidence Act 1995 of the Commonwealth was the end result of work started by the Law Reform Commission in 1979 and completed by consultative work of the Commonwealth and New South Wales governments from 1987. The broad intent of the Bill is to provide Norfolk Island with a system of law relating to evidence that may be admitted in the courts and will improve the justice system as well as provide greater certainty for practitioners on both sides of civil and criminal issues. Because the law of evidence which forms the core of the Norfolk Island law (the Evidence Act 1898-1954 of New South Wales) has been repealed, Norfolk Island has been operating for some time with legislation that is defunct and without development. The solution adopted has been to adopt the outline of the Commonwealth Evidence Act 1995 in full so that all sections are either the same precisely, modified where appropriate, omitted where inapplicable and in a limited number of cases additions considered appropriate to Norfolk Island have been added without affecting section numbering. This process is intended to make it far easier for practitioners and the courts to find the law and utilise textbooks and law reports that now refer to the uniform Evidence Act. A further benefit of the adoption of this Bill is that there will be essentially one system of evidence in Norfolk Island courts and not two. At present the Commonwealth Evidence Act will apply if the courts are called upon to exercise Federal jurisdiction but not where they are exercising only a Norfolk Island jurisdiction. A major aspect of this Bill is the adoption of a recent change to the Commonwealth Act (and the N.S.W. Act) that applies chapter 2 of the Criminal Code of the Commonwealth to offences that are created by the Bill. This does not apply the Criminal Code generally but specifically only to offences under this Bill. This form of application of the Criminal Code has already been effected in respect of the Norfolk Island Act where it applies to the one offence that is established by that Act (section 51E), and in other Commonwealth Acts that extend to Norfolk Island generally or in relation to federal jurisdictional matters. The presentation of the Bill is a change from that commonly seen as it contains numerous notes and examples as well as diagrams and tables which do not form part of the enactment but are provided as assistance to legislators as well as the Courts and practitioners. This form of drafting in large pieces of legislation as well as legislation that provides extensive change has been well received in other places as of substantial assistance. The Bill also makes specific reference to Reports and explanations of the Bill that were tabled when the original Commonwealth legislation was brought down. Again these reports will provide assistance to Norfolk Island courts and practitioners as they have to those in other places. Broadly speaking, the Bill is a codification of the law as it is but expanded to take account of modern developments. The Bill does not seek to replace every law relating to evidence or even all the common law. There are, and will be from time to time, enactments that contain or will contain specific provisions concerning evidence that are appropriate in the context of that enactment. In particular certain provisions of the existing Evidence Act 1960 of Norfolk Island are retained as they do not appear in similar form or at all in the Uniform Act but are dealt with in separate legislation as more appropriately dealt with by substantive law or court procedure. It is intended that these provisions will be incorporated elsewhere as the Justice Package of law revision proceeds. However as they have been in the Norfolk Island law of evidence for some time it appears appropriate to retain them as part of the law of evidence for the time being (section 198) but a 12 months "sunset" has been imposed to avoid their being retained in their present

form for too long. However in one area there is substantial change – in the ability of an accused person to make an unsworn statement (section 25). The Bill abolishes this rule in Norfolk Island so that the law in Norfolk Island will then be the same as the majority of States. States that still have the rule are working towards its removal. While accused persons will not be able to make unsworn statements they can, as they have always had the right to do, give evidence - but if they do they are liable to cross-examination. The effect of making unsworn statements has been long criticised by judges and others because of the ability it gives an accused to make wild, unsubstantiated claims – particularly in cases involving sexual offences and young children – that may have an appearance of credibility that gives the statement more effect than it warrants. It is to be noted however that this right is preserved for children under 14 years if the court is satisfied that they understand the need to tell the truth. Essentially, the Bill is for an enactment that deals with and codifies procedural issues that arise in courts exercising civil and criminal jurisdiction: it describes how evidence is provided, what evidence can be given, and what proof is acceptable: it binds the Crown in right of Norfolk Island and the Administration (and the Crown in other capacities as far as it can lawfully so do) and although it is predominantly a procedural code clarifies any doubt by stating that the Act does not make either the Crown or the Administration liable for an offence under the Act. It is proposed that Part 1.2 and the dictionary come into force upon notification of assent and the remainder will come into force on a date to be gazetted or 60 days following notification of assent. Thank you Mr Speaker

MS NICHOLAS Thank you Mr Speaker. I note particularly the reading of the explanatory and pick up on the comment that the outline of the Bill is Commonwealth legislation, however there are also lifts from New South Wales and ACT legislation as well as our own insertions and most of the gentlemen of the law to whom I have spoken have expressed doubts about this. What I'll call patchwork. Each individual would have preferred to adoption of a single resource piece of legislation. Mr Speaker uniformity is vital because it means that visiting practitioners automatically know what the law of evidence is in Norfolk Island. Not to mention the Judges and certainly that's the aim of this Evidence Bill. The legislation carries the usual number of yellow stickers which denote my questions or comments and I shall not attempt to deal with all of them. This Bill in Clause 7 subparagraph (a) purports to bind the Crown in right of Norfolk Island, and the Chief Minister has just mentioned this, and yet subclause (b) of the same Clause 7 says that Nothing in the Act makes the Crown in any capacity, liable to be prosecuted for an offence. I'm having difficulty coming to terms with that and I suspect a contradiction but perhaps somebody could explain it to me. There are references throughout this Bill to other pieces of Legislation and this is a Norfolk Island piece of lawmaking and it is reasonable to expect that references to laws other than those of Norfolk Island should be designated accordingly. I suspect that the opposite is the case in this Bill, either that or it's simply inconsistent and I draw your attention to Clause 3 Subclause (3) of the Bill and then to Clause 19 paragraphs (a) (b) and (c) which I think make my case. There are contradictions. The matter of the unsworn statement is a vexed one which continues to cause me great angst. Clause 25. I am somewhat relieved to find that far greater legal minds than mine have also found it difficult. I've read reports from the Law Reform Commission and from The Council of the NSW Bar Association and they have been unable to make clear cut recommendations. It continue to agonise and to seek examples of situations in which an unsworn statement can be seen to disadvantage an accused person. The argument is that one cannot be cross examined on an unsworn statement but there can be situations where that is not a bad thing. There is no doubt that there is great strain placed on any accused person remembering always that he or she may be innocent, and cross examination can exacerbate that unjustly. I don't want to find myself giving an unfair advantage to the prosecution in this law. The accused, when all is said and done, should not be obliged to assist the court. The rules and principles of common law that relate to the means of proving the contents of documents are abolished at Clause 51. I think that there are sufficient provisions now made in the legislation, in the Bill, to cover that deletion, but I need to be certain. Clause 71 - it's not too difficult to falsify a name and address

heading on a fax or email and I think that provision needs to be re-considered. It concerns me that Clause 120 claims that subclause (2) has been omitted. As far as I can tell it never existed in the Commonwealth Act so I'm not sure what is going on there. There's an assumption at Clause 163 that a fax or other electronic transmission is received 15 minutes after it has been sent and I believe it is unreasonable to make that assumption. Mr Robinson may choose to deal more succinctly than I with some of the definitions contained in the Dictionary. They are part of the unresolved constitutional issues which rear their heads with monotonous regularity and I'll leave that to him. Mr Speaker evidence is the base from which Justice, hopefully, emerges. The giving of evidence must take place on a level playing field, equal to all players. Therefore, this Bill, along with the rest of the proposed Justice Package, may well bring forward some of the most important pieces of legislation that this Assembly, or any other, deals with. It is vitally important that what we put in place is what is going to work for Norfolk Island and for its justice system. To that end, I entreat those men of the law who practice in our courts to consider this Bill and provide us, provide the Chief Minister, with their observations. Once again, this is not a new piece of lawmaking. An Evidence Act already provides the rules and regulations by which our courts operate. I've heard it said that there is no real need for this Bill which puts in place an Act which is Norfolk's own. I make no specific argument in that regard, but again, earnestly seek input from those who will operate under the proposed Law. I need advise. I think Members around this table need the advise of the practicing lawyers in our community and most specifically those who appear at the bar. Thank you Mr Speaker

MR GARDNER

Thank you Mr Speaker. I thank Ms Nicholas for her comments in that regard and certainly as I said earlier those persons have been approached as part of the consultation process that they do endeavour to get their comments back to us so that we can deal with this Bill but as I made it quite clear before, I certainly do not look to finalising this Bill until we are satisfied and also the experts so to speak are satisfied with the provisions that it is going to provide some consistency in legislation across jurisdictions because we are considerate of the fact that most of the practitioners that do practice in our courts also practice in other jurisdictions in Australia and so the consistency argument is quite strong. I do note Mr Speaker that Ms Nicholas has referred to some views that were held and I know Mr Brown, and unfortunately he is not here, does hold a view that maybe this was not a matter of priority but I think it's only fair Mr Speaker that I provide some background as to why this particular part of the Justice Package which I referred to in the explanatory memorandum has come to us in the development of our legislative priority early in the piece of this Legislative Assembly. Included in that was the development of a Justice Package and as part of a Justice Package Evidence legislation or this particular Bill was one of those matters for consideration. The enthusiasm of our Legal Services Unit led to the generation of this piece of legislation, some probably eight months or so ago, on the recruitment of Mr Peter MacSporran, our Legislative Counsel. I had asked him to review all of the legislation that was being prepared by the previous Legislative Counsel and to put it in a formal fashion I could then bring it back to Members for consideration and obviously for introduction to the House and Mr MacSporran has done a fine job in reviewing that legislation that was developed as part of the package. I am not prepared as the executive Member responsible for the Legal Services Unit to see the effort, the time and the patience of those officers involved be wasted simply because it is not considered to be a priority. It certainly was considered as part of the Justice package to be a priority and hence my desire to want to bring it to the House but also to provide as I said, that level of consistency for the practitioners in the court itself, to the police and to the others involved in the justice field on Norfolk Island but to make it very clear that I do propose to workshop the concerns that Members have, to take those on board and obviously the best way to do that, rather than get any references wrong, is to refer to Hansard which is always absolutely accurate in its reporting to then, once I have detail of that to be able to workshop these matters through with Members over the next couple of months, thank you. Mr Speaker I move that the debate be adjourned and that resumption of debate be made an Order of the Day for a subsequent day of sitting

SPEAKER Thank you Mr Gardner, 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 AMENDMENT BILL 2004

MR GARDNER Mr Speaker, I present the Immigration Amendment Bill 2004 and move that the Bill be agreed to in principle. Mr Speaker again in tabling the explanatory memorandum I'll read into Hansard that particular document in relation to the legislation. This Bill is intended to shift the responsibility for determining appeals against decisions concerning the grant of permits (other than visitors permits) from the Commonwealth Minister to the Administrative Review Tribunal and to shift responsibility in respect of appeals against a refusal to grant or extend a visitor's permit from the Administrator to the Administrative Review Tribunal. The Bill preserves the right of a person who has already commenced an appeal to continue with it despite the coming into effect of the Bill. The changes to be made by this Bill are to be given full effect by proposed changes to the Administrative Review Tribunal Act 1996 which will firstly, expand the Tribunal's membership when considering appeals against refusals to grant permits other than visitor's permits by the inclusion of a member of the Migration Review Tribunal of the Commonwealth; and to require a tribunal to be constituted in a particular way when considering appeals against the refusal to grant or extend visitor's permits. This is a matter that's been under consideration in the life of a number of Legislative Assembly's as part of the ongoing attempts to smooth the immigration regime that we have in place and to make it more accountable and fair and to put in place mechanisms to deal with people fairly and appropriately. Some of the problems that have been encountered over a number of years are with the current appeals process with the significant delays that are encountered by many people over a long period of time in the processing of an appeal that they may have lodged and in some instances, I believe I've spoken in the House on previous occasions. In some instances that appeals process has gone on for in excess of two years. Mr Speaker I've received a ruling on one of the appeals just today that is in excess of two years, and the decision that was handed down was supportive of the original decision that was made and it's comforting to know that sometimes we do get it right. However it's unacceptable in my view that the person basically are asked to put their lives on hold for extended periods of time while people review

xxxxx
tape 9 ends tape 10 begins

immigration appeals. Mr Speaker there have been discussions at a Federal Ministerial levels on these proposals both with the Hon Gary Hargraves when he recently visited Norfolk Island and more recently with the Senator the Hon Amanda Vanstone, Federal Minister for immigration on my visit to Canberra last week, there have been extensive discussion with the Hon Philip Ruddock in the previous role he held as Federal Minister for Immigration on these matters and extensive discussion between officers both in Norfolk Island and the Commonwealth Department of Immigration and Multicultural and Indigenous Affairs over many, many years in relation to this very proposal that's come forward. Mr Speaker with the passage of this and the assent to it by the Commonwealth I see it as a significant progression in the devolution of the authority of immigration to Norfolk Island under our self Government arrangements and I commend the Bill to the House

SPEAKER
debate? Chief Minister

Any debate Honourable Members? No further

MR GARDNER
adjourned and that resumption of debate be made an Order of the Day for a subsequent day of sitting

Mr Speaker I move that the debate be

SPEAKER
question to you Honourable Members

Thank you Mr Gardner, and I put that

QUESTION PUT
AGREED

That matter is so adjourned

ADMINISTRATIVE REVIEW TRIBUNAL AMENDMENT BILL 2004

MR GARDNER
Mr Speaker, I present the Administrative Review Tribunal Amendment Bill 2004 and move that the Bill be agreed to in principle. Thank you Mr Speaker. As with the previous legislation in tabling the explanatory memorandum I will proceed to read the explanatory memorandum into Hansard. Interestingly enough Mr Speaker, I would just like to point out as far as legislation is concerned, it is often reported that a Bill is read a first time, and read a second time and read a third time. Maybe just a history lesson but maybe it's just an education process to I think for the listening public, that the reasons those things were referred to in such a fashion is that in the early days of the development of the Westminster Parliamentary system there were a number of Members of the Parliament who were unable to read in their own right and so it was felt appropriate in the presentation of legislation that the legislation in its entirety be read to persons of the Parliament and so hence the reference to the 1st readings and 2nd readings. In this case Mr Speaker I certainly don't propose to read the full legislation to Members but I will as I said read the explanatory memorandum. This Bill is intended, among other things, to compliment the Immigration Amendment Bill 2004. The Bill proposes that a new member of the Tribunal called the "MRT member" will be appointed by the President of the Migration Review Tribunal established by the Migration Act 1958 of the Commonwealth. It is envisaged that the expertise in immigration matters at the administrative appeals level will provide additional expertise to the Tribunal as well as provide a satisfactory and acceptable transition from appeals from the Minister to the Tribunal. Further changes to the Tribunal include the creation of a Deputy President, provision for one senior member and for the designation of other members as ordinary members. While the President remains the Chief Magistrate, the Deputy President must be resident in Norfolk Island and be legally qualified. The senior member must also be legally qualified but ordinary members need not. The Deputy President is empowered to act in place of the President when the President is not on Norfolk Island or is otherwise unable to act. The Bill provides that the Tribunal may ordinarily be constituted by a single member if that member is the President or the Deputy President or the senior member but if there are 2 or 3 members on a panel then at least one must be the President or Deputy President or senior member. The Tribunal is specially constituted when hearing Immigration appeals and if hearing an appeal against a refusal to grant a permit other than a visitor's permit, must include the MRT member along with either or both of the President and Deputy President and if either is not available then the senior member or an ordinary member. Where an immigration appeal is in respect of the refusal to grant or extend a visitor's permit then the Tribunal must consist of the President or Deputy President or senior member or 2 ordinary members. The Bill varies the power of the Tribunal to hold a hearing elsewhere than on Norfolk Island (but a person who seeks such a hearing must be prepared to pay the costs involved) and also empowers the Tribunal to seek expert assistance where it considers it necessary. The Bill clarifies the position of the Secretary and Deputy Secretary of the Board who may not be directed by anyone other than the

President of the Tribunal when they are performing their duties under the Act. The Bill clarifies and simplifies the time limits within which appeals may be brought and also gives power to the Tribunal to order costs against a person who brings a case that is considered to have been frivolous or vexatious or without merit. Thank you Mr Speaker

MR NOBBS

Thank you Mr Speaker. In relation to this matter I know that it's been around for quite some time now but just the tack that's been taken in relation to this I think there's a need for the Minister to explain to the community precisely what is the role of the Migration Review Tribunal from which we are drawing one Member, what are the qualifications required, and are they all lawyers or are they all experts in some area and I know that the Chairman of the ART actually selects a member. On what basis will that selection be made and also, the statement in here that "the power of the Tribunal be held elsewhere than on Norfolk Island" I think the understanding is, and it's been bandied around a bit that all hearings will be held on Norfolk Island bearing in mind that I assume we have no member of the Migration Review Tribunal currently on Norfolk Island and that the President of the ART lives in Canberra what costs are involved and has the proposal been costed. I think that's the real question. Whilst the thought is wonderful I think you should explain to the community if you can now, and if you can't later

MR GARDNER

Thank you Mr Speaker and thank you Mr Nobbs for those questions. I'll try to work through them but if he could let me know if I miss a couple. Mr Speaker as the explanation memorandum states, it's the President of the Migration Review Tribunal that appoints or nominates the member to go on the local ART specifically for the purposes only of hearing immigration appeals. As far as the qualifications of that particular person who sits on that, whether they are lawyers or what expertise they have, I do understand that they are required to have significant or extensive background in immigration matters and obviously a full understanding of legislation that support those things. I will however get for members and circulate to Members and explain to the community at the next time we discuss those matters in the house those particular requirements or provisions of the Commonwealth Migration Act in relation to those persons who are required to sit on that. The costs involved to date there are significant costs already involved in dealing with the appeals process, not only to Norfolk Island in the production of documentation and the significant correspondence that goes on in relation to appeals, but there are also significant costs that are borne by the Commonwealth in exactly the same fashion by the Minister having to deal with it by his officers having to deal with it by them having to then seek advise from various departments of the Commonwealth. One of the aims of this other than providing a more just system to people who are going through the immigration appeals process was to try and minimise the costs that are involved as well as the time frames. I believe that this will significantly minimise those costs. My proposal to date is that the costs of the MRT Member on the Administrative Review Tribunal will continue to be met by the Commonwealth. It will be a significant reduction in the overall costs that they currently are experiencing. Obviously the detail will need to be worked out subject to the passage of the legislation and the assent to the legislation. It is also proposed and the provisions already exist in the Administrative Review Tribunal Act of 1996 the ability of the Norfolk Island Administrative Review Tribunal to be able to meet by electronic means and undertake meetings by electronic means. It has certainly always been my intent that there would not be a need for the Member of the Migration Review Tribunal to actually physically be on Island, that discussion of the Administrative Review Tribunal in relation to these matters could and should be undertaken by electronic means, in other words through teleconferencing and whatever technology is available at the time, and those are costs that is infrastructure, those are things that are already provided for in our court system, in our tribunal system. Have I missed any question there Mr Nobbs? As I said I undertake to provide the actual requirement of Members of the Migration Review Tribunal at the next sitting. There is one other matter Mr Speaker while I'm on it. Again unfortunately Mr Brown is not here but here and I have both had significant degree of discussion about the provisions of both this Immigration Amendment Bill and the

Administrative Review Tribunal Amendment Bill in relation to some aspects and particularly may be a requirement for a sunset clause which further still will demonstrate the responsibility that Norfolk Island seeks to enjoy as far as the devolution of immigration powers, a sunset clause on the appointment of a member of the Migration Review Tribunal for the purposes of hearing immigration appeals, however, again, that is a matter possibly can be dealt with at the detail stage amendment. I think that is going to require some further discussion and that will result hopefully as far as the upskilling of Members of the Administrative Review Tribunal in relation to immigration matters and hence a view I guess at the end of the day that if our local Administrative Review Tribunal are adequately skilled and appropriately qualified in those matters, that there should be no barrier to immigration appeals being dealt with in their entirety at some future date by the Norfolk Island Administrative Review Tribunal

MR NOBBS Thank you Mr Speaker. I thank the Minister for his words and if he could find out the qualification for Membership and the like for the Migration Review Tribunal for the next meeting that would be great. The costs were a concern but he's spoken of the use of electronic devices and the like which means that somebody can be sitting in Canberra and taking part in a meeting well that's great and also the costs of the Migration Review Tribunal member will be borne by the Commonwealth. This is interesting and I thank you for that

SPEAKER Any further debate?

MR GARDNER Mr Speaker I move that the debate be adjourned and that resumption of debate be made an Order of the Day for a subsequent day of sitting

SPEAKER Thank you Mr Gardner, 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

PLANNING (AMENDMENT) BILL 2004

MR I BUFFETT Mr Speaker, I present the Planning (Amendment) Bill 2004 and in presenting that Bill I read the explanation memorandum and make the comment that this particular Bill is a small but important piece of legislation in that it enables the proper Administration of the Planning Act

SPEAKER If I could just state that the question before us is that the Bill be agreed to in principle

MR I. BUFFETT Mr Speaker in presenting this Bill I wish to read the explanation memorandum just to briefly explain that the reason for this particular piece of legislation at this time is to enable a smoother Administration of the Planning Bill which is currently in force and being in use in Norfolk Island. This proposed enactment is intended to correct and make provision for matters that have arisen as I mentioned in the Administration of the Act. In particular clarification is provided that breach of certain sections is an offence and provision is made to maintain a register of compliance orders that have been issued against person thereby enabling a system to better control persistent offenders. The Bill also ensures that when an application made before the principal Act came into force is approved it is deemed to be approved under the new Act and to have effect accordingly. As I've mentioned, it is a small administrative piece of legislation and I'll be seeking Members support

SPEAKER Any further debate?

MR I BUFFETT Mr Speaker I move that the debate be adjourned and that resumption of debate be made an Order of the Day for a subsequent day of sitting

SPEAKER Thank you Mr Buffett, 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

BUILDING (AMENDMENT) BILL 2004

MR I BUFFETT Mr Speaker, I present the Building (Amendment) Bill 2004

SPEAKER That having been presented to us Honourable Members the question before us is that the Bill be agreed to in principle

MR I. BUFFETT Mr Speaker in presenting this Bill, once again this is a piece of legislation that forms part and parcel of the land package of legislation. This Bill is reasonably new and the provisions that I seek to include today by way of this amendment is to allow proper and more effective Administration of this piece of legislation and in doing that I'll read the brief explanation memorandum that will be tabled with this Bill. Mr Speaker this proposed enactment is intended to correct and make provision for matters that have arisen in the administration of the Act. In particular clarification is provided that breach of certain sections is an offence and a correction is made to the description of the work that is involved under section 45(1) which will now refer to building activity rather than building work.

SPEAKER Any further debate?

MR I BUFFETT Mr Speaker I move that the debate be adjourned and that resumption of debate be made an Order of the Day for a subsequent day of sitting

SPEAKER Thank you Mr Buffett, 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

LEGISLATIVE ASSEMBLY (REGISTER OF MEMBERS' INTERESTS) BILL 2004

MR GARDNER Mr Speaker, I present the Legislative Assembly (Register Of Members' Interests) Bill 2004 and move that the Bill be agreed to in principle. Thank you Mr Speaker. Before, as I have done today with other pieces of legislation I have introduced before I read the explanation memorandum into Hansard just some general comment about the development of this particular Bill that I've brought to the House today. Mr Speaker as Members would be aware Mrs Jack at a previous

sitting of the House that may have been in March or April but certainly in recent times moved a motion that was unanimously carried by Members of the House for myself as responsible executive Member to bring back to this House legislation for the establishment of a Register of Members Interest including a Code of Conduct and other matters and certainly that is what we have attempted to do and we have before the House today the result of that initial discussion and development and there has been significant discussion and development of this legislation. We have drawn on the assistance of the Commonwealth Parliamentary Association and other legislatures involved in that association, canvassing their views in an appropriate form for the development of a register of Members interests and an appropriate Code of Conduct and I'm grateful to those Members of the legislatures who are Members of the Commonwealth Parliamentary Association, for being so willing to assist and provide us with documentation that has provided useful guidance for us in the development of this legislation. Mr Speaker as Members would be aware and I think many people in the community would be aware, this was another matter that came to the attention of the Joint Standing Committee in their report on governance on Norfolk Island and certainly their recommendation contained in their report for the development of a similar type of provisions to this even though I find it very interesting that those Members of that Joint Standing Committee are not bound by legislation or strictly enforced codes. I think in recent days and certainly recent weeks there's been clear evidence that the provisions that the Commonwealth parliament and Federal parliament enjoy in this area certainly leave some room for significant improvement. However that aside Mr Speaker this has been a matter that has been a matter of concern to various Legislative Assembly's over time. Certainly I think the 9th Legislative Assembly were trying to give consideration to it, the 8th Legislative Assembly established an informed Register of Members Interests that was in the keeping of the then Chief Minister who also held the dual role of Speaker of the Legislative Assembly. Whether it got much use, whether it achieved the aim that it set out to do, is debatable and probably could continue to be argued in this place for a long time even with the passage of this legislation but it is something that has been viewed as an appropriate course of action take and I guess in the maturing of the self Government responsibilities of Norfolk Island that we rightfully and appropriately have a forum, a form, a mechanism for people to be able to measure the performance and the general delivery of services by Members of the Legislative Assembly to this community. It also has been encouraged over time to also provide a mechanism for Members of the public who may have complaints against Members of the Legislative Assembly. I'm pleased in conjunction with this to note I think the sterling work that's been undertaken by the Administration of Norfolk Island in pursuing and developing their own Code of Conduct and their own conflict resolution type processes and this all ties in with the development of a better Government system for Norfolk Island. Mr Speaker the explanatory memorandum reads that this Bill is intended to codify and clarify the obligations of Members of the Legislative Assembly in their governance of Norfolk Island. The issue of
insert

Thank you Mr Speaker.

Insert – there's a piece missing here

MS NICHOLAS

Thank you Mr Speaker. She has sat on the bench almost as long as you have. I believe her comments of value and should be careful considered. I also await consideration of the findings and recommendations of the Select Committee Report which was tabled today and I hope that discussion stimulated by these documents will take place before this Bill returns to the House, thank you

MRS JACK

Thank you Mr Speaker. It's just a thank you to all those who have taken this motion on board. The Chief Minister has made reference already to the considerable research done by the Legal Services Unit and by our own Madam Clerk with her considerable input as duly noted by Ms Nicholas. I can only say

that as well as the thank you Mr Speaker, that I thank goodness for electronic communication because we've travelled the globe in seeking research and finding out how similar systems work in so many other jurisdictions and it's just marvellous what the electronic communications has been able to assist us with. Thank you very much

MR GARDNER Thank you Mr Speaker, just picking up on one of the issues raised by Ms Nicholas and that was in relation to the Select Committee Report on Norfolk Island Electoral and Governance Issues. Mr Speaker with all due respect to that report this House has already unanimously agreed that legislation of this type be brought forward and so I have complied with that request in relation to that but I do note that the Select Committee Report into Norfolk Island Electoral and Government issues request the production of similar type provisions for Members Interest and Code of Conduct

SPEAKER Any further debate Honourable Members?

MR GARDNER Mr Speaker I move that the debate be adjourned and that resumption of debate be made an Order of the Day for a subsequent day of sitting

SPEAKER Thank you Mr Gardner, 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

ENACTMENTS REPRINTING (AMENDMENT) BILL 2004

MR GARDNER Mr Speaker, I present the Enactments Reprinting (Amendment) Bill 2004 and move that the Bill be agreed to in principle. In tabling the explanation memorandum as I have done regularly today, I will also read that explanation memorandum into Hansard for the benefit of those persons listening. Madam Deputy Speaker this proposed enactment is intended to achieve several objects. It has been suggested that it is not clear from the current Act that reprints prepared under its authority which are often consolidations, are indeed consolidations and to be accepted by courts as such. This Bill makes it clear that a reprint is something that includes no changes, includes changes by way of editorial change or changes that are made by other enactments. In fact explanatory notes at the end of a reprint make it clear whether changes are cosmetic or substantive. Since the original enactment, legislation has been made available by electronic means as well as in printed form. The Bill therefore clarifies that reprints may be done electronically. The class of changes to legislation that may impact existing legislation has been expanded to include the situation where legislation is wholly repealed and replaced without effecting cross references to existing legislation, the corrections can be made. The Bill provides the example of the repeal of the Public Service Act and its replacement by a wholly new enactment, the Public Sector Management Act, which has references to positions that are referred to in other legislation by titles in the Public Service Act that need to be changed to reflect the new Act. Thank you Madam Deputy Speaker. Just some further comment if I may on the provisions of the legislation and maybe the background to it. Most people would probably be saying to themselves, well so what, what does all this mean. Basically it is an attempt to provide some clarity and assurance to people that the legislation that they are looking at with the appropriate words stamped on the front cover such as reprint are exactly that and demonstrate a full consolidation of things to the date of that reprint. This matter was first brought to my attention by Mr Don Wright who as Members would be aware was part of the Legal Services Unit of Norfolk Island for quite

some time. He is in private practise in Sydney but has quite a deal of work that he still undertakes in relation to Norfolk Island, I think he still retains a practice on Norfolk Island and it was he who originally raised the technical difficulties associated with our current provisions of the Act. Madam Deputy Speaker without saying too much more other than to say that the legislation is a clarification exercise and takes away any doubt as far as names appearing on pieces of legislation I would look forward to comment by other Members but comment the Bill to the House

DEPUTY SPEAKER Thank you Chief Minister. Any further debate?
Then Chief Minister I return to you

MR GARDNER Mr Speaker I move that the debate be adjourned and that resumption of debate be made an Order of the Day for a subsequent day of sitting

SPEAKER Thank you Mr Gardner, 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

ROAD TRAFFIC (AMENDMENT) BILL 2004

MR D BUFFETT Madam Deputy Speaker, I present the Road Traffic (Amendment) Bill 2004 and move that the Bill be agreed to in principle. Thank you Madam Deputy Speaker. In commencing my introductory remarks I formally table the explanation memorandum to the Bill. This Bill is presented as a safety measure in the Norfolk Island community. There have been a number of agencies over recent times which have raised issues of community safety as they relate to road traffic and as a prelude to this I would like to make some mention of them. Some examples. The DAA Working Group which consulted widely when it was concerning itself with social issues within the island and particularly with the effects of drug and alcohol in the island, in its report of October 2001 recommended the introduction of random breath testing. Alcohol was confirmed in their report as being involved in some one third of all accidents experienced in the island. That's one particular area that has made comment. The court records show Madam Deputy Speaker a constant number of convictions from driving under the influence of alcohol. The Coroner in November 2003 in summing up of the accident resulting in the death of young persons stated and I quote in part, there is further evidence to suggest that if seat belts were being worn, lives could have been saved. He went on to say and I quote again, I will be recommending to the responsible Minister support for the introduction of compulsory seat belt usage. Could I also make mention that hospital reports over the past five years have shown significant road accidents occurred resulting in a range of injuries including spinal injuries, amputation, medical evacuations and regrettably, fatalities. There has been at least one motion agreed unanimously by Members as I seem to recall on the need to prohibit the carriage of persons in the back of utilities or trucks because of the hazardous nature of such travel and if I remember correctly within that same motion there was an adjustment to it which asked the responsible Minister to also address the matter of seatbelts. The Members of the Legislative Assembly quite continuously of recent times had representations to them relating to the prohibition of mobile phones whilst driving. Mobile phones or trunking phones are reasonably restricted as to number on the island and they are reasonably new but there are hazards if used when in control of a motor vehicle. There are some examples of areas of concern. I am trying to explain to Honourable Members that I am trying to explain that there are responsible areas that have expressed these concerns. This Bill therefore introduces in some parts and

confirms by amendment in other parts some safety measures to respond to those safety issues. I will try to give you an overview of them. First of all Madam Deputy Speaker this particular piece of legislation re-establishes the motor vehicle registry. There is one at present but it goes through a process to re-establish it and give some further reinforcement in terms of its provisions. It for example provides for the identification of registered motor vehicles with appropriate labels and it provides for the appointment of authorised inspectors who are properly qualified and or experienced. Now these amendments are in effect safety measures in terms of updating and strengthening the inspection processes to ensure vehicles and equipment are roadworthy and have a visible recognition as being so. The arrangements also will show that present inspectors authorities will cease some three months after the introduction of this proposed legislation and new authorities will be provided to those who are appropriately qualified or experienced to be such inspectors. Mobile phones are to be prevented under this proposed legislation from being used by a driver of a motor vehicle. I will say that there are exceptions in emergency situations, for example, ambulance, police or fire services. This legislation proposes that seat belts be compulsory. There are specific requirements for young persons and for child restraints and it should be explained that these provisions will be staged into effect. The full effect of seat belt requirements will not be totally in place until the 1st July 2005 under this proposed legislation so it's a good twelve months plus in terms of putting it all into place and some of the progressions are these. That motor vehicles without seat belts will not be allowed to be imported from the 30th September of this year so that's a number of months in advance. After December of this year a vehicle that might have defective seatbelts would need to have them replaced. After the 1st July in 2005 next year, all vehicles must have approved seat belt arrangements and this progression that I've just tried to give you and overview of Madam Deputy Speaker is designed to give good notice for vehicle owners to attend to these requirements. I should also mention that there are exceptions for certain vintage type vehicles within the provisions of the legislation. Motor cyclists will be restricted to the number of passengers they can carry and prohibits the carriage of children under four and prohibits the carriage of animals upon motor cycles and it provides that helmets must be worn. There are major new provisions about driving under the influence of alcohol. Amendments confirm Madam Deputy Speaker that it will be an offence to drive under the influence of alcohol, drugs or the like. The blood alcohol concentration provided in this proposed legislation is .08. I should point out that .08 is the present limit. This is not a new arrangement in terms of that alcohol blood content level. There are some stringent provisions in some areas. For example for drivers under 18 years and for drivers who are holders of learners permits. There is a zero alcohol content in terms of those categories and there are more stringent arrangements in lieu of .08 for some other categories which relate to .02 and there are people who are driving instructors, for example, drivers who are under 25 with less than three years licence and drivers of special vehicles such as buses where they may have a range of other peoples lives within their hands. There is also the driving under the influence provisions inclusion of random breath testing and blood testing where that might become appropriate. Further provisions in this particular piece of legislation that is proposed relate to behaviour in motor vehicles, for example it deals with noise and smoke. It prohibits loud exhaust and loud noise from sound systems. It prohibits what is generally called hooning. Another provision addresses the safety issues of animals in or on vehicles. And there is a new provision to assist with safety advise and related matters. Establishing a road safety committee to advise on road safety matters. Could I just explain that this is not the first presentation of these range of safety issues. A draft Bill was prepared earlier in the year and I tabled that in this Assembly. It wasn't formally introduced at that time. This is a formal introduction of the Bill. It wasn't formally introduced then. It was endeavoured to be an exposure draft so that people would have some indication of the matters that were being considered and that the community might have the opportunity to comment and there have been comments. Some of them have been published in the paper. There have been distribution of letters to Members and I've had the opportunity to speak with a number of people concerning the provisions. And so that earlier draft has had some amendments to it and those amendments are reflected in the piece of legislation that is

now being introduced. I must also explain that this Bill doesn't stand alone in addressing some of the social issues that I addressed earlier. To accompany the Bill there are these sort of things that are designed to additionally happen. I mentioned that alcohol was one of the difficulties in a whole range of community things but including relating to road traffic and so there is an effort within the Administration to convince and pursue that low alcohol beer should be more advantageously priced than full content alcohol and that is being pursued. There is also an effort to establish a designated driver program because there may need to be different configurations about how people go about their recreational drinking and that may be an assisting process. There is to be an education program which has already commenced at the school about driving and alcohol related arrangements and we are in the process of producing educational material and advertising to be able to explain to people the difficulties of the high alcohol content and how people can take measures to be responsible in their intake of alcohol. There are also courses that are known to be available and there is encouragement for people to partake of them relating to liquor licensed premises so that they might undertake responsible service of alcohol in these various places. I mention those things because it's not just a matter of thing particular piece of legislation on its own account endeavouring to address some of the difficulties that have been described but we are endeavouring to have a programme that will reinforce and assist in other areas as well. I would like to explain also that there is an associated issue connected to this Bill but it's not its principle thrust. The principle thrust remains public safety although this is associated with it and the associated issue is third party insurance. Successive Governments have endeavoured to introduce compulsory third party insurance but for a variety of reasons it really hasn't happened. It was earlier thought that these safety issues which are being addressed now today and the compulsory third party components could be introduced together but given the difficulties of the third party arrangements, these safety issues couldn't be delayed any longer and we must proceed and that's what this is doing now and there is the expectation that third party will follow. Let me additionally mention that third party insurance can be commercially purchased in Norfolk Island. I know of personal inquiry that two insurance companies have actively available such policies but there may be others. Both have upper limits to their policies. One if I remember the detail correctly is something like half a million and the other is a million. There is a price differential in terms of the purchase of the higher one and there appears no difficulty in the continuation of available cover at this time although it must be said that insurance consultants that we have had from time to time have advised that if we continue to ignore the need for introduction of road safety measures such as the one that this Bill is addressing, there may be a result in insurance companies becoming more difficult in terms of providing this insurance and certainly more expensive. I would like to continue to advise that motor vehicle owners take out third party insurance motor vehicle in their own and in the community interest but at this stage it is not compulsory. That is not part of this legislation that has been tabled to date. That is an overview of what this Bill is about and I will seek on adjournment, that is after contribution from other Members, I will seek an adjournment with a view to bringing it forward for final consideration at a later sitting

MR GARDNER

Madam Deputy Speaker, thank you. Just a couple of preliminary comments if I could. I earlier today alerted Members to the fact that I've discussed my proposal and I understand the Minister's view about compulsory third party that it isn't constituted in the body of this Bill at this stage but Madam Deputy Speaker to advise that in an appropriate time at detail stage amendment, I will be seeking to have that developed that will provide for the compulsory nature of the requirement to have compulsory third party insurance that will be required. Presentation or evidence of that will be required to give effect to registration and I would imagine that, that detail stage amendment would be required possibly in section 8 of the current legislation however, that is a matter for another time. It is interesting that we have had already significant representation on this Bill both for and against the provisions that are within the Bill and it is important to recognise and I fully support the debate that we have to have on this subject. The community needs to have the debate, we need to provide

them with the information and I'm aware that Minister Buffett is to have extensive community consultation and has already proceeded with putting together that consultation package so to speak and that will be required before this Bill is finalised and before obviously it comes back to this House for further discussion and I look forward to being part of that and also to receiving representations from others in the community in relation to the provisions that present themselves including as I said that proposal that I have that as far as the insurance aspects are concerned because the two are often tied together just to make it quite clear that those issues and many of the provisions of this Bill are about safety issues. There is a long held thought by many Members in the community that we should have moved many years ago to compulsory third party insurance situation on Norfolk Island. As the Minister has quite rightly expressed compulsory third party is available, there has been increased business in that area and increased policies that have been written as a result of recent incidents on the island which have convinced people that maybe they should have third party insurance on their motor vehicles. There has been no indication that has been passed on to me that there is a difficulty in persons acquiring third party insurance save for those who have particularly bad records and in any jurisdiction, we don't have to talk about Australia, it can be New Zealand or anywhere else, in any jurisdiction those persons are going to have trouble effecting registration for vehicles and arguably shouldn't be on the road. However in relation to the insurance aspect there is a possibility that those persons that are currently insuring on Norfolk Island for third party will revise their conditions of the issue of that insurance or the provision of that insurance, certainly for drivers under the age of 25 and maybe even in those circumstances, the excesses that attach to those policies and an adjustment to those policies as well as the fee for the issue of that policy. I look to the next few weeks to some discussion, some informed debate on the provision of information to the community so the community too can be properly informed on all aspects of the Bill, legislation and the implications that will flow from it and I will welcome those representations as I've already welcomed the ones that we received today

MR NOBBS

Thank you Madam Deputy Speaker I would just like to clarify a couple of issues that the Minister brought up. The DAA Working Group was put together about three and a half years ago in relation to concerns expressed by some Members of the community into the drug and alcohol perceived problems on Norfolk Island. It was put together with representatives from the hospital and police and quite a wide variety of people, Members of the Public Service, customs, health workers, and the like and plus magistrates and if I've missed anybody I'm sorry. This group had considerable discussion and it was decided that the best way we actually had to get somebody in to assist us with the program and they developed a project which was funded by the Norfolk Island Government and it provided for a researcher to do a three month project on Norfolk Island. A lady was brought in and she did a report and it was tabled in about October 2001, over two and a half years ago. That Report made ten basic recommendations. It previously had done a survey in relation to the views of the community on drug and alcohol and as I said the results were put in a document which is this report here. There's no specific recommendation that we introduce the random breath testing. It stated that over two years which seems reasonable, that certain things would be done and then it would be reviewed. When certainly the two years is up but we haven't done much. That's the worry that I have with this particular piece of legislation so that's the way the DAA and the DAA comes from the school kids suggestion that DAA Working Group should be an appropriate name for it. So the group has been working towards implementing the provisions of this report. Obviously with different Members on there, there are different views to be taken into account but I think generally we work along the lines that the report should be implemented. What I need to do is look at the Bill itself and the community should look at the Bill. It's split into several particular areas and the first part really relates to establishing the appointment of a registrar and then it deals with the registration of vehicles. Now the registration of vehicles in two and a half to three years ago was a complete and utter shambles I can tell you that, and we've seen that since where we have vehicles which are unregistered, nobody knows whether the vehicles are registered or unregistered or what have you and the proposal was to put

in labels and the legislation covering labels have never been introduced so these issues here, establishing a register of motor vehicles, it clarifies the registration process, it provides for registration labels it provides for certain vehicles which cannot be registered which are transferred and those sort of issues, they are problems that we've had forever as far as areas as I've dealt with registration of vehicles here, and that's to clarify that particular side of it. I don't believe that there are a lot of problems in that segment of the Bill. It makes it an offence to use a mobile phone while driving. Well they tell me the use of mobile phones while driving are far worse and more dangerous than being under the influence so I'm led to believe by learned researchers not only in Australia but elsewhere. And then we come to the offence for driving under the influence of liquor. One of the concerns that are brought out in the DAA report was that you didn't have to give blood. What happens now is that in the event of an accident a blood sample may be taken. If you refuse that it doesn't have to be taken and that was what the Police was worried about two and a half years ago and that's what this will change but it changes it dramatically in other particular areas. It requires the wearing of a seat belt which is new, as well as in the section on driving under the influence and it also creates as an offence in the next lot of sections the inappropriate riding of motor bikes, the wearing of helmets which you can get out of if you have a big head or so I believe, it specifies an offence of inappropriate behaviour in vehicles which is something that's we've been looking at for three to two and a half years, the interfering with control of a motor vehicles and the final one of course is the establishment of a road safety committee and I don't think anybody has a real problem with that, or they shouldn't have anyway. Within the Bill there are considerable sections which could be dealt with, I believe today, and put in place and there are others that I find quite inappropriate. What I want to say is this. The problems of drugs and alcohol on the island was recognised in the survey that was done as part of the DAA Working Groups research project that was done, but driving and drinking is only one very small segment of the problem and I think what we are doing is we are not looking at the start of the problem, we are looking at one of the end results and betwixt and between is a huge range of particular problems that we're just completely ignoring and I've spoken here to Members before and I won't repeat again all that I've said about various things, but those are the areas. We should start at the source of the problem and then work it down and I believe that there's a need for considerable public education. Maybe we will do this for a month. I mean, we've only got a month before this comes up again and then the Members of the Legislative Assembly will then have to decide whether they are supporting the thing or not and what I would hate to see is the whole Bill being thrown out because there are specific parts in here which are of value and of necessity. The Minister said that we should be promoting low alcohol drinks. Well that should be brought in, not just that we are thinking about it or maybe we are going to do it. The appropriate serving of alcohol there's been courses done here by private provider and the various clubs and sent staff to it at a particular time but that's an ongoing thing, staff changes and appropriate servicing of alcohol is a big issue in this because it really protects the person behind the bar from some sort of real problem because it gives him a standing as well as a responsibility in the control and the consumption of alcohol by a person who might be or in his opinion might be inebriated therefore we need to look at, and I've said it before and I'll say it again, we need to look at a more appropriate Liquor Act. We must have that and it should go in before any of this stuff comes in. We should provide customs and police with support initially, with support because I don't think they do have support at all, a lot of the times and also that's moral support as well as improved detection equipment and training necessary in this sort of activity and bearing in mind that this Bill doesn't just deal with alcohol, it deals with drugs but alcohol is specified. If you're at this level bang you're gone. But the breathalyser doesn't tell you if you're doped up on speed or something like that. It doesn't say that at all. There's no reading in there at all therefore the drug situation needs considerable work I believe, not only here but also in the others. I think it's been ducked around in Australia for far too long. I think we need to introduce an appropriate Dangerous Dugs Act. I think ours is not up to speed. Nowhere near it. We need to ensure that there's control on display and sale of dangerous drugs. We need to provide for ongoing update of the dangerous drug list. I mean there was a bit of it in the second to last police report. It was clearly spelled

out that a particular drug had been brought on to the island that wasn't listed on our list and it was a new drug. Well we've got to keep up to speed with those sort of things. I wouldn't mind the providing of breath testing of drivers in accidents, as they do at the present time to the level of .08 because I understand the blood tests are \$650 a pop so I believe but you still have to have a drug test in the case of drugs. We should bear that in mind. I believe that we haven't been, and one of the issues that was brought out in the DAA research project was that we do have available to us, the same as the tourism set up the appropriate statistics and these I don't believe have been provided to the Legislative Assembly when they're looking at these sorts of issues so my view is that there are other issues that we need to tackle before we go on to this and one of them is a really strong education process. As far as the seat belts are concerned, seat belts are normally fitted in most vehicles I think except my little truck hasn't got one but most vehicles have them. There's nothing to stop the person wearing seatbelts. If they so desire, put it on. I did thousands and thousands of kilometres off road, bush bashing and what have you and the guys said you had to wear a seat belt. It was more important they felt wearing a seat belt when they were going through the scrub then they were in the other areas so they had to wear them in both so it didn't really matter. I think that there's a need to require children to be restrained. Whether it's under ten or under eight or whatever it is but in that age group somewhere and I think there's a need to also include in that the appropriate education program and I agree with what Mr Robison said the other day, reduce the speed limit. What's the difference really. 40 kilometres an hour on an island that's five miles by three miles. 40 kilometres around the island. 30 kilometres in Burnt pine. No problem. I had to follow a tourist yesterday doing 15 around past the airport so that's fine. You don't get excited about that. They're the things that should be looked at but I wouldn't like to see a lot of the issues in this thrown out because of the fact that people including myself disagree with seat belts and random breath testing. Thank you Madam Deputy Speaker

MR ROBINSON Thank you Madam Deputy Speaker you pretty much stole my thunder Ron. Minister do you have any idea of the cost to fit out a car with approved seat belts

MR D BUFFETT Thank you Madam Deputy Speaker no I don't have an answer for that. Mr Robinson obviously does otherwise he wouldn't have asked me the question and if he has that information I would welcome him to make it public. But that's not the main issue. The main issue is that we need to address the safety factors and we have endeavoured to make a program known which I've endeavoured to spell out to be progressive so that those who are entering the arena of purchasing vehicles from hereon will know that there are certain rules and can import vehicles according to those rules and there is a time frame of over twelve months for people to progress, to be able to equip their vehicle if in fact they have one at present that is not suitable equipped so whilst that means that there may not be an escape situation with no cost, but if in fact we are serious about the safety issue, then we need to understand that maybe there will be some cost. Now if Mr Robinson has some information about costs of equipping a vehicle I invite him to let us know so that can be part of the knowledge process

MR ROBINSON Thank you Madam Deputy Speaker, no. It was a genuine inquiry Mr Buffett and it amazes me that we are forcing people to have seat belts equipped without knowing how much it's going to cost. On the other side of things, I'm in favour of reducing the speed limit as a compromise, remove the random breath test, have testing facilities for sure but only for just course. For example, driving erratically or dangerously or as the result of an accident. With the reduced speed we could safely ride on the back of a truck with 300 ml sides with the provision that it would be for people over a certain age within the confines of the tray or even if you just restrict it perhaps to the speed on those vehicles, and as the Minister was saying, the fact is we can get third party insurance now and I agree with my colleague Ron, you are not really

attacking the problem, you are attacking the results of the problem and that's all I'll say for now

MR I. BUFFETT

Madam Deputy Speaker I guess we might summarise this piece of legislation as you're damned if you do and you're damned if you don't but it's an interesting one. For some issues we are facing at the moment I believe it's currently present and it's always been present but we are probably going to run into the same fundamental issues. The fundamental issues basically get reduced to how well all this is going to be enforced, and how we are going to handle it all. Let me put a couple of propositions to you. Perhaps we've jumped the gun just a little quickly in terms of saying we have inspection stations and we have an inspection process. What are the minimum standards for those stations, who writes them, who decides it, where do I pick up the piece of paper and look up the quantum of rust I'm allowed to have in the sills in my motor vehicle, where do I go to that inspection station and look at the standards I need to comply with for my lights and all of these issues. Let me tell you they are not new. They are absolutely not new and what happened the last time this process had a bit of a run when we tried to do this, it became so complicated because you either adopted another legal regime or another regime that's already well tested and in place and upon which future court cases can be based or you tend to look at a hybrid situation that recognises what we are and where we are and that's what happened last time, or are we putting a Road Safety Committee in place and they are going to decide these issues because I suggest not because if you do you'll never be able to indemnify them and you'll have your own problems regarding insurances so let's go on a little further. We have had registration stickers. The enforcement of unregistered motor vehicles did not improve one iota. It did not improve one iota and we had exactly the same, I think we had more police in fact at that time that the registration certificates and labels were in place. I'm not condemning it. I think it's a great thing but then we start looking at the cost and we start thinking who's going to walk up and down the street looking at the labels. Sure there's different colours and you can watch the colours going past but once again I call to question the matter of enforcement and actually doing it. The quantum of motor vehicles on Norfolk Island and I tend to disagree that there's no register because one of the things that does operate well and I think at any point if you call on the finance section of the Administration they can print out for you every single vehicle on Norfolk Island that is currently registered and they've got the numbers there and they all have number plates or things attached to them if they haven't so the enforcement procedure once again comes into place and we've always had a motor vehicle register. Let's look at seat belts. Madam Deputy Speaker seat belts certainly are involved in every motor vehicle that is coming to Norfolk Island because they are coming from other places. Let's look at the first time there was a serious accident when somebody was wearing a seat belt and let's look at the first port of call that I representing the litigant in this particular thing would go to, to find out what are the minimum standards for seat belts fixed in vehicles in Norfolk Island and discover that it's the rules applicable to Kyoto in Japan in the year 1976 when that seat belt was probably installed. Interesting little proposition. Let's have a look at whether the Road Safety Committee is going to provide a list as to what design standards for seatbelts are going to be for people of this jurisdiction. Interesting question. Let's have a thing about it. Let's look at the question of alcohol and breathalyser. To a degree I totally agree with Ron in terms of some of the education programs that I believe should be in place before we do this and I can't really argue against having a breathalyser but what I do have a real concern with is when this issue was discussed in some depth there was a clear indication that to be effective and fair in small community's it depended a lot on Administrative decisions. Whether it was going to be random, targeted or whatever and we are going to be depending on the good will and good assimilation I guess of the people who operate this. I can't really argue against it, truly I can't. mobile phones. In emergency vehicles only in this legislation. The statistics you hear about mobile phones causing accidents I think you need to look at that in perspective. Mobile phones in Australia are small. Normally they are being used on a highway where vehicles are travelling up to 100 kilometres minimum to nearly 200 kilometres per hour and you're answering the phone having a discussion. I'm not too

certain whether that statistics would stand up and 40 kilometres per hour. Certainly there would probably be some results and those are things that concern me just a little bit. I guess the Road Safety Committee concerns me a little. I think we need to see the regulations that say exactly what they are going to do and what they are going to be responsible for because we could be creating a monster which we've got to indemnify in terms of us looking at more practical pieces of legislation that eliminates the need to have that sort of advise that we are going to depend on because we are probably creating liability. We are probably creating some liability for that group. As I said in the beginning, there's some of the issues. You're damned if you do and you're damned if you don't with this one. I know the protection that we need to give the community. I think there needs to be some further discussion and maybe we're at the stage where we're not all happy with this, and of course it's going to be adjourned again at the next sitting, I can guarantee you that, if we are not all happy at how the issues are going but certainly these are some of the discussions in the community. An economic result maybe to introducing some of this legislation. If in fact we get to a situation where it's challenged, that we need to have some design rules that are recognisable within a particular jurisdiction and we for example need to import the regimes that govern these issues, let's give you an example from New South Wales. We effectively cut off the importation of all vehicles into Norfolk Island via the most accessible route for bringing vehicles into Norfolk Island that is, via the arrangement that we get through New Zealand because none of those vehicles, or let me rephrase that, probably a great percentage of those vehicles would not normally comply with some of those design rules and so we have those issues and it could effect the economy. Hire cars could be triple the price. For example if you are restricted to getting hire cars that have been previous registered or can comply with the jurisdiction from which we've adopted that legal regime to cover those inspection issues, and those issues you can extrapolate them out and it goes right along the way because once you start doing that then when you extrapolate that out you extrapolate the question that I first touched on which is the inspection regime and then you decide well what the hell is the point. Pardon me, I'll retract that. What on earth is the point of having seat belts that are attached to the floor that's only got three bits of wire running through the bottom and are all rusted because in fact when you put the brake on the seat belt, the seat, you and the window and everything else is going to go irrespective of what seat belt you are wearing and these are issues I'm not too sure whether we as a group of legislatures have not jumped the gun and that in fact these are all things that as I said, I cannot argue against so perhaps what we really need to do is take them one by one, look at what inspection regime we are going to adopt and see whether we can legitimately place the end result on that basis. Take the next one. What are the seat belt requirements. What are the minimum standards we are going to look at and can we legitimately do that if we are challenged in a court of law. Can we really spell out what this Road Safety Committee is going to be responsible for and how are we going to identify them and deal with those issues. Is it a statistical fact that registrations are going to result in more cars being registered. I'm not certain and history tells me and from some personal experience I doubt it very much, however, if what we are saying is to put this in place an additional police officer that we are putting in the budget we need to multiply by three and that is a question that we need to take to the community because these issues are only enforced at that level. Now they are the concerns that I personally have and as I said I can't argue against it but I would certainly like to place those issues before Members and other Members of the community to discuss and if it is the basis that we need to take it forward on then really I believe that if we haven't resolved some of those issues, then come the next sitting the matter should be adjourned again until we can have some proper basis upon which we are able to base a number of the issues in the Bill

MR D BUFFETT

Thank you Madam Deputy Speaker I just mention some points before I move an adjournment of this. Firstly if I could just acknowledge the words that were mentioned earlier in the piece. The Chief Minister has foreshadowed that some third party insurance component could well come forward and I welcome that and I acknowledge that at this stage of the proceedings. I would also like

to acknowledge what Mr Nobbs has said in terms of some of the background to the DAA Working Group and his indicator that there were a range of other things that equally could be and should be addressed. He mentioned the Liquor Act, the Dangerous Drugs Act, a strong educational process. Well I've got to say that I too endorse that many of those things should be done. There is a question mark as to whether they can all be done together and indeed some of those are not in my particular bailiwick. What I'm trying to demonstrate is that a good many of the things that are in the bailiwick for which I have responsibility, I want to get on with them and move them as is appropriate. It's interesting that Mr Buffett has mentioned that we may be jumping the gun. Well we are usually accused of the reverse of course, of doing things when it's too late and I think I should say that if in fact we waited for all of the other things to be done in respect of these important safety measures they'll never be done and what will happen then is that the community will continue to be at risk in the areas that it is at risk at this moment and we'll not be applauded for that Madam Deputy Speaker. There are a couple of points made by Mr Buffett which were quite negative points. I think I should put them into perspective. They particularly related to standards of seatbelts. There was an indicator that maybe we would be forced to follow New South Wales or Australian standards at this stage of the proceedings and therefore many motor vehicles would not be on the road. We have been quite careful not to put ourselves into that situation and we have tried to lead with a situation that the standards that relate to the manufacture of the vehicle when it was manufactured would be those that would be accepted in the first instance and as I understand it that is how the legislation is framed but more than that, that is what we understood around this table when we had worked through this issue and explained this issue, so this issue that has been raised in a negative sense by Mr Buffett, we had talked about before and we had in fact ensured that we weren't going to lead into that difficult situation that he is endeavouring to say we might be going into so that needs to be seen in perspective. In terms of motor vehicle standards we need to work with those who are responsible in terms of inspectorial arrangements and surveillance arrangements, testing arrangements, will need to be on their metal in this process and we will need to give moral encouragement for people to be about their tasks in this process. If in fact we feel that we are genuinely about safety measures in the Norfolk Island community and I endeavoured to explain at the very beginning of my addressing this matter that, that was the prime concern, I think it is fair to say, and this is not necessarily, it has been alluded to, but not necessarily said by everyone, that there is significant difficulty in some of the visions of the legislation in terms of the way of life in Norfolk Island and it is a real issue. It is a difficulty and I share your concern about that and it's one of the things that were particularly raised by the group of people who circulated a letter to all Members and published something in the paper. They have genuine concerns and that is a difficulty. I think it must be equally seen that there are occasions when we as a community move in certain directions. In this instance we have moved in terms of direction about importing vehicles in this instance, quite widespread, as a modern convenience, which I and others will understand that people in this day and age do not want to do without. Now that's an understandable and fair arrangement and people within the community are doing just that. The vehicles that we are importing are good and they are sound. They are also powerfully motorised and they are capable of travelling 110 plus on highways in other places. Now we don't necessarily ask that they do that here but what I'm saying is that they do that, and have that strength and that capability. At present Madam Deputy Speaker we have something like, talking about registration of vehicles now, let me just quickly look at what we have here. We have in 2003 something like 3843 vehicles. Five years ago we had 3140. Ten years ago we had something like 2782. So in the ten year period we have increased the number of vehicles on the road by 1000 plus and they are of the quality and strength that I've just mentioned. Now I'm not trying to say... Well let me just give you some further figures. I tried to be fulsome about this and it might be useful. This is the importation figures of motor vehicles on ships since the beginning of this financial year. That is the 1st July 2003. I'm just going to mention the New Zealand ships because that's where most of them appear to be travelling at this time. So in July the ship was 28, in August 20, in September 17, October 23, December 27, 1 July this year 12, March 12, in April 45. Now

that's a total, not just those that I've mentioned because there are additional ones from other places, but it's almost 200 vehicles just in the period from the beginning of this financial year and so you can see, it's not diminishing. It is in fact growing. Now the point I'm endeavouring to make in all of this Madam Deputy Speaker is that if the community wishes to walk in that direction or drive in that direction, then there are certain inevitable safety issues that must accompany it. It's not that one could necessarily have one without some flow on effect in terms of the other and there are basically some of the difficulties that we need to face in this process. One doesn't wish it to happen ;but in fact these things are visiting us. Another factor is that we do live in a more litigious society today. We don't ask that this think come and visit us and take away our way of life, but the litigious society is visiting us and is upon us. Now that's eroding our way of life. Without a doubt. But we can continue to be vulnerable to litigation, damage and injury and the difficulties that this bill is trying to address and we've not asked for those difficulties, but they've come to our little island nevertheless and it's all a very vexing question, but we if we are a responsible Government and a responsible Legislative Assembly can't be idle or ignore the difficulties that all of this presents and so regrettably, very regrettably, this bill which tries to address them in some way, I accept that we can talk about some of the issues, but I think that it needs to be reinforced that the reason for doing this is not wanting to take away people's way of life which I would value more than most in this room, but in fact we need to address some of the difficulties that are visiting upon us and we need to walk them through and this is a process that we need to try and do so. So having said that at this stage 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 Mr Buffett, 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 ROBINSON

Madam Deputy Speaker I move that the House at its rising adjourn until Wednesday 23 June 2004, at 10.00 am.

DEPUTY SPEAKER

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

QUESTION PUT
AGREED

The ayes have it, that motion is agreed to

ADJOURNMENT

MRS JACK

Madam Deputy Speaker, I move that the House do now adjourn

DEPUTY SPEAKER

Is there any debate Honourable Members?

MR ROBINSON

Thank you Madam Deputy Speaker. Today we had our report from the Select Committee on Norfolk Island Electoral and Governance issues tabled in the House. I think it's interesting and the fact that our colonial overlords didn't bother to put a submission to our Select Committee confirms that they are not

interested in the good Government of Norfolk Island rather they would take heed of their own Joint Select and Standover Committees whose job it is to remove even more of our so called self Government. Anyone who does not recognise the importance of sorting out our constitution, our constitutional position, is probably a Canberra agent of influence, naïve or just plain ignorance. Thank you Madam Deputy Speaker

MR D BUFFETT Thank you Madam Deputy Speaker. We have passed a resolution of adjournment until the 23rd June and so before that date comes along we will experience Tuesday the 8th June which is Anniversary Day in Norfolk Island and I would just want to pay tribute to the day and encourage those who value the traditions of Norfolk Island to honour those traditions and where appropriate, to be involved in the celebratory arrangements that will be observed on Tuesday 8th June in this year, thank you

DEPUTY SPEAKER Thank you Mr Buffett, 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 23 June 2004, at 10.00 am.

