

Amendment Bill due to the fact that since that bill has passed I believe there is a connection to that Bill which restricts travel to Norfolk Island to having an Australian visa and what Senator Macdonald has recently advised us, that is to revive the amendment to the Norfolk Island Act to change our electoral system by allowing people to be able to come here and vote within one month of being here and to change the citizenship requirements for people on the electoral roll. I give notice of my intention unless otherwise convinced before the next Sitting, to do so

SPEAKER Thank you. Any further Notices

QUESTIONS WITHOUT NOTICE

Honourable Members are there any Questions Without Notice.

MR BATES Thank you Mr Speaker my first question is for Mr Cook, Minister for Immigration, has the Minister received any recent written reports or submissions from the Immigration Committee and if so, does it address the Bronwyn Paddick Report

MR COOK Mr Speaker through you I notice this is also the subject of a Question on Notice from Mr Brown later in the programme. I did receive from the Chairperson of the Immigration Committee and signed by other Members of the Committee a brief statement as to the situation about the consideration particularly of the Paddick Report. The Committee I'm informed by the Chairperson has considered that report now over a lengthy period of time and assured me that the outcome of their deliberations will be conveyed to me within a relatively short period of time. I would like to say that this Paddick Report which was tabled earlier this year, I've had no input from any Members of the Legislative Assembly or any members of the public who had access to that Report. It is my obligation I believe as the Minister to seek advise from the Committee who is under the Statute required to advise me if I seek their advise. I intend to wait patiently until they have completed all their deliberations so that there is no input into those deliberations which could affect them in any way so that it comes to me free of any possible suggestions or otherwise. I would like to make it clear that I and those advising me have also been in a position of preparing quite a number of ideas and submissions which will certainly be raised with the Committee when their report becomes available

MR BATES Thank you Mr Speaker a question for Mr Smith, Minister responsible for Tourism, with the moratorium on tourist accommodation in effect what is the situation re the Homestay tourist accommodation and what is the Government doing to encourage or promote this activity

MR SMITH Mr Speaker, the moratorium has an effect on Homestay applications as it would on the other applications for tourist accommodation so there's been no encouragement since the moratorium has been in place from March this year to encourage anybody else to get into the industry at this point in time however, a plan for the moratorium issue is being developed currently and before it is to come off in March we should be able to take into account things like Homestay from this point in

MR BATES Thank you Mr Speaker a question for Mr Nobbs the Chief Minister. Is the Minister using weekly radio chats for personal political gain in the event that views put forward are not those of the Government or the Legislative Assembly is the Minister misleading the community

MR NOBBS Thank you Mr Speaker and Mr Bates for that. I find that fairly difficult. The idea of the weekly broadcast is to provide information to the community. People do listen to it. I put in some of my views which I thought was fairly

MR BROWN Mr Speaker Point of Order

MR GARDNER That's asking for a legal opinion and I'm certainly not in a position and Standing Orders prevents me from providing legal opinions

SPEAKER Quite so

MR WALKER Thank you Mr Speaker a question for Mr Cook, Minister for the social welfare. Could the Minister please advise if any gun licence probity checks have been undertaken and if so, have any applicants medical history been accessed

MR COOK Mr Speaker through you to Mr Walker I'm not aware of any such probity checks being carried out and I will take on board the question that Mr Walker has asked and I will ensure that he gets the earliest possible response to all aspects of his question here this morning

MR WALKER Thank you Mr Speaker supplementary question. Should a licence not be approved does the applicant have any avenue available for appeal

MR COOK Mr Speaker here again I don't wish to be in a position to give incorrect information. I believe there are appeal provisions which are available. I want to be quite certain that they apply in this particularly situation and again through you Mr Speaker I will give Mr Walker a full reply to his question as soon as I can

SPEAKER Gentlemen, I've just signaled to Mr Smith that if you feel you would like to take your coats off and feel comfortable in doing so, please feel free to do so

MR BATES Thank you Mr Speaker a question for Mr Cook, Minister for the Immigration. What discretion do you have under the Immigration Act to ensure local persons gain employment in preference to TEP's and how do you use that discretion in a practical sense

MR COOK Mr Speaker through you to Mr Bates, this is a difficult question in view of some recent matters which have arisen on Norfolk Island. I have taken it upon myself to seek full and complete advice from the Legal Section as to the operation of the provisions of the Immigration Act that relate particularly to temporary employment permits and I'm awaiting that advice and I will certainly bring forward some conclusions from that advice as I'm certain that the community and Mr Bates obviously from his question is concerned about just exactly what is the situation and how the provisions of that Act work and I have taken those steps to make sure that I can cover every aspect of the matter. I intend to exercise my discretion and will continue to do so to the best of my ability within the framework of the legislation

MR BATES Thank you Mr Speaker a question to Mr Gardner Minister for Health. What influence do you have over the employment of persons employed by the Norfolk Island Hospital Board

MR GARDNER Thank you Mr Speaker I certainly hope that I don't try to influence any decision taken in the employment of any person that the Norfolk Island Hospital Board other than to ensure that my job is to ensure that the proper and adequate process for the recruitment of persons at the Norfolk Island Hospital is in line with policy and is fair and above board

MR BATES Thank you Mr Speaker could I ask a supplementary question. I understand there is some urgency about this for the organisers of the Games. Would the Minister be prepared to make something happen very quickly

MR SMITH Mr Speaker, I'm quite happy to do that although I must admit I haven't been contacted by the accommodation person who is the liaison person for the Games, for some time. I never realised that there was all that urgency otherwise I would have expected them to contact me but I have no difficulty in pursuing that as expediently as we need to

MR WALKER Thank you Mr Speaker a question for Mr Gardner, Minister for the Environment. Can the Minister confirm that investigations are in place for the location of and appropriate approvals put in place for a permanent crushing site to ensure the community's continuity of supply at the end of the temporary six month contract next March

MR GARDNER Yes there are

MR WALKER Thank you Mr Speaker a supplementary question. Has the Minister given any thought to the temporary site at Cascade becoming the preferred permanent site

MR GARDNER In the current agreement with the Commonwealth over the use of the Whaling Station site it is quite clear that the use of that site is for six months only and I think everybody is aware of that and has been for quite some time that it is not intended to pursue that particular site in Cascade as a permanent site

MR McCOY Mr Speaker, I have a further question I wish to direct to Mr Smith in relation to his involvement in the Cascade Cliff Management. Has any approach been made through the Cascade Cliff Management to the Snowy Mountain Engineering Co or Kiapara to replace the insufficient drainage pipe put into the right hand side of the Cascade wharf as part of the Cascade Safety Project

MR SMITH Mr Speaker, I've got a short statement I'm going to make on some of those issues in statement time if Mr McCoy wouldn't mind waiting until Statements and we could also debate it at that time

MR McCOY Mr Speaker, I have a question again to the Minister for Works, now that crushed metal is available, when will the damage to Cascade Road be made good

MR SMITH Mr Speaker, that is part of the Roads Plan. Exactly when it's going to be done I'm not sure. As I was driving up there yesterday I thought it would be a bit silly to do it while there's a lot of trucks going up and down that particular portion of road. I think that's a sensible attitude but if you are living in Cascade you might not agree with that particularly view but I would probably raise that with other issues when we are talking about roads at our meeting tomorrow morning

MR McCOY Mr Speaker, a supplementary question. Will the cost of repairing the road be borne by the public purse

MR SMITH Mr Speaker, I was asked that question some time ago in the house. I gave a reply at the time that there was an agreement with the contractors when they were doing the Cascade Cliff that they would contribute to bringing the road up to at least the standard it was before the project started and they have already committed x amount of sums towards making those repairs with the agreement of the Norfolk Island Administration and the contractor. I can't recall exactly what the sum is that's been committed but it has been agreed

MR BATES Thank you Mr Speaker a question to Mr Nobbs, Chief Minister. At the September meeting you agreed to investigate a Capital Gains Tax aimed at curtailing speculation in real estate and the fact that such speculation increases the cost of land to young Norfolk Islanders. How is your investigation progressing

MR NOBBS Thank you Mr Speaker and Mr Bates. The proposal is with the Service and it's being progressed. It's on quite a long list of proposals that I've put before the Service and I can assure you that they are working as diligently as they can on all the proposals that I and I believe other Ministers have put, but you must remember that this is a huge programme. I would question whether any other Legislative Assembly has set the targets that this particular ministry has and I give them all strength, and it is a problem that we can't get things done immediately because it all takes time. However, as you are aware, there are 36 projects that we've accepted and are progressing and these are going ahead. There are other things that are continually come up that we have to address and with the help of the Service obviously, they are the main driving force behind the provision of details. These things come up from time to time and the pressure goes on. I would hate to go back over the list of Ministerials, as they call them, which are actually requests to the Service which I have initiated myself, and I haven't got a count on the other Ministers but I would say that the actual number would be in many hundreds and as a consequence these things take time and I ask Mr Bates to bear with me in progressing those issues

MR BATES Thank you Mr Speaker I'm happy to bear with the Minister Mr Speaker but I'm wondering if he would be prepared to push this along in the best interests of our young people of Norfolk Island who hope to make a stake in this place

MR NOBBS I certainly will. I appreciate the sentiments behind Mr Bates' proposal and I will certainly do that and try and push it along but there are other issues I believe like FIL and others which are equally important to the younger generation as the Capital Gains Tax proposal which may or may not be acceptable but anyway, I'll give it my best endeavours Mr Speaker

MR BATES Thank you Mr Speaker I have another question for the Chief Minister. Could the Minister inform the House how recent initiatives by the Government in respect to the engagement of a consultant are to be funded and were the proper steps for the commitment of public funds taken

MR NOBBS Thank you Mr Deputy Speaker. Where the funds are coming from are two specific areas in relation to recruitment and another one which I can't remember off hand but I can get that advise for you. I understand that the proper steps were taken but it worries me a bit when it comes from the Internal Auditor that we may have some concerns and therefore I will definitely be looking into it

MR BATES The question was purely political Mr Deputy Speaker

MR BROWN Mr Deputy Speaker I direct this question to the Chief Minister. Can the Chief Minister advise whether in this the first Nobbs Government Ministers are able of their own initiative to send Ministerial requests to the Public Service which take time for the Public Service to process, or are all such requests first vetted by all executives to decide whether they do have general support

MR NOBBS It's a bit of both in that regard. The freedom of Ministers in operating their own particular areas I think is well known, and it should be well known, although in the past couple of days I have had some requests in relation to specific areas where it was thought that I as Chief Minister may have the overall controls

but that is not the case. As you are quite aware Mr Deputy Speaker the current Norfolk Island Government arrangements, and I understand that they have been in since self Government provides that the Ministers are elected as any other MLA's to the Legislative Assembly and at that point, once they are elected, the Legislative Assembly then selects the Ministers and in fact as happened in our case selected the various portfolios which were given to each Minister. From that point on the Ministers are actually responsible to the Legislative Assembly and that's why I've stressed strongly since we've been in here, that for a Minister to operate in the best of endeavours, we need specific polices which are required. We as Ministers report to the Legislative Assembly. We are the means by which the Legislative Assembly extends its wishes and its desires to the Public Service and that's why it is most important that we have polices in place which are approved by the Legislative Assembly and which we do not have at this particular point in time and it is the subject of a question by Mr Brown on Notice later on and I will be addressing that, but under the present arrangements it's rather loose Mr Brown as you are probably aware from your own experiences in what, eighteen years on the Legislative Assembly, this arrangement is fairly loose but we are attempting to address this. This Government meets probably more than any others have done or so I understand. We meet with members on a Monday and we meet as executives with the Senior Executive officers in the Public Service usually on a Thursday morning and from that contact we develop these sort of proposals but you can be assured that we are trying to pull things together but at the moment it is rather a loose arrangement

MR BROWN Mr Deputy Speaker I direct this question to the Minister for Immigration. Will the Minister please advise whether he has yet accomplished the satisfactory equipping of the emergency services and in doing so will the Minister advise whether telecommunication facilities from Norfolk Island to vessels in the territorial waters are presently satisfactory

MR COOK Mr Deputy Speaker through you to Mr Brown, I intend to table this morning a draft of the Disaster and Emergency Management Bill 2000 for the purposes of the Members of the Legislative Assembly and the community being able to examine that draft. I intend to advance it if possible in the next Siting. It's something that's been waiting for quite some time to be able to be presented,. I'm also waiting some further final input from the Committee on the Plan which has to be formulated under that draft legislation by the Committee as the Management of all aspects of emergency services so I want Mr Brown and the community to be aware that that matter is progressing. I might briefly mention the last matter that he has raised. I did call to be circulated to all Members of the Legislative Assembly a brief memo to me from the Manager of Telecom about the state of radio communications which could be necessary to be used in rescue operations around the Island. While it might be suggested that there are a number of persons who have some radio capacity on the Island which might be in fact superior to that possessed by Telecom although I'm assured that the actual set and equipment is of high standard, a very real problem has arisen and the Manager of Telecom, Mr Davies, has acquainted me with the fact that the present location of the aerial in the Telecom Building he believes is seriously interfering with the reception which is capable of being achieved on that radio. Telecom under their agreement has definite responsibilities and so has the Administration on what is called Solas, that is the safety of life at sea, and we are required to have equipment in place which will function adequately and appropriately to meet any emergency. I am not satisfied in any way at all with the present state of the situation there, that we meet those requirements and Mr Brown and the community can be assured that I will take whatever steps are necessary to bring this about. Mr Davies has been dissatisfied and there are other members who are involved in these operations with that present status of the actual siting of the equipment. He suggests that the aerial may be able to be moved not actually to the top of Mt Pitt because there's quite a deal of transmitting equipment up there already but to somewhere else on the Island maybe out past the Gun Club or towards Duncome Bay or out those headlands where there is a bit of space. The actual aerial is a very small one, it is not like some radio mast of immense size that would

interfere with the environment but he suggests that such a situation would markedly improve the actual reception of the radio equipment. It would be envisaged that the aerial would be connected to the Telecom set by a telephone line. I've had involvement in the last week with endeavouring to contact this Maori canoe which is going to arrive at 1pm today believe it or not, after all the delays and the winds that have faced it, and we've had impossible conditions so far as the reception of any kind of radio contact with that canoe and I want to assure Mr Brown again and the community that this matter is most urgent requirement to be attended to properly

MR BUFFETT Thank you Mr Deputy Speaker. Could I direct a question to Mr Gardner. I ask whether in recent weeks used needles and other sharps from the Hospital have been disposed of in the top tip at the tip arrangement on Norfolk Island and whether if that is the case, that is the normal procedure for disposal of those items and whether there is a thought that that would continue. If the Minister would let us know about those things please

MR GARDNER Thank you Mr Deputy Speaker I received a phone call from Mr Lester Semple who works out at the tip yesterday which was taken on my behalf by the Research Assistant to Government who followed up exactly those queries regarding sharps. the Hospital has advised that the sharps are not leaving the Hospital grounds because they are no longer able to use the airport incinerator and in fact the sharps have been stored in special containers and locked up in the old bakery. That was simply because there was a difficulty with the airport incinerator. I understand from the previous Director, Mr John Christian, that those problems had been overcome and that there was an arrangement with the Airport Manager to dispose of the sharps by the airport incinerator. As I said, the matter was brought up with me yesterday. I have spoken to Mr Semple last night about this matter and will be following through to see whether in fact it was the Hospital who was responsible for the depositing of sharps at the top tip or whether there was some confusion in that matter and maybe a breakdown in communication

MR BUFFETT Thank you Mr Deputy Speaker. Could I ask a supplementary question. If it is thought appropriate, and I'm not trying to say whether it is or isn't, but if it is thought appropriate can the Minister undertake to ensure that the tip attendants are made aware that such arrangements are in place

MR GARDNER Such arrangements for the burning of sharps at the airport. Certainly. As I indicated to Mr Semple yesterday being a tip attendant one would hope that they would be ever vigilant and on the lookout for any sharps whether it be broken glass, diabetic needles that might be disposed of via the tip system by individuals in the community or other hazardous waste that they would be handling as part of their duties, but I certainly will undertake to make sure that they are advised that there is a change to that

MR BUFFETT Thank you for that. could I ask an additional question about the tip. This relates to cans. The Minister on an earlier occasion advised that he was putting in place a system for the continued collection of cans so that they wouldn't be thrown into the ocean and litter the surrounding sea and surrounding beaches. Can he give some update as to whether that arrangement is firmly in place and working successfully

MR GARDNER Thank you Mr Deputy Speaker no problem in answering that question. there were some initial glitches and the advise that I provided last month was correct in that the Government had taken over the collection of aluminium cans for recycling. there were a couple of expressions of interest that were received in relation to the supply of a can crusher for the Norfolk Island Administration. Those were investigated. In the meantime the cans were being selected. Obviously there were not enough containers at times to contain all of the cans. I understand that

those initial glitches have been overcome and there are now specialist containers that have been provided out at the tip but I have not yet sighted them but again, I understand that those are in place as of yesterday

MR BUFFETT Thank you Mr Deputy Speaker. A supplementary question. The Minister mentioned the can crusher situation. Would he just confirm whether we now have purchased a can crusher and that too is operating

MR GARDNER I am not aware as of this moment whether we have actually purchased one but certainly the advice that was provided to me is that we are exploring the purchase of one or other of the two can crushers that are on Norfolk Island at the moment

MR BUFFETT Thank you Mr Deputy Speaker. A further supplementary question if I may. Can the Minister advise us when that particular question is expected to be settled

MR GARDNER As soon as possible I would hope

MR BUFFETT Is there some idea of a timeframe

MR GARDNER I have no further information I could provide on that at the moment. I would only be guessing

MR BROWN Mr Deputy Speaker I direct this question to the Chief Minister. Can the Chief Minister advise whether the transfer of land will be accomplished by his targeted date of the 1st January

MR NOBBS Thank you Mr Deputy Speaker and thank you Mr Brown. The answer to that is obviously no. I said at the time that it was ambitious. Maybe Foundation Day might be the fallback position. Owing to the necessity I believe to do majors in relation to the Norfolk Island Plan there will be some delay and I think the date would be closer to 1 June at this point in time but the Minister for Health and Environment may have a more precise date if the Member so desires

MR BROWN Mr Deputy Speaker a further question to the Chief Minister. Can the Chief Minister advise us as to the success or otherwise of the Offshore Finance Centre and advise the amount of revenue that has been earned to date

MR NOBBS Thank you Mr Deputy Speaker the Offshore Finance Centre as Mr Brown knows is still being developed. We've had a couple of reports. There's a proposal before us now and I think it might be one of these Questions on Notice. I'm not too sure but the position now is that we are awaiting some advice in relation to an issue which Mr Brown actually brought forward in discussions on the Offshore Finance Centre and that was in relation to the Australian taxation provisions and the implications of the Australian Taxation Act. We are awaiting advice from an expert on those particular points that were raised and I will advise the House as soon as we have something in relation to that advice

MR BUFFETT Thank you Mr Deputy Speaker I ask a question of the Chief Minister. He earlier, I think maybe last month, mentioned that there had not yet been completed installation of equipment to prevent diversions of aircraft into Norfolk Island in bad weather. Could he provide us with an update as to whether this is now complete or is nearing completion or what is the timeframe for its completion

MR NOBBS Thank you Mr Deputy Speaker and Mr Buffett. I was hoping that we would have a full up-to-date report in relation to the installation at the airport and the full operation of that particular facility but I was advised by the Airport

Manager, who's been off the Island in the past few weeks, that he has been unable to complete it. Indications that I have is that there could be a final testing if the various parties, CASA, Flightwest, Honeywell and all can get together here on Norfolk Island in the first week in December but that is only what I understand at this stage but I will have a full report and hopefully some reasonably good news by the December meeting

MR BUFFETT Thank you Mr Deputy Speaker could I again ask the Chief Minister whether he would press that this matter be finalised when he has any discussions with all of the parties

MR NOBBS Thank you Mr Deputy Speaker I'm certainly pressing as hard as I can in relation to that and also attempting to gather all the information together that seems to have been in various pigeonholes and could have actually left this partiucular area and the Government in relation to the actual contract and what the commitments of the various parties are in relation to the establishment of this system and I wouldn't like to say anything more on that except that it is under review at the present time

MR BUFFETT Thank you Mr Deputy Speaker. Might I ask the Chief Minister whether there is some implication that if in fact this matter is taking much longer than expected that there might be some financial refund in the arrangements to which he refers

MR NOBBS Thank you Mr Deputy Speaker I would like to answer Mr Buffett in relation to that but as I said, I would prefer not to add anything further to that at this partiucular point in time if I may. I seek his indulgence. there are some commercials issues involved in this and it should be left as such for the next few weeks anyhow

MR BROWN Mr Deputy Speaker a further question to the Chief Minister in relation to the same subject matter. Has he yet been able to ascertain whether in the event of bad weather in Norfolk Island the aircraft will be able to leave Australia to come to Norfolk Island firstly, and secondly in the event that an aircraft is already in Norfolk Island whether it will actually be able to take of notwithstanding that the new system might have been improved and introduced

MR NOBBS Thank you Mr Deputy Speaker. I thought I had answered this reasonably well in the last one and that it was to be included as a formal from people who had far more expertise in this partiucular area than I have but my understanding is this, that if the weather is really down, there is no way that anybody can move whether they have an ILS or not and that is the problem so it's dependent on the actual conditions at the time. it will reduce, or so far as I am aware with this system, and I think Gary Robertson mentioned this right from the outset, that it will reduce the ceiling requirements but it will not operate when the fog is right down below that ceiling level it's been reduced to so obviously if the fog is right down or there's a prediction that it will be right down, my understanding is that the plane cannot land here and that's it. If it's below that ceiling that the system works to if you get my drift. that's my understanding of it and I will get some further advise in relation to that but as I said, it was part of the original report. This sort of issue was actually made abundantly clear I believe by the responsible Minister of the day and the Chief Minister of that time and the Finance Minister of that time will back me up. it was made abundantly clear that it is not a 100% system and that the system would give us a better chance than we have at the present time but I can't off the top of my head explain the actual feet that will be gained in dropping the ceiling but that is as far as I'm aware of the partiucular arrangement. it will not cover all eventualities

MR BROWN Mr Deputy Speaker this is a further question to the Chief Minister. Will the Chief Minister please make enquiries without relying on

whatever advise may have been provided by the previous Minister as to whether or not it is a fact that there can be weather conditions under which an aircraft will not be able to leave a mainland port and fly to Norfolk Island or leave Norfolk Island and fly to a mainland port, notwithstanding the existence of the proposed new system

MR NOBBS Thank you Mr Deputy Speaker. I said previously in response to this that a report is being prepared and the Airport Manager and others have not had time to complete that report. In it will be the relevant information which I believe I've explained fully and I believe the previous Minister explained fully and it was not questioned at the time, is that there will be times when the facility will be of no value but there are other times, and it is considered that the percentage of time that the facility will be useable will be of benefit and this has been backed up by Flightwest who have been 101% behind it. the other airline that is servicing Norfolk Island have not as yet felt that there is a need and they are obviously taking the chance in retaining their present arrangements but Flightwest is still 101% behind it and they will, or so I believe from the latest that I've got from them, that it will be tested in the first week in February if all parties can be pulled together at the same time

MR McCOY Mr Speaker, a question that relates to a question you asked earlier on to the Minister with responsibility for waste management on the Island but to some degree the question can also be answered by the Minister with responsibility for Works. Apart from a notice and tip opening hours published in the Norfolk Island Government Gazette No 53 what do you intending doing to ensure that the dumping of rubbish outside the advertised hours does not occur at the top tip

MR GARDNER Thank you Mr Speaker. I think in relation to that it would be upon the shoulders of the tip operators and the people supervising the tip contract to ensure that what is published in the Norfolk Island Government Gazette is followed through with. Certainly if there are problems and those have been brought to many Ministers attention over many years, the difficulty of the sorting of rubbish and the dumping of rubbish outside of hours and the convenience, and that really is what has lead to the promulgation and the steady implementation of the Waste Management Strategy that was developed last year to address those issues and certainly if there are concerns there I'm quite happy to discuss them further with John and we take them up with the appropriate officers in the Public Service to ensure that there is compliance not only with what is Gazetted but safe handling practices in materials and dumping of waste at the tips

MR McCOY Mr Speaker, I have a question I wish to direct to the Chief Minister. Has a police report in relation to the theft of public moneys being part of the Administration payroll been submitted to you

MR NOBBS Thank you Mr Speaker and Mr McCoy. The answer is yes, it is in the hands of the Police and a preliminary report has been submitted and it is also the subject of a Question on Notice which I will be answering but yes, I have received a preliminary report

MR McCOY Mr Speaker, thank you and sorry for going back to the waste area but I overlooked a question I had on my mind and that is if an occupied or unoccupied vehicle goes into the top burning tip if no attendant is present is the Norfolk Island Government liable

MR GARDNER Thank you Mr Speaker again I can't really...

SPEAKER Yes, I think there's an element of legal advise being sought there and as Mr McCoy may know, Standing Orders don't permit that in that context to come forward

MR McCOY Mr Speaker, could I re-arrange that question then please. What does the Minister intend doing to ensure that the possible fatality does not happen

MR GARDNER Thank you Mr Speaker. As far as I am aware that are arrangements to ensure that safety barriers are in place at the top tip. If they are not at present, I certainly haven't been made aware of them but it is a problem. The tip and other services on Norfolk Island actually sit on public reserves. It is a concern of our liability or otherwise in all of our reserves as to what happens to vehicles whether it be backing into a tip, off a cliff edge or through a fence or whatever it may be, it certainly is an issue, I know Mr Brown has had concerns over for a number of years on just how we are going to address that with appropriate signage and bits and pieces. It is certainly a concern I believe with the officers in the Administration who have responsibility to ensure that adequate policies are in place covering the Administration for such eventualities. I certainly don't have a simple answer to that other than I would be disappointed if it isn't brought to my attention that adequate barriers are put in place to prevent vehicles from going into the tip on the tip site

MR McCOY Mr Speaker, I direct a question to Mr Gardner in his capacity as Minister for Planning. It is a backup question to one I asked earlier on and I believe Mr Gardner now has some answers and that is whether the Norfolk Island Planning Act 1996 was ever Gazetted and if he could indicate what time it was Gazetted

MR GARDNER Thank you Mr Speaker. When John asked that question earlier, again he was seeking some legal advice which was a problem of Standing Orders and I certainly sought the advice as quickly as I possibly could to nip in the bud any concerns that the community may have about the legalities or otherwise to do with the Act and to prevent any rumour spreading that it does have legal basis. I have two documents in front of me. Both copies of the Norfolk Island Government Gazette. One of the 23rd January 1997 which indicates the commencement of parts 1, 2 and 8 of the Planning Act 1996. In that same notice it also refers to the Subdivision Act 1996 and in a later Government Gazette of Thursday 20th June 1997 the commencement of parts of the remainder of a list of Acts including the Building Act, Billboards Act, Land Administration Fees Act, Planning Act, Subdivision Act, Crown Lands Act, Official Survey Amendment Act, Public Reserves Act, Public Reserves Consequential Provisions Act and there's more on the back page to do with Land Titles and Planning and Public Health so in short, in answer to John's question regarding date of gazette, well certainly there are two Government Gazettes to show that it was indeed Gazetted when those parts of the Act were commenced

SPEAKER Thank you. Further Questions Without Notice. We have concluded Honourable Members

QUESTIONS ON NOTICE

We move to Questions that are on Notice Honourable Members. These commence at No 15 Honourable Members. A question to the Minister for Tourism and Commerce

MR SMITH Mr Speaker, I have a question put on Notice by Mr Brown and I must say before I answer this question that there has been much humour about the amount of questions put on the Notice Paper by Mr Brown but I would like to compliment him. It is far easier for an executive member to answer questions when they are realistically listed at least a week before the Sitting of the House and I thank him for that. And the question is 1) How many private roads exist on Norfolk Island? How many portions are serviced by each of those roads? What is the condition of each of those roads and what is the Government's intention as to ensuring that each of those roads will remain useable? Mr Speaker I've been provided with the following information. There are 36 private roads on the Island. There are 426 portions serviced

by each of those 36 private roads and thirdly the Government does not have a policy in relation to private roads as such because they are a private responsibility. that relates to the third part of Mr Brown's question which is what is the condition of each of those roads and what is the Government's intention as to ensuring that each of those roads will remain useable. Well, it's not up to the government to ensure that private roads are kept useable, although I understand that there has been a long standing policy that if somebody has a private road and they would like the Government to take it over, if the owners of that road would like to bring it up to a standard, I think it is generally accepted that the Administration will then take it over and maintain it from there on and I believe that has happened in some cases. Mr Speaker attached to the response I have is a list of private roads, with a list of names, mostly of estates that these roads relate to. I don't think I should read out the names of all the people on this list as that would take quite some time but I will make it available to any Member who would like to have a look at that if they are interested

SPEAKER

Thank you Mr Smith. Chief Minister

MR NOBBS

Thank you Mr Speaker. I have a series of questions from Mr Brown and the first one is will the Chief Minister please provide full details of the progress of the insurance claim for damage to the Millennium marquee, and advise the extent, if any, to which the insurer has agreed to fund the cost of the damage. This question incidentally Mr Speaker was on Notice from another Member as well.

The administration has submitted an insurance claim through their insurance brokers – Lowndes Lambert of Sydney. They in turn have forwarded this to the relevant insurance company. The claim is being assessed by an independent claims assessment company – McLaren's Toplis of Brisbane. Despite a great deal of pressure being exerted on the assessor to speed up the process a formal response has not been received. At this stage we do not have a quantifiable amount or detail as to the success of our claim. The administration is maintaining daily contact to ensure a speedy resolution to the claim.

The second question or No 17 I think it is, will the Chief Minister please table the current Norfolk Island Government's vision for the future of Norfolk Island

The answer Mr Speaker is simply this. The previous Assembly ie the 8th Assembly accepted the John Howard Strategic Plan for the years 1998 – 2003. Within the Plan was a vision statement passed by the 7th Assembly in 1995. The current position is that the said Strategic Plan 1998 – 2003 remains in place until such time as the current Government completes Project 22 – Update Strategic Plan. This update has not commenced, as it is dependent on information from other projects. As a consequence work on the strategic plan update will not occur until the latter part of this financial year. As a consequence of the above I table again the current strategic plan and the vision statement contained in that document which was passed by the Legislative Assembly on the 5th October 1998. As I stated the Vision statement was originally passed by the 7th Assembly in 1995 and is in need of some ophthalmic treatment.

Next question Mr Speaker. Will the Chief Minister please advise the present status of the preparation of a Plan of Management for the Norfolk Island Airport. This is another project within our Project List Mr Speaker and as was stated two weeks ago in the paper when it was published that from time to time there would be updates on each of the projects and it was updated last Friday when the paper had a bit of room to run it. Anyway, the answer to the question is. Development work is progressing on the Norfolk Island Airport Master Plan, which once completed will address planning matters concerning the Norfolk Island Airport, in the context of both Aviation and Non Aviation activities. The core change that requires amendment in the implementing of a Plan of Management and/or an Airport Master Plan is to redefine the categories of permissible activities in the 'Special Uses' section of the Norfolk Island Plan, specifically with respect to the Norfolk Island Airport. These changes to the 'Special Uses' areas in the Norfolk Island Plan must of necessity take place to give the Plan of Management/Airport Master

Plan a statutory basis. A base proposal for the required changes as outlined has been submitted to the Land Working Group currently developing the revised Norfolk Island Plan, and once this process is completed the remainder of a Plan of Management can be finalised.

No 19 Mr Speaker. This question is in two parts. the Chief Minister aware that application has been made for Planning Act approval to construct a Roads Maintenance Depot at the Norfolk Island Airport? The answer is yes.

The second part of the question is why has that application been made, and in particular why has it been made without first finalising a Plan of Management for the Norfolk Island Airport?

The answer Mr Speaker is the application that has been made to construct a Roads maintenance Depot at the Norfolk Island airport is part of a Plan that rearranges the Lighterage Depot to the site now occupied by the aggregate storage bins and tar truck at Middlegate, the moving of the Telecom external plant depot to the area now occupied by the Lighterage Depot and the shifting of the storage bins and Tar truck to a site at the Airport.

This arrangement has been made for the principal reasons that –

The Lighterage Depot is restricted for space at the New Cascade Road site and in its present position poses a dangerous activity, with large machinery and boats having to actually use the road and adjoining private portion adjacent for manoeuvring and some parking

Middlegate is strategically placed halfway between the two lading areas

the area in front of the existing works depot being identified as an area that should be set aside at this time pending the finalisation of Government initiatives in respect of new industries that may require access to Telecommunications facilities in close proximity to the Telecom Centre

there is already an area at the Airport that is used for the storage of metal and associated works

The movement of the Lighterage area would also free up some space immediately adjacent to the Works Depot

That the three areas proposed are already in possession of and used by the Administration as special use areas

Mr Speaker, so to specifically address Mr Brown's question as to why the application has been made, without first finalising the Plan of Management for the Norfolk Island Airport I respond as follows –

the arrangements that has been co-ordinated and described above is able to be dealt with under the existing Norfolk Island Plan

the Plan of Management currently being prepared for the Airport will not be exclusive of the whole of Island Plan Review and will, I believe, form part of that consideration. Any Plan of management that is finalised for the Airport will only be that; that is, a Plan of how we manage the area within the constraints of what is permitted both by the special nature of the area and in accordance with what is approved by the Island Plan procedures

Norfolk Telecom needs a new area for their external plant and equipment following the decision to vacate the premises at 'At Random'

Lighterage needs a more suitable area

the areas are owned by the Administration

I must add Mr Speaker that the above proposal was first considered in March this year and approval in principle for the move was given at that point. This was prior, I understand, to the request by motion for a Plan of Management for the Airport

Question 20 if I may. What are the Chief Minister's economic plans for Norfolk Island for the next five years?

May I say at the outset that I thank the member for the obvious confidence shown in me. He asks for a 5-year economic plan. Given that we are well into our first year the next 5 years encompasses, on average, 2 Assembly terms. For a Finance Minister to survive

from one Assembly to the next is rare and for such Ministers to serve consecutive terms, as implied by the question, is really some sort of record. I really thank the member for his confidence in me and I hope the electorate notes and respects his views.

Precise economic plans are dependent on a number of issues not the least the availability of relevant data and tracking tools being in place to ensure such plans are monitored. Both of these key issues whilst available to a degree are considered inadequate. As a consequence the rectifying of such problems is the current priority, is being done and I would hope that economic forward plans can be formulated for the financial year 2001/2002 and onwards.

The answer to date should not surprise the member bearing in mind the history of Assemblies, bearing in mind he has been a member of all but one Assembly since January 1982. The problems encountered in developing forward plans of any description today are the same as in the past. It is the reason why such plans are virtually non-existent. It is the reason why this Government is working to rectify such anomalies.

If members look closely at the Governments Project List of 36 it can be seen that most if not all are critical to the provision of data relevant to our future and particularly our economic future. The list encompasses projects relevant to Health, social services, age support, tourism our main industry, immigration, government services, infrastructure requirements, primary industry, the Public Service, possible changes to tax system and new revenue streams. The relevance of such projects to the current availability of data is obvious.

SPEAKER
and Community Service.

Question 21 relates to the Minister for Immigration

MR COOK

Mr Speaker in answer to Question put by Mr Brown being what is the present Norfolk Island Government's policy in relation to the employment of Temporary Entry Permit holders by businesses which have been in operation for less than 5 years, and is that policy consistently enforced?

The Policy in respect of the Guidelines in respect of Temporary Entry Permits in respect to this particular matter subject to the question is laid down in 4.3, Proposal for Employment for "new" business. A Temporary Entry Permit will not normally be granted whereas proposed to be employed in a business which has not operated continuously for at least five years. Where such a proposal is made the proposed employer must satisfy the executive member that there exists a demonstrable need by the Norfolk Island Community which will be satisfied by the employment of the applicant. The second sentence in the Guideline is a little difficult to be understood and effective in its operation but that's beside the point. In further answer to the question a recent application that has been dealt with indicated that there may require proper advise as to the effectiveness of that Guideline and whether it was really supported by the Immigration Act. I received clear and particular advise in respect of that application in which it was sought in fact to employ someone to be in busyness which had been operation for less than five years and received advise from the Legal Section which I accepted and I passed to the Immigration Committee and they backed it in accordance to that advise and I briefly say that it appears that the Policy laid down in paragraph 4.3 is not supported by legislation and there would be a very considerable difficulty in accepting that it should be effective to prevent such an employment. Obviously this matter of the Guidelines and their effectiveness when changes are made to our legislation which hopefully and genuinely will not be delayed to any great extent will require very careful examination of such matters and the necessity for those to be incorporated suitably and properly into the proposed changes for legislation

MR BROWN

Mr Speaker a supplementary question

SPEAKER

A supplementary question Mr Brown

MR BROWN

Mr Speaker can the Minister please advise whether he has just told us that he had abandoned the Policy which until now has prevented the

employment of a Temporary Entry Permit holder in a business which has been in operation for less than five years

MR COOK Mr Speaker through you to Mr Brown. It's not a question of me abandoning the policy. If I'm given legal advise that such a policy doesn't appear to have legislation foundation and it would not be appropriate to apply it in any particular matter then I consider that I'm bound to follow that advise and I don't abandon the Policy but I've obviously indicated that it appears to me that it requires to be effectively changed and it would be inappropriate I believe if I act wrongly in the face of advise given to me

MR BROWN Mr Speaker a further supplementary question. Will the Minister please advise the date on which he began to ignore that policy and the date on which he provided advise to all Members of the Legislative Assembly of his actions

MR COOK Mr Speaker I haven't the material but I can effectively and properly advise because it is not part of the question on notice to be I believe, but a supplementary question as to advise when I took this action, I certainly have not advised formally other Members of the Legislative Assembly to the effect of the legal advise that I've received. If it is considered that I should do so well I have no hesitation subject to it being appropriate for me to do so, to circulate the advise that I received

SPEAKER Question 22 is a question for the Chief Minister

MR NOBBS What is the present situation regarding the Howard Report in relation to the Public Service?

In respect of the organisation and management of public service the Howard Report recommended a series of actions be taken and I am happy to tell the Assembly that significant inroads have been made to addressing many of these issues.

Specifically the Report recommended:

a contemporary approach be taken to planning, organisation, staffing and workplace relations.

that the management structure be streamlined and that responsibilities and accountabilities be clarified

a clearer role for the CEO in managing the public service and support by a senior team of managers.

an organisation structure which defines the Administration's "lines of business"

a Public Service Board which has a protection of merit role and advisory capacity on human resource management and practices

and was critical of the number of administrative units and separate "offices" for an organisation of the administration's size.

Mr Speaker let me report on the initiatives which have been commenced.

The Human Resource Policy which has been tabled in the House for consideration has been through a 12 month development stage and is now requiring some determinations and decisions at a political level.

It updates the employment conditions pertaining to the public service from the existing 1979 Act and describes a set of modern management practices eg. performance management systems, workplace consultation mechanisms, meritorious recruitment, promotion and salary progression rules and flexible work practices such as introduction of spread of hours arrangements. The "ball is in our court" on this matter at the moment.

Mr Speaker in relation to lines of accountability and the Howard Report's recommendation about a clearer management role for the CEO, I make reference to the set of amendments to the PSM Act before the House for consideration today.

These address those specific issues. Further in relation to Howard's recommendations about the development of an executive team and an improved organisation structure, I am happy to table, for comment by the Assembly members, a submission from the CEO received by me this week.

The submission proposes a new organisational structure for the public service and has been cognisant of what Howard described as lines of business and his criticisms of the number of administrative units and separate offices.

Further this proposal provides the potential to flatten the management structure, break down existing hierarchical barriers and create some key strategic roles which should help the government address some of the broader issues raised in the Howard Report and issues which are going to be of increased importance for the government into the near future. Mr Speaker I urge the Members to consider and provide comment to me on the CEO's submission so that as quickly as possible we can endorse a new organisation structure, move to recruit a senior executive team, set performance plans and begin implementing the type of change and outcomes the Howard Report envisaged.

SPEAKER The next question is for the Minister for Immigration and Community Services:

MR COOK Mr Speaker through you in answer to the question put on notice by Mr Brown being what is the present situation regarding the Paddick report in relation to Immigration?

I already touched upon this of course in a Question Without Notice raised to me but Mr Brown is entitled of course to his full answer. I have received on the 30th October a report under the hand of the Chairperson of the Immigration Committee and the other members of the Committee also signed the report as to the progress in consideration of the Paddick Report. It has also been brought forward in that report to me that the Committee is concerned that they should report to me on what they believe are immediate changes which are necessary to bring the Norfolk Island Immigration Act while the Paddick Report is still being completed in its consideration in some more effective operation. I'm most concerned of course to receive that report from them. As I indicated earlier I believe having submitted the whole of the Paddick Report for consideration to the Committee and offered their advise upon it, to await the outcome of that referral. I believe it would not be appropriate although I have myself personally and others advising me have advanced considerations of various aspects of the report which will need close attention and consideration. I haven't thought it appropriate to endeavour to produce a situation in which the Committee might be influenced by factors other than those which they as representatives of the community bring to the full consideration of that report. As soon as I have the report of the Committee and am able to bring it forward I will do so and I assure the Legislative Assembly and Mr Brown in particular and the community that this matter is endeavoured to be progressed. The Committee has worked long and hard in extra hours working on this report. It's been in their hands now for a period of seven or eight months. I indicated earlier that although it's been out to the public for consideration and Members of the Legislative Assembly have been invited to offer comments upon it, I've not received any form of input other than the situation I've adverted to that is the input I'm awaiting from the Committee. I will endeavour to ensure that that material is collated, collected and presented in a proper and effective manner to the Legislative Assembly and the community for their further consideration as soon as possible

SPEAKER Question 24 to the Minister for Tourism and Commerce:

MR SMITH Mr Speaker, this question is asked by Mr Brown of me. Will the Minister for Tourism and Commerce please advise whether the Norfolk Island Government has a policy in relation to supporting the commercial sector in the Norfolk Island community, and if so will the Minister table a copy of that policy?

Mr Speaker there's various ways that question could be answered. There is a commerce policy which I started developing which related probably more to situations where people asked for exemptions from customs duty or taxes etc. That policy while it was being developed was shown to all Members of the Legislative Assembly. I asked

for input from Members around the table to have their input in that developing paper. I had one or two Members who did put input into that. That has now gone to the Service for development into a proper policy but in thinking about this question that Mr Brown has posed there are other things that I don't think we would need to have in a policy. For example when it comes to commerce, included under commerce would be tourism or vice versa. Tourism is commerce. That is the industry that does support all of the infrastructure of Norfolk Island in one way or another. One could argue that we have a policy that has been developed not only by the Councils but also by the Legislative Assemblies that we do support that industry. If we were to list all the things in a single paper there certainly wouldn't be a single page in that paper, it would be a book of the areas where the Norfolk Island Government and therefore the Legislative Assembly supports the commercial sector. In many many ways. At a guess, and it would be a guess, I would suspect that at least half of the cost of our budget is dedicated towards supporting the commerce industry in one way or another. If the question was for me to spell out what we do to help that particular section of the industry, I don't think I could put my mind around just exactly what would need to be in such a policy. If we are talking about the commerce policy that I've just developed I would hope that we would have something that I can table by possibly the next Sitting in a form that we all agree to or otherwise. And maybe that's the way to go Mr Speaker to satisfy Mr Brown's question, that we do continue down that path and include in it some of the motions that Mr Brown has raised in the last couple of meetings and also in today's meeting in relation to whether land agents should be registered and other things that do come up on the Notice Paper. Maybe they should be developed into that policy as well and backed up by legislation. Mr Speaker I don't think I'll add anything to that today. If there is more that Mr Brown would like to talk about re that maybe he would be given the opportunity at some time

SPEAKER

Question 25. Chief Minister:

MR NOBBS

Thank you Mr Speaker. Will the Chief Minister please advise the present status of his investigation into the introduction of a superannuation or retirement savings scheme for Norfolk Island?

This is another one of the projects that the Government has set itself and the answer is this. Concern has been expressed for the need to provide an equitable scheme to ensure on retirement, that Island residents are adequately catered for. As a consequence a proposal has been around for years to provide for an Island-wide superannuation, or as it was at times called, a compulsory-saving scheme. There have been concerns expressed as to whether the current pension scheme is adequate. There have also been concerns expressed at the existence of a Provident Fund to which the public purse contributes, being solely available for members of the Public Service. It was felt the proposal has never been really progressed to finality. This particular project is designed to progress the matter. An insurance broking group, offered, and are currently investigating the various issues. It is not anticipated a formal report will be available until next year.

Question 26 is this. Will the Chief Minister please provide a report as to his progress in implementing the Public Sector Management Plan?

Sections of the Public Sector Management Act have been commenced and it is proposed that other relevant sections will be progressively commenced. Appointment of the Public Service Board will be possible once today's amendments have been finalised. The election process involved in the selection of two staff representatives to the board has been completed. One of these staff members is to act as a member and the other as deputy member of the Board. Appointment of a Human Resources planner in August for a 12 month period has seen, with assistance of a working group within the Service, the completion of a 4th draft Human Resources Policy.

The draft has been issued to staff and members of the Assembly. Workshops have been held within the Service and also for Assembly Members to explain and gain input into the draft policy which will be tabled to the House later today

Question 27 Mr Speaker. Will the Chief Minister please provide a report as to his progress in revising the structure of the public service?

The Public Sector Management Act requires the administration's Chief Executive Officer to produce a draft Public Service Structure. The CEO is developing this draft structure and when complete will be submitted to the Assembly for ratification.

However, the draft cannot be progressed until a decision is taken on proposed amendments to the Public Sector Management Act relating specifically to the proposed Executive Director positions. Such amendments are being introduced to the House later today and that is yet another project on the list of thirty-six

Question 28 Mr Speaker. Will the Chief Minister please provide a report as to the development and introduction of an infrastructure fund? This is another on the list of thirty-six projects

The proposal to establish a distinct infrastructure fund within the 2000/2001 Budget was not supported by the Legislative Assembly. However, data has been requested from the Service and once this is available will be collated to provide the total infrastructure requirements for the next five years.

The specific items will be prioritised and a five-year infrastructure programme will be submitted to consideration with the 2001/2002 Budget.

Question 29. Thank you Mr Speaker. Will the Chief Minister please provide a report as to his progress in preparing one document, which contains all of the Norfolk Island Government's policies? This is another project.

The answer to that is, the form of government chosen for Norfolk Island provides for a government which is elected from within and answerable to the Legislative Assembly. The Government system is dependent on a clear and concise delineation of power and responsibilities between and within the government and the Public Service. In principle, the government provides the policies and the Public Service carry out those policies. I am endeavouring to have provided in one document all the Norfolk Island Government Policies. This is to ensure that an Assembly has available in one public document all the policies for which it is responsible. Currently development awaits advice as to the availability of the policies of previous Legislative Assemblies to form the basis on which policies may be developed for the current Assembly. Once this advice is forthcoming and their location ascertained, the collation of such policies as are available, may occur. In the event that previous policies do not exist in a useable form, there will be a need to commence drafting of all relevant policies. This will provide extremely time-consuming. Out of necessity, the drafting of some policies has already commenced.

Question 30 Mr Speaker. Will the Chief Minister please provide a report as to his review of telephone communications in Norfolk Island? This is another of the thirty-six projects

Telecom sought expressions of interest last year and then called tenders for the carriage of services and provision of a mobile phone system. The process was not considered satisfactory and was subsequently re-tendered utilising consultants, Gibson and Qua. Tenders have been evaluated however, no decision will be made until the extent of basic funding offered from Networking the Nation is available. Once funding is known, a decision can then be made as to those tenders received. Such other issues as the adequacy of Telecom's service will be assessed as part of the upcoming 2001/2002 Budget process commencing this month. From this assessment, attendant issues such as adequacy of legislation etc will flow

SPEAKER
Environment:

Question 31 is for the Minister for Health and

MR GARDNER

Thank you Mr Speaker. The question addressed to me is will the Minister for Health and Environment please provide a report as to the development of a primary industry policy for Norfolk Island?

I draw Mr Brown's attention to an answer on a Question Without Notice that I provided to Mr Bates some eight weeks or so ago in relation to exactly this question, the development of a Primary Industry Policy. I think my answer at that time was when resources, time and money permit that we will enter into the development of a Primary Industry Policy. There has been an update to that just in recent weeks with the visit of the Griffith University School of Health Science Nutrition Unit to Norfolk Island studying aspects of nutrition here on the Island and part of their brief was to meet with primary industry people here on Norfolk Island as well as customs, supermarket people and their report which I am expecting some time in January will be contained some recommendations and also the necessary data to begin the proper process of the development of a primary industry policy for Norfolk Island and we are reliant on the collection of their data and information from that trip and the development of that policy to make sure that it is adequate and appropriate

SPEAKER

Question 32. Chief Minister

MR NOBBS

Thank you Mr Speaker. Question 32. Will the Chief Minister please provide a report as to the development of a Plan of Management for the Norfolk Island Airport?

Mr Speaker Mr Brown must have been confused by this stage as this is the same as Question 18 which I believe I answered previously

Question 33 Mr Speaker. Will the Chief Minister please provide a report as to his work in the reforming of the Financial Institutions Levy?

This is part of the thirty-six projects as well Mr Speaker. The issue is currently under review by the Finance Committee and officers within the service. Discussions have been undertaken & continue with the two resident banks. Indications are that the Island's FIL scheme has not kept pace with changes in the banking system. Several proposals are being worked on at present which may, and I say may, that's all, which may provide more appropriate arrangements for the operation of the current FIL scheme

SPEAKER

Thank you. Question 34 is to Minister for Tourism and Commerce

MR SMITH

Mr Speaker, this question is will the Minister for Tourist and Commerce please provide a report as to his review of education in Norfolk Island, and as to the assessment of the success and needs of higher education in Norfolk Island.

Mr Speaker I'm quite happy to do that. Quite some time ago I started a Review of the Norfolk Island Education which will end up being a revision of the Education Act and the Education Regulations. The last time this question was asked I think I actually gave a response in April this year but I've asked the School for a direct response in relation to, Mr Brown is asking the value of not of having the extra secondary years at the school of years 11 and 12 and the Principal advised me of the following. The school is offering a wide range of subjects for years 11 and 12 which meets the needs of university entrance and trade training. This year and next year eighteen students will be enrolling in year 11 out of 24 who are currently in year 10. Thirteen out of these eighteen students will be studying VET and a duly accredited course in Hospitality. At least four students studying Hospitality will take up part time in school traineeships under the auspices of the Hunter Valley Training Authority with part-time work on Norfolk Island being accredited to the award of a Certificate II in Hospitality. This credential is recognised Australia wide. The VET dual accredited course in Information Technology will be studied by nine students in Year 11 in 2001 as well as a number of adult community members. This course is delivered by computer technology and is mentored by Mrs Magri. One student in year 11 will be studying a VET accredited course in construction, nine students will be studying for the HSC in 2001. Years 9 and 10 the Real Game has been trialed with Year 8 and will be incorporated into the Year 9 curriculum in 2001 as a component of Careers Education. Careers Education will be systematically integrated into the years 9 and 10

curriculum through the components of Careers Lessons, Individual Career Planning, Work Experience, Careers Market and the 100 hours School Certificate course, Work Education. Norfolk studies has been rewritten and approved by the New South Wales Board of Studies as a School Certificate course and included in the Years 9 and 10 elected subjects. It will be taught in 2001. In years 7 and 8 in a programme designed to ease the transition from primary school to secondary school year 7 students will have most of their lessons taught in a home room and will have many lessons taught by one teacher. For example the schools new language other than English which is LOTE teacher will teach year 7 English, history, geography and LOTE as well. Another teacher will teach the students both mathematics and science and this organisation will reduce the exposure to the number of teachers and will be similar to students primary school experience. In general programmes the school plans to develop the following programmes for secondary students in 2001. Boys education strategy for boys from years 7 to 10. Peer Support for students in year 7 mentored by students in year 11. Study skills programmes for students in years 7 to 10 and literacy programmes based on deficiencies exposed by the years 7 and 8 English language and literacy assessment tests which is the Ella tests as most parents would probably be aware. Mr Speaker that is the advise that I've received from the Principal Mr Miles in relation to particularly secondary education. There are a lot of things being made at the school and I would like to compliment the school and the teachers and particularly for the kids in the way things are turning out in the education system and I think we can see a lot of good benefit coming out of the school from now on thank you

SPEAKER
Environment

Question 35. The Minister for Health and

MR GARDNER

Thank you Mr Speaker. A question directed to me by Mr Brown. Will the Minister for Health and Environment please provide a report as to the development of a fisheries policy on Norfolk Island?

Mr Speaker I've received from Ms Jodie Brown, the Policy and Projects Officer who has been certainly the lynch pin in the development of a Fisheries Policy on Norfolk Island and has led the co-ordination of discussion between the Commonwealth and Norfolk Island Governments on the development of a policy. The Norfolk Island government has been working with the Australian fisheries management authority through the Norfolk Island fisheries consultative committee to transfer the Norfolk Island inshore fishery, known as the Norfolk Island "box", to the Norfolk Island government to manage with as much autonomy as possible. The Norfolk Island fisheries consultative committee has agreed on basic principles and a management structure to enable transfer of the fishery; as follows. Those basic principles are

[Jurisdiction of the Norfolk Island inshore fishery will be transferred to the Norfolk Island government](#)

The Norfolk Island fisheries consultative committee agreed at its meeting 18 march 1999 that the preferred solution for management of the Norfolk Island inshore fishery is to amend the Commonwealth Fisheries Management Act 1991 (C) to allow for transfer of jurisdiction for the inshore fishery to the Norfolk Island government. The amendment would excise the Norfolk Island inshore fishery from the Australian fishing zone for most purposes of the Fisheries Management Act. The Norfolk Island government will need to prepare a fisheries management bill to provide a local management regime for the fishery and replace necessary provisions currently in the Fisheries Management Act. An amendment to the Norfolk Island act to make fisheries a schedule 2 matter will also be necessary. It is understood the legislative changes required at both levels of government could be progressed in parallel.

2. Responsibilities for foreign and illegal fishing within the inshore fishery will be shared. Australian fisheries management authority will retain jurisdiction over foreign (non-Australian) vessels and commonwealth concession holders permitted to fish for tuna and tuna like species outside the inshore fishery but prohibited from fishing inside the inshore fishery.

Otherwise, the Norfolk Island government will be responsible for and will have jurisdiction over illegal fishing in the inshore fishery including all other commonwealth and state concession holders, unlicensed Australian fishers and Norfolk Island fishers failing to comply with the requirements of the Norfolk Island fisheries regime.

3. The Norfolk Island inshore fishery will be a recreational fishery. Under the proposed amendments to the Fisheries Management Act, Norfolk Islanders will be permitted to continue recreational fishing for all species including tuna and tuna like species within the inshore fishery. Licenses and permits to fish within the fishery will not be required under either commonwealth or Norfolk Island legislation. The sale of small quantities of fish to local consumers will be permitted to satisfy local demand as is the case now.

4. The export of fish from Norfolk Island will be basically prohibited. Legislation controlling the export of fish from Norfolk Island will be extended to prevent the export of all species from the Island except for small quantities taken with people departing the Island. This is similar to existing legislation which prohibits the export of specific species of fish.

5. The area of the Norfolk Island inshore fishery is extended. Following a proposal submitted by the Norfolk Island fishing club, the Australian fisheries management authority board amended the area of the Norfolk Island "box" at its board meeting 29 March 2000 to increase the area to 67 nautical miles x 40 nautical miles. The Norfolk Island fisheries consultative committee agreed that this is the area recognised as the Norfolk Island inshore fishery.

Arrangements to progress transfer of the Norfolk Island inshore fishery.

Formal agreement to these basic principles as policy from the ministers responsible for fisheries in the Norfolk Island and commonwealth governments is necessary to commence the preparation of an amendment to the Fisheries Management Act and its introduction to federal parliament. The minister for health and environment is currently seeking this agreement from the commonwealth minister for agriculture, fisheries and forestry. It is noted that the parliamentary secretary for agriculture, fisheries and forestry was briefed on these matters at the June inter governmental meeting.

Meanwhile, the Norfolk Island government, in consultation with the fishing club through the Norfolk Island fisheries consultative committee, has commenced work on the development of a Norfolk Island fisheries management bill. General objectives which indicate the proposed content of the Norfolk Island fisheries management bill and accompanying management plan have been identified. The list includes matters identified to date and it is expected that other issues will arise as work progresses on the transfer of the fishery. The bill cannot be finalised until amendments are made to the Fisheries Management Act and the Norfolk Island act 1979.

A study on the Norfolk Island fishery is currently being prepared by southern cross university. The study is expected to be completed by early 2001 and will serve as the basis for a management plan for the fishery.

Transfer of the management of the fishery to the Norfolk Island government will have budgetary implications, particularly for surveillance, enforcement and monitoring requirements. It is not possible to estimate the extent of these requirements at this stage but opportunities to use existing resources will be maximised.

Mr speaker I will undertake to copy to members that document as well as the attached general objectives and management principles identified to date by the Norfolk Island fisheries consultative committee for the Norfolk Island inshore fishery, thank you

SPEAKER
and Community Services

Thank you. Question 36. Minister for Immigration

MR COOK

Mr Speaker through you in answer to this question put by Mr Brown. Will the Minister for Immigration and Community Services please provide a report as to his review of the Emergency Services in Norfolk Island?

I'm not in a position to provide a report at the moment which I will certainly undertake to provide, only because I have only very recently received the draft legislation being the Disaster and Emergency Management Bill of 2000 which I understand has been passed

to the Committee and the Committee have agreed to it in principle and that will be tabled before this House later this morning and I won't be asking to speak to it or discuss it as a Bill but simply to be placed before the House and for members of the public to take into consideration the various provisions in that Bill. It provides for the management of what you might call major disasters which could occur and also for individual accidents and emergencies which might arise and have to be appropriately and properly managed. I've also received a draft copy of the plan which the committee eventually under the Act is required to have in place. I simply draw the Legislative Assembly to the fact that this plan is an extremely comprehensive document of quite considerable bulk. I've been asked to refrain from in any way commenting at this stage as the Committee has not yet been able to complete its deliberations on the form of the plan but if I might say so when one views the contents and the scope of the contents there is an extremely careful application appears to have been made and those who have so far compiled the plan which is yet to be settled by the Committee to every aspect that could possibly be considered in any emergency situation. I would like myself when that plan is able to be considered by me to be able to make any comment upon it and the Disaster Emergency Management Bill which I'll be introducing to the House as soon as it is appropriate and convenient and when I've received input no doubt from other Members of the Legislative Assembly and the community on any provisions in that Bill. If I might also add I've indicated by the passing to Members of the Legislative Assembly a memo that I addressed to the Manager of Telecom for his reply on the question of the adequacy of radio transmissions from the Island and the possible interference with appropriate rescue attempts which could be made or emergency situations developing in vessels off the Island, I intend to progress that matter and the report that I make to the Legislative Assembly at the next Sitting in respect of this question of Mr Brown's will include reference to how that matter has advanced. I consider it to be extremely urgent. I don't believe any delays should be tolerated in trying to implement those suggestions put forward by the Manager and the considerable improvement which he considers will take place in the ability to transmit and receive all radio communications. If I might add I will be making a very brief statement to the House as to a situation which has developed off the Island which has been the subject of a news report and so forth as to the breakdown of a ship, two very badly injured and one seriously injured person being transferred to another ship which is making its way to Norfolk Island. I must say that I took part in the emergency services meeting of all persons who could possibly be concerned in the matter yesterday morning. I was much encouraged by the participation of all persons who attended and their input. All aspects of the management of the situation. There has been a change in the original management of the situation because the ship which was believed would be able to come here under its own steam has not been able to move. There's been a major breakdown and a move to another ship. This will require careful consideration of the mechanisms on that ship for lifting the two crew members off who must receive immediate hospital attention and no doubt will be then flown off the Island tomorrow morning and I will say to the community in a moment briefly, what the situation is. The ship should arrive somewhere about midnight tonight and there will be a difficult and expert removal of these persons from the ship for hospital treatment. I ask Mr Brown to accept that I will make a report of that and all other matters which touch upon the emergency services and also provide what comments I believe are appropriate on the Bill and on the plan

SPEAKER

Thank you. Question 37 Chief Minister

MR NOBBS

Thank you Mr Speaker. What quantity of palm seed has been picked from the Norfolk Island Airport in each of the last 5 years, the amounts earned in each of those years from the sale of those palm seeds, and the account or accounts to which all of those earnings were paid?

The answer Mr Speaker is as follows. The Airport Manager has advised that palm seed was last collected by Owen Evans in 1991 and the money paid to the Airport Undertaking. The palm trees are susceptible to rats, are overgrown and are no longer bearing

Question 38 Mr Speaker. Have the Police inquiries been completed in relation to the recent theft of part of the payroll from the Administration Finance Branch, and have all investigations within the Public Service been completed in relation to that incident? Is so, please provide a statement as to the results of those investigations.

The answer is very short Mr Speaker. This matter is still with the Police and the Sergeant has advised that investigations are still underway although he has provided an interim report

Question 39 Mr Speaker. What amount of overtime has been paid by the Administration and the Government Business Enterprises in each of the last 3 months?

Administration General	1 st August to 31 st August 2000	\$17,425.47
	1 st September to 30 th September 2000	\$12,541.93
	1 st October to 31 st October 2000	<u>\$14,681.29</u>

TOTAL \$44,648.69

Government Business Enterprises	1 st August to 31 st August 2000	\$22,212.13
	1 st September to 30 th September 2000	\$10,036.17
	1 st October to 31 st October 2000	<u>\$16,451.76</u>

TOTAL \$48,700.06

SPEAKER Question 40 to the Minister for Immigration and Community Services

MR COOK Mr Speaker through you, a question put by Mr Walker. Will the Minister –

Conduct a comprehensive review of the Workers' Compensation Scheme incorporated as Part III of the Employment Act 1988 ("the Act") which commenced in November 1992; Confirm that the Scheme has in reserve funds in excess of \$440,00;

Advise if there have been instances of employees receiving compensation under the Scheme where the employer has not paid the appropriate levy, and if so, what action has been taken to recoup from the employer any such compensation paid;

Consider amending Part III of the Act to incorporate a pay roll audit requirement for those Workers' Compensation Scheme Members where the authorised officer is of that opinion than an audit is required;

Advise what progress, if any, has been made to draft legislation to remove Part III and Part IV of the Act and incorporate these parts of the Act in a separate Act which deals only with Workers Compensation and Work Safety Practices;

Advise whether a Safety Inspector for work safety practices under Part IV, section 57(1) of the Act, has been appointed and, if so, will the Minister and the question seems to stop at that particular point.

If I might in answer to the various aspects of this question, indicate that as a result of discussions which took place at the executive meeting last week, I raised the question of the Review which is essential in my opinion as to the Workers Compensation Scheme in the Employment Act and I have belief that this is quite urgent and quite important by reason of a recent decision of the Supreme Court which I'll refer to in a moment

Confirm that the Scheme has in reserve funds. To the best of my understanding and appreciation that is so and I confirm that

Advise if there have been instances of employees receiving compensation under the Scheme where the employer has not paid the appropriate levy. There has been to my understanding one such instance since I have assumed the responsibility of this particular area of the Administrations activities and that person was required to repay monies which had been paid by way of compensation

Consider amending Part III of the Act to incorporate a pay roll audit requirement for those Workers' Compensation Scheme Members, I will certainly consider such an amendment and of course receive appropriate advise in relation to that but it certainly will be considered

Advise what progress, if any, has been made to draft legislation to remove Part III and Part IV of the Act and incorporate these parts of the Act in a separate Act. No progress has actually been made at this particular point in the draft legislation. It has been raised in the executive meeting as to its priority in regard to all other legislative priorities which have been established from time to time and I intend to assure Mr Walker that it is a matter which I personally as Minister responsible for this element of the Administration activities, consider to be really quite urgent.

There is in answer to this one, to my understanding a Safety Inspector who inspects work safety practices under Part IV, section 57(1) of the Act and provision has been set out for this to the best of my understanding, in the budget. The second part of the question which seemed to be missing was would I provide details of all inspections carried out. That is not possible for me at this moment to be able to give that indication to Mr Walker but I undertake to supply him with details as soon as I am able to do so with all such inspections which to date have been carried out

SPEAKER
Environment

Question 41 to the Minister for Health and

MR GARDNER

Thank you Mr Speaker. Mr McCoy has this question listed for my attention and says will the Minister for Health and Environment:

Advise who is paying for the rehabilitation work carried out by the Norfolk Island Administration on portion 48c;

Confirm that the terraces which he stated at the 18 October sitting of the House had been created on portion 48c have in fact been created from soil removed from portion 48c; and

Advise what measures are being implemented to rehabilitate private properties affected by earthworks carried out in the past on portion 48c?

I have received supplementary advise to the advise I supplied at the last meeting on the difficulties being experienced on Portion 48c from the Conservator, Mr Peter Davidson and the response to part 1) of that question Mr Speaker is the cost of rehabilitation work carried out by the Norfolk Island Parks and Forestry Service on the part of Ball Bay Reserve that was formerly portion 48c has been borne by the Norfolk Island Parks and Forestry Service. Part 2) Confirm that the terraces which he stated, that is myself as Minister, at the 18 October sitting of the House had been created on portion 48c have in fact been created from soil removed from portion 48c? I've gone back to the Hansard of the 18th October Sitting and on two occasions there I mentioned terraces and the construction by the occupier of 48c at that time, in the first instance a series of terraces and in the second instance, three large terraces which were actually formed to accommodate the crushing activity on that portion. Now the advise that I have received from the Conservator in relation to that is the then lessee or licensee of portion 48c would have constructed the former terraces on portion 48c some time after the site was excised from Ball Bay Reserve in 1970. Examination of the terraces in 1999, prior to and during the rehabilitation of the site by Island Industries Ltd, showed that the terraces were formed by the technique commonly referred to as "cut and fill". That is, by cutting into the edge of the hill and using the resulting spoil as fill to make each terrace as wide as possible. Some topsoil and subsoil may have been removed from portion 48c by the lessee or licensee during the past 30 years, however we do not now have direct evidence of that, if it indeed occurred. Part 3) of that question Mr Speaker, Advise what measures are being implemented to rehabilitate private properties affected by earthworks carried out in the past on portion 48c? As far as the Administration or the Norfolk Island Government is concerned it is not responsible for the rehabilitation of private properties in the vicinity of that part of Ball Bay Reserve that was formerly portion 48c, however the question of rehabilitation of private properties I understand is the

subject of mediation between the parties involved. The private landowners and the past licensee or lessee of portion 48c

MR McCOY Mr Speaker, could I ask a supplementary question to part 1) of the question that Mr Gardner has just answered and that is what is the cost to the public purse for the rehabilitation of portion 48c and was it allocated for in the budget process

MR GARDNER Thank you Mr Speaker. Rehabilitation of public reserves was budgeted for. I don't think 48c was specifically identified and neither were other parts of other reserves so far as I am aware but to date the total cost for the maintenance of that portion of the Ball Bay Reserve has been \$3,805

SPEAKER Thank you. Question 42. Chief Minister

MR NOBBS Thank you Mr Speaker . This was asked by Mr McCoy. Will the Chief Minister –

Explain why the Government Housing Report tabled at an earlier sitting by him does not provide the information asked of him by me;

Advise what arrangements are in place for the provision of housing for seconded officers to the Norfolk Island Administration; and

Advise the House what rental fee is being paid for housing for seconded officers and what proportion of that rental fee is subsidised by the Norfolk Island Administration?

I'll answer that section first if I may Mr Speaker. The report that I tabled was to provide the House with information as to the situation in regard to Administration owned property. It was designed to complete the picture as to the quality of the Administration property.

I acknowledge, and I apologise to Mr McCoy that it did not answer Mr McCoy's specific question, though I think I did at the time but I do so again. Also there was another request on 15 March 2000 I understand which was a fair while ago, a request that I confirm or deny a rumour in relation to the cost to the taxpayer for accommodation for a member of the "Expat workforce". I deny the substance of the rumour. I might not have at the time, but I do now.

The second and third part of Mr McCoy's question states advise what arrangements are in place for the provision of housing for seconded officers to the Norfolk Island Administration; and 3) advise the House what rental fee is being paid for housing for seconded officers and what proportion of that rental fee is subsidised by the Norfolk Island Administration? The answer to that is, in view of the fact that housing and rental subsidies are part of the terms and conditions of an officer's contract I table the information as requested and I ask the indulgence of Mr McCoy in doing this. Thank you Mr McCoy

SPEAKER Question 43 to the Minister for Immigration and Community Services

MR COOK Mr Speaker through you. This is a question put to me by Mr McCoy on Notice. Will the Minister for Immigration and Community Services advise whether our present immigration legislation and/or immigration policy allows offshore companies, including offshore construction companies, to operate on Norfolk Island in direct competition to local companies and if so, does the Minister intend to legislate to ensure that local companies do not continue to be disadvantaged in this way?

Mr Speaker, I have some difficulty in being able to answer this question directly. One can envisaged what is intended to be encompassed in the question and I'll refer to that in a moment but the Immigration Act doesn't actually specifically legislation for companies to operate on Norfolk Island. The company as an entity is a law quite different from the members of the company. If an individual was endeavouring to operate in this way or a partnership there may of course be some direct involvement with

Immigration concerns as to the engagement in a business or in operating a business and what our Act provides for in those circumstances. So far as the whole question in relation to the way in which the employment of persons should be examined where there are persons available on Norfolk Island to carry out operations and questions whether or not an employer is prepared to employ such persons and also the obligations on the executive member to consider the qualification for any applicant, particularly under a Temporary Entry Permit application to engage in the employment which is specified I have sought comprehensive and to full as possible extensive legal advice in respect of these particular matters. I indicated this earlier in response to a Question Without Notice. I can assure Mr McCoy that that will be an ongoing situation to bring to light all possible considerations and concerns which relate to the bringing onto the Island of persons from outside to carry out what would be major works, because in most instances it seems that where contracts are let to outside companies or organisations it is generally a major type development which is going to be carried out. Normally if it is a relatively minor type of development or constructions work it is carried out by local contractors. The situation of companies coming here to carry out major works and their employment of local persons and their bringing to the Island persons who they require as essential or important for their skills are matters which obviously require careful consideration and concern and the whole question of the necessary consideration of a degree of ensuring that the local employment facilities and opportunities are not depreciated seriously as a result of this requires careful consideration and I assure Mr McCoy that the legislation which will be the subject of careful examination by the Committee of which he is a Member and myself of course in the House in due course to ensure that this type of situation is met adequately and properly and fairly and not in any way adversely to the interests involved will be advanced as a matter of some urgency

MR BROWN Mr Speaker can I ask a supplementary question and that is having regard to the information which the Minister provided to the House earlier today in relation to the five year restriction on employing a Temporary Entry Permit in a new business, is it actually the fact that a new business could be set up by an offshore owner, in a situation where the offshore owner himself did not intend to live on Norfolk Island and that offshore owner could then employ as many TEP's as he wished in his brand new business

MR COOK Mr Speaker I don't wish to avoid directly answering Mr Brown's question. I certainly have some concerns about the fact that that would apply in any immigration situation because the Immigration Act does seem to predicate the coming to Norfolk Island of a particular employer or the particular employer being on the Island and employing staff. I would prefer to provide some form of considered and written advice to both Mr McCoy and Mr Brown on this supplementary question in that respect so that I don't answer it in a way that could be misleading or not provide the House with full and proper advice so if I have the indulgence particularly of Mr Brown in respect of that last question I will certainly seek advice upon it to make sure that there is a full answer to his question

MR BROWN A final question, does the Minister realise that the answer to the previous question could well have the effect of totally throwing out the window the overwhelming majority of the Immigration controls on the Island and if so, will the Minister please introduce urgent legislation at the very earliest possible date to provide a legislative basis and a five year policy and for any of the other agreed policies of Immigration in relation to Norfolk Island as to which the Minister has doubts

MR COOK Mr Speaker well through you I've already indicated that these matters are the subject of not only the report but also having spoken directly to the legislative member who is on that Committee are the subject of urgent consideration by the Committee and they wish to report to me on those matters. I certainly am awaiting that report and believe that I should have it to hand fairly soon. I

wish to consider it carefully but these matters which Mr Brown has raised obviously require very urgent and early attention

MR BROWN Mr Speaker I ask one further question, will the Minister please undertake at our next meeting and if possible at a meeting prior to the scheduled date of our next meeting, will the Minister please undertake to introduce appropriate legislation so as to put into legislation the long agreed Norfolk Island Immigration Policies

MR COOK Mr Speaker I find that a little bit difficult to commit myself to give an undertaking to the House because if I give such undertaking I would expect that whatever happens they would be carried out by me. this question of whether the policy should remain in place, whether it should be changed are all matters of consideration by the Committee. They all require to be carefully considered by this House and indeed if they are no longer to be applied that is one thing and if they continue to be applied and must be so applied that is another thing and if legislation is to be passed to ensure there is no doubt about their application then so be it but these matters I can assure Mr Brown will be attended to without delay and I will bring to the House as soon as possible the outcome of advise on these particular matters

SPEAKER Honourable Members we have concluded Questions that are on Notice.

PAPERS

We move to Presentation of Papers. Are there any Papers for presentation this morning. Chief Minister

MR NOBBS Thank you Mr Speaker . In accordance with section 41 of the Interpretation Act 1979 I table the Electricity Supply Amendment Regulations and move that they be noted

SPEAKER Thank you. The question is that those Regulations be noted

MR NOBBS Thank you Mr Speaker. I think Members have been circularised with these or they should have. The Regulations really bring the meter reading and the charges into line with the quarterly readings of meters. As it occurred in the past it was every four months, it is now quarterly bringing the readings into line with the fuel price, hopefully, reduction in the next quarter and that's the idea of it. There were a couple of other issues. There was a need to vary some fee charges slightly and also to bring those fee charges for minimums and the like into line with the quarterly reading. Section 9 of the Regulations actually provides for the previous charges which was done by the determination of a Minister to bring them into the regulations and that's for installation of service mains and alterations to the supply of electricity to consumers for specific charges. Also which was brought into the Regulations was a charge per unit measured for the charge per unit and the 34 cents as applied has been included in the Regulations whereas previously as I understand it was by determination of the Minister, thank you

SPEAKER The question is that that Paper be noted
QUESTION PUT
AGREED

Thank you. Mr Gardner

MR GARDNER Thank you Mr Speaker I table the Norfolk Island Health Study Preliminary Results and analysis undertaken by the School of Health Science from Griffith University

SPEAKER Thank you. Any further Papers. Chief Minister

MR NOBBS Thank you Mr Speaker I table a copy of the Norfolk Island Administration's draft Human Resources Policies and Procedures Working Manual Version 4 and move that they be noted

SPEAKER The question is that that Paper be noted.

MR NOBBS Thank you Mr Speaker. The Policy, Mr Speaker, is integral to the full operation of the Public Sector Management Act and is tabled in accordance with Section 26 and 28 of that Act. This document has evolved over the past 12 months and been developed by a working party involving public service staff and management representatives. The work undertaken by this group has been greatly appreciated by particularly by myself and also I understand by the CEO. The document has had wide distribution and consultation with staff during the month of October and further submissions have been made and distributed to Members. These include a submission to the CEO on behalf of staff dated 13 October 2000 and from the CEO to myself and Members dated 18 October 2000. Mr Speaker over the past four weeks Legislative Assembly Members have had the opportunity of being briefed in detail on aspects of the document and in particular those which require consideration of the House and our determinations. These issues have been noted for us in a Memo dated 3 November and include: Salary Scales; Higher Duties and Special Duties Allowance; Payment of Overtime and Time in Lieu, Public Holiday Payments for staff on 7 day roster; Meal Allowance; Mileage Allowance; Recreation Travel Allowance; Employee Assistance Program; Staff Training and Development; Disciplinary Procedures and Terminations; Appeals on Terminations or dismissals; Recruitment Process for Permanent Staff Positions and for Casual and Temporary Employees; Spread of Hours; PSA and business hours; Occupational Health and Safety; Leave Provisions; Redundancy; and Transitional Arrangements.

Mr Speaker in tabling the document it shall be noted as step one in a process which I hope will be completed at the December Sitting. The document may now be subjected to public scrutiny and comment during the next month. Consideration by the Assembly Members will lead to further consultation with the Public Service, the Public Service Association and the Public Service Board. Mr Speaker the issue has been around for some time now and I would hope that general agreement could be reached to allow passage of the Human Resources Policy at our next Assembly meeting in December. Thank you Mr Speaker

MR BATES Thank you Mr Speaker just a very brief comment. I believe that in the document it makes substantial changes to the leave without pay provisions for those leaving the Administration on occasion to work for lighterage. I'm just wondering how widely this has been canvassed with those persons directly affected. I'm wondering what are their views. I'm wondering what are the reasons and who is pressing for change and I'm wondering if this is going to be changed back to the status quo or whether these persons are going to be disadvantaged by the introduction of this policy. I wonder if the Minister would comment or if he intends to do anything about it or just what the way forward might be in order to restore the benefits that these people are going to lose if this policy goes forward

MR NOBBS Thank you Mr Speaker. I really thought it was a question and I was just waiting for you to call me. Anyhow thank you. I thought Mr Bates that you would have a question on that this morning actually, and the position is at this stage, the document was developed by a Working Group within the Service. There are some changes which may be seen to benefit the Service. There are changes which may be seen to disadvantage the Service so there's both in there. the position of the document is simply this, that it is being tabled for public perusal. it's been the subject of four week's of briefings and then discussion by Members and it is now at the stage

where we need to progress it. There will be some changes I believe from members and there will be some changes from the members of the public. I hope that they will lead to further consultation with the Public Service, the PSA and the Board. Getting to your specific questions in relation to special duties allowance, this may be seen to disadvantage some members who are used to it whereas others I believe have not had the opportunity of participating in this special leave. It's something that's been with the lighterage workers for a number of years and whilst it wasn't in my time thirty odd years ago it apparently is now, and they have taken the opportunity to take special leave. The proposal that's put forward by the working group which I understand was not unanimous or with all sections of this particular document and I want to make that quite clear. Some believed that certain sections of the document was not right but it was a general consensus and I really congratulate them as it is extremely difficult to get consensus. Getting back to the special purpose leave for lighterage. I had thought that this may be a problem. Lighterage has always been an area which we consider as most important if not essential to the Island's activities. It's coming up to Christmas now and I'm a realist. I know what can happen in these sort of circumstances. You very rarely see it here but I know of times that it has happened and even years ago I've witnessed problems in relation to lighterage where there was a lack of consultation and a lack of will to actually talk to the people. I've done two things in the past week. I've stuck my neck on the chopping block and I've spoken directly to lighterage. The first one was simply to realise that we may have a problem in relation to the special leave and I firstly spoke to the former Manager of the Lighterage, Puss, whom I've known and respect ever since we were kids and I needed from him some sort of historical perspective as to the lighterage operations and how these sort of things have occurred over the years. Puss gave of his time and I really appreciate that and of course John Deadman the present manager spoke to me and I appreciate it very much for the frank and candid talk that we had. It was suggested that I should talk to a delegation of the Lighterage workers and this I did last week and there were half a dozen or so of the lads there and I thank them very much for the cordial and frank discussions that were held. As Members probably are aware, such negotiations for want of a better word, at times can get out of hand. However, in sticking my neck out I suggested to them that there may be ways around it and I put to them a very brief proposal which I believe if they were prepared to accept I would then come back to the Legislative Assembly with it and negotiate it with the Assembly. The proposal as I said was given last week. I have not heard back from them, I think there was a ship in yesterday, I don't know whether it's finished or not, and I think there's another one due today so I would assume that they will be holding discussions amongst themselves and they'll come back to me in the next day or two so not really to answer the question but to put Mr Bates' mind at ease, that is a particular area where negotiations had to commence very quickly in the event that the Human Resources Policies Manual was accepted to the extent that the special leave provisions were accepted by the Legislative Assembly and the Service in general. I understand that there is considerable support in the Service for that sort of thing to happen for the special purpose leave conditions, not to exist in the future, should that happen. I think there is a need for some fairly quick and hopefully effective negotiations bearing in mind that we are coming up to the Christmas period, bearing in mind that lighterage is, as I said, an essential activity here and bearing in mind the weather conditions at the time when we need to get ships unloaded very quickly and as a consequence, that is one area where I have taken it on myself, Mr Bates, to negate and I would hope that the Members of this Legislative Assembly in due course will support me in that regard thank you

SPEAKER Thank you. Any further debate. The question is that the Paper on the Human Resources Version 4 be noted.

QUESTION PUT
AGREED

That Paper is so noted. Further papers

MR COOK Mr Speaker I table the draft Disaster and Emergency Management Bill 2000

MR NOBBS Thank you Mr Speaker I table the financial indicators for October 2000 and move that they be noted

SPEAKER The question is that that Paper be noted.

MR NOBBS Thank you Mr Speaker. The Financial Indicators for October were distributed and I just wish to make brief comment. All revenue and expenditure reported in the Financial Indicators as far as is possible is accrued. The accrual of substantial revenue such as customs duty, FIL and Fuel levy have been included albeit on an estimated assessment based on historical records, that is, in respect of customs duty shipping imports received in October may not be fully assessed for duty until late November, early December. Fil and Fuel levy receipts will not be known until late November. Overall at best it can be determined at 31 October, the revenue income is about 104% of budget which compares favourably with the end of September. Overall expenditure at the end of the fourth month of the financial year is 15% under budget. This low result is mainly due to capital expenditure being 71% under budget and works road expenditure being 22% under budget. Administrative expenses and health and quarantine expenditure are both 19% under budget however, welfare expenditure is 109% of budget which is equal to \$32,000. Welfare expenditure compared to the same period last year is up \$76,000. Mr Speaker I realise that we are in the first year of accrual accounting in relation to the revenue fund and it takes some getting down. Some of those estimated figures will be firmed up in the months ahead I believe

MR GARDNER Thank you Mr Speaker I'm just wondering if I could enquire of the Chief Minister as to whether he could provide some comment on the likely impact of the recent increase in the prices of fuel on the island. I understand just published in the last day or so we have seen an increase in the price of diesel fuel at the pumps somewhere in the region of about 14 cents per litre and whether that will have an impact on the budget process as far as the government is concerned. the cost of operation of vehicles, generation of electricity and things like that

MR NOBBS Thank you Mr Speaker. Another question without notice. I'm fine, I don't mind answering these any time. I propose to make a statement in relation to the price of fuel. The government has its own cost and it's not really our increase, our price has actually gone up already and that's for the electricity undertaking in particular which is the one that really counts for the Administration but there has been some increases elsewhere and obviously it will have impact on the operation of the Administration

SPEAKER Thank you. Any debate. The question is that the Financial Indicator Paper be noted.

QUESTION PUT
AGREED

MR SMITH Mr Speaker, I would like to table the document called the Review of the Norfolk Radio and move that it be noted

SPEAKER The question is that that Paper be noted.

MR SMITH Mr Speaker, if I read the introductory page in this report it will explain the report and then I will turn to the recommendations. This was written by Roger Newman who was taken on to do the review of broadcasting. He says, for some time there has been an increasing awareness in the community from some

VL2NI personnel that the presentation and format of the local radio has become dated, stereotyped and outmoded. For many reasons some of the needs and expectations of the community are no longer being adequately met by the current VL2NI Radio Service. The listener today expects more from the local service than just lighterage broadcasts and birthday requests with the presenter playing their own sound. This has become more noticeable with the local rebroadcast 24 hours a day of four mainland radio services, ABCFM Fine Music, ABC Regional, ABCJJJ, RED FM and in recent days CCFM. These radio services in most cases are not relevant to Norfolk Island but the local listening audience is significant. The appeal of these services would appear to be their format which is easier to listen to than VL2NI which has very little or no consistent format our sound. In June 2000 George Smith MLA Minister for Tourism and Commerce called a meeting of Radio Personnel at which it was apparent that there is a groundswell of support for change in the way the service managed, run and presented more than 50 items were noted for review and attention. Those are included in the report Mr Speaker. As a consequence of this and also the receipt of a report by Rebecca Coyle on local radio table d in February 2000 Minister Smith decided the most appropriate course for considering and introducing possible changes to VL2NI was to initiate a review of current operations. In August 2000 as a result of discussions between Minister Smith and Mr Rod McAlpine, corporate Services Manager, it was decided to undertake a local review of the operation and performance of Radio VL2NI. Such a review to have regard to the presentation, format and relevance of the existing service; current total reliance of the radio service on the Public Purse and the disadvantages and constraints of that dependency. In August 2000 the Minister authorised such a review and requested that a report of recommendations be submitted by the end of October 2000. Roger says I wish to acknowledge the advice, support and input from Rebecca Coyle, Senior lecturer in the Department of media and Communication at Macquarie University, Sydney, Christina Alvarez and Jim Beatson from the community Broadcasting Association of Australia, Phillip Shine Station Manager Radio 2SER Sydney, George Liolio General Manager and Richard King of Radio 2HD and Radio NewFM Newcastle and John McGahen Station Manager 2NUR Newcastle. Thank you to Margaret Meadows and the team at Radio 2NI for your input, enthusiasm and criticism. This report is the result of that combined effort. Roger came up with eight recommendations for broadcasting Mr Speaker. No 1 was the promulgation of a Norfolk Island Broadcasting Act 2000. 2. The establishment of a Broadcasting board as a Statutory Authority 3. Adoption of a Station Charter, Code of Practice 4. Community Broadcasting Association of Australia – Affiliation 5. Station Format and Identity 5. Finance 7. Sponsorship/Advertising and 8 Station Personnel. Mr Speaker since the report was given to me at the beginning of October we've had a meeting of the staff at the Radio Station. I thank them for coming to the meeting and having input into this report before the final version was done. I thank Margaret Meadows, Radio Station Manager for her input and understanding. The Radio Station are a very keen bunch of people and they are quite keen to see some changes happen and with this review I think that's going to be delivered. We've already taken action with the legislation. We've been asking for that to be put into place as soon as it can for many obvious reasons and the other things will follow fairly quickly along. I now table the Report

SPEAKER
Paper be noted.

Thank you. Any debate. The question is that the

QUESTION PUT
AGREED

Are there any further Papers. No

STATEMENTS

We are at Statements. Mr Gardner

MR GARDNER Thank you Mr Speaker. I hope that this is the appropriate time but it's a follow up on some Questions Without Notice this morning and one from yourself in relation to the purchase of a can crusher. I have received advise which I requested following your request for information this morning regarding the purchase of a can crusher. I would just like for the benefit of yourself and other Members and the listening public, provide the body of that advise. Ms Jodie Quintal who is the officer within the Policy and Projects office dealing with environmental issues as I said this morning has received two offers from local owners of can crushers. The two machines are very differencing in operation and output and also in price. the enable a reasonable comparison an investigation is currently being completed as to what is used in other areas and what style would be most appropriate for Norfolk Island's requirements. Presently we are collecting aluminium cans at an Administration site and there is certainly more than adequate room for the collection of cans whilst this process is being worked through. When a suitable machine is purchased then a recycling process will be put into action and the cans will be palletised and ready for export off the Island. Mr Speaker, this is part of an overall waste management strategy and is being approached on that basis. This is to avoid a short term fix that might not meet long term requirements and of course the resultant waste of resources if a short term fix was to be followed. It is expected Mr Speaker that a decision on the purchase of the type of crushing machine will be made within the next fortnight

SPEAKER

Thank you. Further Statements

MR GARDNER Thank you Mr Speaker I have another Statement in relation to a Question Without Notice asked of me by Mr McCoy at the last sitting of the Legislative Assembly. I know that certainly it has encouraged a substantial amount of debate in the community and it is in relation to the Governors Lodge development of Queen Elizabeth Avenue. The questions or the information that Mr McCoy was wanting me to provide at the last Sitting which I was unable to without advise was whether a conference centre is allowable in the rural area under the existing plan, and the second part of that question regarding the approval of a conference centre within the Governors Lodge complex without having held a public meeting. Now the answer to the first part of that question was that the current Plan does not have provision for a conference or function centre in any zone. The answer to the second part of that question relating to governors Lodge complex and a conference centre being there without having held a public meeting is that a planning application was lodged on the 30th October 1997 to erect 55 tourist accommodation units and a lodge on portions 53b1 and 53c1 Queen Elizabeth Avenue in the rural zone under the Norfolk Island Plan. The application was amended on the 12 November 1997 to 55 units, I'm sorry that first reference should have been to 45 Tourist Accommodation units. This proposal was classified both a category 3 application as it exceeded the maximum allowable number of 5 Tourist Accommodation units and other proposed buildings like the conference centre, utility centre were also ordinarily prohibited for the rural area. Accordingly notification to hold a public meeting was Gazetted on the 20th November advising the public that the work proposed was to erect 55 accommodation units and lodge. This development proposes a guest lodge comprising self contained cabins. there will be a reception, lounge and function room and the announcement continued. The Public meeting was held on the 18 December 1997. The concept site plan submitted with the application showed a conference lounge building along with other buildings and structures. The Norfolk Island Planning Board recommended approval in principal on 7 January 1998. The Planning Board recommended the application be approved on 18 June 1998 and final approval to erect 55 Tourist Accommodation units and lodge together with proposed water tank and other proposed structures as set out in the approved site plan was granted on 26 June 1998 by the then executive Member Gary Robertson. and I will table for the benefit of Members copies of the approval and the approved site plan which included the conference centre. The Planning Board sought legal advise in August 2000 as to whether applications such as the conference centre require a public meeting. In short

advice received was that a public meeting had already been conducted to discuss the entire project which included the conference centre and therefore no further public meeting was required. The conclusion in the advise that I have received is that as a public meeting was conducted for the entire project which included a conference function centre the individual application to erect a centre did not require a public meeting. Mr Speaker I table for the benefit of Members and certainly Mr McCoy and others who may wish to peruse it, the approved plan

SPEAKER

Thank you. Chief Minister

MR NOBBS

Thank you Mr Speaker. In a question without notice previously reference was made to fuel prices and there has been an increase in the price of fuel to the private sector. The public sector had their price put up on the 1st October but to the private sector apparently it started on Monday and I would just like to explain if I may that for unleaded petrol, the wholesale price has gone up 2.47 cents, kero by 17.71, diesel by 13.43 and jet fuel by 15.97 cents per litre. The reasons given and the explanation given by Mobil and their agents here on the island are simply this. The August cargo came via the Royal Arrow x Yarrabel on the 14th July and the present supply came by the Haminee out of Geelong on the 11th October 2000. Now the difference in the barrel price, that is, US price per barrel for those two shipments were this, for jet fuel from the Royal Arrow was 33.71 and for the latest one in US\$ per barrel 45.77. That's an increase of 35%. For unleaded it went from 34.12 to 32.28 so that's a reduction of 5.7%. For diesel it went from 31.45 to 40.46. The Australian and US exchange rate at the time of the first cargo was 59.17 and the exchange rate for the last cargo was 52.49. Those details are based on the average bill of lading date plus working days either side. In a response from Bill Blucher he says, as you can see the price of jet fuel and diesel rose considerably together with a significant decline in the Australian dollar versus the US\$. Now the good news is that Singapore spot price of diesel and jet fuel have reduced somewhat since October 11th. Jet fuel US\$39 and diesel \$33 as at the 10th November so there is potential for prices to fall after our next cargo early to mid January so that's just a brief explanation of where we stand. In relation to the other side of it, the Government, we won't have a price change until we are notified in December under the current arrangement, and the current arrangements as I said before are being looked at. We were to have the visit of the Mobil Manager. He was supposed to come a couple of weeks ago to see us and have a chat about where we're actually at in relation to the pricing and the contract which is supposed to be had with the Administration. That has not occurred but we are still continuing on and looking at other potential suppliers for fuel for the Island so that is ongoing Mr Speaker thank you

MR BATES

Statement be noted

Thank you Mr Speaker could I move that that

SPEAKER

The question is that that Paper be noted.

MR BATES

Thank you Mr Speaker. The Chief Minister read out some interesting figures which are a little hard to grasp just by hearing them spoken off. He was reading of a paper and I found the figures very interesting and would like to closely examine them. I'm wondering if the Chief Minister would make that paper available to those Members who would so wish

MR NOBBS

Thank you Mr Speaker I certainly will. I just received it in the last day or so and I will definitely make it available to Members

SPEAKER

Thank you. Any debate. The question is that the Statement made by the Chief Minister on fuel prices be noted.

QUESTION PUT

AGREED

Thank you, that Statement is noted

MR COOK

Mr Speaker I just want to make a brief Statement for the information of the community that on Monday evening an accident occurred on a container ship almost precisely in a midpoint between the Australian territorial zone which extends south from Lord Howe Island and the Norfolk Island territorial zone. Three engineers who were inspecting the machinery in the engine room were seriously injured by the flash fire and one of them has sadly died. The other person received burns to some 60-70% has been critically ill and the third engineer received burns to 25-30%. The Island was contacted by an agent of the shipping line who was here on Norfolk Island and immediate emergency provisions went into operation with Dr John Davie at the Hospital being in charge of medical advise to the Captain of the ship and that valuable advise has meant that the most critically injured person is surviving and it would be unlikely that he would have done so without such important advise. The captain was not prepared to give intravenous injections of fluids which is necessary to this type of injury due to the severity of the burns. He also didn't want to accept the medical skills necessary to do that. The situation on Norfolk Island was that early on Tuesday morning the emergency services met to discuss the situation. The ship suffered repeated breakdowns and has come to a dead stop and cannot move in any direction. All aspects were considered very carefully and from information shortly received before I came to the meeting a tug is coming from Auckland to take the ship in tow. Fortunately for the injured crew a nearby ship came to the rescue and in a difficult operation the wounded crew members were removed to the Capitaine Martin, it's a tanker proceeding towards Norfolk Island and should arrive around midnight. Rescue crews and persons assisting will remove the injured crew from that tanker, they will be moved to the Hospital then they will be taken from the Island by appropriate Careflight arrangements which have been put in place. I raise this matter because the Australian news reports have not been correct and I wish to commend to the community the very great efforts of Dr Davie. I also wish to commend all those who have been involved so far in the discussions as to the proper rescue requirements and the whole situation is continually being reviewed and fine tuned. The community is asked to have regard for the whole operation of rescue of persons who have been overcome such distances from land in the middle of the Pacific Ocean

MR NOBBS

Thank you Mr Speaker I would just like to make a short statement in relation to telecommunications. As Members are aware Norfolk Island was asked to place an application before Networking the Nation which is an Australian Government funded arrangement for providing much needed infrastructure and Norfolk Island put forward a proposal in three parts for an international telecommunications link, a cellular mobile telephone service and the third was a telemedicine pilot. I just say that we've just received advise that an amount of \$750,000 has been approved by Networking the Nation which is to go towards part one which is the international telecommunications link and that they haven't considered our applications for parts two and three of the submission as yet but that amount of funding amounts to about 74% of the original submission. Now as you are aware we have called for tenders and received results in relation to provision of the service in the international telecommunications link and that tender has been partially assessed but at this stage it has not been completed because we've been waiting on the information as to whether we were successful with the submission to Networking the Nation. Now that this offer has been received and we have formal documentation confirming it all we will then proceed to assess the monies in relation to the tender and I would expect some sort of announcement by the next meeting thank you

I have a further statement relating to advise received in the last day or so in effect that there is to be an increase in the freight rates to the Island. This was conveyed to the Manager of the Liquor Bond and I thank Dougie Jackson for the information provided. It

appears that one firm will increase from \$200 to \$260 per cubic metre and the other from \$150 to \$195.80 per metre and that will be effective from the 1st January 2001, an increase of about 30% for both so price increases continue and all I can say from the last couple I've read out in relation to fuel and the shipping rates it's good that people can't say that I've put the price of things up! Thank you Mr Speaker

MR BATES Thank you Mr Speaker could I move that the Statement be noted

SPEAKER The question is that that Statement be noted.

MR BATES Thank you Mr Speaker it is unclear to me and maybe I just missed the point, whether those freight rates are all from Australia or whether some are from

MR NOBBS Thank you Mr Speaker and I'm sorry Mr Bates, I should have made that clear because the Bond gets imports from Australia mainly and very little from New Zealand but they were I understand Australian freight rates

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

QUESTION PUT
AGREED

Any further Statements this morning

MR NOBBS Thank you Mr Speaker if I may I have an answer to a question. I'm not really satisfied with the answer but I undertook to get back to Mr Bates and unfortunately one of the persons concerned is off the Island and I haven't been able to clarify the information I require so if I may and with Mr Bates indulgence provide a very brief Statement at the present time. It's in relation to a question from Mr Bates who for sometime has been trying to find out whether the transfer of the fire service to the airport will be cost neutral to the airport or whether the cost as I suspect now will be born by the airport. I think we are fairly clear in relation to this financial year when the airport actually took over the funding arrangements for the Norfolk Island Fire Service, that the airport would contribute \$146,400 cost and has been for some little time. Effective from the 1st July the airport undertaking will fund any shortfall of funds that the Norfolk Island Fire Service may incur subject of course to budget approval and the budget approval for this financial year I understand sees something like \$106,400 for this financial year and I understand that for the projected years it drops to \$90,000 but I need more details in relation to that and I will get back to Mr Bates in due course thank you

MR GARDNER Thank you Mr Speaker another statement this morning taking the form of an update on the workings of the Joint Land Initiative Task Force Group again provided to me by Peter Davidson who is part of the Task Force. At the moment on the Island Mr Speaker we have a Darren Crombie who is assisting as a Member of the Task Force Group who is a Planner attached to the Department of Transport and Regional Services and is now on the island. Darren is developing a revised Norfolk Island in accordance with the direction given by the MLA's which is the philosophies and other papers which were discussed by Members and also input from the community. Initial work has concentrated on defining existing land uses, in conjunction with Ms Jodie Brown who is assisting him in that. As far as the development of codes are concerned the preliminary draft roads code is being reviewed at the moment by Jodie Brown and Darren Crombie with a view to separating the policy and technical aspects of the draft code. Names and categories of roads are being reviewed with Allen Bataille from Registry and Mike Johnston from the Works Depot to ensure

consistency with the legal section review of the status of all roads. It is planned to provide a preliminary draft roads code for consideration by MLA's by the 24th of November. The health codes Mr Speaker, the Health and Building Surveyor has agreed that by the 30th of November that he will list all the health codes required, contact the Commonwealth Department of Health for advice on national health codes, contact appropriate NSW local government bodies for advice on municipal application of state or national health codes and indicate for each health code whether it is appropriate to adopt a particular code from elsewhere, refer to a national or state standard or substantially rewrite the codes that are in existence. As far as the building codes are concerned Mr Speaker the Building Inspector has agreed by the 30th of November to define which parts of the building code of Australia should be adopted and the limitation of the codes application such as, the date from which the code should apply to existing buildings and soil type classifications relating to footings. Also a need to highlight the issues not dealt with in those codes such as aesthetic design issues, that's the colour of buildings and those sorts of things, that may be better addressed through the Norfolk Island Plan and accompanying documentation, and also he's agreed to advise on problems that need to be addressed and the timing and resources required to resolve those problems in the development of a building code. In relation to heritage matters associated with the land task force group I basically provided a brief overview of what was happening with heritage matters this morning in relation to a Question Without Notice asked by Mr Walker. Also what I did omit from that this morning was that we have a draft memorandum of understanding for the furtherance of the heritage regime on Norfolk Island which is being consulted on and advice sought from both the Australian Heritage Commission and has been copied to members of the Assembly. As yet I haven't had any response or any comment on the MOU from members of the Assembly but certainly as this picks up some momentum I will be agendaring it again for discussion by members. As far as the Public Reserves Plans of Management are concerned, that has been ongoing, the plans are being developed, there have been a series of public meetings. I think the first one was probably the best attended and that has to do with Cascade Reserve. Subsequent meetings on other areas have seen unfortunately at dwindling in numbers attending or showing an interest in having an input into those Plans of Management and one was held last night, I know that both John McCoy and myself have been interested in attending to those but due to trying to get prepared for today's meeting, both of us were unable to attend last night and I'm unsure at this stage just how that public consultation process went last night in relation to the other Plans of Management. However it's still envisaged that draft Plans of Management will be available for each Reserve by the end of December this year. That's just to provide an update on that land initiative Mr Speaker.

MR SPEAKER Thank you. Are there any further Statements to conclude.

MR NOBBS I just need leave to table a document.

MR SPEAKER Is this a Paper Chief Minister.

MR NOBBS Yes. I overlooked it and I should have tabled it earlier.

MR SPEAKER Let's attend to that now.

MR NOBBS I seek leave then.

MR SPEAKER Yes, proceed.

MR NOBBS Thank you Mr Speaker. I table an instrument declaring the Norfolk Island Waste Management Disposal Strategy to be a head of the Administration trust fund and move that it be noted. A very brief Statement is that, as

you are aware there is a grant of \$250,000 from the Commonwealth for the purpose of a waste management and disposal strategy and the first \$25,000 grant was received in late September 2000 and hence the need in October to establish this trust fund Mr Speaker.

MR SPEAKER Thank you. You propose that that Statement be noted. Is there any further discussion in respect of it. I put the question. The question is that the Statement be noted.

QUESTION PUT
QUESTION AGREED

MR GARDNER Thank you Mr Speaker. Just one other Statement Mr Speaker. It is on an important issue and that is the recruitment of a third Doctor at the Norfolk Island Hospital. Just by way of some background Mr Speaker I would like to delve back into history a little bit in the arguments for and against and otherwise for the appointment of a third Doctor at the Norfolk Island Hospital. It has been a matter that I'm aware of that's been discussed on this island for many years now and certainly came to the fore again during the Joint Standing Committee of the National Capital and External Territories Inquiry into the provision of health services on Norfolk Island that was held on island I believe in November of last year, and that was raised I believe by the current GMO Doctor Lloyd Fletcher and also expanded on to a degree by Doctor John Davey who is also a Medical Officer with the Norfolk Island Hospital in the giving of evidence and of course I think both Doctors at that time, I believe both Doctors at that time were questioned by members of the Commonwealth Parliament really in relation to statistics relating to the number of Doctors and how fortunate we were to have two Doctors and that our Doctor ration per head of population far exceeded most similar areas in Australia. That was purely a statistical approach to looking at what is the adequate or most appropriate number of Doctors for Norfolk Island and certainly I think was to a degree thought of as being an inappropriate comparison for Norfolk Island and I know those feelings were shared by both Doctors. Suffice to say that following on that in about May of this year I received a fairly lengthy document from Dr Lloyd Fletcher in relation to the recruitment of a third Doctor and I thought a very important paper which was discussed by Executives at the same time and their level of importance that I'd given that paper was that I had approached the Joint Standing Committee that had undertaken the health inquiry on Norfolk Island to submit that letter to them as part of the evidence for their inquiry, just to basically back up what had been said by both Lloyd and John Davey at the Joint Standing Committee inquiry held on the island. Lloyd's permission for that was forthcoming and it was submitted to the Joint Standing Committee inquiry. At the same time as I said that was discussed with Executives, and I had informed Executives at that time that I'd referred that document to the Norfolk Island Hospital Board for their attention and had asked them to develop a proper business plan for the recruitment of a third Doctor at the Norfolk Island Hospital. The budget at the Norfolk Island Hospital may be great but it certainly is a very tight budget and certainly not always possible just to drag nigh on \$100,000 to recruit a third Doctor just at the drop of a hat and neither do I believe the Norfolk Island Government had those funds at that time just to be able to recruit a Doctor. So I had requested through the Chairman of the Norfolk Island Hospital Board that the Board investigate the most appropriate way of funding a third Doctor and providing a third Doctor for the Norfolk Island Hospital. It really fell down to two ways of doing that, one was either a full subsidy from the Norfolk Island Government to provide for the services of a third Doctor or part payment and the other part of it being picked up by the Norfolk Island Hospital Enterprise or to look at the raising of fees at the Norfolk Island Hospital to be able to afford the recruitment of a third Doctor. At the same time that that was happening the Board agreed and implemented the attendance at the Hospital of 5 mornings a week of Dr Jenny Sexton to try and relieve some of the workload at the Norfolk Island Hospital for both doctor Fletcher and Doctor Davey's. Yesterday somebody said to me that that was a short term fix, yes but it was a short term fix that is currently in place to try and continue to relieve that

workload, 5 mornings work by any Dr by any means is a substantial amount of work. The costs had to be properly identified and properly considered. The minutes of the Norfolk Island Hospital Enterprise Board of management certainly have demonstrated to me over the last few months that not only the input from Dr Fletcher and Dr Davey's but also other members of the Board and staff including the then Director Mr John Christian was that the Board were seriously considering the appointment of a third Doctor but struggling with just how that was going to be funded. In recent months the Board have been discussing the raising of the fees at the Hospital across the Board to provide the necessary funding and looking at savings in other areas that they may be able to fund the third Doctor. As a result of that, and as a result of the receiving of Lloyd Fletcher's unfortunate resignation from the Norfolk Island Hospital and the need to place an advertisement for Lloyd's replacement the decision was taken that the advertisement for Lloyd's replacement would be for 2 Doctors. In other words with John Davey's skills already on the island we would be upgrading the Doctor staff at the Hospital to include 3 Doctors in total full time. The Hospital Board are currently finalising their analysis of the costs which has been ongoing for some time now to try and pinpoint exactly what the increases may need to be and those are matters that this Assembly are going to have to consider in the long run is the impact that any increase in fees at the Hospital may have on areas such as the Hospital medical assistance provided under the Social Services and the increase in subsidy that may result from there and demand on monies from the Government for that and also the impact on the Healthcare scheme or the raise in fees. Those are matter I'm sure that will be a matter of debate and consideration by this Assembly certainly in the run up to the next budget which has currently begun for next year. I am please to advise that last weekend an advertisement was placed in the Australian seeking the services of 2 other suitably qualified Doctors to provide 3rd full time Doctor services at the Norfolk Island Hospital.

MR SPEAKER

Thank you. Are there any Statements to conclude

Statements.

INSURANCE RISK TO REMAIN WITH THE VENDOR OF REAL ESTATE.

MR BROWN

Mr Speaker I move that this House recommends to the responsible Executive Member that a Bill be drafted and introduced into the House at the earliest convenient date in order to amend the Conveyancing Act by providing where 1) a person in this section called the purchaser agrees to purchase or take an assignment of property and in consequence the purchaser has or will have a right to occupy or use a building 2) the building is the subject matter of a contract of general insurance to which the vendor or assignor under the agreement is a party and 3) the risk in respect of loss of or damage to the building has passed to the purchaser. The purchaser shall be deemed to be an insured under the contract of insurance so far as the contract provides insurance cover in respect of loss or damage to the building and such of the contents of the building as are being sold or assigned to the purchaser at the same time during the period of commencing on the day on which the risk so passed and ending at whichever of the following times is the earliest. The time when a sale or assignment is completed, the time when the purchaser enters into possession of the building, the time when insurance cover under a contract of insurance effected by the purchaser in respect of the building commences, the time when a sale or assignment is terminated. A reference in this section to a building includes a reference to a part of a building and also includes a reference to a structure.

MR SPEAKER

Thank you.

MR BROWN

Mr Speaker these words are in fact not mine they are taken from one of the law reform commission reports and the reason that legislation similar to this has been enacted in I think all of the Australian States and Territories is that under the Common Law when a contract is signed for the sale of a property the vendor no longer has an insurable risk and it's the purchaser who is at risk from there

on. The difficulty with that in Norfolk Island Mr Speaker is the majority of real estate transactions in Norfolk Island are either handled completely privately or are handled by Real Estate Agents and it is generally not known that the Common Law position creates a situation where if the vendor does maintain insurance and there is a fire the vendor can't claim and if the purchaser has relied on the vendor's insurance and not taken out insurance himself, the purchaser is liable to pay the full purchase price for the property under the contract and the vendor is unable to be compensated by the insurance company. It is a significant difficulty Mr Speaker, it has been tackled in other places by amendments to their Conveyancing Acts and to other pieces of legislation and I'm suggesting that at a time which is convenient in the legislative programme a similar amendment should be made to our legislation.

MR SPEAKER Thank you. Debate Honourable Members. No debate.

MR NOBBS Mr Speaker I haven't had a chance to digest the full thing, I mean it's one page, it's a fairly lengthy Motion and I would assume that this will be left on the table if that's Mr Brown's intention.

MR BROWN Mr Speaker I'm a little uncertain as to the best thing to do in these situations because this is a Motion calling for a Bill to be drafted, it's not a Motion which is in itself a Bill. So when a Bill is eventually drafted and introduced into the House, at that stage it would in the normal course sit on the table for a month. So the chain of events, if this was passed today would be that perhaps next months, perhaps in a few months time a Bill would be introduced and the Bill would then take 2 months at least to go through the House. Now if Members are happy adding a month to that process I certainly have no objection to it and I most certainly wouldn't want a Member to feel obliged to vote on the Motion if he hasn't had the time to carefully read it and more importantly if he hasn't had the time to digest it. So if Members would like me to move an adjournment I'd be more than happy to do so. On the other hand if Members feel that matters such as this ought to progress quickly through the House and more detailed debate take place at a later time when a Bill has been introduced I'd be content with that course also.

MR COOK Mr Speaker through you, I think it's fair to say that Mr Brown if he's perceived that there is a definite problem here for the community of Norfolk Island in a sense should be commended for drawing it to the attention of this House. Nobody would want a situation to remain in place which could have quite disastrous effects for people in the community only because nobody had really turned their mind to the particular problem. I've heard Mr Brown explain that in the various States and other internal Territories this type of legislation is in place because it has been realised there should be such a protection given. I had always thought, and I must be in error that contracts that could be drawn up adequately would provide for this type of cover to be carried by the vendor to ensure that the property was kept in tact as it were until the property actually passed to the purchaser. I'm accepting what Mr Brown has said, I have no reason to doubt his expertise and his involvement in this aspect of legal practice that this is a problem to be addressed. I think however I would like that little extra time and opportunity that maybe an adjournment will permit to inform myself better of the situation. I should imagine that people might consider that having a legal background I would be either ready to oppose such an amendment or support it. At the moment I'm inclined to support it by the very reasons I mentioned a moment ago but I would like to be sure about it and therefore I'd ask Mr Brown if he would take that into consideration and permit the matter to be adjourned so that nevertheless it can come ahead at a reasonably early date. I'm not sure actually whether I'm the Executive Member who'd be responsible, that may be the subject of some discussion and argument in due course but if I am I'd certainly like to be satisfied exactly where I might be going with it.

MR BATES Thank you Mr Speaker. I was a little bit puzzled by the Motion but I thank Mr Brown for his explanation. I accept that explanation. The Motion does only call for a Bill to be prepared and introduced to the House and that doesn't really give the Motion anything other than that right, so it's not really a decision as to whether it is implemented or not until the Bill comes before the House. If this Motion is lost of course it would save the problem of drafting up the Bill and all the rest of it but as Members know I'm much of the opinion that we shouldn't be introducing legislation which creates demands on our resources and costs that are unnecessary if there is not a real need to do so and that we should look at other ways of solving the problems but I don't see this as a Motion or if it becomes a Bill that's going to be costly during its lifetime. I see it something more on the legal sides of things and the real estate side of things. There is very little input from the Administration once it's up and running. I don't really see the need to delay it any further because it's the Bill itself which must receive our close attention and I'm quite happy for the Motion to proceed. I would give it my support.

MR SPEAKER Thank you.

MR BROWN Mr Speaker if Members were of a mind to adjourn the matter it wouldn't necessarily leave any insurmountable dangers for the community provided that when a purchaser sign a contract to buy a house he takes out insurance immediately. The risk is in the situations where the purchaser doesn't do that and unfortunately in Norfolk Island the overwhelming majority of situations are ones where the purchaser relies on the vendors insurance. If Members did wish to adjourn it as long as a purchaser takes out his own insurance he's covered.

MR GARDNER Thank you Mr Speaker. Not being legally trained at all and looking at this I guess at first sight believe that this is a long winded way of saying exactly what I think John's just said that under the Conveyancing Act surely wouldn't it be easier just to have a sentence saying that you need to ensure that you've got appropriate insurances both the vendor and purchase or assignor. This may be the legal way of saying exactly that but I don't know whether it needs to be of such length, I don't know. I'll be looking to my colleagues of legally trained people and Mr Cook and Mr Brown and certainly also the Service to provide some advice onto that. Whether this is the most appropriate way I don't know but certainly I've got no difficulty with the concept.

MR SPEAKER Thank you. Any further debate. No debate.

MR BROWN Mr Speaker we have a fairly long paper ahead of us. I certainly wouldn't like any of my Motions to take any longer than they need to. The reading that I've made is that perhaps a majority of Members would like to see it adjourned and I accordingly move the adjournment.

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

QUESTION PUT
QUESTION AGREED

ROAD TRAFFIC ACT – INSURANCE POLICIES NOT TO BE INVALIDATED IN CERTAIN CIRCUMSTANCES

MR BROWN Mr Speaker I move that this House requests the responsible Executive Member to take such action as may be necessary to amend the Road Traffic Act and or such other legislation as may be appropriate so as to provide that a conviction in Norfolk Island for driving under the influence of intoxicating liquor

shall not invalidate an insurance policy in relation to damage caused to property other than the property of the driver and or injuries to persons other than the driver in so far as it concerns any claim arising from the same occasion which led to the conviction.

MR SPEAKER

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

MR BROWN

Mr Speaker it's not everyone in Norfolk Island at present that carries third party personal injury insurance or third party property damage insurance but there are some people at least who do and in the meanwhile Mr Cook is endeavouring to introduce a requirement that there be compulsory third party personal injury insurance at least, but one of the difficulties under many insurance policies is that if a driver has been driving while under the influence of intoxicating liquor and sometimes if he's committed other types of offences his insurance cover is voided. Now if an accident occurs and if a person has done the right thing and been insured, if it turns out he's been under the influence of intoxicating liquor and if as a result of that the insurance policy is voided, the poor person that got hit, was lucky the first time in that there was an insurance policy but then he was unlucky in that it wasn't going to pay him and this is an amendment which has been made in I believe most if not all of the Australian States and Territories. It is something that would require discussion with the insurers before it passed as a Bill but it is nevertheless a Motion that I commend to the House, I'm more than happy to adjourn it until our next sitting but I believe that it is a responsible progression in our management of road traffic matters in Norfolk Island. Thank you.

MR SPEAKER

Thank you. Debate.

MR COOK

Yes Mr Speaker. As the Minister who would be responsible for carrying into effect what Mr Brown seeks to achieve with the Motion the only comment I have is that this is a fairly unusual sort of situation if in fact it has been developed to the point where Mr Brown indicates it's acceptable in various States and Territories on the Mainland. Most insurance companies would of course would repudiate their liability under any insurance policy and Mr Brown has touched on this. I know the NRMA particularly are the biggest insurers in Australia they refuse to indemnify somebody whose blood alcohol level is above .1, they consider that to be driving under the influence and sufficient to justify them abrogating their responsibilities under the policy. I'm just not sure how it would operate here with insurance companies or whether they would accept that such a clause inserted in all their third party property damage and personal injury particularly policies would be acceptable to them or what they would do by way of increase in premium for providing for such a situation. It's obviously something which has to be carefully examined and as Mr Brown has touched upon would require some degree of input and discussion with the insurance companies who would carry the risk because there is no point in us insisting on such an insertion of a clause in a policy if nobody can get cover which meets the situation because the insurance companies trading here won't take it on. I would rather hope in the circumstances there could be an adjournment of the Motion. I see the principle behind it and I accept Mr Brown's concerns to ensure that people aren't left high and dry without any redress and one shouldn't I suppose rush quickly to that conclusion without understanding the implications which could arise elsewhere and I'd like a little time to try to get information and material together so that I can assist properly in the debate.

MR SPEAKER

Thank you. Any further debate.

MR WALKER

Thank you Mr Speaker. If I could just ask the mover of the Motion Mr Brown if he could explain whether the injuries to other persons is in the vehicle in which the driver is under the influence or whether it's outside of the vehicle or both.

MR BROWN Mr Speaker at this stage the Motion is intended to cover everyone who suffers harm or injury apart from the driver of the vehicle.

MR GARDNER Thank you Mr Speaker. Just a couple of comments Mr Speaker in relation to this. I see some parallels almost with this Notice as opposed to Order of the Day No 3 which deals with compensation for personal injury suffered by victims of crime. To a degree this deals a little bit with that in that it would be ensuring its insurance policy was going to provide for damage to property caused by a criminal activity, Order of the Day No 3 could probably be expanded on so that it just didn't cover personal injury but also covered property damage. I just see there's a bit of a crossover or a link there somewhere and I don't know whether we are actually going to be duplicating a process that's already a matter of another Motion before the House. That's all I want to say at the moment.

MR BROWN Mr Speaker the compensation for criminal injuries is not large normally. If my recollection is correct it ranges between about 20 and \$40,000 in most of the Australian States. Mr Cook has just informed me that the average is about \$30,000 and I accept that but when we are talking of injury sustained in a motor vehicle accident or property damage sustained in a motor vehicle accident we can be talking of a lot more than the \$30,000 so we're talking of two quite different scenarios even though the policy thinking may be somewhat similar.

MR SPEAKER Thank you. Any further debate.

MR BROWN I move the adjournment Mr Speaker.

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

QUESTION PUT
QUESTION AGREED

CONFLICT OF INTEREST

MR BROWN Mr Speaker I move that this House is concerned about the conflict of interest which may arise if a Member is at the same time both a member of this House and the recipient of a pension or superannuation entitlement from another Government.

MR SPEAKER Thank you.

MR BROWN Mr Speaker I wanted to raise this issue today because we have a situation which is quite different to other places, for example it would not be possible to be a Member of the Commonwealth Parliament while receiving a pension entitlement from either the Commonwealth or from one of the Mainland States or Territories as I understand it and I think that it's important that we recognise that it's all very well to talk about conflicts of interest and different things that different Members talk about in the House from time to time, it's all very well for us to introduce a pecuniary interests register which was introduced from recollection 2 Assembly's ago. I don't know whether Executive Members still complete that document but it used to be completed so as to place in the Speakers Office or in the Chief Ministers office full details of the pecuniary interests of the various Members. I would like to suggest that it is time for us to review this question, the question which is the subject of this Motion also and to make a decision as to whether it is appropriate or not, and I'm not saying that it should be appropriate, I'm not saying that it should not be appropriate but I'm saying that it should be addressed Mr Speaker and we should make a decision as to whether or not we believe it is appropriate for a person who has an obligation of some kind to another

Government by way of being in receipt of some form of pension or superannuation, whether it's appropriate for such a person to at the same time be a Member of the Legislative Assembly or whether that pension or superannuation benefit should be suspended during a period of membership of the Assembly or what, and having raised the question I'd be interested to hear the views of other Members Mr Speaker.

MR SPEAKER

Thank you.

MR NOBBS

Thank you Mr Speaker. I didn't intend to participate in this debate at all but because I was under the understanding and I don't know where I got it from but I've been involved a little bit in the political field for some time and my understanding was that a Member could seek leave of the House to make a personal statement at any time. I mentioned this to the Speaker and I'm not correct in that matter because it was my intention to make a personal statement after Mr Brown had actually moved his Motion and before the debate actually started, because and I will say now that I've made it abundantly clear to all that I'm the recipient of a small pension from a superannuation scheme to which I have been a member and contributed to financially for years. It would appear from the Motion, I thus have a conflict of interest and pecuniary interest in this debate. Whilst I accept that other Members may have such an interest and appreciate that even those recipients of a war pension are also targeted. As a consequence I'll be taking a specific stand in relation to the Motion. I do not believe it is appropriate for a Member with a conflict pecuniary interest to participate in debate although it appears a practice by some Members that once they've declared an interest stated they will not vote, have in the past been allowed to fully involve themselves in debate. This Mr Speaker I find quite abhorrent. There is usually an obvious attempt to influence the debate even though the Member has a declared interest. This Mr Speaker is as I've already stated is quite abhorrent to me, I believe such a practice must be stopped and as a consequence I will not be voting nor will I participate further in the debate other than this statement. I wish to go further if I may for it is my personal belief that a person with a declared conflict, pecuniary interest shall not be at this table during such debate and should absent themselves from the Chamber for the period of the debate. This I believe is the proper and whilst extreme, the appropriate procedure. Mr Speaker I thank the mover of the Motion, it gives me the opportunity being involved to put my beliefs into action. I hope the Assembly notes these concerns and have the courage to tackle conflict and pecuniary interest seen in the community as a single most important issue related to the whole self government process. The issue of conflict, pecuniary interest has been ignored with the result and claims by the community of systematic and blatant abuse. The opportunity to make this statement is appreciated and now I'll withdraw from the Chamber and the debate. Thank you Mr Speaker.

MR COOK

Mr Speaker I adopt entirely just what's been said by the Chief Minister and for the reasons which he has advanced which I accept I too will withdraw from the Chamber.

MR BATES

Thank you Mr Speaker. I hope we continue to have a forum. I have a couple of small points on this. I have a little bit of problem when Norfolk Island and here we claim that we are different, we claim that we're different to other jurisdictions and we look at other Parliaments and we are different, we're different in a number of issues and I don't see the need that we should mimic other Parliaments. We object a little bit when we're told how to handle our own affairs inside but then we ourselves are sometimes our worst enemies there because we go and try and adopt standards that apply in other places. So I have a little bit of difficulty in that, but what I'm really saying there is that we shouldn't just adopt things that happen in other places simply because they happen in other places, we should make up our own minds what's suitable to us. One of the problems I have is that probably in all the Parliaments in other Parliaments anyway somebody on the backbench at least has a livable wage. On Norfolk Island here we know that unless you have some independent financial means it is impossible to live on a backbenchers wage. You do need to earn another income and

some means, but if it happens to be the case that somebody can serve on this Assembly because they do have a small pension which allows them to exist on a backbenchers pay then I think we should heed that. I've been very conscious of the fact that I don't want to ever see this Parliament become a place only for the wealthy. I believe it should be a place for anybody that has the ability to get elected whether they have sufficient means of support or not. I just see this as making it more difficult for some of those people that maybe don't have sufficient means and don't therefore need an allowance or don't need to find sufficient funds to live, I find this is just another nail in the coffin for those who maybe aren't as self sufficient. I won't support the Motion on the basis of what I have said. Thank you Mr Speaker.

MR SPEAKER Thank you. Any further debate.

MR MCCOY Thank you Mr Speaker. I just need a point of clarification from Mr Brown. I notice that he does say that an entitlement from another Government. What would be the situation if someone who is a member of the Public Service resigns from the Public Service, collect their provident fund, which they are entitled to, do you intend that person to be affected as well.

MR BROWN Are you saying someone collects a lump sum from the provident fund.

MR MCCOY Yes

MR BROWN Mr Speaker in that situation a person wouldn't be receiving a pension or a superannuation entitlement. They would have already received and done as they pleased with a lump sum payment. It's a different situation.

MR MCCOY Another point of clarification. I know the Chief Minister mentioned someone who is on a war pension, they would be affected by this Motion as well.

MR BROWN Mr Speaker my suggestion is that our policy should be the same as that which applies in the Commonwealth Parliament. In the Commonwealth Parliament certain military pensions are excluded from the rule, but the rules surrounding that are quite clear and if we are serious about the various things that we talk about, we must be serious in at least looking at this question.

MR SPEAKER Thank you. Any further debate.

MR SMITH Thank you Mr Speaker. I find this quite an interesting Motion. It has all sorts of implications. We've seen over many many years Members sitting around the table here that do have a conflict of interest, not only the members of the commercial sector but all of us when we deal with many issues. I'm not saying that we consciously think of when we make a decision that it's going to be of benefit to us but even if you take it down to the smallest degree of we pay ourselves effectively, we approve a budget that we could say, we can't approve that part of the budget because it's paying ourselves but we don't. There's many issues that come up in the commercial sense. In fact it will be interesting this afternoon where I have the Employment Act Amendment coming on. There are 3 employees in this room, whether they will be able to participate at all or vote on the Motion or not will remain to be seen what happens with this particular Motion. If the House agreed with this Motion I would have to insist that there would be a conflict of interest from the Members if they participated at all in the debate or voting on the issue of the Employment Act. It happens with many of the things we deal with Mr Speaker. I would be interested in supporting the Motion if Mr Brown was to change it around somehow and I suggest that if he is interested in doing so he could possibly leave it until the next sitting that maybe that the House is concerned about the conflict of interest of any Members when it comes to

dealing with parliamentary matters in the sitting of the House. I think to identify a single, or not a single, at least 4 people in the House with this Motion today, I would not be able to support it in that sense considering the facts that I've mentioned before of the past history of the Legislative Assembly.

MR SPEAKER

Thank you. Any further debate.

MR BROWN

Mr Speaker this is very deliberately a Motion talking just of pension and superannuation receipts. The Commonwealth situation is to be found in Section 44 of the constitution. It's considered pretty significant there, it's in the constitution. It's all very well for Members to try to deflect the situation and say well it doesn't matter that a few of the guys get a bit of a pension or a bit of a super payment, let's just ignore that and let's instead try to turn the attack on these demons from the commercial sector that somehow have got to be destroyed at all cost. Now that's ridiculous Mr Speaker. We are either fair dinkum or we're not. This Motion deals just with pension and superannuation, it should be put to the House today and the House should show that it either cares or it doesn't care and if the House doesn't care well at least people are able to see so.

MR SPEAKER

Thank you. Any further debate.

MR SMITH

I have today after what Mr Brown has just said, that you cannot just deflect either the debate that I contributed to this Motion in the same way that Mr Brown has just said that I've deflected the debate away from the issue. The real issue if any is the conflict of interest of any Member. It doesn't make any difference whether it can be said to be just a little miniature or a small pension or the such, it doesn't make any difference what it is. If there is perceived to be a conflict of interest whether it applies to one member or another or another. The concern is, and it is often expressed by Members around the table, that there is often a perceived conflict of interest or a direct interest or a pecuniary interest. I don't think Mr Brown can pass it off quite that simply or deflect from the real issue as he has raised. I can see that this is an interesting motion because if as Mr Brown has pointed out, if we don't agree to it it looks as though we don't care and if we do agree to it we are then inflicting our conscience on Members who receive a pension. I don't know who they are. I know who one is and if we are directing it to that one person it seems a little unfair but does it then raise the question that we need to look at any interest that anybody has in any sense whether it be commercial, administrative or whatever. It's an interesting motion to deal with. At this point I won't be supporting it but it doesn't mean to say that I don't have concern about conflicts of interest that happens around this table. In fact I would go the other way and say when I get to my Employment Act Amendment I would welcome participation by the employers sitting around the table because I think it will be valuable input into that particular motion which is amending one of the Norfolk Island laws and without that input I don't think the amendment would be quite so honest, thank you

MR BUFFETT

Thank you Mr Deputy Speaker. This particular matter is really one of significant complexity and I'm not too sure that my mind is around it sufficiently just at this moment to be able to make a meaningful contribution however, I think it is something that none of the Members can remain silent upon. I think we need to fairly put out some of our views even at this early stage. This particular motion does address particular areas which may be perceived to have some conflict. I think we all know that there are many areas within our small community that may be equally perceived to have conflicts and I think we also know that matters of conflict comes fairly often to us in the consideration of a wide range of matters that comes before us as an Assembly and in various other spheres in which we need to deal. It is rather difficult to list all of them because whilst some can be readily identified there are others that are more oblique and are less able to be. For example receipt of a pension is quite something that is either yes or no and Members can fairly reasonably identify that but in some other areas it's not as easily seen as that. The Chief Minister did mention that

DEPUTY SPEAKER Thank you Mr Brown. I will pause and give the two gentlemen who removed themselves from the Chamber to return

MOTION BY LEAVE – MORATORIUM ON ACCEPTANCE, CONSIDERATION OR PROCESSING OF ANY PLANNING APPLICATION UNDER THE PLANNING ACT 1996 IN RESPECT OF TOURIST ACCOMMODATION HOUSES WHICH HAVE RECEIVED CONDITIONAL REGISTRATION

SPEAKER Honourable Members, Mr Walker you had earlier indicated that you would want to seek leave to bring forward a motion. Could I ask you now to identify your motion so that leave can be asked of the House

MR WALKER Thank you Mr Speaker I had indeed. I seek leave to move a motion and identify the motion for the information of Members in the following terms, that this House requests the responsible executive member to prepare and introduce a Bill at the next sitting of the House to amend the tourist Accommodation (Moratorium) Act 2000

- a) to prohibit the acceptance, consideration or processing of any planning application under the Planning Act 1996 in respect of a Tourist Accommodation House which has received conditional registration under the provisions of subsection 7(4A) of the Tourist Accommodation Act 1984, which is made, lodged, furnished or sought as from 10.00 am on the 15th day of November 2000 until the said Tourist Accommodation (Moratorium) Act 2000 ceases to have effect; and
- b) b) to take all necessary and reasonable steps to ensure that the Bill is treated as urgent and its passage expedited at the next sitting.

SPEAKER Thank you Mr Walker. Honourable Members is leave granted for that matter to come forward. Leave is granted

MR WALKER Thank you Mr Speaker earlier this year the Tourist Accommodation (Moratorium) Act 2000 was passed to prevent any new applications for Tourist Accommodation under the Tourist Accommodation Act 1984. The purpose of the moratorium was to provide a period of restraint and review in order to 1) assess the impact of tourism on the management of resources and waste, review the tourism industry in general and 3) initiate legislation in the best interests of the residents of Norfolk Island and those involved in the industry. However, Mr Speaker, at the same time the moratorium act made allowance for a number of existing conditional registrations to subsist provided that they had been approved prior to the moratorium taking affect. the sum of these conditional registrations was significant. The purpose of my motion is to truly take a pause on all construction of further Tourist Accommodation until the moratorium assessment and reviews currently underway have been completed, debated and exposed for public comment. At the end of this process which I believe should be completed in the early part of next year, it is anticipated that the Minister will bring recommendations to MLA's for consideration and implementation. Whilst it is appreciated that there is some degree of support in the community for the continued construction of further Tourist Accommodation there is a significant groundswell of opinion that we must pause and take stock of our position before allowing any further proliferation of Tourist Accommodation on Norfolk Island. At recent Planning Board public meetings on specific applications lodged for approval in this regard I have evidence of both sides of the issue. The groundswell of support to prevent further approvals has not been perceived as specific to any individual applicant. Mr Speaker it is more the case of a wish by the community to discontinue forging ahead with any further approvals until the review process is completed. Many in the community are concerned that to continue with further construction without first completing the review process may result in a degree of degradation to Norfolk Island's visual amenity, we would thereby reduce the Island's appeal to both its residents and visitors. The very basis on which Norfolk Island has been marketed, that is, its uncluttered environment

and rural aspect. The moratorium may have stopped any further applications to the Minister of Tourism for conditional registrations under the Tourist Accommodation Act 1984 but it has not stopped the activity of Tourist Accommodation construction. This has come about through the substantial number of existing conditional registrations approved prior to the moratorium. The stated number publicised in Gazette No 40 dated 10 August 2000 totals 251 units with 619 beds over thirty-one properties. I must make it clear here though that the motion before you is not intended to affect any individual or company who has an existing conditional registration and either has completed planning application in process of this or has received planning approval and is physically in the construction phase. Mr Speaker as was stated in the debate on the moratorium Act itself, there are long standing tourism policies dating back to 1982 and further refined in 1995 that clearly identify our first priority as that of ensuring that Norfolk Island must first and foremost remain the home of its residents. Whilst I am aware that this Assembly has not formally adopted these policies we have not adopted any to the contrary either and therefore I feel that the community could be well justified in assuming that the tourism policy has not substantially changed. Likewise it should also be noted that section 3 of the Planning Act 1996 states in subsection 1A that the object of the Act are to promote the conservation of the natural environment and landscape beauty of Norfolk Island and again at subsection 1C to preserve the way of life and the quality of life of the people of Norfolk Island. These two combined with the number one priority of the tourism policy provide a powerful message to any authority that the community wishes to preserve the rural aspect and visual amenity on the Island I spoke of earlier. However, at the same time we must recognise that tourism is the lifeblood of Norfolk Island's economy and therefore must constantly endeavour to keep the two opposing directions in balance. We are dealing with a problem which in my opinion was created from ad hoc approvals rather than fully considered ones over the past few years. It appears that the total of all applications as a whole has not been measured for their collective impact on the visual amenity against all the criteria for compliance set out in the Tourism Policy, the Planning Act the Norfolk Island Plan and the Tourism Marketing Strategy therefore to provide the mechanism of which this motion is a part whereby we can take a pause and review our overall position in my opinion is responsible management practise. In summary the motion before you does not affect those who have made a commitment by lodging an application for their project to the Planning Board and in some cases have received approval and commenced construction. What we are about here today is a refinement of the Tourist Accommodation Moratorium Act 2000. My proposal is to place a temporary restraint on planning applications being received for the construction of Tourist Accommodation from those who have existing conditional registration under the Tourist Accommodation Act 1984 but and importantly but, to date have made no move to proceed. This restraint would remain in place until the moratorium ceases to have effect. I commend the motion to the House and will leave it there to allow others to participate in the debate

MR BROWN

Mr Speaker I don't think I have a pecuniary interest in this in that the Colonial has an existing approval under both the Tourist Accommodation Act and the Planning Act to construct some additional rooms and would appear to not be caught up in any fashion by the motion so I do propose to speak and vote in relation to it. The first thing I would say is that the motion doesn't say precisely what Mr Walker thinks it says. As I understood it Mr Walker just told us that it is really to prohibit the lodgement of further plans to the Planning Board but in fact it is worded so as to prohibit the acceptance, consideration, or processing of any planning application so perhaps Mr Walker would wish to consider deleting those words "consideration" or "processing" because otherwise it most definitely would appear to catch any application which is presently awaiting consideration by the board. The second this about it is if we are going to introduce a moratorium by which we say, look we realise you've got your conditional approval under the Tourist Accommodation Act and we realise that you might have gone off and started to prepare your plans but we are not going to let you lodge them. We might in terms of fairness, need to be talking of compensation. I can tell you in the Colonial's case by the time we paid for all of the architects fees, the engineering

certificates the hydrology certificates and whatever else, we were up to a figure in excess of \$50,000 just for the cost of preparing plans. Now that is admittedly a bigger project than many of those which are in the wings, but it's not as big as some and I think that if we are going to say we are going to close the gate, we've got to be prepared to compensate people. Now if we are prepared to do that, then the decision we've got to do that, is were the earlier Assembly's wrong in setting their tourism targets. Because really that's how this all came about. I think when Mike King was the responsible Minister a policy was introduced to call for tourist numbers of 300,000 or something bed nights from recollection by the year 2005. In any event, it called for significant growth. I'm sure the present Minister will be able to assist us to that in just a moment, and to such extent as economic planning has been done since that time I think it would be fair for us to assume that that planning has been done in expectation of a continuation of the growth which has occurred in recent years up until such time as the planned target has actually been reached. If we are going to say, well we think that was wrong, we think we'd better chop the growth off, we need to give thought to the economic consequences, not just to those in the tourist industry that might have made plans based on the growth but to the Government itself, because if our planning really relies on taking a share of the growth in the industry and make no mistake things like departure tax and airport movement charges, customs duty, they are all very much related to visitor numbers, if we are going to say we don't want that growth any ore, how are we going to replace the revenue. I'm not sure of the answer to that, it may be that the Chief Minister will get his Offshore Finance Centre working fairly soon, it may be that we'll take a view that that is sustainable revenue whereas we might take a view that gaming revenue could come to an end at some stage and we might say well gaming money should go into infrastructure, it's okay for Offshore Finance Centre money to go into general revenue. Now if that was going to be our conclusion we would need to be awfully confident that the Offshore Finance Centre was going to work because if we put the chop on tourism growth and haven't got a replacement for that revenue then we wouldn't have been planning the future very soundly. I'm troubled by the motion. I can understand the reason that has caused Mr Walker to seek to move the motion by leave today because he's obviously concerned that if the matter goes on for another month, there might be more applications lodged and the matters which are concerning him might just become worse. I can understand that but I would hope that at the very least we would in some fashion amend the motion so that we might pass it at the next meeting whilst saying today that if it does pass at the next meeting it will be made retrospective to today, I wouldn't have such a problem with that if it passed but I really think that we have to engage in some very deep thinking about compensation and some very deep thinking about our planning generally before we do pass it thank you

MR GARDNER Thank you Mr Speaker I'm only going to be very brief here but certainly I endorse a lot of what John has said in relation to this motion. There is one other concern that I have. With this motion Mr Walker is looking at being a little more concise about what was the intent of the Tourist Accommodation Moratorium Act 2000 and basically to prevent the acceptance of any planning application in respect of Tourist Accommodation houses which have received conditional registration. What this omits are those people who have planned Tourist Accommodation who do not have conditional registration at the moment and doesn't prohibit the acceptance of those planning applications. Now it is my understanding that at law there is nothing that would prevent somebody tomorrow lodging an application with the Planning Board for 25 or 100 units and at law that needs to be accepted and dealt with. Certainly not dealt with in the context of this motion and it is just a concern of mine that I think needs addressing if we are going to get true effect of what is intended here. I support the concept but I think we have to be very careful that we get the wording right

MR BATES Thank you Mr Speaker I share some of Mr Brown's concerns as to what we might be letting ourselves in for by way of compensation of costs for people who have invested moneys on the basis that they have a provisional approval. I don't know how to define that but you spend money before there is any

visible sign. You might have things coming on the ship, you spend on plans before you can actually make the building so there are a number of costs before you commence construction. In reading the motion it worries me for as people know I've just completed a couple of Tourist Accommodation which are now fully operating but when they were almost completed I found that I needed to make an application because the Tourist Accommodation Regulations required me to display a sign by the roadway mainly to identify the location of the Tourist Accommodation and I had thought that was included in my original application but I found it hadn't been and I had to make that application to put a sign up when I was just about ready to operate. Now with the situation here says any planning application in respect of a Tourist Accommodation house. If that had been through I could have been stuck with nobody prepared to consider that application for my sign with a building ready to be occupied. I think it needs refining so that people aren't caught in similar situations. Members are aware that I have concerns about the approval of category 3 applications under the Planning Act and I think past emphasis has been that things that are ordinarily prohibited, if nobody kicks up too much about it, it will get approved, now I think that's wrong. I think that if it is normally prohibited, the person who wants to depart from what is ordinarily allowable should demonstrate a very real need to depart, rather than just a public meeting and if there's not too much outcry, to get approval. Emphasis should be more on the fact that that person should really demonstrate that it is in the best interests of the community as a whole, to depart from the Plan. I think the Minister and Mr Walker on the Planning Board are both well aware of my views on this. I do have some concerns as to whether we might be up for compensation costs in some areas as the motion stands

MR NOBBS

Thank you Mr Speaker I appreciate precisely what Mr Walker is doing and what has been said by other Members is why it was never done when the moratorium was put on. We tried and the other Ministers will agree that we racked our brains as to how we could stop this. People were screaming out to stop it, hold it, and we did at that time all that we could do and it was supported by the other Members and I think Mr Walker was one of them. I can't remember the vote but I think it was unanimous and if I'm wrong I stand corrected. This is an issue where we knew at that time. When the present Ministers took office this was a major issue that confronted us and I think that the Minister for Health and Environment and also the Minister for Tourism will understand, and Minister Cook, that we all sat down and tried to work out the best way to do it. The issue of this motion I believe is fraught with danger and litigation and I would like it to remain without trying to put off the inevitable, to give us time to look at how we may come to some compromise although I have my doubts as to how we might do this. I fully appreciate what you are trying to do Mr Walker because we tried for a solution, but until we can have another close look at this I can't support it at this point in time

MR SMITH

Mr Speaker, there's good and not so good things about this motion. He and I have talked about this issue for some months because of his concerns. I think we all probably share his concerns regarding the pressure we get from people in the community about Tourist Accommodation however there are two points. One is, we have to consider the community view. People should have their say and be heard but then there are others who put pressure on the Government who still like to make a noise about issues and that's democracy but I have to agree with Mr Brown that the decision to deregulation Tourist Accommodation in the first place really started back four Assembly's ago with the Norfolk Island Plan in that it allowed up to five accommodation units being able to be built in the rural area and that is the area I believe we are talking about with this motion because that is where the complaints are mostly coming from. There was a quota at that time on how many Tourist Accommodation could be built. That we removed and that was done in a planned way. It was intended that a certain amount could be built in any one year and that plan was laid out and approvals were given on that basis. That Assembly changed over and I don't know what went wrong but it appears that everybody was able to build at the same time if they wanted to which really is what caused the problem. I think we are all pretty resilient to

seeing a new building going up but a lot of new buildings upsets people and they pressure the Government. The other side of that is that we have to make decisions and we have to show the community that we are positive about what we are doing and I'm referring there to tourism. Tourism is still our prime industry. We should be doing what we can to cultivate tourism and I'm not talking about doubling up the number of visitors of knocking down the pillars of society to make it work. We have a planned approach to tourism, we have a set goal under the marketing strategy and the tourism policy. I feel that every time we move a moratorium on something it appears that we can't make up our minds and maybe to a degree that's exactly what it is. I think we can be excused if there are things we did in the previous Assembly that are not totally acceptable by this current Assembly but I was part of the last Assembly and we made the decisions to go down this track with tourism with few objections at that time and I think we should be careful when we keep looking like we are not sure what we are doing. Either we are in the industry or we are not. Either we do what we said we are going to do or we are not. There is going to be pressure, and I think I should ask some people in the community to think about pressures that they are putting on this Assembly and we are here for that but there's only so much that Members can reasonably take and carry out community wishes. Pressures here can be very very strong and it should be considered that even though we put ourselves up for the Assembly we are just people off the street like everyone else. We try to be fair and make the right decisions for everybody in the end and in fact we try and make the decisions for Norfolk Island as a whole and we should be united in that view for Norfolk Island as we can quite easily. However community division upsets people and Members and that makes people think the Government or the Assembly is no good and I believe we've experienced a bit of that over the last few months. Dissatisfaction. I've been through a few Assembly's and I know what gets said and I can see where indecision can affect people's views about the Legislative Assembly and the way it is leading the community. I believe few are being strong in what we are trying to do and at the same time we are keeping the community in mind in the decisions we make and what we do to not destroy the very thing that attracts people and that's Norfolk Island and its people. However I understand Mr Walkers motion but I don't think I am in a position to support it. Not for reasons promoted by others but it says to put things on pause until a moratorium is lifted. It's my firm believe that at the end of March we won't allow any more Tourist Accommodation and if that is a fact we would have ourselves in a situation with these applications where it would be caught up and I think we would be sued, thank you

MR WALKER

Thank you Mr Speaker just a clarification to Mr Brown. This motion is not in any way meant to affect those who have commenced or are in the process of building or who are going through the planning process however, we could change the motion after the word "any" and put in the word "new" and that may be acceptable. Mr Gardner raised a point that I understood prior to a planning application for Tourist Accommodation being made a conditional approval must be obtained and the moratorium would prevent that so effectively no more could be made from outside those who are already in the system. In answer to Mr Bates, in relation to your sign, again it was not to prevent anything from somebody who has made the commitment and has already commenced the processes so therefore your sign could have been dealt with. Minister Smith is quite correct that the greatest concern is in the rural area. He is also correct that the original plan set up two Assembly's ago appears to have been abandoned to some extent in the last Assembly. The moratorium itself was to take a pause for we perceived that we could be in danger of oversupply or in damaging the very environment from which we derive that tourism dollar however, I would still wish to see the motion moved and I would at the appropriate time ask for it to be moved

MR McCOY

Mr Speaker, I would like to become involved in this debate because I've heard a lot of things said here which to some degree are conflicting. We do have Members sitting around this table when the original tourism marketing plan, Unity 2005 was tabled in 1996 and that did set a growth target of I think 300,000 bed

nights, to be achieved though by 2005. The concept of that marketing plan was to do a number of things and this is why I've continually questioned what is happening in the development of Tourist Accommodation on Norfolk Island. It was to provide a clear indicator of where we intended to be with our tourist numbers by 2005. The Tourist Accommodation industry was deregulated to allow residents of Norfolk Island to become involved in our main industry and it was also set down so that the development would be spread over a number of years, therefore avoiding a boom and bust situation but one of the problems arose in the 8th Assembly I believe when an amendment was passed to the Tourist Accommodation Act to the period of registration and in the Act it clearly says in subsection 15(1) subject to this Act registration under 6 or 7 or a period expiring on the next following 31 July which had the effect of compounding everyone's desire to build their Tourist Accommodation so all of a sudden all the applications came in due to concern that applications may not be renewed. Everyone wanted their units at one time so the whole marketing plan was blown out the window by that one small amendment and we I believe are facing a boom and bust situation. The Government could not make any real economical assessment as to where they would be in 2005. We could no longer plan what infrastructure development was required. To a large degree that was the emphasis behind my original motion last September to have Tourist Accommodation moratorium and review, so you will understand that I was supportive of the original Tourist Accommodation moratorium Act which Mr Smith brought to the House in May and I will support Mr Walker's attempt to slow down the amelioration of accommodation houses on Norfolk Island so that we can get a good understanding of where we are going with Norfolk Island in the future. Also the target of 300,000 bed nights to be achieved by 2005. Information provided to us by Mr Kleiner in his preliminary review in December 1999 showed that we were within 14% of the target in 1999. Now if we had kept at that rate we would have exceeded the target well and truly by 2005 and I would love to know how we would have planned the infrastructure development on Norfolk Island to support this. We had a Norfolk Island Plan which I had some questions for Mr Gardner this morning and I believe it was Gazetted in 1997, and one of the main concerns I've had whenever I went to a public meeting of the Planning Board, and I have asked on a number of occasions is if the Planning Board is exercising Section 29 of the Planning Act which quite clearly states 29 – Matters to be Considered. In considering a planning application the Board or the Executive Member as the case may be shall, and I repeat shall, have regard to the following matters a) the objectives of the Plan generally, and in reading that I believe they refer to the Norfolk Island Plan so that leads me to the planning objectives of the Norfolk Island Plan and Mr Walker has already touched on this, and the objective of this Plan that apply to the island generally are a) to ensure that planning activities requiring planning approval are assessed against the objects of the Planning Act 1996 and I continually question and wondered why that is not happening. I know we can't always get everything right. I've also asked on previous occasions questions that I've taken straight from the guidelines and criteria for determining the need for and level of environmental impact assessment which was put together by the Australian and New Zealand Environment and Conservation Council. It makes reference to that assessment document in the Norfolk Island Plan and the Planning Act. But I believe unfortunately some of the approvals that we've seen have not gone through and environmental impact assessment which is a shame so it's caused a lot of concern in the community as to where we are heading with our tourist accommodation and I believe we do need to pause if we can, but whether this Motion, and I guess Mr Walker will have to advise me is legally binding, if we do pass it, or whether we will have some form of litigation against the Government and as Mr Brown has already alluded to that we may need to look at compensation but those words are a concern to me because they to some degree can scare people to think that the Government's going to be in Court and arguing over these problems. I still am of the opinion that we should stop and have a look at where we are heading with tourism, what the economical impact is, how we will get the infrastructure out to all the accommodation houses as we people have a desire to build in rural areas and what affect it will have on the island, not just in the year 2000 but also in the year 2005 because believe it or not people, that we'll all still be here but the cost of living on the island could be a lot more expensive by then because we

have tried to expand our infrastructure as an adhoc measure to keep up with peoples desires to have tourist accommodation or the belief that we have inground on us on Norfolk Island that tourism is the only industry we have but anyway I won't get too carried away, I may have digressed a bit from the subject matter but I'll leave it on the note that I do support Mr Walker's Motion and hopefully it is legally binding. Thank you.

MR SMITH Thank you Mr Speaker. Mr Walker said something about adding a word into his Motion I think was any new, but the Motion reads ok if you read right through it, it refers to applications made, lodged furnished as from 10.00am today so it would have that effect anyway, it wouldn't effect people that have already processed or whatever. Mr Speaker even as I said I don't intend to support the Motion, even though the philosophy behind it is reasonable and there has certainly been pressure on Mr Walker and other Members about doing something about tourist accommodation as it's been said but I would be happy if this was adjourned until next meeting. It's a Motion that was put in by leave, it will probably come as a surprise to many people. If we leave it until the December sitting it will still have the effect from today if it get agreed at the next sitting or it may give people in the community time to comment as well. I wouldn't like to take that away from people. If Mr Walker is happy to adjourn it, he may not wish to do that but I would support an adjournment.

MR SPEAKER Thank you. Any further debate. There appears to be no further debate around the table.

MR WALKER Mr Speaker thank you. I'm just not quite sure of the effect of an adjournment although the Minister is telling me that it will be ok. I think I've heard that before. This Motion is a request to the Minister, it is not a Bill and so therefore the legal implications will have to be looked at within the structure of the Bill and if that is not possible then I would feel that that is what the Minister would bring back to us. However if it is the case that everybody wishes to adjourn it then I will so adjourn.

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

QUESTION PUT

MR SPEAKER Would the Clerk please call the House.

MR BUFFETT	AYE
MR NOBBS	AYE
MR BATES	NO
MR COOK	ABSTAIN
MR MCCOY	NO
MR GARDNER	AYE
MR WALKER	NO
MR SMITH	AYE
MR BROWN	AYE

MR SPEAKER The result of voting Honourable Members, the Ayes 5, the No's 3 with one abstention, the Ayes have it. That matter is adjourned.

IMMIGRATION ACT 1980 – ABOLITION OF SYSTEM OF FIXING QUOTA

MR COOK Yes Mr Speaker. Mr Speaker I table a document entitled Proposal for change to control of Norfolk Island's permanent resident population and I move that this House resolves that the provisions as to the present system of fixing a quota under Sections 21 & 21a of the Immigration Act 1980 in relation to the grant of General Entry Permits should be repealed and in lieu thereof by amendment to the Act,

the grant of the declaration of residency be subject to the limits fixed from time to time by a permanent residents number established in accordance with the principles contained within the document entitled – Proposal for change to control of Norfolk Island's permanent resident population.

MR SPEAKER

Thank you. The question is that that Motion be

agreed to.

MR COOK

Mr Speaker it's my intention simply to table the proposal that I have drawn up in endeavour to get some discussion before this House and certainly within the community as to whether or not and how it should be achieved that there should be some change to the quota system presently in the Immigration Act. I would not intend or seek today that the matter proceed although obviously Members may wish to raise matters for debate in the course of the presentation of this Motion before it's adjourned to take it to its conclusion I would be seeking that there would be adjournment of the Motion and that it be made part of the business on a succeeding sitting of the House. The reason for that is that I've not had the opportunity, until I table this matter and present it of course to the informal meeting of the Members of the Legislative Assembly on Monday, I've not had the opportunity to obtain an input from the community which I believe is most essential and important in any real consideration of the proposals that I put forward. Immigration is always a matter of most considerable concern to all the residents of the community and I respect that concern very deeply indeed. I had previously asked for submissions, expressions of interest to be conveyed to me as to the effect of the quota system or the fixing of a population growth figure, and matters of that kind in the middle of the year. I received something like 19 different submissions from various persons and from interest groups and in all that submissions that I received there was little or no material which emerged which suggested some alternative to the quota system except for a proposal put forward by the Chamber of Commerce which I'm not seeking to fully debate upon or elucidate at this moment but it had certain elements of suggestion that the quota system should be abolished and that generally the market forces should take their place if it came to the question of General Entry Permits granted of course for the purchase of business interests on the island. Of course it should be understood that where a General Entry Permit is granted on the basis of a special relationship to Norfolk Island which has come to be considered as being a situation of not only having what might be generally thought to be a special relationship to the island itself but also involving a relationship by marriage or permanent cohabitation with a resident of the island. Those special relationship General Entry Permits which seem to have developed over a period of time and the way they've been dealt with on the island are not subject to quota. The majority of the submissions that I received were from individuals in the community and almost all those submissions that I received had a very clear accent and focus upon the possible destruction adverse effect to or interference with the quality of life on Norfolk Island by some form of unlimited entry permission to people to come to the island who so overload the resources and the capacity of the island to maintain a number of persons on it at any given time that serious loss of amenity of the wonderful way of life which truly is available to people on this island would be lost. So I gave considerable thought to the question of how one might achieve the desirable object of controlling it all relevant times the population which would normally be resident on Norfolk Island and avoid some of the problems that do seem to arise from time to time with putting restraint on the grant of General Entry Permits. One of the matters which lead me to this was an extrapolation which I had carried out from various sources and over a period of time of figures and information in relation to population changes on Norfolk Island, births and deaths to the grant of the number of General Entry Permits over periods of time and to the declarations of residency which had eventually occurred relative to those grants of General Entry Permits, the number of Temporary Entry Permit holders on the island at any time, the number of tourists on the island at any time. I intended to gather all that material together so that a historical perspective would emerge about the situation of 20 years of operation of the Immigration Act under which this quota system has been in place and

has had little or no significant change in the periods of time, there was a period in which there was suggested there could be a one in one off approach to General Entry Permit permission that there was matters of that kind also of temporarily retirement category of persons coming in which was not proceeded with after a period of time. So all these matters gave me considerable concern as to what I could do to at least bring forward into the community some different proposal to consider alongside the existing system. While I do not for one moment consider that I have the answers immediately to all the problems which arise as to an effective population control of Norfolk Island I do believe that careful thought given to this proposal to the figures which I have had taken out and no doubt to other figures which could be obtained if it was considered necessary or significant in the time in which would ultimately take this matter to be the subject of final determination before the House, then I think there will be seen to be certainly some advantages in a change to a situation which under my proposal requires a figure to be fixed every 12 months which takes into account the permanent residents whom I've described as those who are here by birth or by declaration of residency under the Immigration Act from time to time and added or subtracted to that number would be a number which takes into account a whole series of relevant matters such as the community resources and infrastructure tourism requirements and trends, environmental planning and cultural needs and concerns which could be reasonably involved in assessment of Norfolk Island's capacity to support and maintain a total number of persons who could reside on Norfolk Island over the next ensuring period until the figure is fixed some 12 months from that date. The figure I would contemplate would be fixed every 30th of June after consideration of that material and it would enable the Assembly to have some real idea of trends and movements of the population on Norfolk Island, what was happening, what was desirable for the community. With those figures which I've taken out show over a long period of time that when General Entry Permits are granted it would appear that only one person out of every 2, and it's something even less than 1 out of 2 of persons granted General Entry Permit proceed to a declaration of residency. So there's a considerable degree of uncertainty in the situation which relates to the ultimate fate of the applications of those people who make General Entry Permit applications. One of the things that concerns me of course is under the Temporary Entry Permit as presently in our Act persons can carry on or participate in or even acquire businesses on Norfolk Island, although the Temporary Entry Permit seems to have very particularly focused over recent years on questions of employment rather than a somewhat temporary involvement in the running or carrying on of a business on Norfolk Island. It seems to have been developed that if you want to purchase a business or operate a business on Norfolk Island then you have to undertake as it were to indefinitely intend to reside on Norfolk Island. That could have its problems because people may come with the very best intentions and belief they could successfully run a business on Norfolk Island and find for various reasons which not necessary to enumerate that that's not the case and they cease to desire to hold a General Entry Permit well before the times comes for them to take up their appropriate declaration of residency that eventually be available to them under the law. So what I'm really asking the community to do, and I have already spoken to the Editor of the local newspaper and after the tabling of the proposal that I have asked to take place here today, I have been assured by him that he will publish the material in full that I have circulated to the Members of the Assembly prior to this meeting and that I will be inviting the members of the community to give me input into my proposals, however they may seek to be, to be totally critical or otherwise of the proposals or suggest some amendments or fine tunings to it. I'm not suggesting that in any way that the Members of the Assembly here can't successfully and usefully do such things in relation to this Motion but on the other hand I think the way the community thinks about it or thinks it may or may not be valuable for the community is not unimportant. I should point out that this proposal has been passed to the Immigration Committee and they have approved it in principle. That is a start in a way and encourages me to go further with it, because I wanted to see how they felt generally as representatives of the community as they are about these proposals. Of course the House may well have a totally different idea ultimately on the proposal and I would accept without question their determination of the outcome of my Motion in due

course. So having said those few words and without intending to develop the argument by quoting figures and referring to all figures which are set out in the schedules which accompany my proposal and which I ask the community to examine with some degree of interest and care I would be asking after the Members may wish to say anything more following upon what I've just said to the House to have this Motion adjourned and become business on another day of the sitting of the House.

MR SPEAKER Thank you Mr Cook. At least 2 Members have indicated that they would like to speak if your comfortable to pause upon that adjournment Motion.

MR COOK Yes I have no objection what so ever, in fact I'd invite it because then what they say about it, the community and think about and take into consideration when they read this material on the newspaper on the weekend.

MR BROWN Mr Speaker I'm sure this is a well meaning Motion but with the greatest of respect it's misguided. Those who have been Members of this House for a long while will be well aware that our present immigration structure is based on the operation of what has often been referred to as a front door policy. If you come here with the intention of staying long term your expected to apply for a General Entry Permit at the beginning. Now what this proposal is attempting to do is to really throw away the most central part of the GEP policy. It's intending to throw away the quota system. Now that certainly overcomes one problem Mr Speaker, it overcomes the difficulty of setting a quota from time to time because the Assembly has traditionally been quite reluctant to set any significant sized quota. Not withstanding that we had a policy which provided for a 2% growth per annum in the permanent component of the population until such time as the policy was otherwise changed. Over the years had the 2% actually been implemented in terms of quota positions there would have been a growth in the permanent population, and many people have been of a view that unless one plans for an amount of growth, no matter how small, a population goes backwards. But because of the reluctance of the Assembly to set a meaningful quota it has only been the special relationship people who have caused any growth at all in the permanent population. In fact without the special relationship people there would have been quite a significant decline. What happens to us when we don't set a quota, or don't set a quota in accordance with the old policy is we get a bit of a build up of applications and we start to get pressures Mr Speaker, people want to sell their homes or businesses and move to the mainland to be with their children. They might want to sell in order to enjoy their retirement on the island, they might need to sell for health reasons, they might need to sell for financial reasons, and all of those things start to cause a build up of pressure and that then causes a Minister to be presented with a proposal that someone be issued with a Temporary Entry Permit until such time as there's a quota spot for them to get a GEP, and our present Minister has had those pressures in recent times and they are not new pressures Mr Speaker, they are pressures that come about every time there is a build up, and what's normally happened is that eventually the Assembly has caved in and said look we'll set a bit of a larger quota now we'll let everybody in but then we'll close the door and this will never happen again but what we're saying this time is we'll burn the door, we won't just close it, there will no longer be a restriction on GEP's but we'll control our population by having a restriction on whether or not you get to be a resident, but the Minister has fairly carefully thought about that and he's realised by golly gosh there might be some pressures when that happens in 5 years time, it'll solve the problem for 5 years, many of the Members around the table will have retired from this place by then, but in 5 years time there will be all kinds of people wanting to get residency and quite intelligently and astutely the Minister has realised there could be some pressure there so he has made a provision in this draft policy that if there's no positions for residency at the time you can just get another GEP up until such time as there is room. Now with respect Mr Speaker that is throwing the control of long term immigration out the door. My belief is that we should be setting GEP quotas in accordance with the policy which is existed for some time, that we should be recognising

at last that not everybody who gets a GEP goes on to apply for residency and when we set the policy we should set it with the proper number of positions. Now if we do that we won't have a problem but I can assure you all if we do what's proposed in this paper, in 5 years time there will be a very significant problem and it is possible that so much damage will have been done by then that it will be extremely difficult, if possible at all, to repair it. Thank you.

MR BATES

Thank you Mr Speaker. I thank the Minister for saying he's going to leave this around for a month to be considered by the community and these Members because this does need very careful consideration. I'm almost of the opinion at this moment that it is very dangerous if it goes ahead and I certainly want to give it more consideration. Mr Brown was quite right, I think you yourself may have mentioned the front door policy and I've got a few points on that which may be repetitive of what Mr Brown has already said but I'll go forward with them anyway. Basically increasingly immigration refusals for permits are being overturned because our policy issues will not stand up under appeal. We heard here today in answer to a question that part of our policy which we all thought was a fairly good policy to protect local industries and that and that is the employment of TEP's and new businesses but if you want to start up a new business you must work it yourself, you must build it up and you just can't bring in people to run it for you and take a back seat, you must be active in that business yourself. We've just found that that's gone out the door, that we can't police that one, that's policy that won't stand up under law, and increasingly these things happen. I think earlier in the day Mr Brown raised other concerns about the total immigration situation. So we come back to the quota for GEP's and really in the total concept of our immigration that's about the only thing that's not been able to be overturned by appeals, has not been overturned by the Australian Government, it has stood firm Mr Speaker, it has stood firm where all the other things in our policy have fallen down and as Mr Brown says this proposal shifts the front door control from front door to somewhere down in the backyard. It let's a person in through the front door, down the passage into the kitchen and possibly can stand out the back near the BBQ but he's well and truly in, and when they are well and truly in it's not that easy to get them back up through the kitchen out the passage and out through the front door again. Presently residency which is the ultimate goal is well down the line, it's at least 8 years away for a TEP and it's at least 5 years away for a GEP. It may still remain that far down the line but it seems as though getting those other proposals will be a lot easier. Just imagine somebody on a GEP, they are able to vote, they are able to stand for this Assembly, they even may get elected to the Assembly, they own a Crown lease, they put their hand up to become a resident. Imagine many of these people allowed freely through the front door putting up their hands for residency. What pressures will we put on a future Assembly of the day to simply set a quota to accommodate them. No Mr Speaker we must not throw out one of the only controls that works until we have new legislation in place, new legislation that will shift things out of policy into legislation which will give us those firmer controls at the front door. It will require people on GEP's and TEP's to conform with the conditions of those permits that make it tighter through the front door and maybe at that point in time when the front door is secured then we can consider such a proposal as this but at this point in time I believe it literally throws out about the only effective control we have left and that is the quota system. Thank you Mr Speaker.

MR MCCOY

Thank you Mr Speaker. I'd like to put my 2 bob's worth in because I'm sure most Members around this table, I haven't kept it a secret, but I'm sure most Members are fully aware that I have a concern with the General Entry Permit system as a whole. I see the General Entry Permit system and it was I believe developed for this purpose, it was developed long before my days of getting onto the Assembly but in trying to follow the legislative process here and I believe that some of the words were that the General Entry Permit system was developed to allow or to give an opening for people to come into Norfolk Island and purchase businesses, or to purchase freehold property on the island. It was also amended a couple of years later to encourage retirees to come to Norfolk but the General Entry Permit system actually

allows someone to come into the island, purchase a business, operate the business for 4 years, maybe even 5 years and after that period they decide well I've had a welcome change from the hectic city life that I knew or suburban life that I knew, now I'm going to sell and take my savings and take my profit and go elsewhere and sorry you can't sell your business because there is no room on the quota. Low and behold we get a Motion put into the House to add more places to the quota so that because we've got a backlog of people who want to come in on the General Entry Permit system or who want to move from a Temporary Entry Permit system up to a General Entry Permit system. I'll talk on the Temporary Entry Permit a little later on. What that has done Mr Speaker and one only has to look at the real estate prices that are floating around the island at the moment, it has put pressure, it has put pressure on the value of real estate on Norfolk Island. We are operating on a limited real estate market here on Norfolk. Norfolk is only 8 by 5 Kms but this General Entry Permit system allows an unlimited group to come into the island from offshore and purchase their business. I believe this year we've set somewhere around 45 GEP positions since February and we're quite a way from February yet, so we may see another 15 proposed, so that could be 60 in the year, if it gets passed if the other ones have already been passed and I guess, maybe my mathematics is wrong but I believe that's more than 2% of the present number of people that are on the island. Also for many years we passed a quota because someone who has been here on a Temporary Entry Permit feels that they have to become a General Entry Permit holder and they wish to remain on Norfolk Island. Some have made it quite clear that they only wish to remain here for another 2 years but yet they have to apply for a General Entry Permit, so the policy says, but the Act says something quite different and I find it most interesting when we have an Immigration Act of 1980 and it's supposed to be guided by a policy of 20th of May 1996. Why hasn't the Act been brought into line with the policy I'm sort of a bit dumbfounded about that as well but I believe is this is a way of seeing a growth in our resident numbers, not just growth in General Entry Permit holders, to me this is a way forward and unfortunately for some Members who have been around this table for a long time I propose that we go back the way we were, we have a Temporary Entry Permit system because if you look at the numbers and what has been said around the table this afternoon, people who come in to a large degree to purchase a business and get GEP, they are still in the transient nature, because they have not remained on the island, they've come in, had their time here and then left. Someone who comes in on a TEP and I think the system is a little bit discriminatory against Temporary Entry Permit holders because as Mr Bates pointed out if you come to Norfolk Island on a Temporary Entry Permit situation, and you may have come in on a Temporary Entry Permit situation with the intention of staying here. You don't have to wait eight and a half years before you can apply for residency, but if you hop in on a General Entry Permit, because you've come to purchase a business which to some degree tells me that if you well if you have the money we will give you residency in 5 and a half years. So I think there is an element of unfairness in our immigration system and we need to take a close look at what we are actually doing for the residents of Norfolk Island, the people who we stand up and say every time that when it comes to elections, I'm going to do things for the residents of Norfolk Island, more or less if you vote for me I'll look after you, but low and behold as soon as we get down around the table we forget all that. That's all I have to say Mr Speaker.

MR WALKER

Thank you Mr Speaker. I'm in favour of keeping the front door policy, however I commend the Minister on trying to address the issue because it is a difficult and complex one. It is obvious from these figures that the 2% policy is not being met. However I believe that if the quota system was properly managed it could be met and therefore a lot of the pressures that are brought to bare on the Assembly would go away. We must always remember that not everybody who sells a business is wanting to leave the island. We have residents who each year reach retirement age and wish to sell their business. They want to stay here, they've been here all their life but they don't want to have to work to the grave because they can't sell their business because nobody is allowed to come in and buy it. So therefore there is always a balance in this. The notion that Temporary Entry Permit holders would come in

and make substantial commitments to purchasing homes and businesses I think is a false one. We have to be real about it. If you are coming to somewhere where you know that you are temporary because you have a Temporary Entry Permit, the notion to put down roots and remain in that place is not there until you have reached the stage where you wish to apply for a GEP. A GEP is making that statement, a GEP is coming in on the basis that they are going to be committed to the island, that they do wish to live here long term. I know that lot's of circumstances change but if we could all read the future wouldn't it be wonderful. Mr Speaker I don't wish to say too much more than that at this time because we've really only had this since Monday but I do see a real danger if we lose that front door policy. Whether this proposal can in any way be made to fit both criteria, that is of meeting the policies that we have in place, but at the same time are keeping the front door policy, then I would be only too pleased to look at it. Thank you.

MR NOBBS

Thank you Mr Speaker. I commend the Minister for his efforts in bringing something forward which is different and I believe it is progressive in as much that it's looking at the permanent resident numbers of the island. I believe that that is one way that we should be looking at our immigration policies and therefore I am supportive of his proposal but I will be taking a lot into account of what's been said today, in the month ahead as he said he's going to leave it on the table however I think the concept is that he's progressing is quite good, it's fine and looking at it from a permanent population side of things, as the island has to come to grips with what I believe where it wants to go in the future, what maximum population it requires, how much development really will be allowed to go on here, otherwise as I've said in the past, and I'll say it again we'll end up with a chain of roofs linked up to each other and that will be it. Therefore I will leave it until next time Mr Speaker.

MR SMITH

Thank you Mr Speaker. Just a short debate. The main issue of this seems to be the removal of the quota when it comes to GEP approvals. First I'll say I take heed of what the longer serving Members have said about the GEP system and the quota because obviously they've been here for a long time and have seen the pitfalls that you can fall into if your not careful, but I argue that the quota that we set only delays people who have applied for and get approval in a sense, that may be subsisting I think it's called, it only delays them coming here, so what we are actually doing when we set the quota, we set a quota with no information, or little information unless a Members is well up to the speed of where an application is coming from, we just look at it as a number as we did recently as a matter of 25. We may have known of 2 or 3 of the applicants and their situations but we had no idea about the rest and I think I can say that fairly generally. So what do we do when we do the quota, are we putting up the quota number as a sign to the community that we are concerned about the population, of course we are that's why we're always hesitant to make big numbers for quotas but if somebody is determined to come here, as there are people that do, they intend to get a GEP. A GEP is not that easy to get if you haven't got the right things that you need to get a GEP, for example one of the things is to buy a business, you need to apply for a General Entry Permit. If you've been living here as an employee, you can as I understand it apply for, you may get a GEP, but if you haven't got any reason to come here, as I understand it you won't necessarily get approval for a GEP. So how many people are there that don't come to the island because we have a quota, how many just wait until the quota is renewed, how many of them are on the island anyway and are taken up in the GEP quota number. I don't know those numbers. There's probably not that many around the table that do. However having said that I probably need to do a bit of research to find out why the quota was put in in the first place. What did happen in those times. I remember probably as little as 5 years ago when we couldn't get anybody to go on the quota. The quota was wide open for at least 2 years that I know of and it always depends on how the economy of Norfolk Island is going. If it's taking a down turn the application for GEP's disappears. When we go through an interesting time like we have over the last 3 years, which is obviously not going to last for ever it goes the other way. There's a lot of people who want to get their GEP's. If we take off the quota it would be interesting to see what would happen. I can't imagine that we'd have 100 or

200 people applying for a GEP if they had no reason to come here. I mean there certainly would be some that would like to but to not buy a business or not take up any work, but that as I understand it is not appropriate. It would be interesting to find out whether we are arguing against making a change for the change sake or whether there is some real facts that we can work from and make those assessments because when you do look at the figures that the Administration has circulated the population certainly has not increased from 1981 to 2000, or it has by 50 or something like that, bearing in mind that many people who have been on GEP's become residents and have left, bearing in mind that many of the GEP's have left before they get to residency and bearing in mind that a lot of our own residents have up and left who don't get counted in those numbers if they are off the island. But it shows a very static population which ever way you look at it, GEP's, residents even TEP's. TEP's appear to be dropping each year. It's interesting. I look forward to the next debate next month.

MR COOK Yes I move that further debate on the Motion be adjourned until and be made an Order of the Day on the next occasion, on the next sittings of the House.

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

QUESTION PUT
QUESTION AGREED

MOTION BY LEAVE - IMMIGRATION ACT 1982 – INCLUSION IN LEGISLATION OF EXISTING IMMIGRATION POLICIES

MR SPEAKER Mr Brown you sought an indicator of seeking leave. Could I ask you to identify that Motion.

MR BROWN Mr Speaker as a result of occurrences this morning I seek leave to move a Motion in relation to immigration and so that Members know the nature of the Motion could I read it.

MR SPEAKER Please do.

MR BROWN The Motion is that this House requests the responsible Executive Member to introduce a Bill at the next meeting of the House in order to place into legislation retrospective to today all of the existing Norfolk Island immigration policies which are set out in the booklet – Immigration into Norfolk Island – A General Guide. I seek leave to move that Motion.

MR SPEAKER Thank you Mr Brown. Is leave granted. Leave is granted

MR BROWN Mr Speaker I move that Motion.

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

MR BROWN Mr Speaker the Minister has told us that there are difficulties with quite a number of our existing immigration policies and he has told us that those difficulties come about because the policies do not form part of our legislation but are something external. Now that's not to say that we should simply abandon the policies because the policies have been used consistently by a number of Ministers over the years and provided that they are consistently applied they have been far more often than not upheld on appeals. But nevertheless I think that it is time we started to be a little more modern, it's time that we started to recognise that people are more and more

through the House, assented to and put to work. It's not a great change to put existing policies into legislative form, we should not simply sit back and take a view well if we get knocked over time and time again for the next few years, that's okay at least we won't have wasted any time putting those policies into the Act. I think we have to take a very different view to that. We've got to fix the situation up

MR SMITH Mr Speaker, the point I'd like to make is that I'm a bit wary about doing what Mr Brown has proposed because I've got to admit, I haven't looked at the Immigration Policies for some time. I don't know whether he would be prepared to say that we adopt appropriate parts of the Policy, I don't know what effect it would have just putting the whole of the policy into legislation. It may be something that wouldn't make any sense as far as the legislation is concerned. Maybe that's something for him to consider

MR BATES Thank you Mr Speaker I think this motion has merit. Immigration is an extremely difficult subject and I think if you often listen to things said around here, for instance I'm sure John and I often have similar thoughts on what the problems are, the price of real estate for young children and population, we have the same ideas but we think differently about how we should go about fixing them, but we all want to fix them. I've been aware for some time that in the areas of our policies are causing us problems and until they are in legislation we will continue to have difficulties. I think there are a lot of good things in the Bronwyn Paddick Report. I don't think that this motion suggests in any way that they should be abandoned. They should take their course but I don't know how long we can wait for it. There is hardly a meeting gone by when Immigration hasn't been discussed in the life of this Assembly. I think Mr Brown's had more than one motion on it trying to overcome difficulties and as I said, we don't all see eye to eye in the fixing of them but I will support this motion because I don't believe we can wait while we have policies that are letting us down

MR COOK Mr Speaker I read the motion or so I understand, as to bring about this motion contained in 18 pages of this closely printed pages about everything in relation to the Guidelines is to become legislation which is applicable in respect of Immigration and I find that extremely difficult. If things had been progressed to a point where there is amplification in the legislation to what is in the Guidelines, if this means that we simply take the Guidelines and I have to instruct the Legislative Counsel to implement legislation which accords with all the provisions in the Guidelines, then I don't believe with great respect to those who think it's a very easy process, that that is going to be achieved in any adequate time by the next meeting in being able to introduce a Bill because you would have to virtually drop everything else he's doing at the present time. It is important that immigration matters be attended to but I would have thought that more importantly in the immediate future and the Committee has indicated certainly through Mr McCoy here today, and through reports from the Chairman, they are wanting to suggest what they believe should be immediate changes to the Act which will meet a lot of the problems which are occurring and accordingly what the state of the Act would then be, one should immediately adjust and ensure that the Guidelines accord with what those changes are. It's not the other way around. One doesn't take the old Guidelines and put them into an Act if one is intending to make effective and proper changes to the legislation. I think it appropriate that the changes be made and determined and that process can be speeded up and the Guidelines redrawn to the proposed changes, the House would address them and the Guidelines changed to accord with the proposed changes. I put forward that as being the appropriate way. I see rather extraordinary difficulties arising out of simply applying all of the Guidelines

MR WALKER Thank you Mr Speaker I support what is trying to be achieved here and I don't know whether adopting the General Guideline as a piece of legislation or not can be done, but we do have another piece of legislation which in itself refers to a policy document and therefore gives it weight and that is the Planning Act which refers to the Norfolk Island Plan and official weight is given to that Plan when any

application is considered. Surely something along those lines might be possible. A simple line in the Immigration Act that refers to the General Guideline as the policy of Norfolk Island. I don't know the legal way but it seems a simple way and worth looking at

MR BROWN Mr Speaker in the whole of my time as a Member of this House I do not recall a Minister advising the House that he has chosen to ignore long standing policy because he feels that they are not legally enforceable. I don't recall that happening. Whenever there has been a problem in the past a Minister has very quickly come to the House and said, hey we've got problems and we've got to do something about it. But today we are in a more difficult situation than that. The Minister has told us that without any prior consultation he has basically thrown the policy booklet out the window and he is saying to us that we shouldn't rush off and try to fix the problem we should just let things drift on and that the Draftsperson's very busy, you shouldn't ask him to draft these things. Well Mr Speaker there is only one answer when a Minister tells us that sort of thing. We either pass a motion calling for a bill to be introduced similar to the motion that we have here now, or we pass a motion calling for a new Minister to be elected. It has to be one of those two courses. At this stage we have a motion calling for a new Bill to be introduced but I'm happy to seek leave to move a different motion if the House so desires

MR NOBBS Thank you Mr Speaker I'm very concerned the way this is going to tell you the truth because there's a knee jerk reaction all over town at the present time in relation to this. It's been stirred along very effectively. The particular policies have been a concern for some time as I stated before and because there was no reaction in previous Assembly's we've seen now that it might be some sort of personal attack going on with the Minister that we are finding that we have to react immediately. Members have said that they are unsure and unclear of where we are going with this and therefore I can't see why we cannot at least leave this particular item and look at it properly in the weeks ahead and come back with something at the next meeting and I would urge members to support that and I would ask Mr Brown to consider that because I think we are going off a little bit. If I was to vote for this I would be going of half cocked and I don't like doing that in the context of what we are trying to do and I appreciate what Mr McCoy said in relation to the Bronwyn Paddick Report but I do believe that we need to push ahead with a major revision of the Immigration Act. it is a policy that we've set out and I think we should address it but I am concerned. I appreciate what Members have said about not leaving sleeping dogs lie, but they have slept for a while in regard to this policy and I suggest that another few weeks until we can clarify and get proper legal advise. When Members are asked they are very quick to say, oh I don't want to give legal advise, I'm not allowed to give legal advise, well we've got to find out exactly where we can go, and do that quickly. It may be the appropriate way of doing things is to pass some minor amendments which would include as Mr Walker said, and I don't believe that would be the case Mr Walker, but it may be the case that it is a major review. Maybe if that's the case we should continue with the whole review. These are the questions that I find difficult and I appreciate what both the Minister and Mr Brown are saying but I don't want to have a knee jerk reaction to this thing at this stage and I would suggest and ask them if they would look at, think about it and come back with a well thought out proposal. With an ex Immigration Minister on this Legislative Assembly and with the experience of the present Immigration Minister in regard to Immigration matters on Norfolk Island surely we can come to some sort of understanding among us as to where we should go, thank you

MR WALKER Thank you Mr Speaker with all due respect to the Chief Minister this is not a knee jerk reaction. Almost, I think, almost two years ago the Chamber sought clarification of this very point from the then Minister in relation to gep's or gep's being employed in new businesses. After quite some frustration they approached a non executive member to bring the question forward. it was posed in the House and I can't identify exactly when that was but it did happen. I have approached

the Minister on this subject and I have also asked the question in the House prior to Mr Brown asking it today, so it's not a knee jerk reaction to something that has cropped up today. We have been asking this question, we have finally got an answer and what I'm saying is, we don't like the answer

MR McCOY

Mr Speaker, I know the Chief Minister is not referring to Members of the House personally when he said the knee jerk reaction but I'm sure that any Members of the Immigration Committee who may be listening to this meeting now, would think, well this is fantastic because we have been working on this very principal for the last four weeks. Not every day of the week, not four times a month but this is the situation the Committee has come to, that we need to make recommendations to the Minister where the immigration Act can be amended and there are many things in this general Guideline that of course would not be necessary to put into the Act. I might have misread Mr Brown's motion, I tried to write it down as quick as I could but there are things out there that the community feels is law and now we are finding out that it has no legal binding. They are simple things like an entry permit will not normally be granted where it is proposed to commence a new business or to buy, operate, manage or be employed in a business which is not operated continuously for at least five years immediately prior to the application yet we have, as I've questioned many times, an Offshore construction firm here building a complex of units, and I've asked, how can they do that. From what I understand there is legally nothing to stop it. I have a real concern that tomorrow we could have Hyatt Regency employing Jennings Homes to build a complex here from what I understand. There's another one. A temporary entry permit holder will normally be granted where it is proposed to be employed in a business which has not operated continually for at least five years. These are all things in the Guidelines and same with a general entry permit but when we try to apply it, it has no legal binding so that's why I feel we need to address this issue as quickly as possible

MR BATES

Thank you Mr Speaker Members are aware that we have a very new Immigration Committee one that was put in by this house without one of the old stayers although Mr McCoy had been on it previously for a short period of time and it heartens me very much to hear Mr McCoy say that the present Committee has come to the conclusion and would be applauding this motion because I can assure Members around this table that this was the very thoughts of the previous Immigration Committee I think I would say that without exception they would feel exactly the way the new Committee does with the problems of the policy and the difficulties it creates when they have to consider things. I'm very pleased to hear that the new Committee has come to similar views and conclusions that the old Committee had

MR NOBBS

Thank you Mr Speaker I just want to make one thing clear. I appreciate that these problems have been around. Mr McCoy referred to the Prentice development in Queen Elizabeth Avenue as a fine example there. There have been examples for eighteen months now at least that I can remember in my time and in this Assembly of that same sort of thing going on. It's been around for a while. What I'm saying to you, is that the knee jerk reaction is not to that, it's the let's charge off and do something. What I'm saying to you is that the point has been made. Now, I believe, is the time to look at what is the quickest way we can get this thing in place, whether it's through an amendment to the Act to bring all those things into line or whether it's going to be a major. The Minister seems to think it's going to be a major to put all those things into the Act. My thought is, give time to the Minister in the next few weeks to work out which is the best and the quickest way we can do it. You can't expect people to give a legal opinion at the drop of a hat. It's not allowed in this sort of situation although there's been a few I believe going on this afternoon but this is my belief. I accept that there is a problem and I've said before, there's a problem with the Immigration. I've said it for years. I know these problems go on and I've heard from the Committee since I've been in this position. All I'm saying is, let's do it properly once and

for all and I'm saying let's look at it in the next few weeks, come back to the December sitting with something that can rectify it

MR GARDNER Thank you Mr Speaker I deal from time to time with some Immigration matters and I think Mr McCoy and Mr Bates would attest that I have corresponded albeit in a small way, maybe the notation on the bottom on a recommendation that I am dealing with some ideas some thoughts that I believe the Immigration Committee should take into account and I think just recently, as John would be able to confirm, I wrote back to the Immigration Committee suggesting that maybe it was time for exactly what is proposed by Mr Brown's motion to occur. I John nodding his head, so he is aware that I wrote that and really that was brought about some of the concerns and perceived flexibility's in the making of regulations and a case that springs to mind, I won't name names, but really a case in point of difficulty is where I see hollus bollus picking up legislation and I think we need to be a little more specific and that relates to the financial position of applicants. There was a recommendation made that maybe because someone's bank account wasn't bursting at the seams that because of that that person maybe should not be considered for the grant of a permit however, when looking through the files one sees other factors that may have had an impact on just why that bank account isn't big as we might like it to be and there's no factors set down and there's no guidelines as to whether you should have a \$100 or a \$1000 or a \$100,000 in a bank account when you're looking at the grant of a permit. However, on looking further back through files and saw just what the applicants were earning I was staggered and last month in the House in response to Mr Walker I said something like, I wish I knew in the private sector where somebody could earn in excess of \$30,000, there wouldn't be many of those jobs around. In fact the applicant for a permit together with his partner were earning substantially more than that and yet it was deemed, and I understand why it was deemed and the recommendation was made that maybe the financial position of those applicants wasn't up to standard, but it's really what you measure the standard against. I would be quite happy to be earning what that applicant and his partner were earning in a year and certainly I think most of the population on the Island would be happy to be earning that sort of income, but the bank account's not big. Well, probably I could assure Members around this table that there are a significant number of people on the Island who don't have a very large and bursting at the seam bank accounts. I think if we are going to pick up these guidelines for urgent consideration particularly in respect of delays, then we need to adopt these into legislation but we have to be damn specific as to what we mean by them when we say what it is that we are measuring your financial position against. Is it something like Joe Blogs can live off \$100 per week quite comfortably but Jean Blogs requires ten times that amount to live comfortably and have a secure financial position. We need to set those guidelines, we need to be more specific about those requirements if we are going to adopt this hollus bollus but again, the concept of it I have no problem with

MR SMITH Mr Speaker, I still feel like the Chief Minister, I don't have the Policy and Guidelines in front of me and I don't know what's in them. Other Members are obviously well versed but I don't like the idea of agreeing to something I'm not well versed in but I would make the suggestion that the motion is not necessary at all, that it could be done by Regulation and the Regulations could pick up the Policy and Guidelines and that could be done in a few days

MR COOK Mr Speaker as far as I'm personally concerned I've advocated all along that the amendments that are required for the Immigration Act may be made and the Guideline brought into line because I think Mr Brown as a lawyer would agree, policy is only really a statement which explains the way in which the Act works. Now some of these policies go well beyond what is contained in the Act and there is always the legal principle that the Regulations you make must be derived properly, fairly and squarely under the provision of the legislation so you simply don't make regulations which in some way exceed the powers or otherwise which are provided for in the legislation itself. Whatever way this may be properly tackled I'm certainly very

responsive to the concerns expressed around the table. Mr Gardner has expressed his situation in advising the committee. I have constantly sent matters back to them with notation of matters which I thought were required to be considered. I've always that that the Act needs revamping and bringing up to date with the present requirements and all the experience which has been accumulated over the twenty years of operation of the Act. that should certainly be able to be undertaken and progressed at the earliest time and the Guidelines which are effective and proper and really carry people's attention to those provisions, explain them and make it clear just what is proposed can be rapidly put into place

SPEAKER Thank you Mr Cook. Further debate at this stage. I wonder if I could just say some words

MR BUFFETT Thank you Mr Deputy Speaker. There's one matter that does concern me that probably has been more readily illustrated today than it has been on other occasions if in fact it has been illustrated to that fullest extent on other occasions. We have had from time to time said to us that in the appeal processes there has been a tendency to not fully take into account some of our policies and a couple of them have failed us in the appeal processes. that has been clearly understood and has been a concern. What is being said today which has driven the point more clearly is that not just from time to time has this happened and not just that one or two of our policies have let us down but what has been clearly said today is that all of our policies no longer have the substance that we had placed reliance on. All of them. the whole box and dice. The document which we call Immigration to Norfolk Island - A General Guide. that appears in totality that we can no longer rely upon that. Now I am significantly concerned about that and if that is the case and I think that has been clearly said today that that is the case, for whatever reason and I don't think it is worth pursuing the reason further except to know that that is the case, then we need to do something about that because that is a significant hole in our Immigration process. Indeed if we can't rely upon that we can almost say that we have no Immigration operation in Norfolk Island at all so in that context it is something that we do need to be specific about as to how we tackle it. A number of things have been said and I'm going to try and draw some of them together. the motion before us says that we need to pick up that document and put it into legislation. Another view has been put that in lieu of doing that which is really the existing system, we should take more account of maybe a total revision of the system which is the Bronwyn Paddick Report and place concentration on preparation of that. I think the Minister has clearly said that that is his preference. The Chief Minister has indicated that he prefers that course. others have been more hesitant about that and if I detect the hesitancy correctly, it is because, not necessarily that there may not be room for some improvements and revision but that that process may be significantly more lengthy and if it is lengthy we need to take into account that we've got this great hole which needs attention. Therefore I think that maybe these things might be useful. I would prefer that we don't adjourn this matter today. I would prefer that we give some positive action about something, however the positive action may have some options about it so that we might consider them and move forward with some stride. It needs to be strident I think. So my recommendation is probably this that we utilise Mr Brown's motion but if I may be cautious in making a couple of suggestions in respect of it. that in lieu of being specific about a Bill picking up the Guidelines that maybe we refer to it in a bit more general term so that it gives the technicians some options to pursue and in lieu of saying introduce a Bill we use words like, give statutory substance to those Guidelines. Now that gives a range of options to be examined as to how that might be done because I think the Minister is correct in saying some of them may be difficult to just put into a Bill but there may be other ways that you can do it. And this is a substantial job. A significant task but it's a task that must be tackled and so my suggestion is that we have that as one option. In other words a more broad ranging description as to how we might remedy that hole by plugging it with the existing policies that we have and that we should do that. The rider to that is, is to say that unless the new policies and practices which needs to be tidied and accepted by Members in its

DEPUTY SPEAKER Debate on the amendment Honourable Members

MR BROWN Mr Deputy Speaker I would be quite pleased to adopt those words as part of my motion

MR BUFFETT If Mr Brown is happy to make an adjustment to his motion and in those terms, I'm very happy that he continues and picks it up in that way

DEPUTY SPEAKER Are you happy to do that Mr Brown

MR BROWN Mr Deputy Speaker yes. I seek any necessary leave to adopt those words as part of my motion

DEPUTY SPEAKER Is there further debate on the motion

MR GARDNER Thank you Mr Deputy Speaker. This certainly goes a way towards plugging some of the holes that are out there but I still think that I need to reiterate the fact that in some specific areas whether it is dealing with financial positions as the example I gave, whether it covers adequately some of the other areas that time and time again the Territories Minister overrides a decision given here by the executive Member on aspects such as whether that person is the only person on Norfolk Island who could do the job or whether that person fits into the community, it is still a very difficult concept to pick up that somebody as distant from Norfolk Island as the Minister and with all due respect to that Minister is able to make those decisions without actually being here to give adequate consideration to those sort of things and how that effects Norfolk Island because I still find it very difficult to come to grips with it. It is not so bad taking into consideration those necessary traits that one would require to live in Mackey or whichever town the federal Minister is from, certainly he is able to speak with authority I'm sure and so are his staff to the towns that they are from but they certainly aren't resident on Norfolk Island and I think we really as part of this programme have to have some specifics put in place and that relates to the financial position, it relates to the persons involvement in the community, it relates to a whole host of other issues which time and time again seem to be justification for overruling an executive decision here on the Island. I'm not saying that that's not the right and responsibility of the federal Minister I just find it very difficult to be able to understand just how he can make those judgements without actually being on Island, very difficult indeed

MR BATES Thank you Mr Deputy Speaker not having the amended motion or the original motion in front of me I'm a little unclear. I understand that the original motion calls for some action by the next meeting but the last part of Mr Buffet's proposal calls for a report. I'm a little unclear as to whether the first part still calls for some action as a statutory requirement as well as a report. Where I'm coming from is a report at the next meeting may not get action whereas statutory introduction of something tangible in the statutory thing will get action. I'm a little unclear. I support the total concept of what is trying to be done here and I will support the motion

MR NOBBS Thank you Mr Deputy Speaker I think we should progress the matter actually and Mr Buffett's amendment seems to go along the lines I thought we should proceed. We need some action but in reality I just found the Immigration – A General Guide, it's a very loose document. It's unbelievable that there's "it would not normally" – I think I went through it and counted about sixty times in the document that "it would not normally" is written. I find it very difficult if we are going to tie that into a legislative arrangement, but I would hope that something can be done and done quickly

MR BUFFETT Yes. Thank you Mr Deputy Speaker. I just wanted to explain why the report bit is proposed. I took account of what the Minister said about not being mislead into thinking this document would not have some significant work

having to be done on it and it may well be that that cannot be completed by next sitting and if that is the case I didn't want to place impossible demands but to give him an opportunity to report. The other unknown factor is that we equally don't know at this stage the timeframe for implementation of the Paddick proposals and whilst I think it unlikely that it can be done by December, I think the Minister should have an opportunity to examine that. I do have the expectation that if in fact he can achieve the first part of the motion by next sitting that he will come and report that to us and table it. But we need to look at the realms of practicable but give a positive thrust to what we are on about. I also endeavour to take into account what the Minister has said which was that there may be some component of the policy document which may not need to be translated into the substance form and so that's why there is a bracketed component which says, which of them may require legislative substance. Could I just draw your attention to another method and I'm just taking into account the Chief Minister's words that some of the words in the policy document may not be as you are accustomed to seeing in legislative form. We also have another document which has been tabled today which is known as the Human Resources document. And that's a huge document. Almost three quarters of an inch thick. I venture to say that some of the writings in that is not something that you would normally see in the legislative form but it gains substance from a piece of the legislation which gives it substance. Now it may well be that one could use the same methodology in bringing that document forth. I'm not trying to be prescriptive about that. All I'm saying is maybe there are ways and means, given a small opportunity for the technical and professional people to work through those issues, but we today I think need to give the thrust that we want this thing solved and we want it solved promptly and we see at this moment two broad options that we can follow and I think we should set out those two broad options and ask the Minister to explore them forthwith and bring one of them forward if he can by next sitting, and if not, we expect a report and a time frame attached to that report

DEPUTY SPEAKER Thank you. Further debate? I've been advised that we are actually voting on the motion as amended by leave that Mr Brown proposed

QUESTION PUT

AGREED

MR COOK

ABSTAIN

The motion as amended stands

PUBLIC SECTOR MANAGEMENT AMENDMENT BILL 2000

Honourable Members this stands in the Chief Minister's name Mr Nobbs you have the call to resume

MR NOBBS Thank you Mr Deputy Speaker I present the Public Sector Management Amendment Bill 2000 and move that the Bill be agreed to in principle and I table the explanatory memorandum for the Bill

DEPUTY SPEAKER Thank you Mr Nobbs. Debate?

MR NOBBS Thank you Mr Deputy Speaker I refer to the list of amendments before us. Mr Deputy Speaker, the amendments to various sections of the Public Sector Management Act. The amendments address matters concerning full set of responsibilities for the CEO and requisite powers to undertake these responsibilities the organisational line of accountability between an Executive Director and an Executive Member being replaced by the CEO. This Mr Deputy Speaker is to provide clear separation between the Government and the Public Service. The organisational line of accountability between an Executive Member and the CEO being confirmed. This Mr Deputy Speaker confirms the current accepted means of providing for the Public Service to carry out the policies of Government and lastly the exclusion of persons in specified

positions from employment in the Public Service when a member of the Legislative Assembly and preservation for current members in this situation until the next general election. This Mr Deputy Speaker has been subject to referendum of which over 70% of the electorate voted for the principle encompassed in this. I will be moving at an appropriate time that debate be adjourned and resumption of debate made an Order of the Day for a subsequent day of Sitting Mr Deputy Speaker so I will leave it at that at this stage

DEPUTY SPEAKER Thank you. Further debate? There being no further debate I look to you Mr Nobbs to move the adjournment

MR NOBBS Thank you Mr Deputy Speaker I move that debate be adjourned and resumption of debate made an order of the day for a subsequent day of sitting

DEPUTY SPEAKER I put the question

QUESTION PUT
AGREED

The matter is so adjourned.

ORDERS OF THE DAY

We move now to Orders of the Day.

FINANCIAL STATEMENTS FOR THE ADMINISTRATION OF NORFOLK ISLAND FOR THE YEAR ENDED 30TH JUNE 2000

Honourable Members we resume and Mr Bates you have the call to resume

MR BATES Thank you Mr Deputy Speaker. Members will recall that I moved the adjournment when these papers were tabled at the previous sitting because Members had not had the chance to become familiar with them. I'll try to be brief but I do have some comments which I do wish to make. Probably go along with most of my other comments and when I've finished speaking they'll all be forgotten however I'll persevere. I won't say a lot about the revenue fund because we all know there's several revenue possibilities. Some of them are getting closer and if those ever do produce some funds for us it will to some extent relieve the problems that have been developing over the past few years and which I've alluded to and which are now becoming more obvious to other members. I want to comment on the fact that this set of accounts is produced as accrual accounting in the revenue fund so when we look at the historical records we are not now comparing apples with apples when we look back over previous years. However, as we go further down the track and produce our future statements in this form well of course this tabled document will become more important as we can compare figures. Experience shows in other jurisdictions that politicians and some councillors have some difficulty in understanding the differences between cash and accrual accounting and even in some jurisdictions it has required that a dual set of accounts be done. However I believe that this is only the commencement of the work. It's only just begun because as accrual accounting becomes more widely used we'll be able to develop true costs. They'll be more clearly identified and better reported. Apart from the possible neglect in some of our infrastructure areas I think the results from the revenue fund were reasonably clear. I move away to the airport and register my concerns about the finances of the airport, not through any fault of those working there but some of the worries, you will see on page 54 that after allowing for depreciation the airport is still running at a loss. \$190,000 for 1999 and \$18,000 in 2000 and if you look again on page 86 you'll see that our cash reserves are not increasing to the extent that it will enable us to carry out the upgrade that is quickly coming upon us. We find that our

current assets are in decline although there's \$500,000 owing by the electricity undertaking and yet the Assembly continue to raid and plunder the funds of the airport. We've just heard the Chief Minister today say that the Emergency Services are now going to be a further plunder on the airport funds. I thought it was a little bit of a trick when it was shifted on to the balance of the revenue fund and that was one of the reasons I homed in on it, to get some real answers because originally when it was to be transferred over there it was going to be cost neutral to the airport or I thought it was. That was clearly my understanding of it. Of course there are other areas that I won't mention now where the airport subsidises other activities in the Administration. In another capacity of mine I've highlighted those to appropriate people. Another point I've come across in my notes here is that some of the airlines who are paying the landing fees have been reluctantly paying them when they consider them quite high, on the basis that when the time came to upgrade those landing fees would be put aside and the upgrade would go ahead correctly and I think if we continue to plunder the main revenue of the airport and also for other things like emergency services then these cash reserves are not being built up to the do upgrade, then I think we are going to upset the airlines who have been paying the landing fees on the assumption that the funds would be there to do the upgrade. So I've got to register that I have a real concern about the finances of the airport. I'll move onto electricity and page 33 I was very disturbed last week to hear the Chief Minister in his radio talk speak of the different movements in the unit tariff history of it as its moved around and he can correct me if I'm wrong but I got the clear impression he was tell the community that we were charging 28 cents per unit in 1991 and we didn't need to increase it till the year 2000 then we simply had to be charging the community for electricity in 1991 because inflation had gone on and we hadn't had to put it up. Now if that sort of message is going out to our community by our Chief Minister then it's pretty sad. It's a bit of reflection on the finance Minister of the day who saw that it was quite necessary to charge 28 cents per unit. Simply to say that we must have been overcharging in 1991 because we didn't put it up for ten years is a bit naïve. Also we are talking about rehashing the Public Service and we're talking of productivity and the Chief Minister when he said we were overcharging in 1991 did not give any acknowledgement of what I think has been a tremendous action by many of the staff in really holding that 28 cents for ten years by large increases in productivity and greater efficiency in the operation. I think we all know in the old days when the DCA generated our power they would only have blackstone diesel engines at the powerhouse and when we moved by our own efforts to caterpillars our oil was cut back by two thirds. I think there's also been efficiency in the switching of sets, in not letting sets run along with low loadings, burning up power and not producing, there's been real effort to switch the sets and make them more efficient so if we're serious about productivity we've got to really say not that somebody was overcharging, we've got to give a bit of credit where it's due where I believe a lot of well meaning people have worked really hard to keep the price at 28 cents over ten years. My other concern is the Workers Compensation Scheme. I asked twelve months ago that it be looked at. In blunt terms it does a good job for the worker but is very inefficient. Just look at these figures. In 1997 we collected from the employers \$223,400. The employees got benefits in that year of \$55,200. What came in from the employers against what went out is a difference of \$168,000. We paid an insurance premium that went offshore at \$78,700 and we recouped \$351 in claims. In that year the undertaking made a profit of \$27,800. In 1998 we collected \$238,600 from employers and paid out \$55,700 in benefits. An extra \$174,900 was collected over what was paid out. We again spent \$83,000 on insurance premium and recouped \$26,700. The rest of it simply went offshore and the undertaking made a profit of \$65,700. In 1999 we collected \$241,700 and again paid out \$50,300. A difference of \$191,400. We paid out insurance premiums of \$83,000 and got back from the insurance company \$18,400 and still we made a profit of \$76,800. Last year we collected \$244,300 from employers and paid out benefits of \$94,000. Quite an increase in benefits but still \$150,300 more collected from employers. We paid another \$83,000 offshore and got back \$42,231 and still we made a profit of \$56,137 and just to summarise our cash reserves of this undertaking increased from the 1 July 1996 from \$155,000 to the 30th June 2000 to \$341,655. That in conjunction with what I've already alluded to is a lot of

funds flying straight off this Island to insurance companies and consultancy fees so I just register that I think it's a great and necessary scheme for the worker but it certainly is inefficient in terms of monetary cash turnover and if I was an employer I would certainly asking for some answers, thank Mr Deputy Speaker

MR NOBBS Thank you Mr Deputy Speaker I would like to clarify a couple of points that were put up. The cash decline at the airport is recognised, but you must remember I haven't been around in this place for very long and I think we spent something like \$2.2m. The total cost of the terminal was over \$3m but it was three quarters of a million I think it was on the ILS system, so that's you're pretty close to \$3m plus we put \$500,000 in a loan to electricity so there's \$3.5m there, gone in a very limited time and I haven't been on this Assembly very long so I appreciate the sort of situation that's happening at the airport and we just have to pull our horns in and Mr Bates is right on that but I don't step back from making the decision to move the fire service back to the airport. As I said to him this morning there are other things in that response that I need and I believe that we need a better plan for the future in relation to those two organisations combining, that is the airport and the fire service and as I said this morning, I will have something in the not too distant future for him. In relation to the electricity undertaking I'm not surprised that this may have caused the ire of Mr Bates being an ex Finance Minister. What I really said was that it was interesting that from 1974 through to about 1983 the increase in the tariff had been roughly 1 cent per year, a little less. It went up reasonably on par each year. It went up to 24 cents in 1985. it then dropped the next year on 1 May 1986. In 1990 the Minister of the time bit the bullet and put it up to 27 cents then later to 28 cents. What I said was that that brought it virtually into parity with what had been happening before. Either that or there was a massive overcharging going on and I didn't believe at the time that that was going on and its proved subsequent that that's not happened. What has happened is that because of the no increase since then and also some ripping off of funds by Ministers along the way or so I'm led to believe, that we have run down

MR BROWN Mr Speaker Point of Order. The term ripping off of funds by Ministers could be interpreted by members of the public as suggesting that a criminal activity has occurred and I really would ask that that be withdrawn

MR NOBBS I would never have thought of that Mr Brown but seeing that you are in that field I would withdraw that. Mr Deputy Speaker funds have been changed from one vote to the other to fill gaps in the other votes so I'm led to believe. Now the situation really is that from 1991 the next increase was in 2000 which was a 4% increase in a nine year period and my belief is what we have done, and I quite agree that these lads have hung in there valiantly under extreme pressure and I've stated all along that we have an excellent electricity service. You don't often get blackouts here whereas you do in most other places. The power is consistent and under the circumstances they are doing a great job, but unfortunately like the two blackouts that we have had in recent times, and particular the one of a week and a half ago, which I was going to make a Statement on but it slipped my mind at the time, is that there was a failure in the infrastructure and a line went down. A line that needed to be replaced and they have said that it had to be replaced but they haven't had the funds to date to do them, so I mean as far as the electricity is concerned I've got no complaints about the electricity supply service, but I have got complaints that they haven't really been supported. As for the Workers Compensation Scheme it's not particularly in my area but I take on board what Mr Bates has to say in relation to that and I'll obviously be having discussions with the Minister concern in relation to those issues but a[part from that I think the financial statements were a good result. There was a lot of work put into them, there's a new requirement as far as accrual accounting is concerned. I think the accounts section did a great job in putting those together, being something that was new to them and we look forward to this being a basis, as Mr Bates said, the beginning of a new era in relation to such things as general accounting in the future

DEPUTY SPEAKER Thank you. Any debate. Honourable Members we resume on the question that the House take note of the Paper

QUESTION PUT
AGREED

The ayes have it, that motion is agreed to

LICENCING OF REAL ESTATE AGENTS AND TRAVEL AGENTS IN NORFOLK ISLAND

Honourable Members we resume on the question that the motion be agreed to and Mr Brown you have the call to resume

MR BROWN Mr Deputy Speaker I have the call in relation to Orders of the Day numbers 2, 3 and 4. I note that the day is progressing and that there is still quite a bit on the Notice Paper. I don't believe that any of these is of a critical nature in terms of time. I don't believe that any harm will be done if the three of them are adjourned until our next meeting and I move the adjournment of each Orders of the Day Numbers 2,3, and 4 for that reason

DEPUTY SPEAKER Honourable Members Mr Brown has moved the adjournment of each Orders of the Day Numbers 2,3, and 4 and I put the question

QUESTION PUT
AGREED

The adjournment proposed by Mr Brown is agreed

ROAD TRAFFIC ACT 1982 – REGISTRATION OF BUSES

Honourable Members we resume on the question that the amendment proposed by Mr Gardner be agreed to and Mr Gardner you have the call to resume

MR GARDNER Thank you Mr Deputy Speaker I'll be very brief on this. With consideration over the last month of my proposed amendment not only did it not encapsulate everything that I had proposed it would in the wording of my proposed amendment but I certainly am not in a position to support my own amendment but I will be proposing to resume debate at a later stage on the body of the original motion as proposed by Mr Nobbs and I will be seeking leave at the appropriate time to withdraw my amendment to that motion and if it is the appropriate time Mr Deputy Speaker I seek leave to withdraw my amendment to that motion

DEPUTY SPEAKER Mr Gardner I believe it is the appropriate time. Is leave granted to withdraw that amendment Honourable Members. Leave is granted

MR GARDNER Thank you Mr Deputy Speaker I so move

DEPUTY SPEAKER Thank you. The original motion proposed by Mr Nobbs, we are debating on and Mr Nobbs you have the call

MR NOBBS Thank you Mr Deputy Speaker I believe this proposal should be brought in. the only change that I would like Members to consider is in relation to the registration of vehicles to carry more than six people. I think there was some concern about that at the last meeting and I would suggest that those words be deleted and that omnibuses which is a specific section in which buses of this nature including the school bus and those sort of buses are included in the registration. This is not as some bus owners have said to me, to stop everything, it is to pause and look at precisely where we are going in relation to larger vehicles on the Island here and I don't say that there will be no more big buses or there will be heaps of them. what we need to do is look at them and find out the best way we can get around what is seen by the community at the present time as an impasse and as I said last time Mr Speaker one of the good things about the bus service really is that you are confining people and you have control over them and when you go into your reserve area and the like, from experience buses and their passengers are far easier to control than others who travel by car or bike and are inclined to spread out and get away into little pockets and become some sort of problem. I spoke at length on this at the last meeting. I appreciate Mr Gardner's withdrawal of the motion and I look to Members for their contribution thank you

MR BATES Thank you Mr Deputy Speaker I gather from what Mr Nobbs has said that the piece about vehicles only licenced to carry more than six persons is intended to apply only to those that are hire vehicles and not private vehicles as there are private vehicles that do carry more than six persons and I think family people today, those vehicles probably serve a good purpose and I wouldn't want to see them banned. My main concern is the size of the buses and the safety on the road and there is no intention to stop private registrations of smaller vehicles that can carry more than six persons and I would support the motion

MR SMITH Mr Deputy Speaker, as I said at the last sitting I don't support a moratorium on this sort of thing. These things need to be done properly. If there's a problem we should fix it up properly rather than put people in situations like this. I don't have any difficulty with the philosophy behind the motion and the first parts are fine but I don't agree with the last part where we need to put a moratorium and try and do legislation on the run.

MR BROWN Mr Deputy Speaker we were accused earlier today of a knee jerk reaction and on reflection I think we could well be accused of a knee jerk reaction if we were to pass the final paragraph of the motion. We discussed on the previous occasion that we would have to in any event make allowance for people who have already committed themselves for the purchase of buses and I'm not so sure that a lot would be achieved through that final paragraph. I believe that a lot of us have received a letter from one of the large tour operators. Some four pages in total. It's a letter that's fairly critical of what this motion is aimed at. The letter endeavours to point out some of the contribution that's made by just this one tour operator and it would be unfortunate if what we eventually passed today is perceived as being antagonistic to that part of the industry at all. I don't have a difficulty in supporting the first part of the motion but on balance I think I would have difficulty in supporting the moratorium

MR WALKER Thank you Mr Deputy Speaker I have no difficulty in supporting the first part of the motion either. However I think if the last paragraph was deleted then the Minister would be much more likely to bring forward whatever he desired in a quicker fashion that if he's got a moratorium to sit back on and maybe take his time over it. It only gives him through til March 2001 and I doubt that legislation could be brought in by then anyway but I would be supportive of the first part of the motion but I don't like the moratorium in the last paragraph

MR GARDNER Thank you Mr Deputy Speaker. The reason for the withdrawal of my proposed amendment is in line with what the three previous speakers have said and that is really supportive of the first part of the original motion to the end of dot point two but a difficulty with the moratorium. What I had attempted to do tat the last sitting was to extend on point 2 and not so much restrict a policy to tourist buses but to try and expand it to include all vehicles that are using the roads and it was pointed out to me by a very learned employee of the Administration that there was some difficulty and maybe I should have paid closer attention to Sesame Street when I was younger but it seemed to stick out that one of those things just doesn't belong and it happened to be jet skis but that was an issue that was raised at the last meeting in relation to jet skis and they actually do use the roads, they are carted around on trailers and they in turn have caused some concern to the people on this Island, specially trailers that are attached to prime movers or the moving of large and heavy machinery around Norfolk Island and jet skis were attached to it as a mode of transport that was causing concern and also people were asking for a policy in relation to jet skis, to be developed. In discussion in the last month amongst members of the Legislative Assembly and having sought advice from Legal Service on the most appropriate way to control use of jet skis I think there are ways of doing that and consideration is being given to developing pollices. I know that that is happening but I'm a little worried that this is restricted to just tourist buses because there are a number of other areas of concern. Heavy trucks should be addressed. if we are going to look at it, then lets look at the whole lot. Lets not just pick on tourist buses. I understand the reasoning of the Chief Minister, I've read with interest some of the submissions that have been made to the Legislative Assembly from tour bus operators, I have had private conversations with people who have larger vehicles here on the Island talking about tare weight and the weight and bulk of vehicles and who does damage and what really are the fears, and I've spoke to community Members and that's why I say that really I would prefer that this be expanded because the community concerns are not simply with tourist buses. It goes a lot further than that

MR BATES Thank you Mr Deputy Speaker I'm a little bit concerned and if that last paragraph is completely removed and when I think about what my concerns are the last paragraph doesn't cover my concerns. members will recall that in the previous Assembly my concerns were with the large buses and we have half a dozen of them on Norfolk Island now. The biggest of the tourist buses that are around the place. I asked the then Minister mr Smith who said that he would look at the situation and see if anything could be done about that. here we are now well into the first twelve months of this Assembly and still nothing has been done about the large

buses which are the only things that I have a concern about. I think they are on the road quite often and regularly and they carry a lot of our visitors and I think that the matter of their safety, the safety of our visitors and our own people need some consideration. By leaving it open without the final paragraph I rather guess they'll still be talking about my concerns for large buses in another twelve months time and maybe it won't be resolved in the life of this Assembly but I don't have a lot of difficulty with the smaller buses. I think they can do the job and I think it's necessary that we service the tourist industry and I personally think it can be done with that type of bus. So I'm really saying that although the last paragraph doesn't resolve my concerns about the large buses I'm apprehensive about the fact that we'll probably still be talking about this in a couple of years time

MR GARDNER Thank you Mr Deputy Speaker maybe one way of being able to resolve Brian's concerns would be attached after that dot point two, a time frame if we ask for a report to come back to the House. I think that's probably the most appropriate way of dealing with that if that's a concern and I take on board that concern. Yes it was a matter raised in the last Assembly, certainly if it had been dealt with there, and I don't think that's a fault of anyone in particular I think it's just what happens if there isn't the will or the want to do something, basically by imposing a time frame after than second point two, I think that that will give us the necessary resolve hopefully of the House to encourage the responsible Minister to come back with that report

MR BUFFETT Thank you Mr Deputy Speaker. I'm a little confused as to where we are now. For my part I think that points one and two do reflect concerns that people in the community have about increased vehicle traffic and the like. They are concerned in some instances about size. I think their concern about size is the huge size, not necessarily small size and so I can see what one and two are talking about. The balance, that is the last part of the motion as it stands at this moment, talks about vehicles licenced to carry more than six persons. There have been some words said about that and I think that there was an effort to put that in context but I've got to admit that I still haven't a grasp of what the intention is there so I would appreciate some clarification about that and my last point is that there has been mention of a point three maybe, being inserted which would be to report to the House and that has not been made as a formal adjustment at this time so I don't know what the intent is from the Member as to whether they might do that and if in fact the three years is inserted whether it is meant to still relation the balance of the motion that's in front of us, so there are a couple of questionmarks on mind and I don't know if Members can assist the process of evaluation of those

MR BROWN Mr Deputy Speaker I wonder if I could assist in the event that I sought leave to move a relatively simple amendment and perhaps I could indicate what that relatively simple amendment is before I seek that leave. The amendment is in fact to delete the final paragraph and to insert in tis place words very similar to part of paragraph two of Mr Gardner's amendment which would be "and this House requests the responsible Minister to address and report on progress relating to points one and two at the December sitting"

DEPUTY SPEAKER Mr Brown has sought leave to propose an amendment is leave granted. Leave is granted Mr Brown. We are voting on the amendment gentlemen

MR GARDNER Thank you Mr Deputy Speaker I would just like to add my support to that I think it's a reasonable position to take

DEPUTY SPEAKER Thank you. Further debate? There being no further debate I put the question that the amendment be agreed to

QUESTION PUT
AGREED

MR NOBBS

NO

The amendment as proposed stands. Would you like the House called Mr Nobbs

MR NOBBS

Thank you, no

DEPUTY SPEAKER

Gentlemen, I put the motion to you as amended

QUESTION PUT

AGREED

MR NOBBS

NO

The ayes eight, the noes one, the motion as amended stands

MR BROWN

Mr Deputy Speaker I note the time. I wonder if Members would wish to suspend until tomorrow morning

DEPUTY SPEAKER

On the voices I believe that it's no so we will proceed onto Order of the Day No 6

CROWN LANDS ACT 1913

Honourable Members we resume on the question that the motion be agreed to and Mr Gardner you have the call to resume

MR GARDNER

Thank you Mr Deputy Speaker as I indicated to members earlier this week, in light of the fact that the Intergovernmental Meeting that was planned for later this month is now no longer a goer and certainly was some justification for having brought this matter to the attention of the House and in an effort to deal with it fairly quickly I have now reappraised that situation and believe that's not appropriate. There are still a number of people I know who are keen to discuss the matter in the community regarding the future of crown land. I have also spoken as of yesterday with the Chief Minister who has an amending proposal to the motion that I took into the House which again is reasonable, it is a position that is supported by some Members around the table. I think it is probably appropriate that in the interests of community input into this matter that I certainly would encourage the Chief Minister to put his amending motion on the table at this time rather than for me to seek to adjourn this immediately but certainly once that motion is on the table I would be seeking to adjourn the matter, thank you

MR NOBBS

Thank you Mr Deputy Speaker and Mr Gardner for that. the amendment I propose is as follows, to delete all words and numbers after "leasehold" first occurring and replace with " , rural residential leasehold, rural leasehold and special purpose leasehold be transferred to the Norfolk Island Government and 2. should transfer of such land there be a wish to change the status of such land, such decisions must be subject to a referenda held under provisions of the Referendum Act and 3. draft legislation be prepared to support the concept embodied in this motion". Now I'll very quickly and I know the time is late, Mr Deputy Speaker if I may quickly speak to that. The Commonwealth Government stated at a Intergovernmental Meeting last June that it had preference for the original motion put by Mr Gardner who actually put the motion to test the water so to speak in this issue. However, there was a strong indication at the time of that meeting that the Australian Government would consider and were not totally unfavourable to the Norfolk Island Government s position. I think we need to be realistic on this issue on a number of fronts. The first relates to the Australian Government . I believe the Australian Government possibly has concerns and a fear that with a transfer of land under leasehold tenure to Norfolk Island the management of any subsequent change in the tenure, and I need to be about this here, may not be fair and equitable. The Norfolk Island Government's position at the time of the

Intergovernmental Meeting was simply transfer all leasehold as is and then at some future date if a change of tenure was so desired then such decisions would be subject to referendum. We have no substantive backing to prove this would be the case and this would need to be developed prior to transfer. In recent times leases have with the exception of special purpose leases, have been extended from 28 to 99 years. This to me Mr Deputy Speaker is virtually as good as freehold. Special purpose leases were in recent times extended from 10 to 28 lease but special purpose leases are a different category. By necessity they require special conditions and some in the community believe that hiding of sections of leasehold as special purpose leases should not be permitted but that's another argument Mr Deputy Speaker. The implications of this decision cannot be stressed too heavily on the transfer of land particularly as the finalisation of overdue amendments to the Norfolk Island Plan. Currently leasehold land has its own controls and a change to freehold would nullify this. I believe in consultation with the community the course of action as proposed in the amendment is generally accepted as being appropriate by those who own as well as those who do not own leasehold land, thank you Mr Deputy Speaker

MR BATES Thank you Mr Deputy Speaker I've received a three page letter from a Member of the community and I'm sure all other Members have received that and I think there are a number of points raised in there which certainly I would like to see answered because the person who wrote the letter has been far more involved and much more closely associated to land issues than what I have been. No doubt the Minister has that letter but I would like to see the Minister's response to some of the queries raised in that letter just for my own benefit. Maybe the Mr Nobbs amendment may meet some of those things but I was unaware of the amendment until a couple of moments ago and I haven't been able to closely analyse it against that letter but would the Minister undertake to bring the letter forward and discuss the issues raised and at least point out to some of us how those issues fit into the overall proposal

MR GARDNER Thank you Mr Deputy Speaker I have no worries with what Mr Bates is seeking from me as the Minister responsible. All Members were copied with that letter. I'm just reading back through the Hansard of the meeting last month and I did indicate at that meeting a motion almost identical to Mr Nobbs as being a position discussed by the membership of the Legislative Assembly and certainly addresses a lot of the issues raised in the letter referred to by Mr Bates. There were personal observations of the letter. I appreciate those as I appreciate any personal observations from people who write to Members of the Legislative Assembly and I am also aware that the writer is an owner of a substantial block of leasehold land on the Island. In regard to that certainly I will respond at an appropriate time

MR WALKER Thank you Mr Deputy Speaker in the interim between our last sitting and this sitting I have been approached by leasehold landowners in a number of just two admittedly, however, they were of the opinion that if this freeholding was to take place they would prefer to have the status quo remain, in other words they were telling me that they did not wish to take up the freehold option and they were concerned as to what the outcome would be if they didn't do that. This is contrary to what Mr Brown put forward that any person offered the freehold of their leasehold would definitely take it up. I believe there are some people out there even if only a few, who have some concerns about being forced into a position of going freehold and wish to have that consulted with the leasehold owners prior to any decision being made here and I only bring that forward because that's what's been brought to me

MR BROWN Mr Deputy Speaker there's a fairly simple solution to all of this in my view and that is if someone doesn't wish his land converted to freehold well then he shouldn't be forced to do that so I'm suggesting that those who would like to have their land converted should be able to. Those who don't wish it to be converted should be able to say, well we would rather Mr Commonwealth you transfer the land to the Norfolk Island Government so we can continue to be leaseholders until the Norfolk

Island Government instead of the Commonwealth Government now that seems to be very simple and very fair and I don't think that would be a difficult outcome to achieve

DEPUTY SPEAKER Any further debate. We have an amendment before us gentlemen and for the purpose of the public and the House I will read the amendment which is to delete all words and numbers after "leasehold" first occurring and replace with ", rural residential leasehold, rural leasehold and special purpose leasehold be transferred to the Norfolk Island Government"

MR NOBBS Thank you Mr Deputy Speaker I understood that we would leave that as an option for the next meeting is that...

DEPUTY SPEAKER Sorry Mr Nobbs. Maybe I got my wires crossed I thought you had moved that as an amendment

MR NOBBS I foreshadowed that I think, but we would leave both options available to give Members of the public some teeth to get into

DEPUTY SPEAKER Thank you Mr Nobbs. We don't have an amendment before us gentlemen

MR NOBBS Thank you Mr deputy Speaker I've just had advise from the Clerk that I should move the amendment now and then adjourn the amendment and then it is on the paper

DEPUTY SPEAKER Leave is granted

MR NOBBS I so move

DEPUTY SPEAKER Thank you. Further debate?

MR GARDNER Thank you Mr Deputy Speaker again just referring back to last meetings Hansard on page 494, basically the proposed motion is in line with my final comments on the matter other than the inclusion of special purposes leases. I have no difficulty with that and I encourage the placing of this motion in the public domain for people to make comment and certainly hope that Members will actively canvass comment from the community in relation to the motion and the general idea of the ownership of land in right of Norfolk Island

MR NOBBS Thank you Mr Deputy Speaker I move that the amendment be adjourned and be made an Order of the Day for the next Day of Sitting

DEPUTY SPEAKER Thank you. Further debate? There being no further debate I put the question that the amendment be agreed to

QUESTION PUT
AGREED

The amendment as proposed stands adjourned and be made an Order of the Day for the next Day of Sitting

STATUTE AMENDMENT MISCELLANEOUS PROVISION BILL 2000

Honourable Members we resume on the question that the Bill be agreed to and Mr Nobbs you have the call to resume

MR NOBBS Thank you Mr Deputy Speaker the amendment is included in relation to three partiular Acts. The Customs Act which provides for a

clarification in the Customs Act in relation to the importation of firearms which takes into account the Firearms Act of 1999 and particularly to provisions inserted into the Act by the Firearms Amendment No 2 Act 1999. The amendment removes an outdated definition of semi automatic firearms from the Act and brings the prohibition on the import of firearms into accord with those firearms, which are absolutely prohibited under the Firearms Act 1997. This part also alters the definition of firearms which may be imported with the approval of the executive member in schedule 2 to the Customs Act. Again the definitions have been altered to accord with the amended provisions of the Firearms Act 1997. The second part is in relation to the Statute Amendment Fees No 2 Act 1999. This one is to section 8 of the Land Administration Fees Act 1996. The reference should have been to section 4 which was the section being amended under this Act not section 8. The third one is a simple one which refers to the Road Traffic rectifies an error in the Road Traffic Act, that is an Act not fully commenced which Section 7(b) created by amending the Act contains an additional and superfluous subsection 4 which was then inadvertently retained in the Act when it obtained assent. I don't think there's anything really contentious in these three amendments to clarify the position and also to bring the Customs Act into line with the Firearms Act Mr Deputy Speaker

DEPUTY SPEAKER Thank you. Further debate? There being no further debate I put the question

QUESTION PUT
AGREED

The Bill is agreed to in principle. Is it the wish of the House to dispense with the detail stage. Therefore with no detail stage I look for the motion that the Bill be agreed to

MR NOBBS Thank you, I so move

DEPUTY SPEAKER Gentlemen, Further debate? There being no further debate I put the question

QUESTION PUT
AGREED

The ayes have it, that Bill is agreed to

BOOKMAKERS AMENDMENT BILL 2000

Honourable Members we resume on the question that the motion be agreed to and Mr Gardner you have the call to resume

MR GARDNER Thank you Mr Deputy Speaker as I foreshadowed last month this amendment came about as a recommendation from the Membership of the Norfolk Island Gaming Authority. Really it's a definitional matter but I will read the explanatory memorandum regarding the Bookmakers Amendment Bill 2000 to Members and most importantly is the fact that as is a requirement endorsed by this House for a need to look at financial implications of legislation that comes before the House, the advise from the Legal Services Unit is that there will be nil financial implications as a result of this legislation coming before us and being passed by the House. Mr Deputy Speaker the purpose of this Bill is to recognise a broader and more sophisticated range of betting activities available to those persons involved in the business of bookmaking and to bring those activities within the ambit of the legislation particularly in view of the likelihood that person who are granted gaming licences for Internet home gaming may also see to become licenced bookmakers and seek to offer such betting activities in conjunction with gaming activities. Betting activities involving simulation activities are catered for as well as activities other than normally recognised sport. Software scrutiny

and validation by the Gaming Authority is already provided for within the principle act. The Bill further clarifies a discrepancy between the Bookmakers Act 1998 and the Gaming Act 1998 with the taking of a bet or wager which was previously permissible only for a licenced bookmaker notwithstanding that a person licenced under the Gaming Act 1998 was also permitted to accept a wager under that Act without being a licenced bookmaker. In addition the bill prohibits betting on the outcome of any election in Norfolk Island in line with the uniform approach in most Australian states and other Commonwealth countries. This approach recognises the capacity for political manipulation or interference if betting were permitted in respect of public elections.

MR BATES Thank you Mr Deputy Speaker Mr Gardner has made me a very happy man. I've been pushing through two Assembly's when Bills are proposed to get some sort of report as to what the financial and resource implications of the bill might be and at long last someone has actually listened to something I've said in this House and has actually told us that there will be no financial and resource implications at all. Thank you Mr Gardner my faith in human nature has been restored

DEPUTY SPEAKER Thank you Mr Bates for that compliment to Mr Gardner

MR GARDNER Thank you Mr Deputy Speaker and I have great pleasure in providing Mr Bates with the financial implications report from the Legal Services Unit

MR NOBBS Thank you Mr Deputy Speaker very quickly I would have thought that there may be some positives in relation to financial returns from this activity but anyhow

DEPUTY SPEAKER Thank you. Further debate? There being no further debate I put the question

QUESTION PUT
AGREED

The Bill is agreed to in principle.
Is it the wish of the House to dispense with the detail stage. Therefore with no detail stage I look for the motion that the Bill be agreed to

MR GARDNER Thank you, I so move

DEPUTY SPEAKER Gentlemen, Further debate? There being no further debate I put the question

QUESTION PUT
AGREED

The ayes have it, that Bill is agreed to

EMPLOYMENT AMENDMENT (NO 3) BILL 2000

Honourable Members we resume on the question that the motion be agreed to and Mr Smith you have the call to resume

MR SMITH Mr Deputy Speaker, I introduced this Bill in the last sitting of the House. I'll say at the outset that it is my intention to adjourn it til the next sitting but I will say a few words about it this afternoon. the Employment Amendment No 3 Bill completes three amendments to the Employment Act 1998, which are intended to commence in their entirety on the same date. The Employment Act 2000 and the Employment Amendment No 2 Act 2000 have passed through the Legislative Assembly

and are partially commenced but sections 1 and 2 only. The present Bill provides some changes to the Employment Amendment Act 2000 and requires employers to enter into written contracts with all employees in accordance with the requirements of the Act. It provides for a minimum rate of pay for employees phased in over two years with yearly reviews according to the effect of the retail price index and wage increases in the event of the RPI formula is greater than the rate of the preceding year. This calculation appears in the earlier Employment Amendment Act 2000 however, a review will now be held each 31 March to be effective on and from 1 July in each year. The Bill further provides a rate of payment for employees who work greater than the normal prescribed working hours in each day or week, that is an eight hour day and a standard 40 hour week. Employees are to be paid time and a half or 150% of normal hourly rates for such additional hours and this provision cannot be avoided by contract. In addition there is some consequential amendments to reflect the advent of the Employment Amendment Act in the year 2000 rather than 1999 and an amendment to complete the penalty for failure to comply with annual leave provisions from 20 penalty units to 40 penalty units. Since I introduced this Bill it has had some exposure just through the processes of the sitting of the House. I have been to the Chamber of Commerce last Monday to go through what is proposed with the Members of the Chamber of Commerce. It is my intention to get more coverage over the next few weeks and already we have some suggestions for changes for what is proposed in this amendment. I'm going to say little more today because I intend to do a lot more talking in the next sitting when we come back to it and at an appropriate time after Members have had their say I will move the adjournment

MR BUFFETT Thank you Mr Deputy Speaker. Can I just acknowledged what Mr Smith has signalled in that he will adjourn this matter. I've had a number of comments raised with both from employers and employees and without being exhaustive can I just mention two or three of them that have been raised with me so that we might talk further about them as you have in dictated there is room for such discussions. There has been concern that there may be some lack of flexibility when there is a strict definition of a certain number of hours per day and a certain number of hours per week. Eight and 40 respectively in this particular case and whilst there needs to be provisions to ensure that people are not taken advantage of there are times when both employer and employee would like to be a bit more flexible as to how they may work those hours and that is a factor that I just mention as being raised with me. Also the matter of how contracts should be registered has also been raised with me and another factor which I think we have shared earlier around this table in a number of ways is that some people do see a significant different between the provisions of this particular legislation and some of the provisions that are being proposed which relate to the public service. Now that's not trying to say that one should be the other except to say that there are marked differences in some situations notwithstanding that one is seen as a set of minimum standards and the others are a set of realistic applicable standards. I don't know that there is necessarily a huge and ready answer to all of those things except that they have been identified and I would like to put them on the table so that Members can go through those

MR WALKER Thank you Mr Deputy Speaker I have had quite some discussions with the Minister on this Employment Amendment Bill. he is aware of my intention to foreshadow some amendments to the Bill as it stands at the moment. I think for everybody's consideration, although these won't be the actual words, I give you the intent of my amendments because on in partiucular is very important and that is that we insert into the principle act under subsection 8(1)(b) a new subsection (c) a person who receives remuneration in excess of the prescribed amount under the terms and conditions of their contract of employment and that we add to the Bill an insertion into the Employment Regulations 1991 by deleting the existing subsection 3a and inserting a new 3a for the purposes of subsection 8(1)(c) of the act, any employee who receives remuneration in an amount greater than \$30,000 is exempt from part 2 subsections 13, 14 and 15 of the Act. I apologise Mr Speaker. Before I started this I meant to declare

that I am an employer in the community and I need to say that to declare my interest. The effect of those two amendments that I've just foreshadowed is to create what we have loosely terms a salary bar. In other words to exclude those people who earn above \$30,000 from those parts of the Act. The purpose of this is that the Act was intended to address minimums and continues to try to do that and we have been experiencing some difficulties when we try to have an act which is all things to all people. A second amendment is that No 7 of the Employment Amendment No 3 Bill be altered to delete the \$9 in 1a and substitute \$8 and the entirety of 1b be deleted therefore making the present 1c become 1b. No 4 is that the amount \$10 in No 8 be deleted and substitute \$8 and the last amendment is that we insert the following interpretation into subsection 4 of the principle act. Remuneration means the amount of monetary reward paid to an employee. At the appropriate moment I would like to move those amendments

MR NOBBS Thank you Mr Speaker it is probably a little unfortunate that the Public Sector Management Act and this Employment Amendment Act are in at virtually the same time because there is obviously some comparison in the community in relation to provisions of both of them but as the Speaker said earlier, the Employment Amendment Bill contains minimum levels established and the Public Sector Management Act refers to what you get. That's what you get regardless and there really are no great comparisons between the two and people should not do that however, I listened with interest at a meeting of the Chamber of Commerce on Monday night when the responsible Minister and Kim and Chairman of the Working Group addressed the Chamber of Commerce I noted there were some concerns and I'll be making a suggestion to the Minister in the days ahead. I knew he was going to adjourn this matter and I assume that he will be taking these proposals including those proposed amendments back to the Working Group to get some advise and I'll be having a chat in relation to that 40 hours and the 8 hour proposal which seems to be causing some concern. There may be a way out in relation to that and you don't have to look very far into the Public Sector Management Act to facilitate that I don't believe. I look forward to debating this fully at the next sitting and getting it into place

MR WALKER Thank you Mr Speaker the Clerk has brought my attention to the fact that if I was to table these amendments then they could be circulated to Members

SPEAKER By all means would you like to do that

MR WALKER Thank you Mr Speaker I so do

MR SMITH Mr Speaker, a couple of things. I think it was yourself that asked in relation to the 8 hour day and the 40 hour week, that's been in the Regulations for quite some years. I haven't proposed any change to that situation. That was asked at the Chamber of Commerce the other night. If it is thought that there needs to be some change, for example, if someone works an 8 hour day and there's a late flight which was the example given to me, that arrives at 11pm or 12pm and somebody needs to send their already worked eight hour day person specifically on that particular night but maybe not the rest of the week does that need overtime just for that one night. It could be Monday night, the first night of the week so we can look at things like that. The other thing the Chief Minister said unfortunate that the Public Sector Management Act and this Employment Amendment Act are in at the same time but I don't think it is at all. I think there is quite a difference. What we are dealing with here is minimums for the private sector whereas in the public sector there are set conditions for set positions. This is an overall thing for all people in the private sector that should be the very basic minimums that get adhered to. Mr Speaker I'm open to suggestions as I said to Members of the Chamber of Commerce the other night and to Members of the Legislative Assembly last time. Please let me have your thoughts, preferably in written form so we can formulate what we have to put together for the next sitting

we are doing the right thing with this Employment Bill. And just a brief one on the minimum wage. I think it's sad that people here decide, well you're not being paid the award rate and you're being paid above the minimum wage so when it comes time for overtime sorry, you can't have it. That's all I wish to say

MR SMITH

Mr Speaker, I nearly took offence when Mr Brown said that I didn't understand what I was doing in relation to the minimum condition for Norfolk Island employees but I won't because Mr Brown's been saying similar things for many years not only to me but he's been saying it to anybody. If I could just go back a step there, earlier on we were talking about conflict of interest and I said that I welcomed Members views even if somebody is involved in something that we are debating on and I welcome Mr Brown's and Mr Walker's and Mr McCoy's involved in the commercial sector and I think it's important that their view is put across, but what I don't appreciate is over the years there has been an obvious attempt by some to keep people's wages as low as they can on Norfolk Island. I was fortunate to be given the Islander, which is the Christmas Island version of the Norfolk Islander by Geoff who borrowed it from Adrian and when you look through here and you see what is being paid on another Island which is in a similar situation to us except that it is integrated into Australia then everything is a heckova lot more expensive then it is on Norfolk Island and that's okay because that's over there. But a lot of things are expensive over here except wages. Now I don't accept that somebody should be paid \$5.75 these days. And it happens Mr Speaker. It's alright to say not everybody pays that but right now, the minimum hourly rate is \$7.00. In 1991 I think it was when the hourly rate came in it was \$5.00. That stayed like that until 1995. In 1995 it went to \$7.00. Since 1995 it's been the same. Still \$7.00. You can't tell me that the cost of living hasn't gone up. You can't tell me that people don't deserve an increase in their wages to keep up with that cost of living. I don't think it is fair to argue against people getting a fair deal for a fair days work. Not everybody gives a fair days work, I understand that, but there are some ones that do and they need to be recompensed appropriately Mr Speaker. For too long I've heard the Assembly say with certain salaries and wages, it might be a public service, it might be for school teachers, great example, or the workers in the private sector, that they shouldn't get any more money. I was asked earlier on today what we are doing to support the commercial sector. A question on notice by Mr Brown. We are doing everything we can to support the commercial sector Mr Speaker because I realise that where the funnel through which all of our funding comes from. I appreciate it as most members around the table would but we've got to go a little bit the other way too. The people who do the work in a lot of situations, they should be recompensed the same. They shouldn't be put into the situation where they can't just get any more money. Any commercial operator would know that if you do need more money, you have to increase your charges or the cost of whatever you are producing to the consumer if you can get it, that doesn't always work, but the person who's working on \$5.75 per hour has real difficulty trying to get more money for a fair days work. The \$9 was proposed on the basis that a survey had been done of many of the businesses in the commercial sector who said that the minimum they pay now is \$9 an hour. That's where the \$9 came from that was proposed. Members around the table here when we were earlier discussing this suggested that \$10 was what the minimum hourly rate should be so we've compromised there with the amendment at this point. We've put \$9 now, \$10 at the beginning of the next financial year which would happen automatically at that time. However I've been lobbied as has Mr Walker and others. Maybe that's too much at this time. Maybe we should start with \$8 as the minimum. I'm reasonably happy with that. We make the adjustment 1st July to \$9. It's still not enough in a lot of cases but I'm open to suggestions to whatever we are doing in here but a lot of focus has been put on as Mr McCoy also said about the eight hour day and the forty hour week. That has been in place for a long time. The overtime provision is still in effect. There was an amendment to that in Gary Robertson's time which was in the Amendment No 2 Bill which has not yet fully commenced that removes that so those employers who think they shouldn't be paying overtime even at this very point in time, they should be. We are amending Gary's amendment to put that back in there but with a condition that Mr Walker is proposing that if somebody is paying fair

hourly rates and there's quite a lot of employers who do, that if their workers want to work longer hours than the forty hours that they can get into the situation of a salary bar. Now if those employers are paying what they say they are and with overtime, would take them over this level they should be very happy with what is proposed by Mr Walker. I think the cut off figure is \$30,000. Mr Speaker it's getting dark. I think I'll leave the rest of my debate to the next sitting unless there is some other query that I need to answer

MR BROWN Mr Speaker can I just refer to a couple of things. First of all the Minister has told us that there is something terrible happening that there are people being paid \$5.75 per hour. Well if that's true the existing Act is being breached and something should be done about this. But it is not a satisfactory reason to say, well because someone was being paid less than the minimum wage we should now increase the minimum wage. There's a bit of a non sequitur there somewhere and for the Minister to in his next breath to suggest that really the minimum wage should be \$10 an hour and for a 40 hour week that's 40 times 10 equals \$400 per week and that is \$20,800 per year. Mr Walker is suggesting that the salary cap he is proposing should be \$30,000 so George is telling us that an employee should simply go along to his boss and say listen, give me an extra ten grand and then I'll work a bit longer for you. I shake my head Mr Speaker

MR SMITH Mr Speaker, I can't let that slip. That is what is being proposed to me and others as a solution to people who do pay way above average hourly rates. The other thing about the \$5.75 per hour, that was sorted out Mr Speaker but it was happening. It is a good point that was raised at the Chamber of Commerce the other night that there should be more effective controls within the Act and I'm glad Mr Brown has reminded me of that so we can also add that in so that the whole Act has teeth that somebody who does do something wrong can be penalised for it when they know they are doing it wrong

SPEAKER I think we have concluded debate on that particular matter. Mr Smith

MR SMITH Mr Speaker, I adjourn debate until the next Sitting of the House in December

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

QUESTION PUT
AGREED

That matters is so adjourned

FIXING OF THE NEXT SITTING DAY

We have therefore concluded Orders of the Day. If we might then briefly look at the next Sitting day. Mr. Brown you have the call.

MR BROWN Mr Speaker, thank you. I move that the House at its rising adjourn until Wednesday 20 December 2000 at 10 am.

SPEAKER Thank you. Honourable Members I put that to you. Is there any debate on this matter

MR GARDNER Thank you Mr Speaker I will be at the appropriate time, probably on my behalf, seeking leave from the next meeting I will be on holiday at that time with my family

SPEAKER Would you like to tidy that now so that it is covered

MR GARDNER

Thank you Mr Speaker yes I would

SPEAKER

Leave is sought for Mr Gardner from the proposed 20 December meeting. Is leave granted. Leave is granted. Is there any debate in respect of the proposal that is before the House

QUESTION PUT

QUESTION AGREED

The ayes have it, that next meeting day is agreed thank you

ADJOURNMENT

MR. SPEAKER

The adjournment. Mr Walker please

MR WALKER

Thank you Mr. Speaker. I move that the House do now adjourn.

MR. SPEAKER

Thank you. The question is that the House do now adjourn Honourable Members. Is there any adjournment debate? Could I just mentioned one thing in conclusion Honourable Members. Honourable Members will know that the Millennium Youth Parliament which is being cohosted in the United Kingdom by the Commonwealth Parliamentary Association Headquarters and the United Kingdom Branch of the CPA is to take place at the end of this month and Members will remember that Miss Kelly Muir was chosen to represent Norfolk Island at that particular Youth Parliament and just to refresh your memories, Kelly will join some 150 other young men and women from various other Commonwealth Parliaments and legislatures from around the world who really will have a chance to experience life in the Parliamentary spotlight and at the same time to show how the next generation would approach parliamentary politics. I just mention all of that because time is very close and I'm sure you would want me to wish Kelly Muir well in representing Norfolk Island in that parliamentary sphere and may I also acknowledge British Airways who is sponsoring her airfare between Sydney and London and also Mr Greg Prechelt of Norfolk Jet Express and Qantas for flying her between Norfolk Island and Sydney. Their sponsorship is much valued in this particular project and thank you

MR GARDNER

Thank you Mr Speaker. I won't be here for the Christmas Sitting so I would like to very briefly wish my colleagues a very merry Christmas and a Happy New Year to them and their families and thank them for their assistance and support over the last few months that this Assembly has been in existence but I would like to end today on a very lighthearted note with a very lighthearted look at a terribly serious matter that confronts the Norfolk Island Legislative Assembly at the moment and that is in relation to the electoral issue as proposed by Senator Macdonald and his reference to the National Capital and External Territories Joint Standing Committee and we are awaiting a response from him at the moment in relation to the electoral matter where we had asked him to withdraw the reference of that matter to the Joint Standing Committee and during my lunchbreak on the way back down here I was listening to one of the radio stations we currently have on the Island and there was an electoral issue, there was Electoral Commission hearings being held at the moment in Canberra with a number of Senators and other Federal Parliamentarians running around discussing electoral issues and it was of interest that they spent an enormous amount of time sometime today I believe, discussing the enrolment or otherwise of other than non human persons in Federal Liberal seats in Australia and the reference was in relation to a pet cat and that pet cat's name was Curacao Fisher Cat and it was enrolled in a Federal Liberal seat in Australia and now has been disenrolled so to speak and I certainly hope that that is not the reason for the delay for the response from Senator Macdonald in relation to our own electoral issue

and I certainly hope that if it is the intention of the Federal Liberal Party to enrol their pet cats that they are all Australian there and not Siamese Burmese or Persian and certainly in relation to the enrolment of non humans here I certainly don't think that we would fall into the trap of registering our own pet cats on our own electoral register here on the Island Mr Speaker

SPEAKER

Thank you Mr Gardner. Mr McCoy

MR McCOY

Mr Speaker, thank you. I would like to pass compliments to Mr Gardner. I hope he has a wonderful holiday whilst he is away but I'm glad he raised the issue of the anomalies Senator Macdonald sees in our electorate here and that brings me to a point that Mr Smith raised today when he tabled the Radio Station Report and I was rather shocked to hear that CCFM is now broadcasting on Norfolk Island through the issuing of a licence through the Australian Broadcasting Authority when from my meagre understanding of the Norfolk Island Act I thought broadcasting was a schedule 2 matter, and I would be disappointed if the executives and the Minister don't take this matter up and do something about the ABA issuing a licence to a radio station to broadcast on Norfolk Island when as I indicated to Mr Smith in a letter I wrote to him regarding the CCFM, I really didn't think the ABA could issue a licence for someone to operate here seeing that broadcasting is schedule 2 matter and I would hope that we don't see through the issuing of more licences by the ABA a proliferation of Australian radio stations broadcasting here on Norfolk Island

MR SMITH

Mr Speaker, I just better reply to that. I will provide all the information in relation to the licensing of radio frequencies at the next sitting for the community as well as for Mr McCoy

SPEAKER

Thank you. Further debate Honourable Members in this adjournment debate. If there is no further participation then I put to you the question that the House do now adjourn.

QUESTION PUT
AGREED.

This House stands adjourned until Wednesday the 20th December 2000 at 10.00 am.

