

**PRAYER**

Almighty God we humbly beseech Thee to vouchsafe Thy blessing upon this House, to direct and prosper our deliberations to the advancement of Thy glory and the true welfare of the people of Norfolk Island, Amen

Are there any Condolences

**CONDOLENCES**

Honourable Members there are no Condolences this morning

**LEAVE**

Leave is sought for Mr Brown and Mr McCoy. Is leave granted? Leave is granted thank you. You will recall that Mr Walker earlier sought leave

Honourable Members I ask if there are there any Petitions this morning

**GIVING OF NOTICES**

Are there any Notices? Mr Gardner

MR GARDNER Thank you Mr Speaker I give notice of my intention to introduce a motion at the next or subsequent sitting of this House to request the Minister for Finance to take the necessary actions to abolish the Financial Institutions Levy

**QUESTIONS WITHOUT NOTICE**

SPEAKER Are there any Questions Without Notice?

MR BATES Thank you Mr Speaker my first question is to the Minister with responsibility for Works. Is the Minister aware of the situation at Cascade during recent heavy seas and what has been done or what is to be done to prevent erosion of the recent concrete works at the base of the cliff face

MR SMITH Thank you Mr Speaker I am sort of aware. I have been advised that there has been some damage at Cascade. I am not too sure what is actually happening in relation to preventing any more damage occurring there but I can certainly talk to the appropriate people and see where we are up to with that

MR BATES Thank you Mr Speaker I have a couple of questions for Mr McCoy and I wonder if the Chief Minister will take those

MR NOBBS Thank you Mr Speaker I'll attempt to answer them

MR BATES Thank you the first question is, could the Minister elaborate on certain administrative changes to the operation of the tide gauge at Kingston, including the cost and future use of the storage of data

MR NOBBS Thank you Mr Speaker and Mr Bates. I'm not right across this issue but I do understand that in the past weeks there has been a proposal put by, I can't think who they actually are but the people who do the collection and monitoring of the data from Kingston, and they've suggested that the cost is now beyond them and they wish to withdraw from this particular facility. It is suggested that it is critical to the Island's records in relation particularly to water levels and water assessment on the Island, that we need to keep a close look at the actual tide levels. I understand that there is a proposal which has been put which will see the Norfolk Island

Water and Sewerage taking the proposal on although there is an interest in the CSIRO in maintaining and being involved in this but it is intended I understand to maintain the facility and I don't know the exact cost, but there will be a cost of the use of the line and also some cost in monitoring the data but I'll ask Mr McCoy to give Mr Bates a briefing either before or at the next meeting

MR BATES Another question for Mr McCoy which Mr Nobbs might be able to answer for us. Could the Minister inform Members where we are at with the extension of time to complete the crushing contract

MR NOBBS Thank you Mr Speaker I spoke yesterday very briefly to Mr McCoy who flew out yesterday and I only came back to work yesterday after some flight delays but as far as I'm aware the crushing operation at Cascade ceased on the 16<sup>th</sup> April and a proposal was agreed to I understand when I was away, by Members that crushing be extended to the end of August and with a clean up period the area would be cleared by the end of September. The Australia Government representative has, I understand, agreed to this particular period, however, the agreement to extend is with the contractor who is yet to sign the necessary paperwork and that's where it sits at the present time and I understand Mr Bates, that there is no work to be undertaken on the site until the agreements are signed

MR GARDNER Thank you Mr Speaker a question for the Chief Minister who has responsibility for the electricity undertaking. Minister has the Administration complied with the requirements of the Planning Act 1997 and the Norfolk Island Plan in respect of the additional generators at the powerhouse

MR NOBBS Thank you that was an issue that was brought up actually in the time of Mr Gardner. The understanding I got from the Service was that they had complied with it but there has subsequently been some sort of problem with noise and I'm pleased to report that that particular problem has I understand been solved to a degree, whereas the noise from the recently installed new generator has been reduced to at least the level the old cats were operating at so my understanding from tests taken recently is that the new huge exhaust system has reduced the noise output. However as far as whether the actual operation has complied or not, I'll get back to that question right now Mr Gardner. The position is this. The undertaking applied for an extension to the shed which was to provide for two additional units. The application was agreed to by the Planning Board I understand, and signed off. The undertaking constructed the extension and that's where that application stands. The current installation is actually to replace one that was to be taken out so in effect there is no additional use of that particular area. Now the question was asked whether in applying for the facility to be extended to provide for these two additional units, bearing in mind that one would be a replacement for one already existing, that it was normally assumed that that would be taken into account in the application and the assessment of that application. Now that's an argument that I don't know the result of because I've been away for a couple of weeks and I don't know the exact result of it, but at the time I was fairly confident that the Planning Board knowing that there would be two additional units placed in the extension to the shed which was designed as an electricity generating facility, that everything would be fine, but I can't answer whether it's been formally approved subsequent to that original arrangement or not, I don't know, but I would assume that everything has gone along according to plan and the facility will cater for two additional units and that the noise level will be no greater than that which occurred from the previous generating units prior to the installation of the new ones and this is something that we've given an undertaking to those residents. There was an initial hiccup when the unit was first operating. That has been changed, it was running at daylight times. I explained to the neighbours who had complained in letters why that was, there was a need to run the new unit for as long as possible in the first 1000 hours. We changed that to a day operation only. Subsequently on advice from the manufacturers we purchased and installed a new exhaust system, and this as I said

earlier reduced the level of noise emissions down to at least the level and probably below the noise level of the cats which were operating as the old generating sets. So simply, the answer is that I believe they have complied with all the requirements. Being a Member of the Planning Board previously in the previous Legislative Assembly we were always looking at those side issues and I'm sure that the Planning Board would have taken into account the fact that there would be two additional units in that area and I would assume that they would take into account that it was an existing use of that area and I would assume that they would take into account that there would be no greater noise pollution than was existing prior to the application being approved

MR GARDNER Thank you Mr Acting Deputy Speaker a supplementary question. Just a yes or no from the Chief Minister is he could in relation to that, has the scale and intensity of the generating capacity and activity at the powerhouse increased or is it proposed to increase over the capacity or activity that was in place during the year 2000

MR NOBBS The capacity obviously has increased with the addition of two units. Well there would be two additional units. One is a replacement for units that will be phased out but obviously there is additional capacity there and I think everybody knew that. We went through this some time ago in relation to unloading these facilities and it was broadcast widely that there were arriving on the Island and I kept people informed as to where we were at, at each particular point of development in relation to those particular units. Yes there will be additional capacity at the powerhouse

MR GARDNER Thank you Mr Acting Deputy Speaker. The Norfolk Island Plan requires approval if the scale and intensity of an activity increases. Does the Minister agree that planning approval does apply for an increase in the scale and capacity

MR NOBBS You've quoted the Plan Mr Gardner and I assume that with your being the Minister for some years in relation to that, that you would be fully conversant with it. I agree with that and that's what I'm saying. The argument really is, in relation to whether that was spelt out or not in the application. The belief that was expressed to me by the Service is that it was

MR GARDNER Thank you Mr Acting Deputy Speaker supplementary. I take it from that answer that the answer to the first question I asked was no. Is that correct?

MR NOBBS Well it's getting back a bit. In relation to the first question I believe as I said, and I'll repeat it. The understanding is that an application was made to extend the powerhouse to provide for two additional units and that was it, and that was approved

MR GARDNER Supplementary Mr Acting Deputy Speaker. Is it correct Chief Minister that the application that was made was to extend the shed at the powerhouse

MR NOBBS I don't know the exact terms but that was the proposal to extend it for sure and that there was another.... I don't know the exact words of the application but to me at the time, I thought everybody understood including the Planning Board that there was an extension to the powerhouse and that it would provide for two additional units

MR GARDNER Thank you Mr Acting Deputy Speaker. Supplementary to that. It is probably more appropriate if I put that question on Notice so that we can get a proper answer to it

ACTING DEPUTY SPEAKER Is that it Mr Gardner

MR GARDNER I have further questions. A question to the Chief Minister and Minister for Finance. At a recent weekly meeting of Members of the Legislative Assembly it was decided to not further pursue the proposal to explore a broadbased consumption tax for Norfolk Island. Question is what if any tax reform proposal is the Chief Minister now pursuing?

MR NOBBS Thank you Mr Acting Deputy Speaker. I meant to make a brief statement in relation to that but I'll answer it in question time instead. The proposal that is before us now, and was to occur yesterday, was a meeting of those interested in the particular issues to see whether we can progress some form of tax reform for Norfolk Island and we are not dealing... and I say some form because there are a lot of people on Norfolk Island who are against and there are those for the GST and I really want to get away from the proposal that it's really a GST proposal and look at how we can reform the tax system or actually the income system for the Government without calling it basically a tax, because there are some charges and the like that have not been progressed that need to be, and I don't think they are really a charge. There's been mentioned of course a charge on the use of facilities within the parks and reserves and that is an area, and I don't classify that as being a tax, it's really a user pays arrangement and I think there are quite a few others within the system that we could look at so the next step is to try and progress on a broad base, without concentrating specifically on any particular tax or user pays system, as to how we can progress it, but unfortunately the meeting was set for yesterday, before I went away on leave and I apologise to those who were inconvenienced yesterday, because when I got back to work yesterday I discovered that we had an MLA's meeting which we would normally hold on a Monday, but of course it was Easter Monday and a holiday and that meeting was put off until next week and I asked those with an interest and had been invited to attend to be patient. The situation from thence forth is to come up with some sort of proposal and then go out to the community with it

MR GARDNER Thank you Mr Acting Deputy Speaker supplementary if I might. The Chief Minister said that there was nothing specific planned. Do I take it from that, that any further tax initiatives will be wholesale increases across the levies and charges and fees that are already in place

MR NOBBS No that's not the plan. There is nothing specific, because as I said earlier, I really wanted to get away from the GST concept. There are people for and against the GST and I want to come back to the situation where we can look at a broad based consumption tax or NIL or whatever you like to call it, will be a part of it. We've already dealt with the fees and charges and put them into a reasonable arrangement I believe whereby they are tied to an annual increase if the cost of living increases significantly. Those things have been put in place and so we are not in a situation where we are looking at picking up after fifteen years, an increase in these sort of charges. No, I don't see a wholesale increase but I do see that there will be a two pronged attack to all this. The first is looking at our expenditure stream and that has to be looked at even more closely and the other one is to look at our income stream and the possibility of other activities such as Gaming which may be used for the infrastructure in places where we need it

MR GARDNER Thank you I take it from that, and if the Chief Minister could give me a simple yes or no answer, that though the Legislative Assembly have decided not to pursue an opportunity to properly evaluate a broad based consumption tax for Norfolk Island the Chief Minister is saying that we are going to evaluate a broad based consumption tax for Norfolk Island as part of the taxiing regime for Norfolk Island

MR NOBBS I think I just need to clarify this. The Legislative Assembly hasn't said that they are not going to progress a GST. My understanding was

that we had some difficulty in coming to an arrangement between the Service and the proposed Consultant in relation to the GST or broad based consumption tax and the gathering of some sort of data. It was then passed back to me to progress, as I understand it from the meeting, a look at the overall taxing and charging arrangements that are currently in place in Norfolk Island and this is what I'm doing. In that there still remains that particular aspect that people may wish to call GST or may not wish to and as I have already stated, there are a lot of people against it and there are probably a lot of people or at least, some people for it. That is an issue that will be discussed in the overall context. It may not get beyond first base in that group that we have. They include the Finance Committee and some other people who have expressed an interest, such as Mr Bates and Members from the Commerce section of the Island so I would suggest that I was never instructed not to progress with the GST but as you know, I've got doubts with it and I know that a lot of people have some doubts but we need to put it to bed once and for all

**MR COOK** Thank you Mr Acting Deputy Speaker. My question is directed to the Minister for Immigration and Community Services. Could the Minister inform the House whether he has yet received a report from the Immigration Committee on their review of the Bronwyn Paddick Report which has been before them now for some time and if he has not yet received a report, when does he expect that he may have that report to hand

**MR BUFFETT** Thank you Mr Acting Deputy Speaker. The Immigration Committee has provided an earlier report, that which I would term an interim report to my predecessor. They have not at this stage provided a report to me of their progress but there has been discussions with the Immigration Committee about this particular matter. The review of that report is not complete but is progressing. It is a significant task and they are addressing that significant task. I should say that in concert with examining that they are also charged with the fairly onerous responsibility of looking at the revised Immigration Guidelines so there are two significant documents that are in front of them and whilst the importance of the Review of the Paddick Report is not to be underestimated, I do have as a priority the guidelines at this moment and the Paddick Report is the second phase of the examination so I hope that is helpful to the Member in explaining that situation

**MR GARDNER** Thank you Mr Acting Deputy Speaker I direct this question to the Minister for Tourism and Commerce in his capacity as the Minister responsible for Education. Could the Minister please explain to the House the current Government policy relating to the tenure of teachers at the Norfolk Island Central School

**MR SMITH** Thank you Mr Acting Deputy Speaker the current policy hasn't changed. Mr Gardner would be aware of the policy that has been in place for many years. We've discussed it around the table. There have been variations to that to teachers tenure. The future appointment of teachers will be very much based on the actual term and normal extensions of teachers with no extensions

**MR GARDNER** Thank you Mr Acting Deputy Speaker a question for the Minister for Immigration and Community Services in his capacity as Minister with responsibility for sport. Minister, aside from the funds remaining in the South Pacific Mini Games Trust Fund, what other financial commitments has the Norfolk Island Government made to the hosting of the South Pacific Mini Games

**MR BUFFETT** Thank you Mr Acting Deputy Speaker there are a couple of areas that we have undertaken to provide assistance with but I wouldn't want it to be thought that all is yet collated in respect of assistance. Whilst the Games are approaching, they are in December as we all know, we are still working through some areas of request for assistance. For example, the matter of a telecommunications centre has recently received some consideration and we feel that we are able to assist there but

without necessarily significant financial outlay but with provision of some existing services that may be useful to Norfolk Island's image and useful to facilitate telecommunications for those who will be visitors in that time frame. In that particular instance I have asked the telecommunications people to collate all of the details so that we have a clear understanding of what the commitment might be and what the expectation might be so that it is not just a matter that is open ended but it is a matter that is clearly specified and we are able to deliver the clearly specified products. That is probably the most recent one that comes to mind but I wouldn't want to be accused of not having it all presented at this time because there are still some that are being evaluated. I hope that's helpful

MR GARDNER Thank you Mr Acting Deputy Speaker a question again for the Minister for Immigration and Community Services in his capacity as Minister with responsibility for Immigration, Minister the recent notices in the Norfolk Islander have advised the public that the Immigration section is reviewing all current entry permits to determine the level of compliance to permit conditions. What number or percentage of holders of permits issued are breaching Immigration requirements and if conditions of permits have not been complied with, what penalties have resulted if any

MR BUFFETT If the Minister would like to put that on Notice I will certainly research that and let him have that detail

MR GARDNER More appropriately, the non executive member would put that on Notice thank you Minister. Thank you Mr Acting Deputy Speaker a question for the Minister for Tourism and Commerce. When can the public expect to receive detail of the promised assessment of the impact of deregulation of tourist accommodation

MR SMITH Thank you Mr Acting Deputy Speaker there is a report that is being developed within the Service following the last sitting when much was made about this report which was to be a report to the Members of the Legislative Assembly on the effects of deregulation even though we introduced a bill into the House. The reason for that request for that report was before we had introduced the quota and registration bill that affected the Tourist Accommodation Act and that partiucalar little Act changed the whole position of tourist accommodation by putting a set quota on tourist accommodation units that the Legislative Assembly agreed to the Island having at any one time so it really took away a lot of the reason behind the report that had been requested by the Members however, as I started to say, since that last sitting I have requested that the report certainly be produced as quickly as possible in light of what Members were saying at the last sitting. They were missing have that report in their hands to be able to make a fair assessment of what effect deregulation has or hasn't had on Norfolk Island. I'm expecting to have that probably before the next sitting of the House

MR GARDNER Thank you Mr Acting Deputy Speaker supplementary to that. Is it the Minister's intention to table that report in the House to make it a public document

MR SMITH I have no difficulty at all with that and I'll say yes to Mr Grandeur's question

MR GARDNER Thank you Mr Acting Deputy Speaker a question to the Chief Minister in relation to Intergovernmental matters and self-government matters. Following the recent Joint Standing Committee's enquiry into electoral matters held on Norfolk Island a number of concerns were raised in relation to the conduct of Members of that committee and alleged breeches of committee practices, including failure to maintain a quorum. Will the Norfolk Island Government be registering a complaint with that Committee, the President of the Australian Senate and the Speaker of the Australian House of Representatives

MR NOBBS Thank you Mr Gardner for raising that particular issue. As you are probably aware, I was to attend with an officer from the Administration, a hearing in Canberra on the 2<sup>nd</sup> April. I didn't make it obviously because of the weather conditions here. I wasn't able to a flight out and therefore missed the hearing. I've indicated a verbal concern to the Committee. There is being developed at the present time a letter to the Chairman of the Committee which sets out the particular issues that are of concern and there is a request that some Members attend, possibly it will have to be in Canberra, to summarise our concerns in relation to a lot of issues apart from those that were mentioned by Mr Gardner. The situation unfortunately is that I've got purely a gut feeling on this, that I believe the issue is not going well and that we need to crank up our activity in the area. I've talked to Members and unfortunately Mr Gardner wasn't here yesterday afternoon when I spoke on that, but that will occur in the weeks ahead. It's a very important issue as far as the community of Norfolk Island is concerned. They have indicated in the two referenda that this sort of activity by the Commonwealth is not condoned in any way and I think there is a need to up the ante a little bit in the weeks ahead and this will occur

MR GARDNER Thank you Mr Acting Deputy Speaker this question was addressed to the Minister for Health and Environment but maybe I could address it to the Chief Minister who is looking after that portfolio at the moment. The question is can the Minister provide a Progress Report on the control programme for Australian raptors in the Norfolk Island National Park including Philip Island and the Botanic Garden.

MR NOBBS No I can't provide an up to date. I can only go back and it would probably be in the time of Mr Gardner when he was the Minister, my advice so I'll take that on notice and ask Mr McCoy to either provide information to Mr Gardner prior to or at the next meeting

MR GARDNER Thank you Mr Acting Deputy Speaker I just wonder whether other Members would wish to ask questions I've got a couple of others still to go.

MR COOK Thank you Mr Acting Deputy Speaker I can't think of any immediately that I want to ask but maybe after Mr Gardner has a go I might think of something that I should raise.

MR GARDNER Thank you Mr Speaker A question to the Chief Minister and Minister for Finance and Government Service with responsibility to the Airport. Minister tests on the strength of the Airport tarmac were recently undertaken with the assistance of the Royal Australian Airforce. Can the Minister report on

- (a) the Outcome of these tests
- (b) The expected date of the upgrade of the tarmac will be required
- (c) The projected costs of the upgrade
- (d) The source of funding for the upgrade
- (e) If there is a shortfall in projected revenue to upgrade the tarmac how and from where will the shortfall be funded.

MR NOBBS Thank you Mr Acting Deputy Speaker. Mr. Gardner I have not received a report on the actual results of the tests that were undertaken they were to be taken, all the data was taken back to New Zealand and as yet I have not received a formal report on it. It may have come in the last couple of weeks, but I haven't actually seen it. The situation is, that we are still looking at 2003, and the cost was 5.8 million, which is an estimate, which took into account, quite a deal, I think its half a million for improvements to the turning facilities at the end of each strip, which will be a new facility and also a contingency of quite a steady contingency bearing in mind that the estimate is three years away. It also took into account the prices of fuel

prices at that time and the resulting cost of the bitumen and the like which was expected to increase significantly. So those costs are the ball park figure at the present time they will result in a shortfall in the funding but that proposal is that will be made up in the years ahead. One of the significant issues really in relation to this, is, that my understanding is that the facilities should have lasted two or three years longer than its proposed at this stage and that's what I'm saying I'm talking without the benefit of those last tests that were made, although indications were at the time that there wouldn't be a great deal of difference in the projected outcome. That the figure would the timing is actually shorter because of several problems that have since come to come to light and I think that I don't want to spell them out here but I think I made it aware to members what the problems were and that had the it appears to me that had the airport hung out for the time that it was normally be expected to hang out that funding would have been readily available but because of the shortening of the life of the facility it will there will be a shortfall on the projections that I have at this stage and that's what I'm saying I'm not privy as yet to the final results of the tests that were done with the RAAF and the likes but I know that were looking at now at 2003 and that we the Government will have to start addressing all those particular issues that are needed and including the supply of good rock which is a problem which is a problem I understand with the last facility the last overlay and we will need to be looking at that immediately.

MR GARDNER Thank you Mr Speaker .Supplementary Mr Acting Deputy Speaker the Chief Minister spoke about the shortfall how is it proposed to fund that shortfall.

MR NOBBS Thank you Mr Speaker . At this particular point in time we are as I said the estimate is a rough estimate you can hope that at the time it was made it was hoped that maybe this facility the actual formalized testing of the facility by the RAAF and that Bingle Beam exercise would be of help but as I say I haven't had the results of those tests as yet but therefore the actual what final cost will be I don't know and I don't want to sort of panic people in this particular point in time a to measures hat maybe put in place to fund that sort of facility, but when I have full details of it as per usual I will make members fully aware of the costs and he implications of the proposal once I am convinced that it is the time and the place and he costs involved in doing that particular exercise so if you can bear with me Mr Gardner I will provide that information to you as soon as I can. Can the public as well

Speaker Further questions without notice

MR GARDNER Complimentary to that question Mr Acting Deputy Speaker I take it from what the Chief Minister has told us and maybe the Chief Minister could in a single word either yes or no let us know as to whether here is any strategy in place to fund the short fall for the road at the airport tarmac. Is a strategy in place.

MR NOBBS No. I mean the strategy obviously will be to take the funds will be available from in the future use and of the particular area those funds will come on line and therefore we need to ensure that the facility once its done this time, its done properly, that we have good metal, that the metal is of the right design or the piece of metal is of right design and that its done so it will last the projected fifteen plus years and therefore we'll have plenty of time to raise the funds that are shortfall and also put funds aside for the future development of that area. Now one of the problems that we have in the lot of the GBE's and that must change, is not looking to the future and spending the funds on other issues. Now whilst they have not been expanded by the Airport , really I know there are other issues there have been loans made and there will be a need that money will come back from the electricity undertaking but we did construct a fairly expensive terminal and whilst it was thought at the time that those funds were available at that time and would and the airport upgrade would only be in the vicinity of three million or so, but however that three million ha actually expanded on the

terminal would be very handy at this particular point in time, or some point of it anyway. I know there was a need for an upgrade of the terminal but the total expenditure of that amount has shortened the bank balance in the airport fund. I can't really answer yes or no because I've had some pretty good grounding by Mr Gardner and some of his answers when he was a Minister. I've tried to be as lucid as informative as possible ..

MR GARDNER Point of order Mr. Acting Deputy Speaker I take that as a bit of a slap in the face as an imputation as to my abilities as a Minister. I wonder if you could rule on that point of order.

MR NOBBS Thank you Mr Speaker I don't, I didn't mean it as a, I mean I learnt from Mr Gardner that you have to be, that you have to explain things very lucidly as lucidly as possible without just referring to it as a yes and a no answer. It would be quite easy for me Mr. Speaker to answer yes, no, yes, no, yes, no but that doesn't give the public an insight into what is actually behind that answer

SPEAKER Thank you Mr Nobbs I think you might have strayed from the subject of the question and I think we'll leave it at that. Any further questions

MR GARDNER Thank you Mr Speaker Yes I do have further questions Mr. Acting Deputy Speaker maybe I'll change my tact a little bit and ask the Minister for Tourism and Commerce a question in his capacity as the Minister responsible for the maintenance of the piers on Norfolk Island. Minister at the previous sitting of this House I asked you a question relating to the safety of the public using the Kingston pier, in light of the report that was provided to the Norfolk Island Government, since that meeting Minister can you report on what progress has been made to ensure the safety of the public using Kingston Pier.

MR SMITH Thank you Mr Deputy Speaker I've got nothing further to report on it Mr Acting Deputy Speaker to what I had at the sitting.

MR GARDNER Thank you Mr Speaker Supplementary to that Mr Acting Deputy Speaker when can we expect to have a report as to the safety of the people using Kingston Pier.

MR SMITH Thank you Mr Deputy Speaker If Mr. Gardner would like to such a question on notice so people can be informed of that side of what he's asking I would be quite happy to answer put together for the next sitting. If but in the meantime I can, I can make sure that we an answer to Mr Gardner as quickly as I can from within the service.

MR GARDNER Thank you Mr Speaker Again a question for the Minister for Tourism and Commerce. In relation to his role as a member of the Cascade Cliff Safety Project Committee. Can the Minister explain why the fill material stock piled on the Cascade Reserve adjacent to Mr Kliener's property appear to contain a greater proportion of rock than material removed from the rock stock pile and stored along the Cascade waterfront. and adjacent to the Playcentre.

MR SMITH Thank you Mr Deputy Speaker I think the question was why was there more stored on that reserve than anywhere else

MR GARDNER Thank you Mr Speaker I just may need to clarify that Mr. Acting Deputy Speaker. The material that was stock piled on the Cascade Reserve was other than rock material. It appears to have more rock in it Mr Actin Deputy Speaker than the rock, the so called rock that was removed from the so called stock pile and is now stored along the Cascade waterfront. I'm just wondering if the Minister can explain why that is.

MR SMITH Thank you Mr Deputy Speaker I'm just trying to think how I can explain in the terms that Mr Gardner is asking. All the stuff that got stored anywhere other than the stock pile at any particular stage of the Cascade Cliff Project was considered to be not high quality rock although as I understand on the reserve that Mr Gardner refers to, that was to be used as extension of the rock stock pile because it was thought there wasn't going to be enough space and the 5 acres I think it is. And if he's asking why is there rock stored on the reserve, that was always the intention but if he's talking about ATR which is the other rock which we have now had to store up near Banyan Park and also store it down by Cascade Jetty and also some of that is on the Reserve there at Cascade as well. Of course problem is usual with these sort of things has extended out in its time Mr. Bates will recall he was asking questions about the stock piling of stuff on the Cascade Jetty or in Cascade Bay and that was suppose to be sifted I think s the simplest word for that the rock put through the crushing operation and the other stuff taken away from that area. Of course that hasn't happened, hasn't worked out the way it was supposed to which has caused difficulties in that area. I suggest that M. Gardner doesn't get his total answer out of me for what he's asking in this particular case that he might like to put that on notice to for the next sitting,.

MR GARDNER Thank you Mr Speaker. Certainly I will put that part of the question on notice. I have a series of supplementary questions to that question. The first one:.. has the rock stock pile quantities been reassessed in light of the removal of other than rock material from the stock pile.

MR SMITH Thank you Mr Deputy Speaker Yes Mr. Acting Deputy Speaker that is in the process of being done.

MR GARDNER Thank you Mr Speaker Supplementary Mr Acting Deputy Speaker Who is paying for the transportation of this other than rock material from the rock stock pile.

MR SMITH Thank you Mr Deputy Speaker There's a question about that. We certainly don't want to be paying it. The whole issue with the stock pile at Cascade Bay is become a difficult one, in that Norfolk Island shouldn't be paying for work other than what was intended to be done in the first place around the Cascade Cliff and the stock pile , but no doubt in the end we will be paying whatever happens in some form. Hopefully at minimum costs we hope that others who have been involved in the project can get their acts sorted out and fix up the problem that has been created down there.

MR GARDNER Thank you Mr Speaker Supplementary Mr Acting Deputy Speaker as the Minister says we will probably be paying for it. If the Administration is in fact paying for it what steps are being taken to recover those costs from the Cascade Cliff's Safety Project, Project Managers and or their Contractors.

MR SMITH Thank you Mr Deputy Speaker I'm not at liberty to tell Mr Gardner that in this forum. because there is some legalities involved, I can't remember the correct word that you use but I'm quite happy to talk to him after the meeting to tell him what is going if he would like.

MR GARDNER Thank you Mr Speaker Supplementary are royalties being paid to the Commonwealth for this other than rock material

MR SMITH Thank you Mr Deputy Speaker That's a good question. I don't know whether we have actually had to pay any yet or not. No I don't believe we have. The deal with the Commonwealth as I recall and I haven't looked at the documents for a while was that once we started selling crushed metal that we would be required within six months of that time to make a payment our first payment, and looks like at this point we haven't fallen into that category as yet.

MR GARDNER Thank you Mr Speaker A final question again the Chief Minister the Minister for Finance. Minister the Public Service Association has sort the Norfolk Island Government agreement for a wage increase. Will the Minister report

- (a) the expected impact on the 2001/2 budget of the wage claim in dollar terms.
- (b) what new taxing initiatives are being proposed to fund the wage claim if any
- (c) if no new taxes are being proposed what programs recurrent expenditure or capital works are to be sacrificed to fund the wage claim

MR NOBBS Thank you Mr Speaker Mr. Gardner I've advised Members a month or so ago I had discussions with the Public Service Association in relation to a wage claim. There was nothing formal put in place. It was suggested that at the second meeting they formally if they wished to proceed with it that they formally provide us with indication of what their thought were in relation to the claim. At this stage I haven't received anything back from them. They went away the members of the committee, went away to discuss the issue further and I haven't had anything from them at this stage. It's something that we will need to look at in the context of the budget coming up, the upcoming budget but it's there is no formal proposal put or claim or ambient claim or anything put by the Association at this stage. When it is available if it is available I'll if it is provided to me I will certainly pass it on to Members immediately.

MR COOK Thank you Mr Speaker I've a question to put to the Minister for Immigration and Community Service in relation to Immigration. Minister I appreciate that you are about to attend the Ministerial Council for Immigration, which the previous Minister was able to organise for Norfolk Island to attend. Are you able to indicate whether at that meeting you will obtain firm assurances from the Commonwealth Minister for Immigration that the situation of the Australian Visa qualification for travel to Norfolk Island being in place that he will repeat his undertaking given to the previous Minister that it will be entirely a matter for Norfolk Island thereafter to decide who remains on the island and their conditions of remaining on the island subject of course to the appropriate appeal provisions presently in place.

MR BUFFETT Thank you Mr Deputy Speaker It is my understanding we already have that assurance in writing from the appropriate Minister. I most certainly would be willing to raise the matter if Members continue to be concerned about it, but I think my predecessor has already received that in writing from the appropriate Australian Minister and I would take that at the value it is conveyed with

MR COOK Thank you Mr Speaker Supplementary question in relation to the recent reinstatement of the joint Select Committee in relation to electoral matters have raised the question, the question I have raised with you just to seek reassurance that there has been no change in attitude toward that situation so that if indeed further submissions are made as the Chief Minister has raised to the Joint Standing Committee we might be able to use that assurance.

MR BUFFETT Thank you Mr Deputy Speaker I didn't interpret that was really a question but an elucidation upon the reason for Mr. Cook raising the question.

MR COOK Thank you Mr Speaker I'm sorry it was probably a more explanatory situation but it was just a request of the Minister to yet again seek the reassurance in light of the recent Joint Standing Committee hearings that's what.

MR BUFFETT Thank you Mr Deputy Speaker I'm happy to do that Mr Acting Deputy Speaker.

SPEAKER Any further questions without notice. There being no further questions without notice we move to questions on notice.

## QUESTIONS ON NOTICE

Are there any answers to questions on notice

MR NOBBS Thank you Mr Speaker I have an answers to 13 questions put by Mr. Cook to the Minister for Health and Environment and in his absence I have been asked to read them out.

Question one. Was the letter of acceptance of the tender of the successful tender ever written or signed by the executive member and if not why not. The answer to that question the first part is yes, .but the second part is irrelevant.

Question two.. If such a letter was not written or signed is it correct that the commencement date of the operations under the tender cannot be established. The answer is the question is not applicable and such a letter was signed

Question three Was the date of the grant and execution of the licence between the Administrator and Island Industries namely 14<sup>th</sup> September 2000 and the answer is yes to that

Question Four. Were he tendered documents including the general conditions of contract, the performance agreement and guaranteeing and indemnity documents ever signed or executed by all or any parties and if not why not. The answer is yes. Tender documents including general conditions of contract , were signed by the contractor The guarantee and indemnity documents are yet to be signed by the Directors as they have been the subject of on going negotiation.

Question five. Is it correct that in the absence of any such signed and executed documents the contract and guarantee binding on all parties is provided for in the tendered documents may not have come into existence. The answer to that is no. My legal advice is that this is not the case.

Question Six Is it a fact that under the documents, including the tendered documents, general conditions of contract, performance agreement, guarantee and indemnity documents and the deed of licence the maximum period for rock crushing operation is fixed at 6 months from the end of the eight week preparation period and calculate from the commencement of the operations. The answer to that question is yes.

Question seven. If the commencement date of the operation is able to be accepted as the 14<sup>th</sup> Sept. 2000 does that mean in accordance with the tendered documents that all operations at the Whaling Station site must cease, and the plant be removed on or before 5 June 2001, allowing a three week period for removal of plant after cessation of rock crushing operations. The answer Pursuant to clause 25 the expiry date for the licence signed on the 14 Sept 2000 is the 30 May 2001. If it is correct that no extenuation of maximum period of six months for rock crushing operations allowable under the full term of the above documents is it a fact that all operations of the rock crushing plant should cease and its removal be effected on or before 5 June 2001 allowing a three week period for removal of plant after cessation of the rock crushing operations. The answer I am advised by the legal service unit that the premise that no extension is described is allowable is incorrect. If no extensions were granted the final date for all operations on the Cascade Whaling site would be 30 May 2001.

Question nine. Is it correct that it is permissible for a successful tenderer to negotiate or enter into agreements with the Administration which have the effect of substantially altering or changing all or any of the contents of the Tender documents made available to all prospective and actual tenders. The answer. I'm advised by the legal service unit that it is permissible in some cases and even necessary on occasion.

Question ten. Is it a fact that if any such changes or alterations to all or any of the original tender documents occur, all or any of the original tenders or possible remedies or causes of action against the Administration The answer in the present case No., although I am advised by he legal service unit that in some cases where tender documents are altered, original tenderers may have possible remedies.

Question eleven. Does the Administration hold at present, at present time a security bond for the due performance by the Contractor, and if not why not. The answer to that



thousand in welfare expenditure which results in two hundred and eighty seven thousand. The most significant gross increase in capital expenditure, a hundred and seventy thousand in computerization upgrade, finance and the workstore sections and fifteen thousand for Rawson Hall improvements. Not proceeding this financial years fifty thousand for the quarantine house and forty thousand for the Beagle dog. Expenditure at the end of the ninth month of the financial is six percent under the revised budget. The revised budget forecast a surplus of fifty five thousand before depreciation which compares favourably to the original budget call forecast of three hundred and sixty six thousand deficit before depreciation. A turn around of four hundred and twenty one thousand. Thank you Mr. Acting Deputy Speaker

SPEAKER  
paper be noted

Is there any debate. Then I put the question that the

QUESTION PUT  
AGREED

Any further papers for presentation.

MR SMITH Thank you Mr Deputy Speaker I would like to table the inbound Customs statistics for March 2001. I move that they be noted. Mr. Acting Deputy Speaker, the month of March sowed another record month in Tourist arrivals to Norfolk Island four thousand one hundred and forty two. That's the highest number we've ever had. Interestingly in the Public stay from our visitors three thousand eight hundred and twenty five stayed in public accommodation and private stay was three hundred in seventeen in the month of March. I think that's an unusually high figure I need to check back on it The number of locals who flew in March was two hundred and eighty. A good indication of how Norfolk is progressing at the current time. The visitor days were well up on what they have been over the previous two March's. In 1999 it was twenty two thousand eight hundred and eighty nine bed nights. Up to twenty three thousand four hundred and fifty nine the following year and this March twenty eight thousand eight hundred and two, bed nights for the month of March and a quick calculation that I did may not be totally correct it was round about an extra thirty or forty people on the island per day to give those figures. The New Zealand numbers has started to rise as I think I mentioned in the last sitting, because of the promotions that are being done by the Tourist Bureau and also Air New Zealand. Up to five hundred and twenty one which is more than a hundred more than the previous March of four hundred and thirteen but still lower than the 1999 figure of five hundred and seventy one. So five hundred and twenty one out of New Zealand. That number should keep going upwards over he ensuing months which is good news. Interesting also was there were eighteen hundred people come out of New South Wales which has really boost the March numbers up, Five hundred and fifty eight out of Victoria, Nine hundred and eighty eight from Queensland, South Australia ninety one, Western Australia fifty seven and Tasmania thirty three, and from the Pacific we had ninety four visitors in that month of March. So all in all a good result and maybe some of that is due to some of the new accommodation that has come on line over the last twelve months. Thank you.

SPEAKER  
put the question. That the paper be noted.

Is there any debate. There being no debate then I

QUESTION PUT  
AGREED

MR NOBBS Thank you Mr Speaker Section two B of the Customs Act, makes provision for the Executive Member to exempt goods for duty where the duty payable is less than two hundred dollars and a lay a copy for exemption as required before the Assembly. and I move that it be noted. The particular duty waived is as follows. Forty nine dollars fifty nine for assorted tools and tool boxes for the Norfolk Island Volunteer Rescue Squad, Fifteen dollars twenty nine also for four reading

lamps for the Volunteer Rescue Squad, sum of fifty eight dollars ten for medical equipment for St. John's Ambulance. sum of ninety dollars on the importation of bandanas by Travel Land for fund raising. The sum of twelve dollars seventeen on the importation of communication gifts by the St Phillip Howard Catholic Church. Sum of fifty dollars seventy two on the importation of four first aid equipment by St. John Ambulance. Sum of thirty five dollars seventy on the importation of blankets by the Norfolk Island Girl Guides and the sum of twenty three dollars on the importation of Netball Trophies from the Netball Association, The sum of six dollars forty for the importation of Ambulance care equipment by St John's Ambulance, the sum of seven dollars fifty on the importation of Guild training manuals by St John's Ambulance and the sum of forty three dollars seventy two on the importation of a listening centre and accessories by the Banyan Park Play Centre. Thank you.

SPEAKER Any further debate. The question is that the paper be noted.

QUESTION PUT  
AGREED

That Paper is noted Are there any further papers

MR NOBBS Thank you Mr Speaker I'd like to table the Draft of Goods and Services Policy for the Administration with an attachment which provides us as requested for a determination in relation to the use of that document and its implications under section 38 of the Public Monies Act, and I understand Mr. Acting Deputy Speaker that I should be the one to sign it and not the CEO so that's put forward as a draft and also the pecuniary of goods and services policy for he information of the public and any comment that they may wish to have and I should have moved that it be noted, I'm sorry Mr. Acting Deputy Speaker, but if I may go on, the implications of this policy is that there is a change. Its spelt out very clearly the purchasing policy for the Administration. There is a change in as much that members of the Executive are the Tender Board but they only come into play over forty thousand dollar, over the value of forty thousand dollars from ten to forty thousand dollars the Administrative Management Group are the actual Tender Board for those sums of money between ten and forty thousand dollars as Members are aware and the public are aware that that group is being recruited at the present time. The corporate Management Group and therefore this particular proposal really wont come into effect until they are in place. However it's a draft at this particular point in time but Members have been circulated with a copy, comments have been received from some, and so its progressing and I would appreciate it to be looked at by members of the public.

MR GARDNER Thank you Mr Speaker Thank you Mr Acting Deputy Speaker. I move that debate be adjourned on this matter and made an order of the day at subsequent sitting.

MR NOBBS Thank you Mr Speaker I've got no problem with that at all if you want to make a debate of it. I've got no worries at all. We've issued the issued these to all Members and I need, I want to progress it so we've got sufficient time before the Corporate Management Groups in place and have this particular policy bedded down, when that system commences.

SPEAKER Perhaps I was supposed to put that question without debate, I'll just clarify with the Clerk so well put the question that the debate be adjourned and made an order of the day for subsequent day of sitting.

QUESTION PUT  
AGREED

Further papers for presentation. There being no further papers we move to Statements Are there any statements of an official nature.

**STATEMENTS**

**MR BUFFETT** Thank you Mr Deputy Speaker Thank you. Mr Acting Deputy Speaker. I've firstly a statement concerning the Justice and Court Reform Committee. The last sitting I announce a review of Courts and Justice Administration in Norfolk Island and this is to report progress. On Tuesday 10<sup>th</sup> April the first meeting of Justice and Courts Reform Committee was held, with representation from the legal profession, Chamber of Commerce, Magistrates, Police and the general community. I convened the meeting and then invited Mr Adrian Cook to commence Chairmanship of the group. Committee determined as a first step to implementing legislative reform of the Justice Laws in Norfolk Island, it would obtain a consolidated version of the current Court of Petty Sessions Act, and review those sections which were causing difficulty, which were out of date or required improvement. I just mention Mr Acting Deputy Speaker that this is the first is the first of some twenty six plus items of legislation that would need examination. It was the view of the Committee that once this task had been preformed a new piece of Legislation entitled The Magistrates Court Act would be drafted, and the committee is to meet again in early May when all members will have an opportunity to review the current legislation in the consolidated form and have highlighted areas of concern. Committee does aim to have available to me as Minister a preliminary draft by the May sitting of the Assembly, and I do want to thank the Committee and its Chairman for advancing this matter as I've just reported Mr Acting Deputy Speaker.

**MR GARDNER** I move that the statement be noted

**SPEAKER** The question is that the statement be noted

**MR GARDNER** Thank you Mr Speaker I'd just like to ad to those words of the Minister in relation to the work of the Committee and commend them and the Minister on taking such swift action and response to a lot of community concerns regarding our Legislation of the Courts and law reform.

**SPEAKER** Further debate. I put the question that this statement be noted.

**QUESTION PUT  
AGREED**

**MR BUFFETT** Thank you Mr Deputy Speaker On the notice paper there is a item entitled The Road Traffic Amendment Bill 2000. There has been significant delay in progressing this particular piece of Legislation. Particularly but not exclusively related to some of the third party insurance difficulties. Those difficulties are under discussion but in light of this significant delay I am extracting some elements from that piece of legislation which indeed can be progressed. e.g. photo licenses in Norfolk Island, coloured registration stickers and I would want to bring them forward in a separate piece of Legislation. That is under way and the time frame projected is May or June sitting. So I just mention that in an informative effort , so that members will see that some progress can be made with some of the road traffic arrangements and we might extract them from the more weighty piece of Legislation that remains on the floor of the House at this moment on the table of the House.

I've a further matter if I may. It relates to Immigration Policy Guidelines, Mister Acting Deputy Speaker. Members will recall that a draft document that i.e. Immigration Policy Guidelines, has been prepared, in other words an update of the earlier document. It has been circulated and it has been tabled in this House. Its under consideration by Members of course, by the Immigration Committee, by myself, the Chamber of Commerce have asked for a copy and there are others and I do thank those who have been involved in making comments to date. It was hoped to finalize this particular set of guidelines at this sitting, but consideration does continue in a number of quarters and I would want there to be full consideration to be given, not rushed to the detriment of the

full and good comment upon it, but never-the-less still be complete as soon as possible. The aim now is to complete by the May sitting. The Legislation to give substance to these proposed guidelines is listed for today's meeting and when we come to that in the particular part of the sitting today, I would want to speak to them, and progress them, and hopefully seek the consent of Members to tidy those, that piece of Legislation, to just two parts, the Immigration Guidelines part is progressing yet, I would seek at a later stage of this meeting to finalize the Legislation that would give it substance. Thank you.

SPEAKER Are there any further statements of an official nature.

MR NOBBS Thank you Mr Speaker The first one's in relation to a question asked by Mr. Brown last meeting. Is the Minister. this is in my role as Acting Minister for Health and Environment at the time and I am now responding on behalf of the Minister for Health and Environment. It's in relation to the type of poisons being used in the National Park and I've got an answer here which is provided by the National Park and Botanical Garden Manager. The herbicides used are Glyphosate I think it is. Its Roundup anyhow, Roundup and Roundup OT. It's the most useful herbicide for use in the National Park. It's non-volatile, water soluble liquid product with herbicidal activity on grasses and many annual and perennial broad leaf weeds. It is inactive in the soil and does not build up toxic soil residues. Glyphosate is a strong growth inhibitor in plants interfering with protein synthesis especially in young rapidly growing stem and root tips. It is a broad spectrum herbicide absorbed through foliage and cut plant surfaces and translocated through the whole plant. It is an extremely safe herbicide of low toxicity to humans, domestic animals and wild life. The next one's Triclopyr which is Garlon 600 it is very useful for the control of woody weeds by the cut stump and basal bark methods. It is best mixed with diesel. Garlon 600 is an auxin-type selective herbicide that is absorbed through the foliage and cut plant surfaces. Its well translocated throughout the whole plant and accumulates in meristematic tissue. It is similar in action to the Phenoxy herbicides. Triclopyr is rapidly degraded by soil microbes and sunlight, it is generally restricted in soil movement to the surface layers where it bonds with organic matter. Low toxicity to mammals, LD50 on rats 713 mg/kg of body weight, by comparison aspirin has an LD50 of 750 mg/kg. We currently use Racumin for control of rats in the National Park. Racumin is the rodenticide not suitable for use in NNP as it is the product least likely to effect non-target species most important in our case, the Norfolk Island Morepork Owl. Attached is a chemical analysis of the product. Note it is not hydrolyzed by water. I would add further that

- (1) Parks Australia sponsored a training course in the safe use of pesticides and herbicides in 1999. This course was attended by all park staff, Norfolk Island Administration staff were invited to attend this training and a number did so.
- (2) All products are stored safely in a purpose built facility in the Forestry zone of the park constructed by Parks Australia and made available for the use of the Norfolk Island Parks and Forestry Service.
- (3) The use of such materials are sanctioned in the current park management plan endorsed by the Australian Parliament and the Norfolk Island House of Assembly
- (4) Parks Australia has produced a booklet on weed control based on over \$100,000 of research in the field. This book is available from the National Park free of charge.
- (5) Copies of material safety data sheets on the products used by Parks Australia can be obtained from the Website of the Company manufacturers .

Thank you Mr. Acting Deputy Speaker

SPEAKER Is there any further statements of an official nature.

MR NOBBS Thank you Mr Speaker It's in relation to selection of the Chief Executive Office. It's a very brief statement at this stage. The Chief Executive Officer is the only position within the Administration which is selected by the Legislative Assembly and the selection process are laid down within the new Public Sector Management Act. That Act also specifies the selection procedure for Executive

Directors for which the selection panel is headed by the CEO, and It should be noted that the Assembly has no roll in the selection of the Executive Directors. Decision was taken to advertise the position of CEO, this was done on and off the island as were the three Executive Director positions. It was felt that the CEO should be appointed first and thus would be in the position to be part of the selection process for the Executive Directors. Some twenty six applicants were received for the CEO position. A selection panel was convened of two MLA's Mr Walker and myself, Miss Liz Davies the Human Resources Consultant with the Administration and an Independent Member, Mr Graham Smith an expert in recruitment from Sydney. I was charged with the responsibility of assessing the applicants to provide a recommendation to the Assembly for their consideration pending the appeals process. The Act provides the ability for appeal, which is new, and it was not part of the old Public Service Act. Following the exhaustive process we were invited for interview, but due to the unavailability of seats on the planes between Australia and Norfolk Island it was necessary to hold interviews in Sydney and it was fortuitous that I was actually in Sydney and the independent Graham Smith obviously lives there. Interviews were held on the 9<sup>th</sup> April. A preferred applicant was selected and all unsuccessful applicants have been notified. The name of preferred applicant remains confidential at this stage as will the names of all other applicant. Selection of the preferred applicant has allowed the appeals process to commence. The future progression of the appointment is dependant on the appeals process and acceptance by the Assembly of the recommendations provided. At this stage the original target date for completion process i.e. by mid May next remain possible.

SPEAKER Any further statements of an official nature. There being no further statements of an official nature. We move to Notices.

## NOTICES.

### IMPORTATION OF PLANT MATERIAL TO IMPROVE SUPPLY OF LOCALLY PRODUCED FRUIT.

MR NOBBS Thank you Mr Acting Deputy Speaker If I may if you bear with me for two minutes after that. I gave notice of this motion at the last meeting. It's been circulated and it was suggested by the Minister for Health and Environment that an amendment be made and the amendment which I have circulated to Members this morning is that

SPEAKER Could we have the Motion first

MR NOBBS Thank you Mr Speaker The Motion that was read was as follows I move that the Minister for Health is requested to expedite with he appropriate quarantine controls the importation of some plant material as is required to allow for the improved supply of locally produced fruit.

MR NOBBS Thank you Mr Speaker The Amendment proposed is that we delete the words 'with appropriate quarantine controls' and replace with 'Quarantine Legislation appropriate to' and the proposed Motion would then read "The Minister for Health is requested to expedite Quarantine Legislation appropriate to the importation of such plant material as required to allow for the improved supply of locally produced fruit.

SPEAKER I take it you wish to move that Amendment Mr Nobbs.

MR NOBBS Thank you Mr Speaker I wish to move that.

MR NOBBS Thank you Mr Speaker The supply of fresh fruit is an issue which surfaces from time to time on Norfolk. The reason for he matter surfacing



that I have had the whole time that I've spent living on Norfolk Island, the desire to see the improvement of access to fruit material to the Island on a more regular basis rather than the glut and famine type arrangements that we've been use to for a number of years. As Members would be aware and Mr Cook alluded to, I certainly had an interest in the previous Assembly, promoting and bringing forward a proposal from the private sector to look at the introduction or establishment of a quarantine screen house to allow for the controlled importation of improved fruit tree material into Norfolk island. It was personally disappointing to me, that wasn't advanced, because I think now three years down the track we would have started to reap the fruit from that episode if we, if that had been able to be finalized in the previous Assembly. Unfortunately it wasn't and there's a lot reasons wasn't. I think thee was a fear of the unknown by a lot of people. Certainly also I think business envy or jealousy or whatever it may be, that the proposal that was around at that time was directed at one particular establishment on the Island, but I feel comfortable in speaking to this today and saying I whole-heartily support what the Chief Minister is attempting to do, certainly I'm on the record over the last four years of being whole-heartily being in support of this initiative. However, being conscious of a requirement to have very strict controls, regarding quarantine matters and the importation of that material into the Island. There's been a lot of debate about whether thee should be a Government screen house, whether there should be a private screen house, whether we should be screening anything at all at this end or whether we should be relying on the body that we rely on for all of our quarantine advice and that's AQIS and the New Zealand Ministry of Agriculture and Fisheries, which I now think has been named Agriquality, its changed it's name to Agriquality in New Zealand, and whether we should rely on their advice and rely on their pre-quarantine inspection on the mainland for that material before it is shipped to Norfolk Island, as long as it was shipped without soil contact and they were able to guarantee that the material didn't carry any virus's or bacteria or fungus that potentially could cause us problems I think that probably that's the most appropriate way of doing it and I guess in a way that addresses some of the concerns that Mr Cook had in relation to the financial impact. If we are seeking to have pre-quarantining done in Australia that would be a matter for the importer to decide in a business sense as to whether they wanted to progress with that and that in itself would be an expensive thing but it would be an expensive thing for the proposed importer, not so much for the Government. Again in relation to it and stemming back over he years, I certainly wasn't supportive of just an open door policy, that allowed e.g. walnuts, I mean they aren't going to grow here but I'll just use that as an example, that were going to establish a policy that would allow for the importation of thousands of walnut plants in shipments and just to continuing an open door policy to it to allow for the importation of those. I think that the general feeling in regard to the importation of improved fruit tree material into the island was to allow for a sample number. whether it be six walnuts for example that would be imported into the island, that would bare rooted, that would be pre-quarantined into Australia. That could be imported by an importer. That could be established and then used for propagating material and basically that material once that material was on island, save for the whole lot dying out for some reason or being destroyed possibly because they didn't pass quarantine checks that that would be it as far as that particular variety of tree was concerned, and that the most efficient and I think the safest way of importing that type of material into the Island was to do just that. And just work on small numbers and to increase the propagating material here on Island. There's a number of reason for doing that. One I've spoken about the quarantine concerns, the other one goes in relation to trying to encourage those in the local industry and certainly in my new business venture it would be something that I would be pursuing, but there are a number of other people on the Island who also to are very keen in pursuing that, who propagate fruit trees and undertake that sort of work and establish orchards, that I'm sure would be very keen to be able to multiply that stock, if it wasn't protected by plant breeders rights and plant variety rights as a lot of plant material is these day, but if it wasn't protected by that and actually turning hat into developing an industry here on the island, rather than relying on that material to be sourced continually from off shore and certainly there are a number of people here on the island that have the necessary skills to be able to undertake that. I think we are very fortunate on Norfolk

Island to be blessed with the number of people who do in fact have those skills. I think that's probably all I need to say at the moment. I'm supportive of the concept, I'll certainly assist Members of the Assembly with any information I can provide to them in relation to the propagation and importation of plant material and for that matter the export of plant material. Certainly that's a consideration for stuff that's coming in that needs to be exported from Australia or New Zealand or where ever it is intended to source this material from. Just one other thing Mr Acting Deputy Speaker that I would like to add to that, that I think it is important that if this is to proceed that a suitable supplier or two suppliers be identified and consultation with Aquis and the other Fruit Industry Boards in Australia and New Zealand to make sure that we are getting the very best operators in the field of propagation of this material, again to insure the utmost protection of our boarders as far as the importation of plant diseases, or trying to prevent the importation of plant diseases and viruses etc. into Norfolk island and we should think very carefully about identifying a single exporter either out of Australia or New Zealand. I tend to think from experience that Australia is better equipped to provide the sort of fruit tree material that would be required on Norfolk island and I'll leave it at that for the moment.

MR NOBBS Thank you Mr Speaker Mr. Cook brought up the cost involve. The proposal is that this would be limited to improved varieties to extend the actual season. It's also designed that there will be a protocol in place that provides for an inspection and one would assume, that Aquis, who are responsible also for our quarantine, as Mr Gardner just said, would be involved or the New Zealand authorities if it's coming out of New Zealand, would be involved in that protocol and that a not a large amount of material would be brought onto the Island, that it would be fairly easy to follow it and keep a look at it, put it into some sort of quarantine facility and I don't think you need a massive facility, which they have in Austria entry areas, where you've got these glass houses and air locks and goodness knows what, and changing your gear, that's for material that comes from a third world type place, and whilst the Australian dollar is not very high at the moment I don't think you can classify Australia in the same circumstances as some African areas where, or such, where these plants may imported from. So I may assume that there would be a reasonable protocol put in place that inspections would be done and there would be follow-up inspections done on the island itself. One of the things we are talking about really is value adding and that means as much of the development of actual planting out material should be done here on the island. So I don't think there's a great cost in it, I spoke to the Minister for Health and Environment yesterday about it and he suggested that the Amendment be made so that it was clearly put that there would be Quarantine Legislation and that he would, if it's agreed to by the Members, develop a Policy so it's clear to everybody exactly how the thing works and so it's clear and open. As for the request or the comment as far as the cost, there will be a cost obviously but I don't think it will be a major cost, and I don't agree with the need for a massive quarantine establishment here on the island, I think that a smaller unit may be run by a private entity, or if it is with Government that it is only a very minor facility and I'll leave it at that Mr Acting Deputy Speaker.

SPEAKER We are dealing with the Amendment. Any further debate.

MR GARDNER Thank you Mr Speaker Not on the Amendment no

SPEAKER If there's no further debate on the Amendment then I will put the Question that the Amendment be agreed to.

AMENDMENT PUT  
AGREED

Is there any final debate on the Motion as amended

MR GARDNER Thank you Mr Speaker No not at the moment Mr Acting Deputy Speaker

SPEAKER  
amended to be agreed to

I need to put the question that the motion as

QUESTION PUT  
AGREED

### **APPOINTMENT OF OFFICIAL TRUSTEE UNDER THE PROVIDENT ACT OF 1958**

MR NOBBS Thank you Mr Speaker I wish to move that this House recommend and approve the appointment of Dean Graham Potter, a Public Service employee as the Official Trustee, under section 4a of the Provident Account Act 1958 as amended

The previously it was automatic that the person holding the Curator of Estates I think is the title, curator they call them automatically holds the position as Official Trustee, but with amendments to the Public Sector Management Act and subsequent to the Provident Account Act there is a need to appoint a person and the appointment I wish to make is to have Mr Dean Potter, he's a lawyer with the Public Service appointed to that position. However, I don't believe that I should be the one appointing the Official Trustee under the, I have to do it formally but I don't think that I should be making recommendations and I believe that the Membership of the Provident Fund should make the appropriate recommendation for the appointment of such a person and I understand that this is in train at the present time and that the appointment of Mr Dean Potter will be as an interim measure until that can be sorted out and I just ask Members to bear that in mind that Mr Potter's appointment will be temporary until a formal agreement is reached with members of the Provident Fund and that recommendation can be made for a person they wish to nominate.

SPEAKER Is there any further debate. There being no further debate then I put the question that the Motion be agreed to

QUESTION PUT  
AGREED

### **THE MUSEUM TRUST ACT.**

MR BUFFETT Thank you Mr Deputy Speaker I move that for the purpose of Sub-Section 5.1. of the Museum Trust Act of 1987 this House resolves that the Executive Member appoint, Albert Fletcher Buffett, Janice Lyn Christian, Margaret Rosemary Jowett, Patricia Christian Magri, as Trustees of the Norfolk Island Museum Trust for the period 10 April 2001 to 9 April 2003.

Mr. Acting Deputy Speaker, the present tenure of Trustees pursuant to this particular piece of Legislation has just drawn to a close and this is a proposal to appoint new Trustees. There is a provision for seven Trustees, this is a proposal at this stage to appoint four Trustees and they are the ones of the old Trustees who have had a continuing interest in the work of the Museum Trust. If Members are of a mind to do this and I recommend it to them of course, then I will go through a Public consultation process to appoint the balance, that is an additional three members. The Trustees who have undertaken work to date have done a good job, and I thank them and I commend them. These four people have indicated a continuing interest and I would like to take up their continuing interest and re-appoint them, and as I have said, go through a public consultation process for a further three more positions over the next month or so. I commend this Motion to Members.

SPEAKER  
that the Motion be agreed to.

Is there any further debate. Then I put the question

QUESTION PUT

AGREED

**CUSTOMS ACT 1913 INJUNCTION FROM PAYMENT OF CUSTOMS DUTY**

MR NOBBS Thank you Mr Speaker I move that under Section 2b4 of the Customs Act 1913 this House recommends to the Administrator that the goods specified in the first column of the Schedule Imported by the person specified opposite and on the conditions mentioned in the second column of the schedule be exempted from duty. The first column, is that the goods which is sixty cartons of Lions Christmas cakes, amount total applicable is \$233.71 Importer the Lion's Club of Norfolk Island and the conditions are Nil.

Thank you. This is an issue where it's over \$200 exemption and the matter has to be brought before the House as you probably are aware Mr Acting Deputy Speaker the Lion's Club of Norfolk Island distributes to the elderly people on the Island. or the older people on the Island I should say, or he more senior people on the Island is probably a more appropriate word as Mr Cook is giving me some glares here, to the more senior members of the community Christmas cakes each year and they also sell through outlets on the island the remainder of them to raise funds for community projects And I ask the Members to support the Motion.

SPEAKER Any further debate.

MR GARDNER Thank you Mr Speaker Just briefly, just for the sake of clarification, understanding that the Chief Minister and Mr Cook are both members of the Lion's Club and I expect that they would be abstaining from any voting. Is it appropriate that three Members of the Assembly be in the position to pass this Motion, four, sorry, including yourself Mr Acting Deputy Speaker.

SPEAKER Thank you Mr Gardner I think that's a matter for the House.

MR GARDNER I'm comfortable, I have no difficulty with that, it was just for the sake of clarification.

SPEAKER Mr Cook might wish to declare that he might be the recipient of one of the cakes but other than that I don't think there is any need for further... If members are comfortable I will put the question that the Motion be agreed to.

MR NOBBS Can I just ask. I will abstain because I am a Member and I only put this up because I am Finance Minister and I intended to abstain from voting anyhow, but there should be enough, shouldn't there. Five.

MR SPEAKER We'll see what happens. Clerk tells me as long as there is a quorum in the House As there's no further debate I'll put the question that the Motion be agree to

QUESTION PUT  
AGREED

**ORDERS OF THE DAY**

**IMMIGRATION AMENDMENTS GUIDELINE BILL 2001**

MR BUFFETT Thank you Mr Acting Deputy Speaker The Immigration Amendment Bill was introduced at our last sitting. This is an enabling piece of Legislation. It's a brief piece of Legislation its only something like three and half pages. It in fact gives the capacity for us to have guidelines, which I earlier referred to in

a statement to the House, for the administration of Immigration in Norfolk Island. This is an important piece of Legislation, brief though it be and whilst it doesn't bring into effect on its own account the guidelines themselves it does enable the guidelines to be made when that time frame comes. It is basically in three parts. It sets out that guidelines may be made, it sets out the range of things that may be covered in it and it gives the procedure for the guidelines to be put into effect. In other words they need to come before the Legislative Assembly, and once that process is complete then the Executive Member has a role, to so make them. It's an important piece of Legislation because as has been mentioned on some other occasions some of our guidelines have been called into question because they may not have Legislative substance. This is a measure to remedy that. It was introduced last time we sat, it has been on the table for a month, it has reached the stage now where we may be able to finalize them, I recommend them to the House.

**SPEAKER** The question is that the Bill be agreed to in principal, is there any further debate.

**MR COOK** Thank you Mr Acting Deputy speaker I'm very much in favour of this piece of Legislation because in my experience last year as Minister I found quite considerable difficulties arising and faced a lot of questioning I think, here in the House about departure from guidelines and knowing as I did the problems associated with the actual legislation in place and the guidelines which had been developed, and the departures which had occurred over some time in the implementation of the guidelines, or the setting them up, this is a very welcome piece of Legislation. I think the only thing that worries me, is where precisely in this Legislation might be found that a Minister of course and any Executive Member who exercises the responsibility in an area of Government and particularly in an important matter such as Immigration must be vested with some inherent appropriate discretion I appreciate under section 4 b a decision direction or recommendation made under this Act shall not be inconsistent with the guidelines and obviously exercise a discretion of course, has to be such that it doesn't mean that somebody goes of like a loose canon on the deck and just decides things totally without relationship to the rules and policy and so forth laid down by this House. But what I am concerned about and maybe the Minister can just assure me that in due course there will be proper protection of I think the essential discretion which must remain at all times in those who exercise action under this very important piece of Legislation.

**SPEAKER** Is there any further debate

**MR BUFFETT** Thank you Mr Acting Deputy Speaker If I may endeavour to respond to that particular point. It is an important point and I thank Mr Cook for raising it Mr Acting Deputy Speaker. I am advised that the essential discretion of the Minister does remain in the Legislation but I am of course happy to further that to be doubly assured, on the matter, because it is an important point. I would ask Mr Acting Deputy Speaker that it doesn't delay today's proceedings of the Legislation and if it is found to be not sufficiently fulsome in that area that we might adjust it, but not delay its progress at this moment.

**MR COOK** Mr Acting Deputy Speaker I'm quite prepared to accept the assurances given by the Minister and quite clearly this aspect has been considered and obviously he has received appropriate advice and I wouldn't challenge that in any way at all and I'm quite prepared for this matter to go forward and obviously in due course the question of essential exercisers discretion can be examined, no doubt, and suppose tidied up, in some appropriate fashion in the guidelines.

**MR NOBBS** Thank you Mr Speaker I've been concerned a couple of years ago when I first came to this House in relation to the general guide and I hadn't realized, it seemed a fairly flimsy document, and I hadn't realized until Mr Cook brought it all out into the open last year that there was so much credence put on the

guidelines and I'm fully supportive of this action and the updating, I guess you could call it of the actual guidelines document. So I've got no problems in supporting this what so ever.

MR GARDNER Thank you Mr Speaker It's good to see this piece of enabling Legislation coming in as the Minister has said that it basically provides a mechanism for the guidelines to come into force and to actually have some statutory basis. I guess there's only one question that remains outstanding in my mind is when we can expect finalization of those statutory guidelines and the Minister seeking endorsement of the Legislative Assembly in relation to that, otherwise I'm very happy with this it's just a supplementary matter I guess at this stage, but a very important part of it.

MR BUFFETT Thank you Mr Deputy Speaker If I may respond to Mr Gardner's very valid comment, I had hoped that we would be able to bring forward a final set of guidelines at this sitting. I did explain earlier in today's proceedings that there are still some areas that would like some further time to examine and I would like to give them that time, so I would hope that that will be able to take place between now and the next sitting that we will have, which will be in May and so that is my guideline for it's finalization at this stage and hopefully those who hare still in the process of consideration will be able to meet that time line.

SPEAKER Is there any further debate on the question that the Bill be agreed to in principal. Then I put the question

QUESTION PUT  
AGREED

SPEAKER Is it the wish of the House to dispense with the detail stage

QUESTION PUT  
AGREED

SPEAKER Mr Buffett perhaps I could have a Motion that the Bill be agreed to.

MR BUFFETT Thank you Mr Deputy Speaker I move that the Bill be agree to.

SPEAKER Further Debate. I put the question that the Bill be agreed to

QUESTION PUT  
AGREED

### **SOUTH PACIFIC GAMES BILL 2001**

SPEAKER The question is that the Bill be agreed to in principal.

MR BUFFETT Thank you Mr Deputy Speaker As its again be earlier mentioned today we have the South Pacific Games, Mini Games that are to be held in Norfolk Island in December. What we have in front of us is a piece of Legislation which was introduced at our last sitting a month ago, which endeavours to facilitate some elements of administrative machinery on Norfolk Island that will help the operation of the games. It makes for example it easier to erect temporary signage, it makes things easier to conduct events upon reserve areas or public places. It in effect also assist us in the

control of traffic in road areas. A range of things that the normal machinery maybe lengthy and rather burdensome to achieve in normal circumstances but for the period only of the games this is facilitating some more assistant method and they are all mentioned, the possibilities are all mentioned in the piece of Legislation. I should make it clear that just because things are mentioned in this particular piece of Legislation it doesn't mean we will necessary do them all, but it does provide official capacity for those things to be done if it turns out thee is a demand or a need for those things to be done. So I just mention that. Let me give you an example. It does make provision about the departure fee arrangements. Now we've not made a decision about whether we want to adjust the departure fee in respect of visitors for the games, that is competitors for the games, but if we want to do it, it provides for that facility. That's not pre-empting one way or the other. It just provides the facility if in due course we would want to do that. The particular piece of Legislation has been at the request of the organizers of the South Pacific Games. The Norfolk Island Government has endorsed and encouraged the games so we are in out turn trying to be helpful in some of the administrative arrangements and this Bill is designed to be so. I commend it to the House.

MR COOK

Thank you Mr Speaker I thoroughly support this piece of Legislation in my role last year previously as Minister it was clear that these provisions wee required to be put in place during the duration of the games and I commend those who have brought this forward, particularly the current Minister. The only thing that's given me concern is the provisions of clause 10 and I realize that this is during the course of the Games and is restricted to that period of time , but I'm just a bit concerned about the impact that it might have, and that is the clause 10 provides the Executive Member may by instrument published in the Gazette declare a curfew on the sale of liquor any alcohol beverage during or between any specified hours of any day and such curfew shall apply to any premises licensed to sell or provide liquor under the Liquor Act, as if it was a term or condition of their license and not with standing any condition of the license to the contrary. Now I do fully understand and I raised this at the informal meeting of the MLA's yesterday and the Minister was quick to point out that this was simply was a reserve power as it were, it was something that would be there, and could be used if it became essential and obviously very careful consideration would be given to its use. I'm a bit concerned, because we know that the Gazette is published once a week and generally comes out on Friday, and if anything happens that something had to be done, it might very well, be well and truly past the time the correction of any possible situation that the necessary publication in the Gazette could be affective and the reason for the imposition of curfew well may well and truly passed. I only want to draw to the House, my experience recently, in the very large meeting of Pacific Countries that was held in Noumea, when there were very considerable numbers of persons who came from the various Pacific Countries to take part in the Festival of Arts in Noumea, and here wee one or two incidents which did occur sadly in the conduct of persons who unfortunately took excessive liquor. There was regular meeting which was held of the heads of the Delegations and this was something which I commend in due course to those who are considering the running of these games, the regular meetings of he heads of the representatives or the countries represented at the games, when all sorts of problems which might have arisen about accommodation, food and all the rest of it, were regularly each day able to be raised and immediately attended to. Those who misconducted themselves and this seemed to be the general consensus of the view of the Heads of the delegations, were almost immediately when satisfactory material was brought forward to establish their misconduct and so forth, were immediately sent home and removed from the area their behavior could enpinge on the enjoyment or safety of other persons associated with the Festival of Arts. Now I only bring that forward because I'm a little bit concerned about the possible implications that might be consistent to whether it could be suggested that even by having this term in the act we'd be far too paternalistic or otherwise in our endeavours to impose some mechanism whereby the Executive Member here on the island should have the decision whether or not a curfew should be imposed. I would rather think that this should be something which the countries all being represented, and through their representatives along the lines that I

have indicated took place up in Noumea may very well be able better handle than giving power to the Minister to endeavour to control and certainly by terms of the section sometimes at a very much later stage he could do something effective and seem to be called for by way of some immediate correction or alteration of the situation. I only bring this forward because I'm still, while still very supportive of the Legislation and intend to indicate my support to it, I'm still a little bit concerned at just exactly what might be the implications arising out of the questions raised in paragraph 10 and whether there might be some better way of dealing with it.

MR BUFFETT Thank you Mr Deputy Speaker Two points in respect of the point just raised . Firstly I mentioned that these are reserved matters and they will not necessary be implemented, but they are there if needed. Cause if there is a better way to handle the difficulties that Mr Adrian Cook has mentioned to us then those better ways can be utilized and not this one. if in fact this needs to be done and this is raising the second point – the matter of Gazettal. Yes the Gazette of course is done on a weekly basis but there are provisions made for special Gazettes which can be more speedily produced if emergencies arise. So that really is not a difficulty.

SPEAKER Is thee any further debate on the Bill be agreed to in principal. There being no further debate I put that question.

QUESTION PUT  
AGREED

SPEAKER Is it the wish of the house to dispense with the details. Any further debate. then I put the question that the Bill be agreed to.

QUESTION PUT  
AGREED

#### **FIXING OF THE NEXT SITTING DAY**

SPEAKER Honourable Members we move to the fixing of the next sitting day.

MR COOK Thank you Mr Acting Deputy Speaker I move that the House at it's rising adjourn until Wednesday the 16<sup>th</sup> May 2001 at 10a.m.

SPEAKER Any debate. Then I put the question that the motion be agreed to

QUESTION PUT  
AGREED

#### **ADJOURNMENT**

SPEAKER Move to the ajournment.

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

SPEAKER Any final debate

MR GARDNER Thank you Mr Speaker I don't know whether it's appropriate for you from the chair, but you had indicated earlier that you would be wishing to seek leave from the next sitting of the House.

SPEAKER Thank you Mr Gardner I think that can be handled at the appropriate time. Is there any further debate.

I put the question that the House do now adjourn.

QUESTION PUT  
AGREED

SPEAKER Therefore this House stands adjourned until Wednesday 16<sup>th</sup> May 2001 at 10am in the morning.

