

**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

Thank you Honourable Members. Please feel free to remove your coats if you would feel more comfortable this morning. Are there any Condolences?

**CONDOLENCES**

MR McCOY Thank you Mr Speaker. It is with regret that we record the tragic passing of Sian Quantrill on Friday morning, 2<sup>nd</sup> May when her car went over the cliff at Puppy's Point. She was 40 years of age. Sian was born in Toronto, Canada on a freezing winter's day to Phyllis and Mike, bringing warmth and joy to their lives. She had a typical Canadian childhood of ice skating, tobogganing and snowball fights, winters full of snow and summers by the lake. After graduating from high school, Sian entered the University of New Brunswick where she studied English literature and journalism. She became very involved with the campus radio station and had her own weekly show. Sian then enrolled in the New Brunswick College of Art with a double major in photography and fabrics. After receiving her Diploma she moved to Nova Scotia where she worked with the Canadian Broadcasting Company in Halifax. She was involved with radio programming and had her own music show called "Folkways". Sian came to Norfolk in 1986 to visit her family who were living here and loved it so much that soon after she made it her home. Her life on Norfolk was rich and fulfilling. She worked at the local radio station VL2NI as an announcer, brightening everyone's day. Sian was always amazed at the phone calls she received from many people of all ages, saying how much they enjoyed her being part of their day with her friendly voice and choice of music. In 1991 Sian and Andre progressed from friendship to a loving relationship, sharing life's joys and changes and in 1993 celebrating the birth of Dylan. Dylan's arrival brought out even more of the beauty that was Sian. Ensuring Dylan was happy and secure, where just two of the areas in which she seemed to effortlessly and lovingly excel. Four years ago Sian's life became enriched with the companionship of Shane Schmitz. She said he was the nicest and gentlest man anyone could ever want, and they settled down with Dylan and Rees and became a happy family. Sian was loved by many people, both family and friends. She touched everyone who knew her with her energy, love of life and her beautiful smile. She was a brilliant writer and poet, wrote beautiful songs and had a lovely singing voice. She was creative with her painting, photography and just her life in general. In the words of a close friend, she sparkled and shined. Sian's son Dylan was her life, soulmate, her sidekick and constant friend. They shared something in their brief time together that some people never have. Her devotion and love for Dylan was strong and her guidance and teachings have built a foundation that will see him through the rest of his life. To Sian's son Dylan, to Sian's father Mike, to her sister Alison and her family, to Shane, to Andre, to her many many friends this House extends its deepest sympathy. Thank you Mr Speaker

SPEAKER Thank you Mr McCoy. Honourable Members as a mark of respect in the memory of the deceased, I ask that all members stand for a period of silence please. Thank you Honourable Members.

**LEAVE**

SPEAKER Honourable Members leave today is sought for Mr Bates, Mr Brown and Mr Smith. Is leave granted. Leave is granted

MR SPEAKER Leave is granted thank you. Are there any Petitions for presentation. Are there any Notices. Are there any Questions Without Notice.

**QUESTIONS WITHOUT NOTICE**

**MR GARDNER** Thank you Mr Speaker. My first question this morning is to the Minister for Finance. Minister in a recent radio broadcast you indicated a need to seek a loan of some \$4m to upgrade, overlay the Airport. First part of the question Minister, from whom is the loan proposed to be sought and the second part of the question, in light of the island's historical reluctance to borrow is the Government proposing to take the question of such a loan to plebiscide.

**MR NOBBS** Thank you Mr Gardner. I'll be making a Statement in relation to the Airport shortly in Statements and I will leave some of the answering of that question, if I may to that time. The first point is this that we haven't as yet any firm proposals put in relation to a loan arrangement. I floated it and I've been upfront and floated this in the community as soon as possible. I am more than possibly any of you, except probably Mr Buffett are aware of the historical nature of the island in relation to loans and financing and ensuring that we can always pay our way. That's a firm principle that's been embodied in the community for years and going back since I guess they came from Pitcairn. The situation is is that it's a point that we have to talk through as a community whether we get to a plebiscite arrangement or not will depend on discussions within the community and from the community. I've had people who support a loan and I've had people that question the actual borrowing of funds but at this stage all I can say and I'll speak more on the Airport in Statement time that there's been no firm proposal. We've got an indicative costing at the present time which suggests that we will need a loan in the order of, I believe of about \$4m possible \$4.5m depending on the costing but that won't be firmed up until the firm, we've got a proper design at the present time. We're going on the Bencklemen Bean assessment and so at this stage we need a firm design. That's being proposed at the present time. Once we have that and we know the firm costings well then we can firm up on the proposal but I'm fully conversant with the views in the community in relation to borrowing and as I say there's some for and there's some against. In the proposal put to the Members the other day it is believed that the Government Business Enterprise such as the Airport is fully able to service such a loan and that if we are to look at the business as a proper business proposal that a loan is possible but whether the community accepts that in the long run remains to be seen but until I can give further details, I've floated the idea, I think it's fair that immediately this proposal came on line, bearing in mind that whether we do it next year or the year after which is the proposal, there still won't be enough funds to do the job. That's all I wish to say at this particular point in time.

**MR WALKER** Supplementary question Mr Speaker. Does the Minister have any intention of pursuing compensation from Air New Zealand for the damage to Norfolk's runway pavement through them having operated outside the stated limitations for aircraft movements on Norfolk Island over the past 2 years.

**MR NOBBS** Thank you Mr Speaker. At this particular point in time we have an Act which has no penalty clauses in it and as I've mentioned to Members the other day this is

**MR GARDNER** Point of Order Mr Speaker. I think the thrust of the question touches on trying to seek a legal opinion from the Chief Minister and I don't think that's appropriate within Standing Orders.

**MR SPEAKER** Yes I didn't interpret that there was a legal opinion sought in the matter. I interpreted

**MR GARDNER** Maybe just a word of caution

**MR NOBBS** Thank you Mr Gardner for that. The situation is there is no penalties as far as I'm aware within the Act which controls the Airport and as for the

other part of it we are looking at it. It seems to be that there was an oversight by Air New Zealand in relation to when they change the aircraft over, I understand that they change from a 737-200 to a 300 I think that's the series that they changed anyway one up and at that time there was a change of personnel and Air New Zealand overlooked the requirement here of the tyre pressure but at this stage we haven't progressed that, that's an option that may be taken on board but I think it's fairly important that we need to ensure that in the future there are penalties involved in the issue.

MR WALKER Further supplementary if I may Mr Speaker. What steps have been taken to ensure that the Norfolk Island Airport Management are informed and up to speed with technical audit procedures on all aircraft that utilise our Airport's facilities.

MR NOBBS I think that following this exercise that the answer will be that there will be some fairly close auditing of operations.

MR COOK Thank you Mr Speaker. I direct a question to the Chief Minister both as the Minister for Finance and as Minister acting for the Minister for Roads. Has consideration been given to the situation that if the Airport is endeavoured to be upgraded as being determined by the middle of next year that it would be an appropriate time to utilise the expertise and also probably equipment and materials which would be present for that work to be carried out on the island to also carry out essential repairs and work on the roads of Norfolk Island which clearly require urgent attention.

MR NOBBS Thank you Mr Cook. I think if you recall last year, maybe a little after this time last year the Government was advised by the consulting Engineer which we have at the Airport that there would be a requirement to upgrade the Airport pavement in the financial year 2003/2004. At that time, because in the past we've heard of people making statements when the barge appears well we should do something about the roads. At the time I took the opportunity to get some advice in relation to a possible upgrade of the some if not all of the roads during the time that the equipment, the contracting equipment, which was doing the Airport would be on the island. A report was done, it was circulated to Members at that time. It suggested that a possibility of 10km of road could be done at the time, bearing in mind that the cost of the type of asphalt used would be far higher than the chip seal that we have in the present roads here but I guess if you look at the quality of the work around say Moochie Christian's house there which everybody points to which was done at the time of one upgrade that it could be worth it. Well the suggestion from the Engineer at the time was that maybe we could look at say doing some 10km of road. I gave that to the Minister responsible for Works at that time and with a view of following it up. When this issue arose and the possibility in the last week of bringing the overlay forward to 2002, that's next June I contacted the Works Supervisor in relation to the possibility of doing some works and we say it's a possibility because it's, I think from memory I think it's about twice the cost of chip sealing but he now will be looking at the possibility of doing some works when they're here possibility up to the 10km and that will depend on the availability of funding of course.

MR GARDNER Supplementary Mr Speaker. Just in relation to that Chief Minister has the Government a strategy in place for the funding of that project.

MR NOBBS At this stage no we have not got a strategy in place, as I've only just put it to the Works Supervisor and he will be coming back with a proposal in relation to the actual costing and the likes and how we can do it, and then at that stage I believe it will be appropriate to look at a strategy as to see how we possibly could fund the works that he proposes.

MR GARDNER Thank you Mr Speaker. My next question is to the Minister for Health and environment. Minister in a recent press interview the Chief Minister stated that the Assembly had plans to look at a new crusher site. As this matter

appropriately into your portfolio responsibilities can you inform the Assembly now of what those plans are.

MR MCCOY Thank you Mr Speaker and thank you Mr Gardner for that question because I believe it is quite pertinent at this point. There are no formalised plans in place or to put it in another way no actual crusher site has yet been identified to date. As we are all aware the Assembly went through quite a lengthy process to establish a temporary crushing site at the Whaling Station and the occupants of the contract on that crushing site at present expires at the end of July and as far as my position goes with establishing a new crushing site, to date I have not requested the Service to look at identifying a possible crushing site. I have had some preliminary discussions with the Chief Minister and I emphasise they have been preliminary. So yes to date there are no plans in place.

MR GARDNER I just wanted to confirm that that the press statement was obviously misleading. Would that be correct Mr Speaker.

MR MCCOY Well I wouldn't say the press statement was obviously misleading through you Mr Speaker. The statement does say a new crusher site is under consideration, that's the heading and I read that statement with interest, but from my understanding it does not clearly. Yes Mr Gardner's pointed out to me a section from the press statement and it does say that there is an application to establish a crusher at the stockpile itself and there is, had plans to look at another site but as I answered in the previous question there have been preliminary discussions but there were no plans to look at any other site. In the draft Norfolk Island Plan that has not yet been circulated to Members we have had some brief discussion there is an allowance recommended in that draft, an allowance to establish a crusher on the Airport site or in the environments of the Airport and just to reflect back on the application that is in place to establish a crusher in the Cascade area, I believe an application was put in during the Cascade Cliff Safety Project to locate a crusher on what was known or is still known as Young's Road, even though Young's road is now moved down the slope to some degree.

MR GARDNER Supplementary to that while we're on the subject of crushing Mr Speaker. Could the Minister please confirm whether or not part of the purpose for extending the crushing time on the whaling Station site was to supply Environment Australia's requirements for the upgrade of Duncombe Bay Road and Mt Pitt Road.

MR MCCOY That is quite correct. That was one of the main reasons why we needed to extend the crushing time, or the occupation of the Whaling Station by the contractor and also extend the agreement between the Norfolk Island Government and the contractor to try and achieve the indicated amount of rock that Parks Australia required, and there was also a necessity to crush the required amount of rock for the Administration purposes.

MR GARDNER Supplementary Mr Speaker. To the Minister again, has the Norfolk Island Government guaranteed to supply Parks Australia the crushed rock requirements for the upgrade of those roads.

MR MCCOY To date we have not entered into any formal agreement with Parks Australia. I did have discussions with a Parks representative 2 weeks ago after receiving a letter from Peter Cochrane of Parks Australia asking what is happening with the crushing of their required amount of crushed product and I have advice, and the gentleman I was talking to was Lee Thomas. I did advise Lee Thomas that we have entered into an arrangement with the contractor who is presently crushing on the Whaling Station to try and achieve Parks Australia's required amount. There were some technical details that were need to be examined and that was relating to the standard of the DGS40 and DGS20 material that Parks Australia required. I have been informed that those

standards have been met and I am now awaiting some discussion with Parks Australia to finalise their order.

MR WALKER Thank you Mr Speaker. Supplementary to the Minister. Can the Minister confirm that rock production quality from Cascade will meet the specifications required for the Airport overlay.

MRMCCOY Yes I have not had a report to give a clear answer to that question through you Mr Speaker to Mr Walker but all indications are that the crushed product quality will meet the standards required for the Airport upgrade.

MR COOK Thank you Mr Speaker. I wanted to ask a question of the Chief Minister, Acting to the Minister for Roads. Is the Minister aware of the curbing and guttering recently installed along the road frontage onto Queen Elizabeth Avenue of Governors Lodge and does this work accord with works and road department specifications.

MR NOBBS Thank you Mr Cook for that question. I understand that the curbing was done, was approved by the Administrator who has responsibility in that particular area. It was not referred to the Planning.

MR COOK Supplementary Mr Speaker. I asked in addition to that question or part of it does the work which was carried out accord with the usual work specifications.

MR NOBBS I assume it does Mr Cook because the Administrator usually refers it for advice to the Works Supervisor and I assume that as he has approved it that that would have occurred. What happens on driveways and curbing and those sorts of things that the application as I have done myself and others have obviously goes to the Administrator and then I understand that advice is sought of a technical nature from the Works Superintendent who provides that technical advice to the Administrator who approves it. It's just another one of those anomalies that we have at the present time where there's a crossover between the Commonwealth's responsibilities and the Administrator's responsibilities and the Norfolk Island Government responsibilities.

MR COOK Supplementary to that Mr Speaker. If it is intended that that stretch of road along the length of the curbing and guttering would be used for parking vehicles which may be attending functions at the Governors Lodge Conference Room, in the Minister's opinion would that be an appropriate use of the roadway or would it be likely to cause some problems in the proper use of that road.

MR SPEAKER Thank you. Yes may I just make the point that it's not appropriate to ask the Minister's opinion about matter but he may wish to make some comment in respect of the matter.

MR COOK Yes the comment, I'm seeking comment from the Minister.

MR NOBBS I'll comment on that thank you Mr Speaker. There's been comment made to me that parking down Queen Elizabeth Avenue given there's no lighting and also that the width of the road etc etc and the amount of traffic that the road is taking at the present time, particularly at night that it would be inappropriate to allow parking and that we should look at restricting parking on both sides of the road from the top of Fishers Hill, which would be the road into the Tanalith Plant down to the corner of Taylors Road with Queen Elizabeth Avenue. That is an issue I haven't put to the Works Supervisor as yet but I certainly will do considering your concern also Mr Cook.

MR SPEAKER Thank you Chief Minister.

MR GARDNER Thank you Mr Speaker. I have a couple of questions I wish to direct to the Chief Minister who is acting for the Minister for Tourism and Commerce. Minister the Minister for Tourism and Commerce has undertook to table at this meeting a report on the assessment of the deregulation of tourist accommodation and its impacts. Will the Chief Minister be tabling that report today.

MR NOBBS Thank you Mr Speaker. I intend to make a statement in relation to that in the absence of the relevant Minister Mr Smith, if that's adequate at this stage. That's all I have, I haven't got a report but I've got a report of a sort but not what I should imagine that you would call a full report but I'll give you a briefing on it as a statement. Is that ok or do you want me to read it now.

MR GARDNER No that's fine. I'm just wondering whether the Chief Minister will undertake to have a full report, comprehensive report prepared for the tabling in the House.

MR NOBBS Today.

MR GARDNER No not today.

MR NOBBS At the next meeting?

MR GARDNER Give an undertaking yes that will be fine.

MR NOBBS I will attempt to have it for the next meeting if Mr Smith's not here, if not I'll ask him to provide.

MR GARDNER Again Mr Speaker in relation to the Minister for Tourism and Commerce responsibilities that are being looked after by the Chief Minister. The Minister at the previous sitting of this House also undertook to provide a report on the safety of Kingston Pier. I'm wondering if there's been any movement in that area.

MR NOBBS Thank you Mr Speaker. No I haven't. I clean forgot about it. I'm sorry Mr Gardner to mention it to the, as I was a bit of everything at the last meeting. I forgot to mention it to the relevant Minister for Health and Environment but I can get a copy I think.

MR GARDNER Thank you Mr Speaker. It's a Works matter I understand.

MR NOBBS Works matter. Ok. If I can find the report which was handed to me the other day I'll definitely table it in Papers unless the Minister for Health and Environment has a copy with him.

MR MCCOY Thank you Mr Speaker. I know the question wasn't directed at me but as I am the Minister with responsibility to the KAVHA area I can confirm that a report has been provided as to the state of both of the piers but the report does not specifically enter into the safety aspect to the uses of those 2 piers.

MR GARDNER Thank you Mr Speaker. Supplementary to that. The question wasn't in relation to whether there was a report done on the structural integrity of the pier it was more in relation to what the Government is doing to ensure public safety on that pier as a result of the information that was produced in the structural integrity report.

MR SPEAKER Thank you. Question for the Minister for Health and Environment. Minister what steps are you taking to ensure that the Administration fully complies with all requirements of the Norfolk Island Plan, the Norfolk Island Planning Act

and all other attendant planning legislation.

MR MCCOY Thank you Mr Speaker. The simple answer is that I believe that the Norfolk Island Plan, the Administration should lead the way and they should therefore comply with the legislation that goes with the Norfolk Island Plan.

MR GARDNER Thank you Mr Speaker. Supplementary to that. Can the Minister assure this House that the Administration is complying with all planning requirements.

MR MCCOY Thank you Mr Speaker. As I understand in my area wherever I feel the Administration is not complying with planning requirements I will request that the Administration do comply.

MR GARDNER Supplementary Mr Speaker. Can the Minister please advise whether a planning application is required for an industrial use on airport land. This question is in respect of the establishment of a waste management facility and the Minister's press statement saying that can crushing would be commencing at about this time.

MR MCCOY Thank you Mr Speaker. Yes there has been some discussion over the last couple of months re: the environments at the airport and the effect of the Norfolk Island Plan. Some of the advice that had been passed onto me or during discussions was that they felt there was no need, or no requirement for planning approval to be sought for activities in the airport environment, but I have made it quite clear that I believe that if we are to carry out any activities which may require a planning approval therefore that planning application should be lodged so that the public are aware of what is happening.

MR WALKER Supplementary. Is the Minister aware that the specific area referred to in the previous question is subject to approval from the Planning Board and through the Minister.

MR MCCOY Thank you Mr Speaker. I guess the two Members are referring to as Mr Gardner indicated to an intention to crush the massive pile of aluminium cans that we have at the airport site. No planning application had been lodged to undertake that activity as there was a feeling or an agreement that the can crusher which we will be using at the airport as an interim measure and although it does form part of the overall waste management strategy, and this is really to some degree a legal question but the can crusher, the intention of the can crusher is that it would be mobile, therefore not being a fixture it would technically not require planning approval.

MR NOBBS I would like to just break in at this point if I may at this particular point in time because the airport actually is in my area of responsibility and the airport undertaking has been developing a land use type plan for the area and that has been precluded from proceeding until they await the outcome of the Norfolk Island Plan or it gets developed a little bit further. The situation as I understand it in relation to the can crushing operation is this that I don't believe that there was any application, planning application, although there was an agreement with the airport Manager at the time to lodge the cans in that particular area and I would assume that any approval would have been gained at that time and bearing in mind as Mr McCoy says it is a mobile crushing operation to clear the area. I question whether there is a need for and I'm no expert, and I don't want to give a legal opinion but I do question whether there is a need for a planning approval at this stage by the airport people, bearing in mind that they are the people with the actual responsibility for the land in that area.

MR GARDNER Thank you Mr Speaker. Supplementary to that. The Minister for Health and Environment just told us that there was no need to go through the planning process because it was a mobile can crusher. If we have a mobile rock crusher established on the airport does that have to go through the planning process.

MR MCCOY Thank you Mr Speaker. I believe that again I could call a Point of Order because that does require some legal opinion.

MR GARDNER Thank you Mr Speaker. I just wonder whether the Minister might be able to provide us a full response to that at the next meeting, if he would undertake to provide a full response on those questions at the next meeting Mr Speaker.

MR MCCOY In the short answer, yes.

MR GARDNER Thank you Mr Speaker. Just returning to a question I asked earlier in relation to Parks Australia's requirements for crushed rock product for the upgrade of Mt Pitt Road and Duncombe Bay Road Mr Speaker. I direct this question to the Minister for Health and Environment as a supplementary. He referred to a letter from the Director of Parks Australia Mr Peter Cochrane which is on the public record. If the rock supply is not forthcoming for the upgrade of both of those roads is it not correct that Environment Australia will be considering the re-allocation of those budgeted funds to more pressing projects elsewhere.

MR MCCOY Thank you Mr Speaker. Well without being able to answer for Environment Australia there is a concern expressed in Mr Cochrane's letter that the funds could be withdrawn but that concern has been around every since the funds were originally approved.

MR COOK Yes I'd like to ask a question of the Chief Minister. Recently the questions of the legality of the holding of offices of Speaker and Deputy Speaker while also an Executive Member was raised with the Administrator and you were provided with a copy of those questions. My question is has the Administrator provided you with a copy of any legal advice received by him from the Australian Government Solicitor. If so are you prepared with his consent to table this advice.

MR NOBBS Thank you Mr Speaker. No I haven't in answer to that question Mr Cook. I have received no advice from the Administrator, legal advice which emanated from the Australian Government sources or any representatives other than the advice which was provided by the Norfolk Island Government legal team and if I was to receive that in view of it I would most certainly wish to table it as I think that it's an issue that should be brought out and clarified once and for all.

MR COOK Mr Speaker I think I probably have been answered a supplementary question on that. It was simply to ask the Chief Minister whether to his knowledge any member of the Legal Services Unit as an experienced constitutional law expert and if not on this very important issue is the Government prepared to obtain advice from an eminent constitutional Lawyer.

MR NOBBS I'm a farmer by trade Mr Cook and I can't really comment on the legal expertise of our team but I'm sure that if there is a concern in that area that we will definitely extend that concern into some seeking of some further advice.

MR GARDNER Thank you Mr Speaker. A question to the Minister for Health and Environment, a rather sensitive question. What immediate safety measures is the Norfolk Island Government implementing at popular cliff top vantage points to ensure that there is no repeat of the recent tragedy that occurred at Puppy's Point.

MR MCCOY Thank you Mr Speaker. It is a rather emotional subject and I have had some discussions with the Conservator as to what steps may be taken, particularly in the Puppy's Point area and also to some degree in the Anson Bay area but the advice is that it would not be pertinent for the Norfolk Island Government to make any comment prior to the Coroner's inquiry.



application from going through and in essence that applicant has now, because of a condition that was fixed to their approval applied to the ART. So we are waiting the outcome of that application to the ART.

MR WALKER Thank you Mr Speaker a supplementary if I may. Is it also true that the Minister is considering another previous application under the Planning Act 1996 that he considers may be dealt with in a similar manner

MR McCOY Thank you Mr Speaker I am considering another application but that application has not come to me as yet. A letter has been sent to me from the Planning Board seeking some guidance and I have not to date responded to that letter

MR GARDNER Thank you Mr Speaker. A question to the Minister for Health and Environment, following the recent National Park Advisory Committee 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 Gardens and elsewhere on Norfolk Island

MR McCOY Thank you Mr Speaker the control of the Australian Raptors and in that I assume you are referring to the Kestrel. There have been discussion with the previous Minister, the Conservator, staff from Parks Australia and concerned residents as to how we may run a trapping programme to determine if some of the concerns of Kestrels on Philip Island, if for example there were two or three or four birds there causing problems, or if they are actually transferring from Norfolk Island to Philip Island, and to date prior to my taking office, not a lot had happened. There had been mainly discussions. I have had a meeting with Mr Owen Evans regarding the problem with the Kestrels and I have also had discussion with Parks Australia, The Superintendent here on the Island. The Superintendent has informed me that it is now really a matter for the Norfolk island Government and I have had some preliminary discussions with the Norfolk Island Conservator. Now as far as a control program or plans for a control program, there is no report, it has all been pretty well restrained to discussions.

MR GARDNER Supplementary to that Mr Speaker, do I take it from the Ministers answer then, that Mr Howell from Parks Australia considers it a matter for the Norfolk island Government, that the Norfolk Island Government will be given free access to the National Park to control raptors.

MR McCOY Well that is an interesting question because Parks Australia has not given e.g. Phillip Island forms part of , falls under the control of Parks Australia, and no he has not given us approval to go out to Phillip Island and eradicate Raptors. I believe that is an issue which would have to be taken up by the conservator and further discussion between the Conservator and Parks Australia as to what can be done on Phillip Island, then that's when my involvement would come in. So from Parks Australia point of view I guess they're saying to us "Well we should be controlling Raptors, outside of the Parks"

MR COOK I wish Mr Speaker to direct a question to you in your capacity as Minister for Immigration.

MR SPEAKER Yes Mr Cook I do plan to come to the floor in a moment. I was trying to give Mr Gardner an opportunity to raise his questions so he might come to the Chair.

MR COOK Well I was waiting till the opportune moment. If further questions are to be addressed I'll await that opportunity.

MR GARDNER I've only a couple of others Mr Speaker. Again for the Minister for Health and Environment Minister as a member of the Finance review Committee which proposed recently a fifty per cent cut in the Hospital budget bid for the year 2001/2002 which at that time equated to some Three hundred and fifty thousand dollars, do you now as Minister for Health still endorse that Committees recommendation

MR NOBBS Point of Order.I don't wish to step in. I don't recall Mr McCoy being at the Finance Committee meeting when it was discussed, when the Budget of the Hospital was discussed, but I might be wrong

MR SPEAKER I don't interpretate that as a point of order Chief Minister .

MR GARDNER Thank you Mr Speaker. Simply the question was whether he endorses that Committee's recommendation not whether he was in attendance at the meeting or not.

MR McCOY Thank you Mr. Speaker . I have had discussions with the Director of the Hospital we have had a meeting with the Finance Manager to look at some of the subsidy that was requested by the Norfolk Island Hospital and why such an amount was requested. The previous Minister answered some questions that I put to him in regard to the debt that is being carried by the Norfolk island Hospital and that is an area that we have been working through so I wouldn't say whether I endorse or otherwise the recommendation. and whether it was a recommendation that came from the Finance Committee through the Minister for Finance to the Assembly as a whole, I couldn't really comment on that so I would not being endorsing whether I say 'yes' or 'no' to any thing.

MR GARDNER Supplementary to that. Can I ask you Minister if you are aware of any reference that might have been made in reference to the Norfolk island Hospital Budget. at the time to either myself at the time as Minister for Health or to the Director of the Norfolk island Hospital before that recommendation was made

MR McCOY No

MR GARDNER Thank you My Final question again to the Minister for Health and Environment a question that I had prepared to ask him at the previous meeting but unfortunately he was absent from that Meeting on other Government business, but to the Minister for Health and Environment, Minister who is responsible for enforcing regulations that require dogs to be on a leash within the vacinity of the beach and the Kingston area.

MR McCOY Thank you Mr Speaker. I couldn't tell you who is responsible for that activity.as we do not have a dog keeper or dog catcher on the Island.

MR GARDNER Supplementary to that Mr Speaker. Could the Minister please report to us who is policing our Legislation and Regulations in relation to dogs roaming freely in the Kingston area. The second part of question that I was going to ask Mr Speaker, is the Minister aware when an owner of a dog was last prosecuted for breaching regulations

MR McCOY Thank you Mr Speaker there's two parts to the question. Regarding the report re free roaming dogs in the Kingston area. Yes I will undertake to provide that report and No I don't know when the last time a person was prosecuted re the roaming of dogs whether in the Kingston area or anywhere else on the island.



MR BUFFETT Mr Acting Deputy Speaker. Thank you Mr Cook for raising that matter. The matter that I reported upon was in fact a report to me which had resulted from my predecessors agreement for that particular person and some others to be involved in the Whaka activity and to go to New Zealand and to be part of the reception arrangements for its return to New Zealand and in the context of that arrangement there was the proposal that Norfolk island may well be a suitable location for some instructional arrangements for celestial compass training and the like. That general thought was documented to me as the current Minister and I shared with my colleagues in the Ministry that, that had come to me,. That in fact at that time, and remains at this time, is not a formal proposal. A formal proposal is to be yet developed, involving a wider range of people in Norfolk Island including those areas that Mr Cook has just identified to us and I would expect that in due course a more all embracing proposal will come and it will then be shared with all Members for their views and attitudes towards it. I think it is a proposal merit and deserves examination and I would look forward to it coming forward and sharing it with Members when it does.

MRCOOK Supplementary Mr Acting Deputy Speaker. I take it then the Minister what you are saying is the reference in the Minutes to the proposal is not something that has been received directly from New Zealand but is something which has been generated within the material that you hold in your files in your port folio.

MR BUFFETT The document that I can share with all Members indeed, including Mr Cook of course, is a letter which is a report that has come from I think one or two people who actually journeyed to New Zealand to be part of the Whaka reception on his return.

MR COOK Mr Albert Buffett

MR BUFFETT Yes. Albert Buffett was one certainly. and that was a very helpful and fulsome report It foreshadowed a proposal to come in terms of a Celestial Compass training arrangement. The foreshadowed arrangement is yet to come. I expect that it will come but it is being developed at this moment. If it would be useful for me to share that letter I would certainly share that letter, but equally I would share the proposal when it is formulated and comes to us all. I hope that helps Mr. Cook.

MR COOK Yes thank you.

MR ACTING DEPUTY SPEAKER Further questions without notice.

MR WALKER Thank you Mr Acting Deputy Speaker. A question to Mr Buffett, Minister for Immigration. Is it true that there are currently people on the Island who have been employed under TEP Immigration status who are unable to meet the new Visa requirements and yet at the same time cannot depart the Island through either Australia or New Zealand as they too have recently imposed new Immigration Laws in relation to Visas and if so what steps are being taken to help these people get over this transitional problem

MR BUFFETT It has not been reported to me that we are in the difficulty that Mr Walker has mentioned. I'm not saying that's not the case, but the difficulty has not come to me in that context at this moment. If that is the situation certainly I will enquire forthwith and endeavour to work through a solution to it.

MR WALKER Thank you. I understand there is a case.

MR BUFFETT I'm not doubting that is the case but I do not have any detail that is the case and I wouldn't want to refuting what you say but I would want an opportunity to examine it.

MR ACTING DEPUTY SPEAKER Further question. No further questions without Notice. Thank you Honourable Members we now move onto Questions on Notice

### QUESTIONS ON NOTICE

MR ACTING DEPUTY SPEAKER Are there any answers to questions on notice

MR McCOY Thank you Mr Acting Deputy Speaker I do have a number of questions that were put on notice by Mr Cook and I do have answers to those questions. The questions relate to activities re Governors Lodge and particular activities re the usage of water.

(1) Was it part of the Planning Boards considerations in approving Governors Lodge Project, that one hundred and twenty thousand gallons would be drawn from the creek below the project to supplement above ground water catchment so as to maintain at all times an appropriate level of water supply to the project. The answer to the question me is NO. However the planning approval requires that Governor's Lodge provides a minium water storage capacity of three hundred and eighty five thousand gallons and a minium total roof area of four thousand four hundred square metres as their primary supply of water.

(2) If so were any studies carried out at the time relating to impact on other users of water from that creek, of the regular withdrawal of such amounts of water from the creek. The Answer, NO studies were carried out and it would be very difficult to carry out such studies Mr Cook would probably be aware that creeks of Norfolk Island are very dependant on regular rainfall to maintain a flow. Some creeks regularly dry up with no extraction of water taking place. To attempt to predict with any accuracy the flow, the abstraction rate from any, from all other bores or water holes within this catchment area would be a difficult task.

(3) Has the Minister recently received complaints from such other users of water from the creek that significantly and detrimentally and adverse effects has been caused to the supplies of water usually drawn by them from that creek, as a result of the above mentioned regular withdrawals of water by the Governor's lodge Project. Answer YES, I have received a complain. This complaint indicated that the creek had been dammed. After investigations by Officers of the Administration this complaint was found to be not true. I am also away that the Chief Minister has received some complaints. The Chief Minister may wish to add something to this answer. and of course i" not requesting the Chief Minister to add anything but if he so desires he'll be more that welcome to

MR NOBBS Thank you Mr Acting Deputy Speaker. Yes I did receive complaints in relation to the flow of water below the Governor's Lodge and I went down and had a look at certain sections below the people involved, on the weekend before the rain so it was it was at the end of a fairly dry period. There was water in the creek below the Governor's Lodge area. There were some areas which obviously hadn't run for some time and that obviously past experience probably due to the lowering of the water table it being from the dry period and that there was water as the Officers had reported in those areas that I had had complaints from. That was at that particular point in time, whether there'd been delays in the flow of water in the days before that, I'm not too sure but on the weekend I think it was Sunday morning I went Sunday morning before that heavy rain I did go down and have a look and there was water flowing but some of it obviously had gone underground in parts.

MR ACTING DEPUTY SPEAKER Mr. McCoy do you wish to continue.

MR McCOY There is questions Number four and five which I will answer

4. In dealing with such complaints has the Minister received Legal advice as to the Administrations liability if any for granting approval to the project with the knowledge of the



The question was without notice on the use of pesticides in the Norfolk Island National Park put by Mr Brown in the March sitting of the House of the Assembly. The answers that are provided really relate to the pesticides that are being used. Firstly they use a product that is known as glyphosate its roundup and roundup CT it is the most useful herbicide for use in the National Park. It is non volatile, water soluble liquid product with herbicidal activity on grass and many annual and perennial broadleaf weeds. It is inactivated 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 throughout the whole plant. It is an extremely safe herbicide of low toxicity to humans and domestic animals and wildlife.

Another herbicide used is Triclopr it's a Garlon 600 its very useful in the control of woody weeds by the cut stump and basal bark method. It is best mixed with diesel. Triclopyr is auxin-type selective herbicide that is absorbed through foliage and cut plant surfaces. It is 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).

Also being used in the Park is Racumin for control of rats in the national Park. Racumin is the rodenticide most suitable for use in NINP Norfolk Island National Park as it is the product least likely to effect non-target sub species. Most importantly in our case the Norfolk island Morepork Owl. Also attached is the chemical analysis of the product. it is not hydrolyzed by water. There was some further information provided e.g.

- Parks Australia sponsored a training course in safe use of pesticides and herbicides in 1999. This course was attended by all park staff. Norfolk Island Administration staff were invited to attend the training and a number did so attend.
- All products are stored safely in a purpose built facility in the Forestry zone of the park.
- The use of such materials are sanctioned in the current park management plan endorsed by Australian Parliament and the Norfolk Island House of Assembly
- Parks Australia has also produced a booklet on weed control based on over \$100,000 of research in the field. This book is available to interested parties from National Park free of charge
- Copies of the material safety data sheets on the products used by Parks Australia can be obtained from the websites of the company manufactures. Thank you

MR ACTING DEPUTY SPEAKER Thank you Mr McCoy for your information I believe that the Chief Minister on your behalf read that into Hansard

MR NOBBS

It was far more eloquently done than I did it

MR ACTING DEPUTY SPEAKER Is there any further answers to questions on Notice Honourable Members . There being no further answer to questions on Notice, we move on to Presentation of Papers

### **PRESENTATION OF PAPERS**

MR ACTING DEPUTY SPEAKER Are there any presentation of papers this morning

MR NOBBS

papers Mr Acting Deputy Speaker.

Thank you. I have a couple of

1. Travel expenditure for the Administration from the 1<sup>st</sup> January to the 31<sup>st</sup> March 2001 and I apologise that this was not available at the actual April Meeting, but I table that document if I may please.
2. On behalf of the Minister for Tourism are inbound passenger statistics for April 2001, I don't have any comment on those but Members may wish to. I move that they be noted.

MR ACTING DEPUTY SPEAKER The question is Honourable Members that those papers be noted

MR NOBBS The only comment that I have Mr Acting Deputy Speaker is that the Monthly totals for 2001 for April is well in excess of two thousand and also 1999 and yet for that same period the actual visitor days seemed to be done, the average stay is down from year 2000 and its also below that of 1999, but the overall visitor days are relative comparable between 2000 and 2001 and well above those of 1999

MR ACTING DEPUTY SPEAKER Further debate. Nothing further. Are there any further papers for tabling this morning

MR NOBBS Thank you Mr Acting Deputy Speaker. As part of the arrangements we have I table the Airport Landing Fee Exemption for the period 1 January 2001 to 30 April 2001 which show in that period a grand total of Four hundred and sixty nine exemptions. Further papers wish to table the Monthly financial indicators. for April for the month of April 2001 and I move that they be noted.

MR ACTING DEPUTY SPEAKER The question is that the papers be noted

MR NOBBS Thank you. These Financial Indicators were circulated to members and Members should note that they are based on the approved revised budget for 2000/2001 and I comment this that the best that can be determined at the 30<sup>th</sup> April is that the revenue funding income is about one hundred and one percent of budget as was the situation at the end of February and March. The Liquor Bond net profit results is thirty four thousand ahead of budget Fil receipts and Interest received are also ahead of budget. Customs Duty collections are one hundred per cent of budget. Overall expenditure at the end of the tenth month of the Financial Year is eight per cent under the revised budget, all expenditure categories other than for Welfare at the 30<sup>th</sup> April 2001 are under budget. Welfare Expenditure is One hundred and five per cent of its Budget. The revised Budget forecast a surplus of sixty thousand before depreciation which compares favourably to the original budget forecast of a three hundred and sixty six thousand deficit before depreciation. At the 30<sup>th</sup> April 2001 the Revenue Fund Budget is in surplus of eight hundred and ninety two thousand dollars. Thank you Mr Acting Deputy Speaker.

MR ACTING DEPUTY SPEAKER Further debate. Honourable Members, question is that the paper be noted

QUESTION PUT  
AGREED

MR ACTING DEPUTY SPEAKER. I just return to the question on the Chief Ministers Tabling of a paper on behalf of the Minister for Tourism and Commerce regarding the travel statistics, the question was that the paper be noted. Those of that opinion say AYE to the Contrary NO

QUESTION PUT  
AGREED

MR ACTING DEPUTY SPEAKER Are there any further papers for presentation this morning. No further papers for presentation this morning Honourable Members we now move on to Statements.

**STATEMENTS**

MR ACTING DEPUTY SPEAKER Are there any statements of an official nature

MR BUFFETT Thank you Mr Actin Deputy Speaker. A couple of statements if I may. The Community experienced a tragic accident at the commencement of this month and condolences have been offered at the commencement of this sitting. Without wishing to prolong the anguish of this tragic happening I would like to acknowledge the professional work of the Police and the Volunteer Rescue Group, the Lighterage Manager and his men, the Ambulance Officers, the Medical Officers, the Fire Services and particularly important the help of Community Members such as the Lady Lions and those who helped with their Knowledge of the locality. In this difficult situation community help was forthcoming and as Minister for responsibility for emergency service Mr. Acting Deputy Speaker I do express appreciation for all of that.

MR ACTING DEPUTY SPEAKER Thank you Mr Buffett. Any further Statements.

MR BUFFETT Mr Acting Deputy Speaker, last week I responded to an invitation to attend the parliamentary Celebrations of the Centenary of Federation in Melbourne. The Federal Parliament of Australian upon Auguration met in Melbourne and upon its Centenary was invited to return for a ceremonial meeting in the original Exhibition Building and a ceremonial Centenary Sitting of the two Houses of the Victorian Parliament. Whilst Norfolk Island is not an integral part of the Australian Senate or the Australian House of Representatives we do have a unique relationship with Australia and were generously included in the celebrations and I attended as Speaker for Norfolk Island's Parliament accompanied by the Clerk. The week before I attended the International Executives Committee of the Commonwealth Parliamentary Association. Within that group I am currently Chairman of the Program Planning Sub Committee, which initiates and co-ordinates the full spectrum of programs undertaken by the CPA. One of the major considerations was planning of the Plenniary Conference in September which is being hosted in Australia. That is in Darwin for the small countries component and Members will know that we are included particularly in that area, and Melbourne-Canberra for the main conference. I just mention that Norfolk Island continues to be active in CPA and also mention that attendance at that particular function was funded by the CPA Secretariat in London.

MR ACTING DEPUTY SPEAKER Further statements.

MR BUFFETT Immigration Guide Lines is a matter I would like to make a statement upon and report upon, Mr Acting Deputy Speaker. Members will remember at the March sitting I introduced legislation entitled "Immigration Guidelines Amendment Bill" to provide for the making of statuary guide lines, and for the management of Immigration Policy. We passed that piece of Legislation in April and it now awaits assent Mr Acting Deputy Speaker. The operational document to accompany the Legislation is "Entitled Immigration Guidelines" and a draft was tabled in March and since then there has been a series of discussions to refine that draft. There has been discussion amongst MLA's particularly there has been discussion amongst the Immigration Committee Members and yesterday there was lodged with me the final part of the Immigration Committees comments and I do thank them for their quite lengthy and full-some deliberations upon that document. We are now at the stage of collating all of the comments so that they might be brought forward in a final series for us to meet and look upon, and I expect that, that might happen during the latter part of this month. I am projecting a final document for tabling in June, and that will coincide with completion of commencement that earlier piece of legislation that I mentioned and which will enable those guidelines to be made. I continue to thank people, Members and others for their participation in the process of examining those guidelines, so that we might bring them to some finality.

MR ACTING DEPUTY SPEAKER Thank you Mr Buffett. Are there any more statements of an official nature.

MR BUFFETT The concluding one from me, Mr Acting Deputy Speaker. At the last sitting I was pleased to announce details of the first meeting held by the Justice and Courts Committee, and Members will recall this committee was formed to undertake a significant reform of Norfolk Island's Justice Legislation. One of the most significant hurdles for the Committee has almost been completed. As a preliminary task in the reform of the Magistrates Court Legislation it's been necessary to consolidate the Court of Petty Sessions Act of 1960 and this is the main task that has been undertaken over the last month. I have previously mentioned that this Act had been amended sixteen times since 1965 without consolidation or reprint. Originally it was retained in a computerised form which predated the computer software now used by the Administration. With the efforts of many people it's been converted to a compatible software and has undergone consolidation. The process is almost complete in anticipation of the next meeting, which will be this month, of the Committee, and that Committee is under the Chairmanship of Mr Cook and I thank him and his Committee members for their continuing task. Can I again say that this project is both necessary and timely and it's being undertaken hand in hand with the development of an Internet Legislation Sight for Norfolk Island Laws, and the updating of many other Acts and Regulations. I'm sure that Members will understand the importance of those tasks. Our Laws are the foundation structure of our Government and our community and the maintenance and review of those Laws must be a high priority for us and I look forward to just briefing Members in this manner again when we come together at our next sitting. Thank you Mr Acting Deputy Speaker.

MR ACTING DEPUTY SPEAKER Any further Statement of an official Nature.

MR NOBBS Thank you Mr Acting Deputy Speaker. Just following on questions in relation to the Tourist Accommodation review I wish to make a briefing on the status of the review. Just as far as background is concerned the Tourist Accommodation Moratorium Act was enacted on in March 2000 to reassess the impact of tourism on the management and resources and waste and to review the tourism industry. The Minister for Tourism and Commerce requested advice from relevant officers in the Administration to provide advice and input into the review and make recommendations for amendment to legislation and regulations if considered necessary. A memo was distributed to relevant officers in October 2000, responses have been received from most officers and outstanding responses are being pursued. Advice and the issues covered to date include electricity. Capacity of the electricity supply to meet the increased demand generated by new accommodation units is limited and may be overloaded in some areas. There is a need to allow for major capital expenditure to maintain and provide reliability in the electricity supply and the source of funding for that expenditure needs to be addressed. In relation to telecom. There was an urgent need to upgrade the communication cable size in the external plant to meet the needs for extra phone lines into accommodation houses. Plant maintenance and capital works had to be rescheduled and additional equipment had to be purchased. There is a need for better planning for development to allow for improved budgeting in advance. In relation to planning and land use issues. The location of suitable areas for tourist accommodation should be reviewed, particularly in regard to the compatible land uses, density of development, availability of housing, design and aesthetic issues, availability and capacity of services and impact on natural resources and the environment. Further, the potential traffic generation as a result of extra units, more visitors and additional hire cars has been identified as an area for investigation. In relation to industry issues. Advice has been provided for analysis on average occupancy rates for various types of units and the need for additional accommodation units. Advice indicates that there has been an overall improvement in the standard of accommodation and the deregulation of the industry had made the industry more competitive. New accommodation ranges from a minimum of 3.5 star to 5 star and between 1995 and 2000 the largest proportion of property gradings increased from 2.5 star

to 3.5 star. In conclusion Mr Acting Deputy Speaker many of the issues associated with the review of the industry are addressed in the revised draft Norfolk Island Plan and also relate to the projects such as development of the Norfolk Island Waste Management Strategy. Further the Norfolk Island Plan will provide the framework for all future development on Norfolk Island. It is considered essential that the co-ordination of the review of the tourist accommodation industry is undertaken in the context of the plan review. This ensures that various planning strategies including tourist accommodation development, waste management, physical services provision, land uses planning and natural resource management are consistent and achieve the aims and objectives of the Norfolk Island Plan. That Mr Acting Deputy Speaker is just an update and it relates to a project from our project list which is a review of tourism policies and legislation No. 6.

ACTING DEPUTY SPEAKER

Thank you Chief Minister. Any further Statements

of an official nature.

MR NOBBS

Thank you. Another one from the questions earlier. Just following on, I said I'd make a Statement in relation to the Norfolk Island Airport, just to clarify misconceptions, rumours and unfortunate innuendo within the community as well as to seek input from an informed community I wish to make the following Statement on issues at the Norfolk Island Airport. Members would have heard this before but I need to put it on public record. An overlay was last conducted at the Airport in 1991. When the overlay was designed to accommodate aircraft of no more than 56 tonne weight and the maximum tyre pressure of 165 pounds per square inch. The overlay was designed to last between 12 and 15 years on projected usage at the time. I understand that the pavement was constructed to a standard of funds available at the time and based on usage. The Airport as part of the registration process is required to have as certifying officer a consulting Engineer. This Engineer visits the island from time to time and reports and makes recommendation on the status of the pavement. Last year the Engineer advised that we should be looking at an overlay in the financial year 2003/2004. The Engineer was concerned at the pavement condition and he felt it would not last beyond that time. Patching had occurred for the past 2 years and I understand the cost of such maintenance has been in the vicinity of \$180,000 per year. On receipt of the recommendation to proceed in 2003 and 2004 it was decided to commence planning for that overlay. A profile of the payment strength was required and Members will recall that with assistance of the Royal Australian Airforce and the use of one of their Orion's, which was important in the Binkleman Bean test which was undertaken earlier this year and a report by the 2 Engineers involved has been recently received. Subsequently to all that Air New Zealand has discovered that it has not been complying with restrictions in relation to the 165 pounds per square inch tyre pressure. Those restrictions placed in 1991, it is not and I repeat not a new restriction. Our Engineer advises that tyre pressure is critical and the Air New Zealand tyre pressure of some 200 plus pounds per square inch cannot be accepted. It appears that with a change in aircraft the tyre pressure restrictions were overlooked. A restriction to 165 pounds per square inch will see a weight restriction by the Air New Zealand aircraft of 52 tonnes. This is a safety limit of the aircraft without fitting other tyres and undercarriage which allows them to carry greater weight. The restriction to 52 tonnes ensures a maximum of 88 passengers and no freight. However it is possible to carry, and I understand it works at the ration of about 100 Kg freight for each PAX carried, for each passenger and that's so that if there is less than 88 passengers on the aircraft there will be an availability of freight, bearing in mind that the 88 passengers is maximum and there are some variations for weather conditions and carrying extra fuel and the likes which are part and parcel of the ever day operation of an aircraft. Notwithstanding the Air New Zealand situation the Airport Manager has received requests from all 3 passenger carrying airlines servicing the island for pavement concessions. It this appears that the actual standard set in 1991 is no longer appropriate to the current and what appears as future requirements at the Norfolk Island Airport. Restrictions at present will see continuation of the present problems and it's obvious that a raising of a standard will incur a cost penalty. It is felt that the standard be increased to cater for aircraft with a tyre pressure of 200 pounds per square inch, bearing in mind that there is a restriction on the

landing take off distance of 1.9 km. The timing of the overlay suggests that the earliest possible is June 2002 which is one year ahead of the schedule proposed previously. Indicative costs as I said in answering questions earlier are only available and further work on the design will allow a firm estimate to be developed. Based on indicative costs and availability of the funds at the Airport there will be a need for additional funds in the order of 4 and possibly \$4.5m. In considering a loan as I mentioned earlier in answering the question it is believed that the Airport being a commercial operation is capable of servicing such a commercial loan. Several recommendations have been made to Members of the Legislative Assembly and I'll read them and they are as follows, 1) to commence the overlay mid year 2002, 2) is to design and cost the overlay to a standard of tyre pressure to 200 plus pounds per square inch 3) to reduce the current costs at the Airport, 4) to look to bring forward the half a million electricity undertaking loan 5) commence negotiations of a loan of \$4.5m to provide the balance of the estimated funds required to complete the overlay 6) accept the premise that the protection of the asset is the most important factor and 7) provided contingencies are in place offer airlines a concession on tyre pressure to 180 pounds per square inch. These recommendations were placed before the Assembly Members at a meeting last week. The consulting Engineer suggested that the overlay could be brought forward to 2002 and there was a potential to vary the pavement concession. The suggestion is to extend the concession to 180 pounds per square inch in the interim period provided the surface condition is monitored and I understand that would allow 737's to carry a maximum of 110 passengers and 1500 kg of freight, bearing in mind that the average I think is around the 70 just over 70 carrying capacity or their average for the last year to 18 months. However Mr Acting Deputy Speaker there is concern in blindly proceeding to approve a concession proposed without the necessary contingency plans in place. It must be accepted that protection of the strip as an operating asset is the principle objective and the airstrip must remain operational given that the other 2 users can operate without the proposed concessions suggested. At this stage Mr Acting Deputy Speaker I think I've mentioned most of what is happening in the answers to questions. We're looking at the possibility of commencing the overlay in June 2002, the contingency plans in relation to a concession are not considered appropriate at this stage but however they will be as they normally are the opportunity for an airline to request a one off concession and I understand that there have been offers, requests made by Air New Zealand and these have been accepted in a couple of weeks hence from now and those are on the recommendation of the Airport Engineer and they will be monitored closely to see what impact they are having on the strip itself. The Assembly has requested in the reduction of the costs and the possibility of bringing the electricity loan forward that a paper be provided. The negotiations in a relation to a loan, there will be an options paper developed in relation to that once we have a firmer figure as to the design and overlay costs once the designs available to us and I would hasten to add here that we will be seeking, I will be seeking guidance from the community in relation to the loan arrangement as I know that in some quarters as I mentioned in an earlier questioning that the requests for a loan and those sort of issues are pretty important in some areas in the community and we will need for some pretty strong guidance in relation to where we go as regards a loan or where we actually go from there. Bearing in mind and I repeat it that regardless of whether we do it next year or the year after there will still be inadequacy in funds to actually conduct the operation. The Members accepted the premise that protection of the assets is the most important factor and therefore we're not prepared to open up the concessions beyond that of a one off. Thank you Mr Acting Deputy Speaker.

MR MCCOY

Thank you Mr Acting Deputy Speaker. I wish to make a Statement in the form of a report provided to me by the Director of the Norfolk Island Hospital. I don't know if many Members are aware that there was a requirement for an air ambulance over the weekend. A resident of Norfolk Island was admitted to the Norfolk Island Hospital Enterprise on Friday the 11<sup>th</sup> of May at 17.45. The patient had a fractured hip and had been laying on her floor at home for 2 days. Following initial emergency management treatment Westmead Hospital in Sydney was contacted to discuss the patients further management as the patient required surgical fixation of the hip. Westmead Hospital eventually agreed to accept the patient and requested the patient be

transported as soon as could be arranged, not necessarily that night but within 24-48 hours. Doctor Fletcher contacted the duty officers at the Royal Australian Airforce in NSW, Wing Commander Peter Clarke and Flight Lieutenant Rolls to advise them of the situation and ask their advice. At this point a Medivac was not being requested but probably would soon be forthcoming. Wing Commander agreed to continue discussion with Doctor Fletcher and be the contact. It was agreed that a daylight Medivac the following morning would be appropriate. At this point the Hospital Director was notified of the situation and commenced notification to all appropriate areas including the Administrator, Airport and Police. For the next 3 hours communication went back and forth with no confirmed outcome at 12.00 midnight. The Director, Acting Administrator and Doctor Fletcher agreed to continue negotiations on Saturday morning. Saturday the 12<sup>th</sup> of May negotiations continued and the Royal Australian Airforce indicated they were not prepared to undertake a Medivac on Saturday but as they had a Hercules coming on Monday for a Medivac training flight they may consider retrieving the patient during that exercise. I was informed of the situation on Saturday morning and undertook to discuss the situation with the Chief Minister. I and the Chief Minister were both supportive and empathetic to the situation and stated clearly should there not be a resolution with the Royal Australian Airforce by 2.00pm that we were prepared to authorise the commercial retrieval in the best interest of the patient. Doctor Fletcher was concerned that delaying the medivac may be detrimental to the patient so the Acting Administrator was again requested to attempt further negotiations. Midday Saturday the visiting Orthopaedic Specialist arrived and the Director and Doctor Fletcher requested a case conference to discuss management options for the patient. A case conference was held and although Doctor Bainbridge identified that in Australia the patient would be seen and probably operated on that day. He was prepared to manage the patient's care until Monday when the Hercules would undertake the Medivac. This was an economical choice considering the patient would have had a fractured non-surgically fixed hip for 6 days. All parties agreed and myself and the Chief Minister were informed of the outcome. At 1300 hours on Saturday the Acting Administrator received confirmation that the Hercules Medivac would occur on Monday the 14<sup>th</sup> of May. Considering receipt of this communication no immediate further action was considered necessary. Late Saturday evening Doctor Fletcher received a call from Wing Commander Peter Clarke. Mr Clarke who had been advised by his superior informed Doctor Fletcher that the Royal Australian Airforce would no longer be prepared to transport the patient on their Monday Medivac training flight unless the Norfolk Island Government could demonstrate they had exhausted all commercial Medivac options with no success or that the Norfolk Island Government could not finance the private evacuation. Doctor notified the Director who resolved to undertake further discussions and negotiations on Sunday morning. The Director spoke with Wing Commander Peter Clarke at length on Sunday morning regarding commercial retrievals and the associated issues and then contacted the Acting Administrator. The Acting Administrator and the Director were both concerned that in accessing a private retrieval a precedent may be set for future requests yet were aware the patient had no other available options for care at this point, a concern I also expressed. The Director sought quotes from 3 private retrieval agencies, Adigold, Omega and Care Flight, the Director then contacted the Chief Minister at home at midday to inform him of all communications to date and seek his guidance. Chief Minister approved the lowest quote for the private Medivac and the Director undertook immediate negotiations with Omega. Within 1 hour the retrieval had been negotiated and an estimated time of arrival was given. The patient was transported from Norfolk Island Hospital to Westmead Hospital at 7.15pm on Sunday the 13<sup>th</sup> of May. The Director received a facsimile on Monday morning stating that the patient had remained stable during her flight to Sydney, was pain free and had no complications. She was transferred by road ambulance to Westmead Hospital and on contacting the Westmead Hospital at 1800 hours yesterday the patient's condition was described as stable following surgery overnight.

MR NOBBS

Thank you Mr Acting Deputy Speaker. It's in relation to the Cascade Cliff Project. It reads as follows. As a result of concerns raised about the presence of other than rock, OTR material and the quantity of rock in the stockpile at Cascade members of the Cascade Cliff Management Board and Administration

Officers met with SMEC Australia Pty Ltd in Sydney on Monday 7 April 2001. The purpose of the meeting was to try to resolve those issues as well as quantify the impact and the presence of OTR has had on the crushing contract. The parties were all conscious of the fact that defects liability period under the project management agreement and the contract with the Cascade Cliff contractor will expire on 1 June 2001 and any claim will need to be lodged before the expiry of this period. It has been agreed that SMEC Australia Pty Ltd will prepare a report addressing the issues raised and once the Administration and the Board have had an opportunity to consider the report a formal claim will be lodged against the appropriate parties. Thank you Mr Acting Deputy Speaker.

### **MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR**

ACTING DEPUTY SPEAKER                      In accordance with Standing Order 153 the message from the Office of the Administrator will be read preceding the Appropriation Bill 2001 which is Notice No. 1 on the Notice Paper.

### **DISCHARGE OF MATTERS FROM THE NOTICE PAPER**

MR MCCOY    Thank you Mr Acting Deputy Speaker. Mr Speaker leave is sought to discharge Notices 7 and 8 and Orders of the Day 1,5,7 and 8 from the Notice Paper.

ACTING DEPUTY SPEAKER                      Thank you Mr McCoy. Is leave granted. Leave is granted

MR MCCOY    Thank you Mr Acting Deputy Speaker I so move that those Notices and Orders of the Day that I indicated be discharged from the Notice Paper.

ACTING DEPUTY DPEAKER                      Debate Honourable Members. Just for Members benefit those I believe Mr McCoy is talking about, Notice No. 7 is the termination of the appointment to Executive Office a Motion of Mr Brown's. Notice No. 8 – change of designation of the Executive Office presently entitled Chief Minister and Minister for Finance and Government Services, a Motion of Mr Brown's. Orders of the Day No. 1 – Administration Policy and Guidelines Draft for procurement of goods and services dated 30 March resumption of debate in my name. Orders of the Day No 5 – Report on matters relating to immigration into Norfolk Island, resumption of debate in Mr Cook's name. Orders of the Day No 7 – Crown Lands Act 1996, resumption of debate in the Chief Minister's name and Orders of the Day No. 8 – Road Traffic Amendment Bill 2000, resumption of debate in Mr Cook's name. Is there debate Honourable Members.

MR NOBBS    Thank you Mr Acting Deputy Speaker. I intended to propose the removal of the Crown Lands Act which is in my name for this sitting as I understand the Minister for Territories has sent a letter out to all land holders and made an offer of some description and therefore it sort of supersedes what was contained in that Order of the Day. The other one I think was in your name Mr Acting Deputy Speaker, Administrative Policy's and Guidelines, we're dealing with that in No. 4 of Notices this morning or today.

MR COOK    Yes Mr Acting Deputy Speaker I was quite happy to have item No. 5 being my report which I had prepared and brought before the House in relation to immigration in Norfolk Island to be no longer dealt with because events have overtaken that matter and it is clear that matters are being dealt with in a different way by the present Minister and again in relation to No. 8 the Road Traffic Amendment Bill. I appreciated his statements here in the House that he proposes to bring that forward probably in a different form than that which was originally presented. That had been held up and this is quite an important matter relating to third party insurance situation and I want the community to be aware that it's not as it were no longer to proceed but it's going to

proceed in a slightly different form than that which was proposed. At the time I introduced that Traffic Amendment Bill there were a number of matters that had to be brought along if I might describe them as a package and the present Minister has already indicated to the House that he will be dealing with that in a way that he considers appropriate so I ask that to be withdrawn.

MR MCCOY Thank you Mr Acting Deputy Speaker. As I am the mover of this Motion I believe it is relevant that I do make some comment and especially in relation to Notices 7 and 8 in Mr Brown's absence. It may seem that I'm trying to do something without giving Mr Brown the opportunity to talk. The reason I have moved that these 2 Notices be withdrawn or discharged is that every time that the Notice Paper is published for a sitting in the Norfolk Islander there is concern expressed and questions asked of me by community members as to what our intentions are with the Chief Minister and are we going to deal with this particular matter at this sitting, are we going to request the Administrator to terminate the appointment of the Executive office of Mr Nobbs, and I consider that it did cause a destabilizing effect to the Government and it is for these reasons that I have proposed that that Notice be discharged. Also on the Orders of the Day I was aware that some of the Members who had these matters under their name had indicated that they were going to seek that those Orders be withdrawn and I am also aware that a number of them had been sitting as well on the Notice Paper for quite some considerable time and I thought it was no longer pertinent that they do remain there and that is my reasonings for putting this Motion forward.

ACTING DEPUTY SPEAKER Thank you Mr McCoy. Any further debate. There being no further debate Honourable Members I put the question that Notice 7 and 8 and Orders of the Day 1,5,7 and 8 be discharged from the Notice Paper.

QUESTION PUT  
QUESTION AGREED

ACTING DEPUTY SPEAKER Honourable Members we are at Notices and I am required in accordance with Standing Orders 153 to read a message from the Office of the Administrator in relation to the Appropriation Bill 2001.

#### **MESSAGE NO 15 – FROM THE OFFICE OF THE ADMINISTRATOR**

ACTING DEPUTY SPEAKER In accordance with the requirements of Section 25 of the Norfolk Island Act 1979 I recommend to the Legislative Assembly the enactment of a proposed law entitled an Act to authorise expenditure from the public account for the year ending on 30 June 2002 dated the 18<sup>th</sup> of May 2001 Owen Walsh, Deputy Administrator.

#### **APPROPRIATION BILL 2001**

MR NOBBS Thank you Mr Acting Deputy Speaker. I present the Appropriation Bill 2001 and move that the Bill be agreed to in principal.

ACTING DEPUTY SPEAKER Thank you Mr Nobbs.

MR NOBBS Thank you Mr Acting Deputy speaker. The Appropriation Bill provides for the budget for year 1 July 2001 to 30<sup>th</sup> June 2002 and covers items within what is commonly known as the Revenue Fund. The Revenue Fund comprises those aspects of Activity within the Norfolk Island Administration other than the Government Business Enterprises. The Revenue Fund comprises activities in the Government Officers down at Kingston here plus the Customs, Works Depot, Forestry, Police, School, Library, this Assembly and Welfare and also subsidies to the Hospital, KAVHA and the Tourist Bureau. Mr Acting Deputy Speaker the budget for the 2001/2002 is very much a steady as she goes budget. Whilst it shows a deficit at this stage a projected expenditure over revenue of some \$296,000 this is not unusual. In the last budget the

deficit was \$336,000 yet at the mid year budget review this was varied to provide a \$55,000 surplus. Whilst I fully understand the fear in some quarters of deficit budgeting the practice of including for some time a figure for depreciation which is not retained but is absorbed and the figure for depreciation in this budget is \$275,000. Therefore in reality the deficit is in fact \$21,300. Mr Acting Deputy Speaker the Appropriation Bill is a fairly simple document. It provides for expenditure under 4 basic headings, salaries and wages, recurrent expenditure, subsidies and capital. The salaries and wages budget amount to \$5,153,200. The current establishment within the Revenue Fund, that is the number of positions on the establishment covered by the Revenue Fund totals some 122 positions of which 11 are part time. Incidentally the total of Administration establishment is some 177 of which 17 are part time, at total of 170 includes 49 in GBE's, 3 at Government House and 3 in the Administrator's Office, bearing in mind that the Government House and the Administrator's Office are funded by the Commonwealth Government. As stated we're dealing today with the Revenue Fund – 122 staff. There are no new positions included in the budget although the requests were received for 7 new positions. It is proposed that the new Corporate Management Group once established in the next few months will be required to flesh out what the Assembly has accepted at this stage as a basic outline of the Administration's structure to which must be fitted an accepted establishment. The Corporate Management Group will be required to review the Administration operations and provide to the Assembly a recommended establishment. The review may suggest additional positions or it may not. Such a review is long overdue and the Service itself recognises this and the community also recognises this. We have been advised Mr Acting Deputy Speaker that the old Public Service Act which has been replaced in the past few months was in fact the 1940's model. The current structure falls into the same boat and even though we have gone through self government the structure bears a stark resemblance to which existed when I last worked in the Administration some 45 years ago. As stated the Public Service Act has been changed to bring it up to date and on balance I believe there has been benefits all around. I would expect a re jiggling of the structure will be just as beneficial. There has been talk that the new Corporate Management Group, the high flyers I think they've been referred to in some areas will cost the Government heaps. May I say that the positions in the Corporate Management Group, that is the CEO and 3 Executive Directors, the group that was designed to replace the current positions of CAO and 3 Programme Managers. The cost difference between the old and the new is negligible, in fact one Executive Director position has been advertised at a rate of less pay than the Programme Manager position it replaces. As stated the budget estimates for salaries and wages is some \$105,000 above the estimate of last year of 2000 and 2001 budget. Turning to recurrent expenditure which includes all the nuts and bolts to support the actual operations. It may also be called operational expenditure and covers support for all those sections mentioned earlier. Included in recurrent is a new section human resources to ensure recognition of the newly introduced Human Resources Policy a funding of some \$160,000 is specifically identified within this section. The total recurrent expenditure is increased by some \$97,000 over the 2000/2001 budget. Bearing in mind the Human Resources there is really no increase. Subsidies is a section which includes the Museums for \$80,000 the Hospital for \$450,000 and the Tourist Bureau for \$776,000. These figures are similar to that in the 2000/2001 budget. The final item in the Bill refers to capital expenditure of some \$1,229,000. The figure is just over double the figure of \$603,100 budgeted in the 2000/2001 budget. Major items of capital expenditure include \$170,000 on the stage 2 computer upgrade some \$56,000 on quarantine screening equipment, \$156,000 on education and roads are \$561,000. The total budget expenditure amounts to \$11,829,700-00 and increase of some \$1m over 2000/2001. Nearly \$800,000 increase is explained in 2 areas. Capital expenditure is increased by \$626,000 and Welfare by \$160,000. Add to this the HR Policy in the order of \$150,000 and we're very nearly home free. If we look at the budget from a programme perspective the figures are interesting. Costs based on sections for wages, recurrent and capital in no particular order are given and given there are additional administrative costs which are not included. However by programme and section we budget which is rounded to the nearest thousand, the budget for those programmes include Tourism \$809,000, Education \$2,021,000, Police \$346,000 which is actually 70% of the total cost, the 100% of Police is \$450,000,

Administrative Section \$2,646,000, Roads \$897,000, Works \$1,213,000, Forestry and Tanalith Plant and the likes \$495,000, Legislative Assembly \$443,000, Courts and Lands \$262,000 and Health and Quarantine \$226,000 and Welfare is \$1,195,000. Mr Speaker I remind Members this budget is not my budget nor the Finance Manager's budget or the CEO's budget or any other Officers budget. It is an Assembly budget. It's presented to you after considerable discussions over a period, we started in November and those who assisted in this preparation to this stage I personally thank them. Mr Speaker I table the budget.

ACTING DEPUTY SPEAKER

Thank you Chief Minister. Debate Honourable

Members.

MR MCCOY

Thank you Mr Acting Deputy Speaker. You did ask me some questions in regard to the subsidy to the Norfolk Island Hospital Enterprise. Having had some discussions with the Director of the Norfolk Island Hospital Enterprise and also the Finance Manager to try and identify whether some of the, in particular debt that was being carried by the Enterprise was actually debt that should actually be carried or supported by the Enterprise. During discussions we felt that we need to identify where some of that debt is coming from and whether it is actually Hospital debt or whether it should be put back to areas such as Welfare or even in some cases Emergency Services. I did indicate to the Minister for Finance that there was a requirement for some capital expenditure at the Hospital in relationship to some very necessary equipment at the Hospital and we had looked at a figure of somewhere around \$100,000 where it's a depreciation figure in the Hospital budget and the discussion centred around that we should really identify if that \$100,000 is depreciation or if it is included in the budget would be used for capital purchase and on that note, the Director came back to me with a figure for capital purchase. I did present that figure as best I could in the short time I had knowing or understanding that I have been off island on 2 occasions in the last 4 weeks and I am concerned that the Hospital Enterprise has been given a subsidy which is even less than the subsidy that was granted to the Hospital last year, and I will at this point find it difficult to support the budget and over the next 4 weeks I will be working very closely with the Director of the Hospital to come up with a figure that we will be putting to the Minister for Finance re: the subsidy figure. On that note I do find it a little unpalatable that, and some in the community may be aghast at this that the Tourist Bureau collects a subsidy of \$776,500 compared to the Hospital Enterprise subsidy of \$450,000. I am aware that the Hospital has an ability to raise funds or raise additional revenue due to the operations of the Hospital but we must keep clear in mind that the health requirements of the community must always be of utmost importance and especially when it comes to the point of replacing capital equipment that is required for the care of community members, and also we must keep clear in mind, and this is something that the Director of the Hospital and I will be working to try and identify even though it is an unknown at this point the fact that we have now employed a third Doctor and there are additional costs associated with that employment. So that's just to put the Members on notice that over the next 4 weeks prior to the passing of this budget I'll be making some further submissions to the Minister for Finance re: the Hospital subsidy.

ACTING DEPUTY SPEAKER

Thank you Mr McCoy. Further debate Honourable

Members.

MR BUFFETT

Mr Acting Deputy Speaker I just wanted to identify in the Welfare component of the budget that there may be need between now and our next consideration for me to bring forward some further information about the adequacy or otherwise of the figures that are expressed here. I just want to make it as a signpost at this moment because it's only yesterday that the appropriate Officers identified to me that there may be some inadequacies for the balance of this year and that may have a flow on effect for the budget period that we're considering here and I want to say no more than identify it at this moment and will come forward with some further information when that is available to me.

ACTING DEPUTY SPEAKER

Thank you Mr Buffett. Further debate.

MR NOBBS

Thank you. I think I should if I may just respond to Mr McCoy. We've discussed the issue and there were some questions asked earlier in relation to the Hospital budget and the like. I'd just like to make a couple of points that the Finance Committee looked at some aspects in relation to Government operations and have given me advice. Their role is not to direct, it's purely an advisory arrangement. There were some concerns in relation to the Hospital at the time and they've been discussed I understand with the Director and the likes. There are some areas that I think that the Administration can work closely with the Hospital in assisting them and that's in particular in relation to debt collection and the like or debt reduction and that's an area that we need to look at. I'm a little concerned that the costs of the third Doctor were mentioned because I was actually acting in your role at the time Mr Acting Deputy Speaker and I was assured at the time when I had to sign off on the proposal on your behalf and we discussed it previously that there would be no cost penalty for having a third Doctor and whilst that at the time it appears that there may be some changes right now and we need to look at it, and I would look forward to speaking to both the Minister and the Director in the weeks ahead if there are some problems in relation to it, and yes there was a \$7,000 offer was put in as \$450,000 and last years was \$457,000 so there is a \$7,000 reduction which was probably an oversight on my part in the final preparations but the figure sought by the Hospital was considerably more than that at the time. In relation to welfare. We know that there are welfare, there could be problems with the welfare situation and varies from time to time its very hard, difficult to predict in the health and welfare, what the outcome will be. It's been, people have probably heard that before because I think every time the budget comes up there's some gazing at the stars and into the crystal ball and the like to ascertain how the community will function in the next 12 months in relation to those particular areas. Health-wise we always hope there's one hundred per cent improvement in health, but we don't know in total welfare from time to time. However those issues as I say, its an Assembly Budget and that's what we have to work on, but any requests have to be met by other funding from some particular source. However I will now move that debate be adjourned and made an order of the day for the next day of sitting.

MR ACTING DEPUTY SPEAKER Thank you Chief Minister. Did you also wish to table the Explanatory Memorandum to the Bill. I think you may have overlooked that.

MR NOBBS  
the Bill.

Did I, Okey I'll table the Explanatory Memorandum to

MR ACTING DEPUTY SPEAKER Thank you Chief Minister. The question is Honourable Members is that the debate be adjourned and the resumption be made an order of the day at a subsequent day of sitting. If there's no further debate, I'll put that question.

QUESTION PUT

AGREED

MR ACTING DEPUTY SPEAKER Debate is so adjourned.

Honourable Members we now move on

### **RECOMMENDATION FOR APPOINTMENT OF CHIEF EXECUTIVE OFFICER**

MR NOBBS

Thank you Mr Acting Deputy Speaker. I seek leave of the House to make an amendment to the Motion as proposed and to Amend the Motion

MR ACTING DEPUTY SPEAKER Sorry Mr Nobbs if you were to move your original Motion. and then we'll look to you to move your Amendment.

MR NOBBS The original Motion, Mr Acting Deputy Speaker, is this: That this House in accordance with Section 31a of the Public Sector Management Act 2000 recommends that the responsible Executive Member appoints as the Chief Executive Officer that person recommended for the position by the Selection Committee in its report dated 26<sup>th</sup> April 2001 and that a Contract of Employment in that capacity be offered to the successful applicant for a period of three years renewable for a further period of two years. Mr Acting Deputy Speaker, I'd like to move an Amendment to that if I may, to clarify the last section of it.

MR ACTING DEPUTY SPEAKER You wish to seek leave Mr Nobbs. Is leave granted. Leave is granted

MR NOBBS The amendment is to delete from the Motion, two years, which appears at the end of the Motion and insert in it's place – up to two years subject to agreement of both parties and providing Norfolk Island Immigration are satisfied. There's too many Administrations going around in my head. The selection of the Chief Executive Officer proposed was a rather a long and exhaustive process. However, it was by necessity such a process, baring in mind the requirement that under the new act which regulates the Public Service, with its Tender document such as the Human Resources Policies, these require recruitment to the Public Service to be based on merit and once the candidate has been selected to allow the opportunity for an unsuccessful candidate to appeal. These two very clear principles, selection on Merit and the opportunity to appeal are the two major corner stones of the new Legislation. Mr Acting Deputy Speaker, twenty six applications were received for the Chief Executive Officer position, a selection panel of four, comprising two MLA's, the Human Resources Consultant from the Administration plus one Independent Member who's expertise in the Selection process was put together. Following some eleven phone interviews the field was narrowed to six and these were offered face to face interviews. The preferred candidate was I must say a unanimous choice of the panel and met with Assembly Members last week. Whilst it is not possible at this stage to mention the person by name there are certain requirements in the selection process and particularly in the case of positions at this level that anonymity is essential but however there are certain details which are important. The first is the preferred candidate is a female and whilst I do not wish to get into the feminist macho debate the point is highly significant for it is the first time a female has been recommended for the position in nearly twenty two years of the Assembly's history. The preferred candidate has formal business qualifications and has spent time in the Public and Private Sector, Of particular interest in her past involvement with Rural type communities whilst crucial it is I believe significant from the prospective Norfolk Island itself an isolated community to have a first hand knowledge of those aspects which result from isolation. Such aspects I might add are not all negative, there are some positives. May I say at this stage and pay tribute to current Chief Executive Officer Mr Toon Buffett. Having spent some thirty years in the Norfolk Island Public Service Toon is a product of the service and was a pleasure to me that I saw at the time a local appointment to position. Toon served for three years and wish to publicly record my thanks for his efforts at a time of significant change and it must be acknowledged in that period been limited, very limited senior Management support. I must add that it is my intention whilst I'm in this position to press for proper training and particularly in succession training to insure that we will have people coming through the Senior Management and Executive positions in the future. Mr Acting Deputy Speaker interest in the position of Chief Executive Officer was excellent and overall candidates provided the panel with wide choice. I look to direction from Assembly Members in relation to appointment and may I say that once an appointment is made it is essential that the Assembly provides clear and precise policies and objectives for the appointed person to follow. The CEO is the link between the Assembly and the Service and to often I have noticed problems in two specific areas. The first is a lack of policy guidelines and guidance and the second is direct contact between officers and Executives. The roll of the Assembly



opportunities where they are able to perform in tasks. Now we do have a Merit Selection process the Chief Minister has referred to that but in the first instance it should be a merit selection from amongst our own community and this obviously has been a much wide spectrum. Norfolk Island numerically is a small number to compete in the totality in this particular example of Australia and New Zealand and if you want to spread your initial net that wide in the first instance then the small number that we have may not have had the same opportunities as people in much wider spaces to be able to undertake some of these tasks, but that does not mean that they are not able to do it and it does not mean that they shouldn't be given the opportunities to perform. We did take that step on the last occasion and I would have hoped that we would have had the opportunity to build upon that in this occasion. I am not supportive of the Motion that will go outside that spectrum to build our own in our own Island.

MR ACTING DEPUTY SPEAKER Thank you Mr Buffett. Any further debate Honourable Members on the Amendment. Question is that the Amendment be agreed to.

MR McCoy Thank you Mr Acting Deputy Speaker. I feel I do have make some or provide some debate in this instance. I am of a similar mind as Mr Buffett that we should be building our own work force here in Norfolk Island and we should be encouraging where-ever possible the employment of Norfolk Island resident in such important positions as the Chief Executive Officer of the Norfolk Island Administration, and we have since 1979 on this path of Internal Self Government and we have seen one Norfolk Island resident climb to the top of the Norfolk Island Public Service and the Chief Executive Officer for the previous three years, but I question what has happened to the encouragement for more Norfolk Island residents over the last twenty years to climb to that level, and that questions comes form time and time again looking at a budget that does not have any allocation for apprenticeships or future training for Norfolk Island residents. I appreciate the effort that is being put in to educate young Norfolk Islanders but I do question what has the service done to encourage Norfolk Island resident to climb to the top of the ladder and that is why I believe we are in a situation now where unfortunately we do have to cast the net wider than just Norfolk island.

MR ACTING DEPUTY SPEAKER Thank you Mr McCoy. Further debate Honourable Members. There being no further debate I put the question

MR NOBBS I'd just like to make a quick comment if I may Mr Acting Deputy Speaker. I'm very conscious of the need to establish a proper succession training and the like and I mentioned it earlier that is one of issues we have and there are funds in the budget today to, under the Human Resources Policy among other things to start initiating the training which will be succession training and we really have to start being fair dinkum if we wish to progress this and I think as an interim measure and I'll be looking to seeing the junior members of the organisation progressing under a proper training regime and that's what you really need in place. If you're looking at succession training that people have to go through that and I believe there will probably be a need for some training in other organisations this occurs all the time and it broadens the views of members instead of members of one particular organisation that go elsewhere and be exposed to other organisations. I think it was started actually in about 1966 when some members were sent, not sent they were placed in other administrations with the view that this would continue and that they would get experience and they've come back actually and provide some experience and expertise into the local work force. I don't think its really been carried on since that date but it's something that we need to look at, we need to get in place I should say not just look at the thing we need to get things like that in place and succession training as I said is most important and its and area that I believe if it was on every position and I thank Mr McCoy for moving that axe over my head a while ago while I'm ever in this position that is one of my major concerns and efforts will be put in on my behalf to ensure that that occurs. Thank you

MR ACTING DEPUTY SPEAKER Thank you Chief Minister. The question is that the Amendment be agree to? Is there any further debate on that question. No further debate. I put the question that the Amendment be agreed to

QUESTION PUT  
AGREED

We move now to the Motion as amended. Question Honourable members is that the Motion as Amended be agreed to. Is there any debate. No debate Honourable Members I put the question That the Motion as Amended be agreed to

QUESTION PUT

Mr Buffett would you like the House called. Would the Clerk please call the House

MR BUFFETT	NO
MR NOBBS	AYE
MR COOK	AYE
MR McCOY	AYE
MR GARDNER	AYE
MR WALKER	AYE

MR ACTING DEPUTY SPEAKER Thank you Honourable Members the result of voting ayes five the nos one the Motion as Amended is Agreed to.

### **THE AMENDMENT TO PLANNING ACT 1996 IN RESPECT TO TOURIST ACCOMMODATION**

MR WALKER Thank you Mr Acting Deputy Speaker I move that this House directs the appropriate Executive Member to have drafted such amendments to the Planning Act 1996 as would prevent the processing of any existing applications or the acceptance of any new applications lodged after 10am 16<sup>th</sup> May 2001 for Tourist Accommodation without the applicant having first secured relevant to the said application

- (1) A position in the Tourist Accommodation quota pursuant to section 8 of the Tourist Accommodation Act 1984, and
- (2) Evidence of the applicants secured position under 1 above for presentation to the Secretary of the Planning Board, and
- (3) A conditional registration certificate under section 7 for (a) of the Tourist Accommodation Act 1984 to accompany the application.

MR ACTING DEPUTY SPEAKER Thank you Mr Walker. Debate.

MR WALKER Thank you Mr Deputy Speaker when the Tourist Accommodation Registration and Quota and Amendment Bill 2001 was debated in the House just two months ago, certain detail stage amendments were agreed. Specifically relevant to the motion proposed was a change to clause 7 of the Bill. It was passed by the Members that clause 7 of the Bill be deleted and a new clause 7 substituted whereby clause 8a the original Bill was removed. This clause labelled the effect of the quota and sought to establish the means by which an applicant seeking approval for tourist accommodation could further seek where the application had been refused that the application subsist on a prioritised wait list. The wait list effectively provided the Executive Member with previously approved applications should a new quota number be determined at any time in the future. I move Mr Speaker to have the clause removed on the basis that the wait list created by this Legislation may not provide the type or standard of accommodation required at the time of a new quota determination, but importantly as a result of the clause, should it have been passed, any application subsisting would take precedence over any new application that would provide the type and standard of accommodation sort. therefore I agued and the Members agreed that it was more

advantageous to identify the type and standard of accommodation required prior to any re-determination of the quota and then seek expressions of interest from developers willing to meet those specific requirements. In this manner the Minister would not be compelled by Legislation to automatically give any position created by a quota determination to those at the top of a wait list regardless of whether they may or may not meet the criteria established. Mr Speaker my proposed motion above seeks to prevent tourist accommodation applications lodged under the Planning Act 1996 being accepted and processed through the planning process without first, and that's important, without FIRST having complied for approval under the Tourist Accommodation Act 1994. Should the appropriate Amendments proposed not be made within the Planning Act then by default a wait list will be formed, under the Planning Act 1996 contrary to the Tourist Accommodation, Registration Act 2001. That is the Minister would give approval subject to a position being secured in the quota. We have heard earlier in question time that it is a fact that at least one approval has already been given and on this basis and the Minister is in the process of considering others. Mr Speaker this Motion is all about getting the process right. The community sent the strongest of messages by way of a petition to their representatives that they wanted all Tourist Accommodation development stopped. By reintroducing the quota for control of Tourist Accommodation the Assembly moved to exclude all those with conditional registration certificates. At the same time we moved to prevent a wait list of applications subsisting under the Tourist Accommodation Act. I am confident Mr Speaker that there is wide support for a process whereby a potential developer wishing to build Tourist accommodation should firstly apply to the Minister for Tourism for consideration of quota positions. The Minister in turn would bring the matter before the full Assembly for debate and hence the issue would be open for public scrutiny prior to any quota determination. Only after an applicant had secured a position on the quota would they then proceed to lodgement of their planning application. In this manner the community through their respective representatives are fully informed of the process and maintain control of tourist accommodation development. Mr Speaker I would urge all Members to support my Motion.

MR ACTING DEPUTY SPEAKER Thank you Mr Walker. Further debate.

MR McCoy Thank you Mr Acting Deputy Speaker just a couple of matter. Towards the end of Mr Walker's introduction of his Motion, he indicated that, and it was also brought up during Questions Without Notice that the Minister and in this case being me, has at least one approval that has already been given on this basis and the Minister is in the process of considering others. I consider that to be a little misleading because I am not in the process of considering others. I have not had any recommendations put to me, nor any planning applications put to me by the Planning Board in relation to this statement that I was considering others. I reject that statement, because as I have indicated I have not had any recommendations made to me nor have I had any applications put to me by the Planning Board. Also I am still grappling with how Mr Walker intends this to work because he does say that a potential developer can lodge an application with the Minister for Tourism for a quota position. I cannot quite understand whether Mr Walker intends that a waiting list of applicants is held by the Minister for Tourism. Now whether that then triggers the Minister for Tourism if he does have a substantial waiting list for quota positions to come to the Assembly and say, well we have these applications pending an increase of the quota, and that for some degree allows unless the Assembly is in a clear situation where the Assembly decides that they now have all their planning requirements in place we do know that our water assurance scheme will take more visitors, the runway will take more aircraft landing on it. We know that our waste management system is up and running, then I believe if that was the case and the community is indicating that they feel we have a requirement to allow more beds to be, more Tourist Accommodation beds to be registered well then I feel at that point it would be up to the Assembly to make it quite clear that they have or will be increasing the quota by a particular number. Not allow the Minister for Tourism to build up a waiting list and also possibly be lobbied by potential developers to achieve a position on the quota. So that's why I'm still, I understand what Mr Walker is trying to do and on that vane I am comfortable

well I shouldn't say I'm comfortable because I'm still wrestling with how this will actually work whether the control for development on the Island is actually removed from the Planning Minister and put into the hands of the Minister for Tourism. In saying that I reflect back on to what I said where a development may lobby the Minister for Tourism to allow an increase in the quota. I understand what Mr Walker is doing or trying to do I had discussed this with Mr Walker and I did indicate or ask Mr Walker if it would not be more relevant that there be a total ban on the acceptance of any applications for Tourist registration until the Government are in a quite a clear picture of where we intend Norfolk Island to move over a given period. and in this instance we are all aware the Norfolk Island Plan is under review and the Norfolk Island Plan once the new plan is put in place will give us some understanding of where the Government and the community wishes Norfolk Island to move in the next five years in its development situation. So I'll just see what other Members have to say in regard to this Motion.

MR COOK

Thank you Mr Acting Deputy Speaker. This Motion suggests that there should be drafted Amendments to the Planning Act which of course would require them to come back to this House for final consideration, but it makes perfectly clear that what's intended to achieve is a total ban as it might be on the dealing with existing applications or accepting new applications after this morning. Its obviously providing very clear notice of the intention of the Assembly to have a look into all those most important things that the Minister for Health and Environment has touched upon what we don't really know about at this present time is a deal of information which no doubt has to come forward to us, accumulated from various sources which will provide us with a very clear idea of exactly where we should be going with the Tourist Accommodation situation here on Norfolk Island. I for one am extremely concerned that I have available all this material which will enable me to be able to contribute to appropriate discussions and for decisions to eventually be made which are in the best interest of the community. Having in mind the available accumulation quite significant areas of material. I'm prepared to support the Motion. I did of course and still have on the Notice Paper and not yet progressed it a Motion to the House for the Select Committee to investigate and examine a whole host of matters relating to the Tourist Accommodation Industry and to necessity of Legislation and the validity of these registration certificates under section 7/4a such as have occurred to date and I'm satisfied there are concerns as to some of those matters which have to be addressed, but I believe that this Motion should go forward I believe that we should have the opportunity to consider appropriate Legislation which fully protects the situation relating to Tourist Accommodation Industry here on Norfolk Island and it protects the planning provisions that we want to have in place in due course and there are so many uncertainties at the moment I feel I will be able to support the motion simply to make it perfectly clear to the community that we are intending to be very strict and very clear where we're going and how we should wait to have proper information before we should proceed further.

MR NOBBS

Thank you Mr Acting Deputy Speaker I quite understand where Mr Walker is coming from with his Motion and I also where Mr McCoy is coming from because I would have thought and we will have to discuss this fully in the future that whose going to wag the joint. Is the dog going wag the tail or the tail going to wag the dog that's the that is the problem that we have and I believe the Assembly should be setting the requirements. They'll be specified in the plan and also there'll be from time to time a change in the policy obviously into the future in relation to Tourist Accommodation. At the present time now she's all over Rover but in the future there may be a need for a change. Well at that time it should be the fairest way would be for the Assembly to come an arrangement as to what they really require in relation to Tourist Accommodation, what sort of accommodation it is, where they really want locate it and then call for expressions of interest to provide that sort of accommodation and then look at it that way. I mean we've been through a process where applications have come in willy nilly and all the issues and I went through a report which was fairly damning I believe in relation to Tourist Accommodation to date when I made a statement on that, however, I agree with the need for something like this Motion but as the acting Minister for Tourism and Commerce I requested a report as to where we actually were at the very moment in relation to

amendments to the Tourist Accommodation Act, and this has been provided to me and I will read it.

When this House passed the Tourist Accommodation Registration and Quota Act 2001 earlier this year it was to impose a quota on Tourist Accommodation development in accordance with the wishes of the community and out of concern the impact such developments were having on the environment and the community resources. That Act however was not the sole initiative being pursued by the Minister for Tourism and Commerce. As acting Minister for Tourism and Commerce I CAN ADVISE THE House that a complete review of the Tourist Accommodation Act was commenced at the same time. This review included a consolidating and rewriting of the Tourism Legislation to rectify some of the inconsistencies and difficulties we have experienced in this area. The review is designed to cover both Tourist Accommodation Legislation and the Planning Laws of Norfolk Island and was commenced in February with a view to amending Legislation being brought to the House as soon as possible. I'm aware that officers of the Administration are well advanced in this task. Members will be aware that at the same time the Minister for Health and Environment is preparing a new Norfolk Island Plan. These reforms must be developed hand in hand to ensure that both planning and tourist laws are consistent. The proposal to amend the Planning Act to require a position in the quota has been anticipated by the responsible Minister and that amendment is part of the current instructions held by the Legislative Council. Members will also understand that Legislative reform does not happen over night and that the interaction of all of our laws needs to be examined carefully to produce a consistent and workable result. Too often we have forged ahead without considering their over all implications or in fact whether they will work in the community. Amendments to the Planning Act as well as the tourist Accommodation Act are well under way and I am advise that a first draft will be available by the next sitting End of report. So I don't believe there's anything in there that's contry to what either Mr Walker or Mr McCoy have said today and I would support the Motion no worries at all.

MR WALKER

Thank you Mr Acting Deputy Speaker I would just like to try if I may some of those concerns that have been expressed. Firstly to Mr McCoy. As Chairman of the Planning Board I did approach you in relation to applications which are before the Board at this time and your indication was that they could be treated in a similar manner as the one that has already been approved and which we've established is effectively by default forming a waitlist under the Tourist Accommodation Quota Act. I and I took that to be a fairly strong indication from yourself that other applications would be treated in that manner and I apologise if I have misinterpreted what you said to me. However, the very thing that I am proposing is to try and solve that problem within the association of the two Acts where applications are able to be made under one which are banned under another. Unless they have a Tourism Accommodation quota position so we have two Acts which are working not in tandem but against each over and with this Motion I am endeavouring to put that so the process happens in the correct order How will it work, you expressed some concern that it cannot work well and in answer to both Mr Cook and Mr Nobbs on this question of how will it work. We have established under the recent Bill that we passed through the House with the Quota that the Minister for Tourism cannot make a re-determination of the quota without bringing it to the House and so therefore my Motion is simply that any application for Tourist Accommodation will get the widest possible exposure prior to being approved and by that I mean that the applicant must first go to the Tourism Officer or the Tourism Minister and establish that the Minister will bring forward to this House a Motion to change the Quota. And once he does that then the Assembly has control of whether that re-determination is made or not made. The whole point of my Motion is simply to have that determined prior to us going through all the planning process and creating by default a waitlist that the Minister would have to take into consideration when any re-de-termination was made. I hope that explains why I am putting forward this motion. There has been some frustration in the past where the two Acts are not acting in tandem and I would hope that this Motion and I have had indication from the Legislative writer if that's his correct terminology that that this Motion will assist him in bringing about the co-ordination between the two Acts which I am proposing through this Motion.

MR WALKER I would ask that the question be put.

MR ACTING DEPUTY SPEAKER No further debate I put the question

QUESTION PUT  
AGREED

### **ADMINISTRATION POLICY AND GUIDELINES FOR THE PROCUREMENT OF GOODS AND SERVICES**

MR NOBBS Thank you Mr Acting Deputy Speaker I move that this House approves the Policy and Guidelines in respect of the Procurement of Goods and Services outlined in the document dated 10 May 2001 and entitled Procurement of Goods and Services Purchasing, Tenders and Contracts circular No 5.1 and request the responsible Executive Member to adopt the said policy and guidelines by direction under section 38 of the Public Monies Act 1979.

MR ACTING DEPUTY SPEAKER Thank you Mr Nobbs. Debate

MR NOBBS Thank you Mr Acting Deputy Speaker the Motion is designed to gain acceptance of what is an important and at times in the context of Government all Government operations an often controversial namely the purchase by all Governments of goods and services. A document tabled at the last meeting seeking import, sort imput there has been some minor changes, mainly grammatical but added is a requirement for a specific quorum for relative meetings. The document is a revamp of the previous Administrations purchasing Policy and the original document I understand was accepted as out dated and long overdue for a revamp. Th proposed policy document establishes a different concept as to a Tender assessment where previously there was only one Tender Board comprising the four Executives, the CEO, the proposed policy has a two tier arrangement.

One Board comprising the Executive Directors and the CEO is to assess Tenders up to \$40,000 and any tenders b

beyond \$40,000 will be assess by a Board comprising 4 Ministers and the CEO. The document deals with such issues as consultancy and expressions of interest which were previously not documented. As an Appendix and a Minor Works Contract and also an example of the conditions of Tender Documents. A major variation is in relation to accountability. It is proposed that the document is formally tied to the Public Monies Act I wish to thank those in the Service who advised and assist in putting the document together and it is also appropriate to recognise and thank the Finance Committee for their efforts. I commend the Motion to the House and seek acceptance at this sitting.

MR ACTING DEPUTY SPEAKER. Thank you Mr Nobbs. Any further debate. No further debate I put the question

QUESTION PUT  
AGREED

### **STATUTE AMENDMENT GAMING FEES BILL 2001**

MR McCOY Thank you Mr Acting Deputy Speaker I present the Statute Amendment Gaming Fees Bill 2001 and move that the Bill be Agreed to in principal.

MR ACTING DEPUTY SPEAKER Thank you Mr McCoy. Debate

MR McCOY Thank you Mr Acting Deputy Speaker this recommendation was put to me by the Gaming Authority as you may be aware when the Norfolk Island Government set out on this path to possibly create a new industry for Norfolk Island and in essence an industry that has low environmental impact but to some degree could provide us with a high economical return. It was a new industry when Norfolk Island Government set out on the path to try and establish an Internet gaming for Norfolk Island and at that time there were very little bench marks for the establishment of application fee's and on that note the authority has to some degree been operating on a shoe string budget and the Norfolk Island Government has provided the authority with funding to carry out some of the requirements when an application is lodged and fortunately looking at the budget for the authority the authority is in no great debt to the Norfolk Island Government at present, but some of the Members of the authority in particular who had a remuneration figure set of something like off the top of my head \$9000 per month have been working without collecting the full remuneration and in particular the Director has been working based on a four day per month wage, which has been a substantial saving for the authority and as you may be aware Mr Acting Deputy Speaker the initial fee units was set at a time as I indicated earlier on when then were no real bench marks and we were moving into quite a new business as we've moved along this path and more jurisdictions have become interested in being involved in gaming some bench marks have been set and whilst we now talking of increasing the Fee unit from 250 to 2500 units the authority advised me that that is not a huge burden on potential licensees and it was also discussed that if application fees are set at a very low figure it could appear to cheapen the Industry that Norfolk Island is attempting to set up here and on that basis that is why the advice was put to me by the authority to actually increase the fee units to 2500.

MR NOBBS Thank you Mr Acting Deputy Speaker I support the proposal it's a recommendation of the Gaming Authority and we've seen the Authority set up a very well respected and accepted operational structure and the provisions and the like which have been taken up I understand in other jurisdictions and held up as a prime model, Their advice earlier I understand although I know Mr Gardner was involved at the time that the figure set was on their advice and they've now realised that we should be more comprtative in the as fqr as the fee situation is concerned. That we've opened it up and I've got no problems qt looking at it and supporting an increase in the fee requirements given that in other areas and jurisdictions its still higher than that particular figure. We will of course be running into competition in the future and anybody who read the article in the Sydney Morning Herald last weekend will see that there are heaps of these jurisdictions that are looking at Gaming Operation but I think that Mr Gardner will support me in the fact that we are not looking for a squillian dollar industry on Norfolk but we're looking for a reasonable share there are a certain number of licences to be issued at this stage and we'll be looking at a reasonable return but not going hell for leather for the pot of gold at the end of the rainbow sort of thing that has gone on in other jusidictions. I support the proposal put by the Minister. thank you.

MR COOK Mr Speaker I initially felt some degree of concern about whether should just simply be increasing the fees it seems a fairly substantial increase. In discussions that took place in the informal meetings of the Members of the Assembly it was raised that we were indeed achieving at least one result that had been touched upon by Mr McCoy and that's signalling that we regard the product that we are able to offer people as a really first class product and we're not cheapening it by having a fee that is so low that it seems as though we have a very poor product indeed to offer to people. On the hand of course any increase of this kind and such a substantial amount would appear on the face of it to provide a reason for justifying it based on what is actually involved in the license fee and what use is made of the license fee and so forth. I for one don't think I could really support an increase in the fee if it was just simply grabbing money if I can use an expression, grabbing money for the sake of gabbing it from people who can pay it. I tend to believe that we should be able to justify the increase on the grounds that it really is something that is necessary. I've been wavering in my feeling towards supporting and not supporting the Bill. I've heard what the minister has said and I'm not unimpressed

by the fact that the Gaming Authority in whose hands we've placed the organisation and administration of this particular revenue raising exercise I believe that it is appropriate to have this increase the people who are on that authority are reputable people they're obviously not intending to simply to say oh well it will be a good idea to get some more money if we could and we'll just go ahead and raise the money if indeed the authority believes its appropriate for the reasons that Mr McCoy has touched upon and for other reasons that the authority have considered but necessary that we have had stated here in the House then I think I'd come down and a little reluctantly to feel I can support the Bill but I'm a little bit concerned on how exactly it might be justified and maybe others the former Minister who I see is here and might be able to speak about it might be able to indicate to me how it may or may not be justified.

MR GARDNER

Thank you Mr Speaker I am vermently opposed to this piece of Legislation and for a number of reasons. I take on board what Mr Cook has said about the expertise and the eminence of the persons on the Gaming Authority but I think there are a few matters that need to be brought out and discussed here more fully. I will not be supporting the Bill I will not be supporting any attempt to deal with it in its entirety today.

1. If I can begin our application fee originally stood at two and half thousand dollars there was a reason for that as the Minister quite rightly has indicated there were no real bench marks for what an application fee was all about. Two and half thousand dollars was really to cover what was expected then to be the cost of printing documentation getting applications fees out, postage, those sorts of things and certainly more than an adequate amount for that purpose. Whilst we were developing this and whilst we secured a substantial amount of interest from a number of interested parties in establishing themselves in inter-net gaming or book-making licences on the island I think an excess of some two hundred approaches to the Norfolk island Government we wee I think if my recollection serves me right fortunate I guess in securing some twelve applications for licenses from a group of I think eight different applicants some of them being duel licensees and applicants for duel licences and others not just singular licensees like for example out TAB that's been established here on the Island. Then we went into a regime into a case of looking at exactly what the costs were how we were going to control cost how we were going to manage and facilitate the authority and the regime that was necessary to establish a proper gaming authority and gaming regime here on the Norfolk Island. What we instigated at that time was a fifty thousand dollar investigative fee of twenty five thousand dollars for an Australian registered company to investigate their background, do the probity checks and everything else that was necessary in other words the two and half thousand dollars application fee covered the paper work, basically, covered the mail, covered the mail. The investigative fee was the fee that covered the workings of the authority in investigating and dealing with an application now the unexpended portion of that it was agreed was refunded to the applicant so in other words all costs of the authority were covered in dealing with the application. That is still in place ,there is no proposal to remove that, I see this as double dipping, if I can carry on. Once they'd been through the process if they were successful in being granted a licence and there's been a cap I understand has been set on that of fifteen licences. There's been twelve issued to date which is combined with inter-net Gaming and Book making licences there's only 3 out there. There hasn't been an application made for an excess of 12 months so there are only three other licences that we are possibly talking about here in this area, but when somebody was granted a licence even if they were not operating and that's the current state of play for those in the system up until two days time when the Commonwealth moratorium comes off but up until that time there is an administrative fee charged to them on an annual basis of fifty thousand dollars, which is an administrative fee to cover the workings of the authority out of session in dealing with the establishment and the running of the authority. Now if we were looking at to cover those costs its more appropriate to adjust those fees rather than an applications fee ,because and application fee that's been talked about here gives the applicant absolutely nothing. If we touch on the explanatory memorandum it says the sum that's there at the moment because the fee unit has been increased to three thousand seven hundred and fifty dollars and that's the current application fee now, the sum is manifestly inadequate, manifestly inadequate given that and this is reading from the

Explanatory Memorandum considerable profits are possible for licensees we've known that all the way along we just want a little bit more by the look of this pieces of legislation. This is a blatant money grab and it really disturb me it really disturbs me that we are now instead of being world leaders we're jumping into bed with the other probably less favoured status places in the world such as the Carrabean and other shonky operators that we're jumping into bed with them just as a blatant money grab and that's really disturbing to me.

2. The second point in this is this that the standard fee in other jurisdictions is in the vicinity of fifty to eighty thousand dollars it doesn't go on in this document to say do they have and investigative fee and investigative cost of fifty thousand dollars attached do they have and administrative fee of fifty thousand dollars also attached once a licence has been granted no it doesn't say that Mr Speaker and just while we are on that point, one thing that I think that we prided ourselves on in developing this Gaming Legislation and Book making Legislation and every thing we did, we did it our way we did it the best way we possibly could and we strove to be the best in the world at trying to set up a regime here on Norfolk Island. I don't want to see that pulled out simply because we're going to be one of the sheep and do what every one else does because it looks good and it gives us a bit of money. I think that's highly inappropriate

3. The fee of three thousand seven hundred and fifty dollars does not give an adequate return to the community in exchange for the rights it endows. We are talking Mr Speaker about an application fee it endows no rights whatsoever other than to have the authority to assess an application and all the cost of the authority are covered in the other fees. I think this is inappropriate and I cannot support it.

MR McCOY Thank you Mr Speaker Mr Gardner has raised some issues that do require some debate. The authority to date has been there as I mentioned earlier on and they have operated on a shoe string budget. The application fee which we are addressing here is a fee and the money the funds that are raised by these fees are the funds that the authority require on a continual basis for the re-numeration of the authority in other words to pay the authority members wages. The investigation fees and such that Mr Gardner mentioned covers the police property checks and all of the other requirements for a person to gain a licence. And as Mr Gardner indicated whatever monies are not expended during that process go back to the applicants the potential licensees. Unfortunately the Commonwealth imposed a Moratorium on interactive Gaming which will be coming off in approximately two days, when that moratorium came in it put the authority and the gaming industry of Norfolk Island the interactive gaming industry into moth balls period. Now that it appears and we are only preparing ourselves for what happens when the interactive Gaming Bill is debated in the Senate in June. Now if the Bill passes through in its present form or in a watered down form it does not affect Norfolk Island ability to move into full blown the full blown proposal of Gaming and therefore there will be a requirement for an increase in staffing or Members. Well there's an increase in Members of the authority, there is already we have a Director, we have a Chairman and we have two other Members but once we go into the full blown proposal of gaming it will require other we need technical Director or an assistant director who will have a technical background. We also may need a technical person and the reason I say we may need a technical person because what is envisage depending upon the amount of licensees to actually get up and running will determine whether we need an assistant or deputy director who can operate as a technical person, but if we go beyond five licensees well then the deputy director will not be able to full both rolls, we will need a technical adviser and also on that note we will need approximately seven monitoring officers so the cost of actually operating the authority increases some what dramatically and that is the position we are in at the moment and the fact is it appears that we will no longer be in a moth ball situation we will be going full blown proposal. and that is why there is now a recommendation put to me by the Gaming Authority to increase the current fee and we are not just doing what very one else is doing because in some jurisdictions, we have here a standard fee and in other jurisdictions is in the vicinity of fifty two, fifty thousand to eighty thousand dollars, in other jurisdictions its up to a hundred thousand dollars and there's also establishment fee of a Million dollars so we are not just copying what everyone else is doing. Also I have touched on the staff requires once a person becomes licenced its an eight year licence its not an annual continual

charge. So I have no difficulty in putting this motion forward and the real reason is its because quite clearly see that if we do not do this then how is the Government continually going to fund the Authority. Will mean then that we will have to say well the revenue that has been earned by Gaming will have to be used to continually prop up the Authority so therefore our four percent tax we are putting on this inter-active Gaming will be dramatically reduced. The money that goes to the Authority is purely for Authority activities therefore the Authority has to be self funding. It cannot continue as it has been at the present and I would also make mention that there will be a requirement for a secretary to the Authority. At the moment the Chief Executive Officer's secretary has been acting secretary to the Authority, now that demands another wage of some considerable amount, which if the Secretary to the Authority had been paid the full amount that a secretary to an Authority as such of the Gaming Authority well then the Authority would be in some considerable debt to the Government and this is what this motion is all about, avoiding the Government having to continually prop the Authority up.

MR GARDNER Just in response to some of those things. As I said before this is inappropriate having this figure slapped on as an application fee. There are a couple of questions that need answering here. If somebody is unsuccessful in their application is that thirty seven and half thousand dollars going to be refundable. Simply because I see it inappropriate making an application to carry the authority for a twelve month period if you're not going to be part of it for that twelve month period, totally inappropriate. I think the Minister needs to go away and do a bit of homework on the length and tenure of the licences because they all vary by recollection I think three years for a book making licence some are five some are seven I think as the Minister says 1 may be eight. One of the purposes of having the Administrative fees set at fifty thousand dollars for Internet gaming licences was that that would be off set against tax if they weren't operating if they're looking to cover the cost of the Authority it is more appropriate that it is done in that area not in an application fee. The Minister also said once it is up and operating, once these people are out there operating with their computers churning out money that the monies will flow and it will need all this extra staff for the Authority. Yes he's right it will be self funding because when that does happen the tax money will start to flow the Authority will be self funding from the tax that is imposed upon them. Now if that's still not adequate then you need to address the taxation side of it, not an application fee, for goodness sake. Thank you

MR WALKER Could I just ask the Minister for a point of clarification, because he alluded to and I don't know whether he meant to that some Members of the Authority have been working without claiming their remuneration, in other words they have been working in an honorary basis because there is not sufficient funds for their remuneration is that true or false

MR McCOY To some degree that is correct, through you Mr Speaker. The Director of the Authority in particular he could put in a claim for a full months remuneration but in appreciation of the fact that Norfolk Island has been working very carefully along with the development of the Inter-active Gaming Industry and also the fact that we had a moratorium put on us, he opted to divide his remuneration down to a four day month which there is no requirement for that to happen. So he could have worked four days a month and claimed the full monthly fee.

MR WALKER Mr Speaker, thank you. Surely the integrity of the man is beyond doing that type of thing and the Authority itself should be addressing the Administrative Fees as the previous Minister had indicated if they insufficient to keep the Authority going. Surely that application fee is a one of thing it's not going to keep the Authority going for ten years hence. It's a one of and as we've just heard there's a cap of fifteen there's a possibility of three more application fees I can't see the three application fees are going to keep the Authority moving, surely we should be addressing the Administrative Fees, rather than the Application fees.

MR McCOY Well as I said earlier on...

MR SPEAKER Mr McCoy before that, Mr Gardner

MR GARDNER Thank you Mr Speaker. Just in relation to the comment about the Director of Gaming. Mr Leyshon, as the Minister has quite rightly pointed out has really been the lynch pin in containing the costs of the Authority to date. He's done a sterling job and it was of his own approach as the previous Minister that he believed there was not sufficient work simply because there were no longer any applications being received for him to justify a full time position as the Director of gaming and he was quite happy to enter into a very flexible arrangement in that he would only charge for the hours that were worked and that is what he has done and that he has also recouped a substantial amount of remuneration from the investigative costs and fees for the licences that have been established to date, and I do not believe that position has changed simply because there are no applications there is no business in gaming save for the TAB which is operating at the moment. That is likely to change granted, in a couple of days time when the Commonwealth moratorium is reduced, there may well be people operating, we will have a tax regime in place that will have money flowing and by all accounts and guesstimates because that's the best word to be able to describe it at the moment there would be more than sufficient funds to cover the cost of the Administration of Gaming by the Authority and also return the Norfolk Island Government a substantial economic returns.

MR McCOY Thank you Mr Speaker. There seems to be somewhere along the line we're missing the point here. The application fees or the investigative fees for the want of another word is pretty well all used up during the pre-licensing faze. It is quite a substantial amount goes towards the Federal Police to do all their Probity checks You know you can't just run out there and say well here's an applicant send the application off to the Federal Police and they'll do a probity check over night. It's a long drawn out process that can be a very expensive process and we found to date and I'm sure the previous Minister would back me up that most of the twenty five thousand dollars or the fifty thousand dollars that is put in is used up during that probity check but whatever funds do remain is returned back to the applicants. Now if we are saying we will, we can see that there will be some money forthcoming from Gaming therefore that money will pay for the Authority the question is, during the pre-operational faze of these licensees if there's no substantial amount of return forthcoming from their activities well where do we get the funds from to pay for the continual operations of the Authority and quite clearly once we go into this full operational mode the as an example, the Director will no longer be able to operate on a four day a month basis, that position will become more of a full time operation as I mentioned the secretary to the Authority is already, is the secretary to the Chief Executive Officer. Now if that was another person the cost to the Authority would be a lot far more substantial than it has been to date. Once we have licensees up and running as I indicated if we get five licensees up and running in the next twelve months that will require seven monitoring officers, on top of what we already have in the Authority.

MR GARDNER Yes I take on board exactly what the Minister is saying I understand it very very clearly what he is saying, if they are up and operating and we've got these seven people on board, We've got a Director, we've got a full time secretary we are going to have all of those operations making a return to the Norfolk Island Government by way of tax. It will be self funding. We've had no applications to deal with to date for the last twelve months. I see it just as a blatant money grab. The investigative fees granted cover the cost of the Authorities if the Authorities need to travel in relation to an application that's been made or an investigation that's been made, there are no current investigations under way, the Authority has no costs there, however those which have been licenced which I believe there's twelve licences including the book-making and the Gaming Licences each are returning twenty five or fifty thousand dollars each in an administrative fee which is paid annually. They've got to pay that if they are not operating, that's off set against the tax and that was deliberately set up so that we didn't run into this problem so that it was self

funding. Now we talk about what the Gaming Authority budget is well I haven't heard the Minister say, well hang on here gee the Authority's got a six hundred thousand dollar bid but gee we're going to slash that in half like they did with Hospital like they did the Hospital Mr Speaker, I think you've got to look very long and hard at it as the Director did and I've got to give him credit for that we had a six hundred thousand budget in the last financial year for the Authority, it would have been fine to have six hundred thousand dollars but we wouldn't have used any of it because we weren't operating we weren't up and running there was no need to, if they'd been up and running they would have been getting their monies which was required for the operation of the Authority from the taxation that was generated from the issue of the licences

MR McCOY Just a quick response. The previous operations of the Authority have we've heard this talk of the six hundred thousand dollar figure well in actual figure that figure fortunately the Authority operated in an area of somewhere around three hundred and sixty thousand dollars, but there's nothing to say that Authority as I keep saying, have put in place the Secretary and the Director had more work to do the figure wouldn't have gone up to six hundred thousand dollars and it was to a large degree unknown there's been an open cheque book approach to how the Authority has operated to date because of all of the unknowns. We have a moratorium put in place which meant the work required by the Authority had receded, of course no applications came forward because who would apply when there's a moratorium in place and there is the discussion and the concern of what the Commonwealth Legislation will do. Now I don't think anyone would come out and apply for a licence knowing full well that there is a grey cloud hanging over this inter-active gaming initiative. Now that this appears that we will be able to go into the full blown mode for gaming there is a requirement for all these extra staffing and the Authority will have a lot more work to do. There will be a continuing requirement for probity checks to be carried out. If for example we licence a company based on the probity checks that have been done on all of their Directors and Chair people and Board and the Board of that Company changes are we just going to turn around and say that Company has a licence we're not going to do a probity check on the new members of their Board. So there's always going to be ongoing costs. On the other point where we say well we're going to gather revenue from this Gaming initiative well that's all very well if we do gain revenue well then we can turn around and say well we will reconsider the application fees we will reconsider how we fund the Authority because there is no, because we've reached our cap we've reached our cap of fifteen licensees so therefore we can't see that there's going to be monies coming in from potential licensees when they apply for a licence then we can turn around and say well where's the Authority going to get their money to continue at this point, well obviously that money will have to come from the Government from the tax that Mr Gardner is saying that we are going to gain.

MR GARDNER Just in relation to one thing that the Minister raised then, was about changing Board Members and investigative costs. In the agreements as far as my recollection makes any investigative costs associated with probity checks on any one on any licensee any applicant are chargeable to the applicant and not picked up by the Authority, so the cost is directly picked up by the applicant or the Licensee.

MR SPEAKER Is there any further debate Honourable Members. No further debate

MR McCOY Thank you Mr Speaker. Mr Speaker I move that so much of Standard Orders be suspended as would prevent this Bill being considered through all stages at this sitting.

MR SPEAKER I put that question to you Honourable Members.

QUESTION PUT  
That motion is negated

MR SPEAKER May I just explain this situation Honourable Members. Standing Orders 244 requires – For Standing Orders to be put aside, which is the proposal there must be, it must be carried by no less than six Members. You will understand that we are six Members in the Chamber today and if one is of another view then the Motion is lost. Therefore I seek a Motion that would adjourn this matter until a subsequent date.

MR GARDNER A Motion to adjourn Mr Speaker?

MR SPEAKER What other Motion would you prefer.

MR GARDNER To remove it from the Notice Paper.

MR SPEAKER I think your option to not have the matter progress would lay in your voting upon the Bill itself, Mr Gardner, and we have had a proposal that it be continued and that has been lost at this moment.

MR COOK In order to enable this matter really to be brought forward and be able to be dealt with I will withdraw my vote, the vote that I've recorded as NO, if that's possible.

MR SPEAKER Members comfortable about that debate.

MR NOBBS You can't change your mind.

MR SPEAKER What I have Honourable Members is a vote that has progressed and been recorded

MR NOBBS I move that it be made an Order of the Day at the next day of sitting.

MR SPEAKER The proposal before us Honourable Members is that this matter be adjourned and made an Order of the Day for a subsequent day of sitting. I will put that to you

#### QUESTION PUT

Clerk Please call the House.

MR BUFFETT	AYE
MR NOBBS	AYE
MR COOK	NO
MR MCCOY	AYE
MR GARDNER	NO
MR WALKER	NO

The AYES three the NOS three the Motion is therefore negated Honourable Members. So we are at this stage, a Motion to defer the Matter is lost, a Motion to put forward to put aside so much of Standing Orders so that it can be heard is equally lost..I think our next stage may be to pick up, and I'm just trying to look at administrative machinery now to move forward, is maybe to look at a Motion rescind the Motion of so much of Standing Orders be put aside and if that be the case then we might look at that again and then Mr Cook will be able to record his view that he has foreshadowed.

MR MCCOY I so move Mr Speaker

MR SPEAKER Thank you. The Motion before us now Honourable Members is that we rescind the Motion concerning putting aside Standing Orders and I put that Motion to you.



progress with. I think when he started to add up the numbers and realised that it was going to be defeated suddenly decided not to proceed with it and I really can't make head or tail of what's going on.

MR MCCOY Thank you Mr Speaker. I can understand Mr Gardner can't make head or tail of what's going on. The Motion that so much of Standing Orders be suspended as it would prevent this Bill being considered through all stages at this sitting was defeated.

MR GARDNER We've rescinded that with all due respect Mr Speaker, that has been rescinded.

MR SPEAKER Order, order. Mr McCoy you have the floor.

MR MCCOY quite correct, it was rescinded. Now it's not a matter of me counting the numbers around here and saying well yes I could see I was going to lose it. It was defeated. Then Mr Cook decided to have the Motion rescinded. Now we've come back and Mr Nobbs moved the Motion to adjourn this matter and make it an Order of the Day for the next sitting and I was comfortable with that, because I felt that gave me time to provide the Members with more information so that they could clearly understand the necessity for increasing this application fee. I'd like to point out very clearly here, I believe the activities that have gone on around this table right this minute sends a very poor message out to our gaming authority and also to any potential licensees who may be interested in setting up interactive gaming here on Norfolk Island, and on that note I'm very concerned that we are now running the very real risk of saying well we spent \$360,000 maybe \$400,000 on this initiative and now we're going to lose the whole thing.

MR GARDNER Thank you Mr Speaker.

MR SPEAKER Before you embark Mr Gardner I have given opportunity around the table for some wide range in debate on the Motion that we suspend for lunch. I think Members have had a fair opportunity to say what they want. Can we now come to the matter of whether we do want to suspend for lunch or otherwise.

MR GARDNER Not on the matter of suspending for lunch, I don't believe that it's necessary. I think that we can discharge the business on the Notice Paper fairly rapidly.

MR SPEAKER Any further debate on the matter that we suspend for lunch. You will understand Members that today we have..

MR MCCOY Thank you Mr Speaker. The fact that the Chief Minister's Motion to adjourn to the next sitting was defeated is why I then moved that we suspended for lunch and I anticipated during the lunch break it would give me an opportunity to gather up some more information for the Members in the short time that we would be breaking for lunch, but if the Members are of the opinion that we should continue along the path of providing the authority with a shoestring budget well so be it.

MR SPEAKER So that this matter will not fail one way or the other we are a equal number, I will abstain from this vote so then there is an uneven number and it will be decided one way or the other. Those in favour of a suspension.

#### QUESTION PUT

MR SPEAKER Would the Clerk please call the House.

MR BUFFETT ABSTAIN  
MR NOBBS AYE



normal process in respect of that, there is a Motion for adjournment for a subsequent day, but that was an adjournment. What I have said is that an adjournment can be entertained at any time. That's one option to you. The other is that you can move the Standing Orders again because it has been earlier rescinded but the decision is yours.

MR MCCOY Well Mr Speaker I move that so much of Standing Orders be suspended as would prevent this Bill being considered through all stages at this sitting.

MR SPEAKER Thank you. I will put that question to you Honourable Members.

QUESTION PUT  
MR NOBBS NO

MR SPEAKER May I say to you Chief Minister if you want to do that you have caused additional confusion.

MR NOBBS That's what happens. It happens.

MR SPEAKER The Motion is lost then Honourable Members. Where do you want to go from here.

MR NOBBS Well you can move a Motion at any time to adjourn.

MR SPEAKER Yes you can.

MR NOBBS I move.

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

QUESTION PUT

I think the Clerk had better call the House.

MR BUFFETT	ABSTAIN
MR NOBBS	AYE
MR COOK	AYE
MR MCCOY	AYE
MR GARDNER	NO
MR WALKER	NO

MR SPEAKER The Ayes have it, the Ayes 3 the No's 2 with one abstention. This matter is adjourned and made an Order of the Day for a subsequent day of sitting. So we do have a decision one way or the other Honourable Members.

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

MR WALKER Mr Speaker I move that the House at its rising adjourn until Wednesday the 20<sup>th</sup> of June 2001 at 10.00am.

MR SPEAKER Is there any debate in respect of that matter. It's the normal sitting day Honourable Members. I put that question to you.

QUESTION PUT

QUESTION AGREED

**ADJOURNMENT**

MR COOK  
adjourn.

Mr Speaker I move that the House do now

MR SPEAKER

there any adjournment debate. No adjournment debate.

The question is that the House do now adjourn. Is

QUESTION PUT

QUESTION AGREED

MR SPEAKER

adjourned until Wednesday the 20<sup>th</sup> of June in 2001 at 10.00am

Therefore Honourable Members this House stands

❧