

**PRAYER**

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

There are no Condolences Honourable Members, we move to Questions Without Notice.

**QUESTIONS WITHOUT NOTICE**

**MR BATES** Thank you Mr Speaker. I have a question for the Chief Minister, Minister for Finance Mr Nobbs. Apart from tabling the audited version of the Annual Financial Statement, what else does the Minister intend to do with them so that the community may be aware of the results.

**MR NOBBS** Thank you very much Mr Bates for that question. I've asked that a summary of them be provided in the Government Gazette. It won't be available this week as the Finance Manager is away, as I was hoping that we'd be able to table them and also give an outline summary as we have done and the Assembly I think should take credit for this as it has been done during the life of this Assembly with the budget. I mean I believe that the reporting in that area has been excellent, it's been gazetted and I intend to table them today and I hope that a summary will be in the Gazette by next week, an outline of where we're actually at with the Financial Statements.

**MR BATES** Supplementary question to Mr Nobbs because he seems to think that he's doing something good by publishing them in the Gazette. I'd just like to ask him if he's aware of Section 8a (9) of the Public Monies Ordinance.

**MR NOBBS** I understand that Mr Bates, I understand what the requirements are, that I think that we should have a more open provision of these sorts of things. They will be provided in the, as well a full statement including I must add the report from the Auditors will be also included in the Annual Report which I understand is getting close to being finalised and should be with the printer very shortly.

**MR ADAMS** Thank you Mr Speaker. These are a couple of questions which are in effect supplementaries to Brian's questions, and they are directed to the Minister for Finance Mr Nobbs. Could the Minister give a broad outline in his view of the general state of the public sector finances.

**MR NOBBS** Thank you Mr Adams for that question. I will be making a fairly comprehensive statement when I table the statements in a little while, so there will be opportunity then I think Mr Adams if you prefer to leave it until then.

**MR ADAMS** Thank you Mr Speaker. Another question for Mr Nobbs in his capacity as Minister for Lighterage. Minister is it a fact that the Minister that yourself has delegated the responsibility for Lighterage.

**MR NOBBS** I think the only delegation from memory is to the Lighterage Manager, but I think there's been some confusion in relation to the Lighterage issue and I wish to take a little bit of time to explain it, and I'm sorry if I might say the wrong thing to some people. The situation is that with the Lighterage, and I've been concerned for some time in relation to this there appear to have been two types of employees of the Lighterage. There's been those that are employed by the Administration and those that have been employed from outside the Service. Now this has gone up over the years and as I said I have had concerns with that, that the

Administration employees by virtue of their conditions of employment are able to take all their conditions with them to the ship and that means that the time down at the ship goes in relation to long service leave and recreation leave and those sorts of issues, whereas the other employees outside the Service do not receive, they receive their cut of the tonnage rate and that's about it. Now in actual fact the Lighterage employees are I understand and this has only come out in the recent months are employees of the Administration under provisions of the Workers Compensation Act, and this is where the confusion is, that the Administration is required to provide safety equipment to all the Lighterage workers and they have not in the past. Previous Minister's who have been responsible don't seem to have followed this line. I was aghast that under this arrangement we were supposed to provide or the Administration was supposed to supply safety equipment and wet weather gear and the likes and they had not. As a consequence of this discussions have been held with Lighterage and the main play because of the role of the CEO in the employment and the hiring and firing and the likes within the Administration has been involved in discussions with the Lighterage undertaking. I also have been in discussions with the Lighterage undertaking in relation to safety equipment and also a pay claim that has been lodged with the Administration. So that's the situation at the present time, we're still looking at what is really required of the safety equipment that's really required by the undertaking and this will be provided by the Administration and I think that the CEO has a major role in relation to that particularly. She is also in charge of the Manager of the Lighterage undertaking and therefore she has a role in that area as well. I understand that following the last meeting that we had, that's the CEO and myself had with the whole Lighterage organisation, there were a few missing, we ? the time wished us to go away and wait until these people were on deck, and that included the Manager at the time who was fully aware of what was actually going on but he was off playing bowls at the time and wasn't able to attend and I understand that a request was made at the time that the members of the Lighterage go away and meet amongst themselves and then come back, and I understand that meeting is set for this coming Friday and I would hope that we are very quickly able to progress the matter which I believe should have been handled quite some time ago.

MR ADAMS Minister with respect the question was whether or not responsibility for Lighterage has been delegated as opposed to concerns about safety equipment.

MR NOBBS Well the answer is no. I have delegated certain arrangements to the Manager but I think the Act specifically mentions the Minister in there and I'm still participating in that role but as I said because of the provision of safety equipment and also the Manager being under the CEO there will definitely be and has been in the past and there always will be a role for the CEO in that regard.

MR BATES Can I have a supplementary please Mr Speaker. I wonder if the Minister could explain how the Workers Compensation Act makes Lighterage workers Administration employees.

MR NOBBS I haven't got the actual Act here with me but I understand that because of the provisions within the Workers Compensation and the needs for and employee to provide the necessary equipment and a safe working environment that the Administration who are in effect the employees and actually pay the Workers Compensation Levy are required to provide the necessary equipment and provide for a safe working area.

MR BATES A further supplementary question please. Does that mean Mr Nobbs or Chief Minister that every time the Administration hires a

contractor somebody on a bobcat or a heavy tuck to cart some rock from the Cascade quarry that they have to pay Workers Compensation for the drivers.

MR NOBBS No I don't think that would be on a contract basis and the employee would actually be the contactor.

MR BATES Supplementary question Mr Speaker. Can Mr Nobbs tell us whether the Lighterage employees are contract workers or whether they are Administration employees.

MR NOBBS They are in a difficult situation and that's where I think the confusion has been, that the workers are actually paid at a rate which is 1. of x amount of dollars, I think it's \$22, I forget what the actual fee is off hand and in effect I guess they are contactors but we've had legal advice and that's all I can go on that for the purposes of the Workers Compensation Act and the need for provision for a safe environment and also safety equipment that the Administration is liable. Now I can't go beyond that. I mean there might be some experts around that would say that they are not and they are contractors but they are actually not on a contract per say with the Administration and this is where the confusion had been in the past and I can show you Mr Bates the legal advice after we finish here that clarifies that particular point.

MR WALKER Thank you Mr Speaker. A question to Mr McCoy Minister for the Environment. Did the Minister condone the burning of the rubber tyres and the Top Tip on the 1<sup>st</sup> of November, and if not was there any action taken to question the contractors supervision of the tyres location that they would not be in danger of spontaneous combustion.

MR MCCOY The first part of the question Mr Speaker, no I don't condone the burning of the tyres. As the Executive Members with responsibility for the Environment and being the Chair of the Norfolk Island Waste Management Committee we had requested that the tyres be stored, we'd also suggested that the tyres could be stacked along the fence so that it would then to take away the unsightliness of the Top burning pit. As far as whether the contract Supervisor has been rapped over the knuckles for allowing the tyres to burn, that is actually an issue for Works, because the actual running of the Tip is under the Works team so consequently if falls under the Executive Member with responsibility for Works, and that is an issue that we were hoping to resolve as part of the waste management strategy that waste management activities will all fall under Health and Building.

MR WALKER A supplementary Mr Speaker and I'll direct this to the Minister for Works. This is the second time that the tyres have gone up in spontaneous combustion and has the Minister, I repeat the second part of my question, has the Minister taken any action that the contracting Supervisor be putting those, or stacking those tyres in some sort of manner that they do not become subject to spontaneous combustion.

MR SMITH Thank you Mr Speaker. In relation to an episode like the accidental burning of the tyres it happened, there's no good going back over old ground. I'm quite sure that the people at that area will be more careful with the disposal of the tyres or things that can accidentally catch fire like that.

MR BROWN Thank you Mr Speaker. I direct this question to the Minister for Health. Can the Minister advise what action has been taken to bring to an end the burning of plastics and rubber in commercial and residential areas.

MR MCCOY Thank you Mr Speaker and thank you Mr Brown for that question. At the moment not a lot of action has been taken on the part of the Government. It really has relied on the goodwill of the people who operate businesses in the commercial sector such as Foodlands who used to burn their plastics and nasties at the back of Foodlands and they have now closed, and they voluntarily closed their burning pit and now transport all material out to Headstone for burning. One of the issues that has again been discussed in quite some degree by the Waste Management team is the difficulty in trying to impose any rules on people when the Government doesn't have an alternative system in place to cater for the disposal of waste apart from the present burning cage, and also I do have here and will be tabling later on a quote from Byron Energy Services for the Norfolk Island Government to purchase a gasifier or could be couched as a modern incinerator.

MR BROWN A further question to the Minister for Health. Can the Minister advise whether it has been drawn to his attention that some overseas countries, particularly in Europe have banned the use of silver amalgam fillings in dental work and that at least one country is taking steps to require such fillings to be removed where a person has already had that type of treatment. Further has the Minister been made aware of a suggestion that such fillings may be the cause of diseases such as Parkinsons disease and Alzheimers disease, and if so what action has the Minister taken as a result of that information.

MR MCCOY Thank you Mr Speaker. Yes I have been advised of the difficulties or the perceived difficulties with silver amalgam fillings by a local resident and also I have that local resident pass on a series of information in regard to Alzheimers and other problems that could be related to silver amalgam. I sought advice from the Dentist here on the island and he has provided me with advice and his straight out advice is, until or whilst Universities continue to teach the practice of applying silver amalgam in fillings then it is up to the individual to decide what they have put in their body.

MR WALKER Thank you Mr Speaker. A question to the Chief Minister, Minister for Finance. Could the Minister advise whether the funding of the Airport overlay has reached a detail stage and if so what are those details.

MR NOBBS Thank you Mr Speaker and Mr Walker. The situation with the Airport overlay is this that we have advertised for a Project Supervisor. Some of the issues that will be required to finalise the funding arrangements for the Airport will be dealt with by that particular person and also with the Administration obviously, and when the details are finalised. There are certain things that a decision will be needed as to where we go with the Airport overlay, what we do with the turning nodes for instance are still costed into the project, what we do with the actual overlay itself, whether we trim off the top 10 or 12mm as has been suggested or we just go for a straight overlay over the top of that, whether we look at different means of replacing or upgrading the hard stand area at the Airport, where we go with the end that's heading off down in a South Westerly direction from the intersection which seems to be very rarely used, what's really required with that. Do we go with an overlay on that as well or do we just leave it or do we just regenerate it with a spraying arrangement which has been suggested. Those are the issues that are required. Basically we've got in place a very rough cost estimate that has to be firmed up and we've also been in contact with the Australian Treasurer who has indicated that they would only permit us, if there's a need for borrowing and I know there will be that if there is a need for borrowing we will only be allowed to borrow from the Australian Government, and that's been a message back from the Australian Treasurer and I presume it's going to be the same guy in the next Australian Government. So that's where we are. So until the Project Manager is on

board and the adds have been lodged locally as well as overseas and we're looking at an appointment in the early part of the term of the next Government.

MR WALKER A further question if I may to Mr Smith Minister for Tourism. Has the Minister moved to take advantage of the Federal Governments \$5m incentive program to boost tourism in affected areas and it refer to the loss of air services in regional areas of recent time advertised in the Norfolk Islander on the 3<sup>rd</sup> of November.

MR SMITH Thank you Mr Speaker. At this point in time I still don't have all the information of just where that incentive program applies. There's an incentive that was proposed by the Federal Government just before the election held recently that there would be a subsidy given to travellers, and in talking to Greg Precellt from Norfolk Jet late last week, he was saying that it looks like it's only going to apply to land component of a holiday. So whether that's going to happen here, I doubt whether it's going to have any effect on Norfolk Island at all but as we saw in the paper it certainly does extend to the island but whether it will be of any benefit to our tourists or not at this point in time we don't know.

MR GARDNER Thank you Mr Speaker. I direct this question to the Minister for Tourism and Commerce, it relates to a similar subject and that is with regard to the current strategy at the Tourist Bureau are undertaking to arrest declining tourist numbers, could the Minister please explain what steps are being taken.

MR SMITH Thank you Mr Speaker. I was going to talk about that in Papers but I can if Mr Gardner doesn't mind waiting until then. That way we can all participate in debate.

MR BATES Thank you Mr Speaker. I have one question for you, Minister with responsibility for the Traffic Act. It was brought to my attention last night that some trucks carting from the wharves do not see a number plate and some don't appear to have working indicators. Would the Minister be prepared to check this out.

MR BUFFETT Mr Acting Deputy Speaker, yes I'm not aware of that particular situation that Mr Bates has described but most certainly, if there is a requirement for number plates to be fixed to vehicles that travel upon the road and I will examine that matter most certainly.

MR WALKER Supplementary to that Mr Speaker. Can I ask the Minister also with some of the trailers that are being towed around with heavy machinery on, I have personally observed that they do not have any lights on their rear or any sign of any number plates to the rear of the vehicle. Could that also be checked.

MR BUFFETT I'd be very happy to examine that as well Mr Walker.

MR ADAMS Thank you Mr Acting Deputy Speaker. This is a question to the Minister for Gaming, John. Is it a fact in respect of the Gaming Authority that approval in some form has been given to public sector employees who are not members of the Gaming Authority in any capacity, to have access as of right to confidential Gaming Authority files and information.

MR MCCOY I just have to give some thought to that question because whether Mr Adams is referring to the fact that the Secretary to the CEO as a part time Secretary to the Gaming Authority, and apart from that I'm not aware of any



MR MCCOY Thank you Mr Acting Deputy Speaker. I believe the Norfolk Island Police are being employed on the island to ensure that activities carried on by individuals in the community do not impact on any other individual and I would assume that partying on the beach at odd hours of the night or any time for that matter may very well be a matter for the Norfolk Island Police.

MR ADAMS Mr Acting Deputy Speaker this is a question for the Minister with responsibility for the Public Service. Can the Minister confirm that Army Cadet Officers who are Public Servants at the same time, particularly in respect of women are being heavied for taking time off from work to undertake the important duties of Cadet Officers and have been in effect threatened with a choice of either their job or remaining as Cadet Officers.

MR NOBBS Thank you Mr Acting Deputy Speaker. Thank you Mr Adams for that if that's the rumour floating around the community. The situation is that the Cadets commence at 3.00pm in the afternoon and that the Officers who are also Public Servants were to take time off as far as I know and to work under this new arrangements which is allowed in the Public Service at the present time which I think it's beneficial to most people but not to all is this system of spread of hours, and I understand and speaking to at least one, I think there's only one involved I think who's a female, speaking to her about it and she's quite happy to be part of the spread of hours situation and also leave at whatever time it is, I think it's 3.00 that they commence or 3.15 to do a very worthwhile duty as an Officer with the Cadet Unit on a Friday afternoon. It's been discussed and I don't think anybody has been threatened in any way in relation to that. As we know things do get out of hand when they are spread around the community but I can assure the question that there was no threats that I know of made by anybody in relation to that, and it's been amicably settled and I think that it's just another indication of the value of this spread of hours which I thought should have been in here years ago. Thank you Mr Acting Deputy Speaker.

MR ADAMS Thank you Mr Acting Deputy Speaker. This question is again directed to the Minister with responsibility for the Public Service. Minister in respect of contracted public sector employees who may have a car as par of their remuneration package, in the event that damage is incurred during the usage of such a vehicle is the tax payer expected to foot the bill for expenses incurred in such a fashion.

MR NOBBS Thank you Mr Acting Deputy Speaker. I've always looked at it this way Mr Adams and I haven't had anything to do with any accidents in relation to the Norfolk Island Public Servants who are on contract but I have elsewhere and you have to look at each case on its merit, and that's the way it is, but what I do know here, what's happening on Norfolk Island here and has happened is that contracted officers are required to be paying a certain amount a week and it's not a great deal I admit but it's a start for the use of a Government vehicle in their own private time whereas in the past it's been open slather. But I think that in answer to your question that each case should be taken on its merit and I understand, although I haven't been involved in it, that any accidents that may have occurred by contracted officers have been paid for by themselves.

MR ADAMS Thank you Mr Acting Deputy Speaker. A final question to the Minister with responsibility for GBE's. Minister I wonder if you can advise the House on the status of the EnergyFirst program.

MR NOBBS Thank you Mr Acting Deputy Speaker. The status of the EnergyFirst program. As you know that EnergyFirst put a proposal to the last Government in relation to the saving of energy and by doing certain things. One of

them was the provision of equipment at the Powerhouse which would regulate the power factor from the generation equipment. This was established and I understand it's still operating. The other was provision of lighting in Government buildings as Mr Adams is aware, the lighting in the Government buildings was below standard really, it was pretty pathetic and there was a need to upgrade them. Anyhow they were also very expensive to run, to operate and therefore there was a need for a change in that area considering that the Administration is one of the largest users of power on the island. EnergyFirst put a proposal up for lighting and my understanding at the time, being a back bencher I was fully in support as well of the proposal for energy saving on the island. My understanding of it was that until we had proven that there were energy savings within the arrangements that were proposed and put in by EnergyFirst that we wouldn't be required to pay for it, but somewhere along the line, somewhere along the road the Government actually paid for the EnergyFirst lights. Some of them were put in, others have not been put in. There were lights for the Airport Terminal which haven't been put in, there are lights for buildings such as the one we're in now which are not put in because it was felt that they were somewhat intrusive, even though I understand that there had been discussions with the KAVHA Architects and the like prior to the EnergyFirst actually providing these lights. So at this stage the power factor correction unit was installed, some lights and they are excellent lights as well, have been installed in Government offices including some in the Assembly offices here, in the public area such as the Chamber and the Committee room next door which have a different sort of lighting was proposed, they have not been as yet put in and I understand that they still remain in storage. I think that the Administrator or KAVHA or somebody was against them going in. So there is a need to utilise those anywhere and it might be some valuable lights to go in the Youth Centre. Thank you Mr Acting Deputy Speaker.

MR ADAMS Thank you Mr Acting Deputy Speaker. Supplementary to the last question to Minister Nobbs. Minister are you able to advise the House on the amount that's been spent on this program.

MR NOBBS No I can't. The funding was expended before I took on the Finance Ministry. I don't think there's been much spent since but I can't give you a figure. I'm sorry Mr Adams but I'll get it for you.

MR ADAMS Thank you Mr Acting Deputy Speaker. This is a question to Minister McCoy with his Land Management hat on in respect of some former nominations for listings of various portions on Norfolk Island to the Registrar of the National State. Minister when are the landholders so effected going to be informed of the situation surrounding this less than accountable process.

MR MCCOY Thank you Mr Acting Deputy Speaker. My understanding is that it was made public knowledge by the previous Minister for Lands that the Australian Heritage Commission have undertaken not to proceed any further with those nominations and also part of the land package initiative was the development of a Norfolk Island heritage regime.

MR BROWN Can I ask a further question in relation to the same subject matter. Is it a fact that the Heritage Commission has undertaken to not progress the matter further or has the Heritage Commission undertaken to pause in its consideration while it observe the extent to which Norfolk Island deals with the question through its own legislation.

MR MCCOY Thank you Mr Acting Deputy Speaker. I haven't had confirmation whether they have paused in anticipation of Norfolk Island putting into place a Heritage Register and Heritage regime of our own. My understanding was that they were not taking any further action in regard to the land that had been nominated.

MR ADAMS A supplementary please Mr Acting Deputy Speaker on the same subject. Can the Minister confirm then that the Australian Heritage Commission is still holding those nominations in its database.

MR MCCOY No I could not confirm or otherwise if they are holding that information.

MR ADAMS Thank you Mr Acting Deputy Speaker. This is a question again for the Minister with responsibility for the Public Service. Minister in respect to the now common adds run in the local and offshore newspapers for high level Public Service jobs, are all of these positions properly accounted for in the budget process.

MR NOBBS I understand so Mr Adams, most definitely. There was budgeting allocations. I mean they haven't come on line, some of them haven't come on line. I think we're dealing with one today and there's still, that's of the Executive Management Group or the Corporate Management Group. There are 2 currently within the group and there are 2 more to come. I think, I understand that we gave, we funded those in the budget situation. Of course when you say properly accounted for I guess they may not be properly accounted for because we still haven't employed 2 of them at this stage, so there would be some savings I understand in that area.

## **PRESENTATION OF PAPERS**

MR NOBBS Thank you Mr Acting Deputy Speaker. I wish to table a copy of a summary document which records the processes of a working group established by myself in September this year to review the current Parliamentary system on Norfolk Island and I will ask that it be noted.

MR ACTING DEPUTY SPEAKER. Thank you Mr Nobbs. The question is that the Paper be noted.

MR NOBBS Thank you Mr Acting Deputy Speaker. By way of background, shortly after commencement of the last Legislative Assembly the Norfolk Island Government agreed to a list of projects that it required attention during its term of office. One of these projects, project number 16 was to review the Legislative Assembly Act 1979 and the Norfolk Island Act 1979 in so far as it related to the operation of the Legislative Assembly of Norfolk Island. It was my responsibility under the agreed Ministerial portfolio arrangement to undertake this review. The review commenced in February 2001 with former members of the Legislative Assembly being invited to attend a round table discussion on matters pertaining to the operation of the Legislative Assembly. 12 former Members participated in what were very worthwhile discussions. The views expressed by former Members were varied ranging from leaving the present system unchanged through to changing the present voting system, which it could be argued causes fragmentation. The question of appropriate remuneration for non-Executives and the Speakership were also addressed. In August this year I invited expressions of interest from persons in the community who are interested in being members of a working group. The terms of reference for the group were to examine, enquire into and report on all aspects of the operation of the Legislative Assembly, including but not limited to the constitution and membership of the Legislative Assembly, the voting system, terms of office and roles and responsibilities of members of the Legislative Assembly. In response to this invitation a working group was formed last September. Members of the working group were myself, former members Albert Buffett and Greg Quintal Senior, community members Mrs Colleen Evans and Tim Pearson and

our Clerk Mrs Robin Adams, Alma Davidson, Anita French also played a very meaningful role at various times with the committee. To those people Mr Acting Deputy Speaker I also extend my sincere thanks for giving of their time to participate in 2 months of discussions that have taken place. The calling of the General Election on the 29<sup>th</sup> of November 2001 prevented the working group from concluding its deliberations. Notwithstanding this the working group was of a view that the issues it was asked to address was of sufficient importance that the processes of the working group should be formerly documented for future reference. This document that I table this morning Mr Acting Deputy Speaker is a record of those processes. I urge the 10<sup>th</sup> Assembly Mr Acting Deputy Speaker to take up this most important project and progress it with vigour.

MR ACTING DEPUTY SPEAKER           Is there any further debate. There being no further debate I put the question.

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MR ACTING DEPUTY SPEAKER           Are there any further Papers for presentation this morning.

MR SMITH                               Thank you Mr Acting Deputy Speaker. I intend to table the Inbound Passenger Statistics and I move that the Paper be noted.

MR ACTING DEPUTY SPEAKER           Thank you Mr Smith.

MR SMITH                               Mr Acting Deputy Speaker these stats refer to October of this year. Passenger arrival numbers tourist wise was 3,151 which is down on last year, down on the year before. The financial year to date we've had 11,036 visitors to the end of October, and when you compare that with the previous 2 years it's slightly less than last year of 12,904 for this time of the year and 13,194 in 1999. Mr Acting Deputy Speaker even though those figures show that they are down when one considers that over the last 3 or 4 years we've had 2 airlines flying out of Australia and in June this year we were reduced to 1 which wasn't the major carrier at the time but, and I'm referring to Norfolk Jet who has picked up the service to the best of their ability within their resources to be able to provide us with the service that is almost back to normal for this period of time. However I understand that the November figures are not going to be showing too good from the reports I've had and there has been concern over December and January, over the next couple of months, although with the South Pacific Mini Games occurring in December of course that is going to boost up the numbers, well we assume it's going to boost up the numbers over that period of time. I certainly have been concerned with the January numbers. We were advised by the airline 2 or 3 weeks ago that the bookings for January look like they were going to be as low as 400 for the whole month. That certainly gave me a bit of a fright and certainly everybody else that would hear that would have the same reaction. The Chairman of the Tourist Board and the General Manager went over to Brisbane to, and this is where they learnt about those bookings for January, met with the wholesalers and also with Norfolk Jet and tourism representatives from the Queensland Government of a slightly related issue. Discussions were held at that time to what could be done to try and increase the visitor numbers over that period of January in particular and action has been taken since they've come back to do something about it. Those 2 gentlemen came down and met with the Assembly last week and to talk to us about how the situation is looking and a way forward to rectify it. There was a proposal put by the Board and the General Manager that the Assembly should actually look at putting some more funding into the Tourist Bureau so they can run a particularly urgent campaign within the Australian marketplace and the Assembly agreed that we certainly need to do something because we couldn't end up with having hardly any passengers over the January/February period.

I'm pleased to say that the advice I received from Norfolk Jet last week is that the numbers have certainly picked up over the past couple of weeks as a result of some campaigns that we have been running and that Norfolk Jet and the wholesalers have also been running, and to the degree where I think Greg said that the bookings now are about 1200 less seats than it was last January that have been sold at this point in time. I expect that with the campaign that is going to be run that we will probably exceed last January's numbers because this is a very specialised campaign that is going to be run. There will be television, the radio media and also print media and it will be a fairly intensive campaign in the right areas. It's going to be in specified areas. The Tourist Bureau is going to put in \$50,000 which is extra to what they would normally have done at this time of the year and Norfolk Jet has committed an equal amount and we're hoping that the wholesalers will also contribute to the campaign as well to raise up to another \$50,000 which means that the whole campaign will be worth about \$150,000. That should do the trick, we certainly hope so for that period and it will probably have some effect in December as well, certainly for January and February and as I understand it March is looking, from March onward is looking pretty good. It certainly has been a worry for me, the concern that we could end up at what used to happen at this time of the year as being the very very lightest but that I hope is not going to occur. Mr Walker with the support of the Tourist Bureau has been collating figures which are passenger arrivals on the island, that's total passengers not the tourist arrivals like I table every month and been keeping a record of that and he kindly passes that on to me every week and it gives a comparison over the last 3 years from 99/2000/2001 of what the actual plain totals were over the past 2 years and the current year. The trend has been over the last 2 months that the figures aren't reaching what they did last year and of course that's understandable with only 1 airline flying this year and 2 last year but even though we have now have 6 boeing 737 flights out of Australia the numbers are still substantially down on the previous year. There can be a lot of reasons for that, tourism is certainly becoming a difficult issue around the world since the 11<sup>th</sup> of September, tragedies in New York and people obviously have become more reluctant to fly. However Norfolk Island is a safe destination and I'm quite confident that we can actually get back to the numbers that we really need, that we really need to keep the island functioning. The other stats that I'd just like to give is the visitor days and for October it was 22,936, a little down from last year of 25,974 and quite a bit down from the 99 figure which was 29,545. The market breakdown of visitors market contribution, NSW was almost 44%, VIC almost 14%, QLD 20%, SA 3%, WA 2.5%, TAS .5%, NZ 15% and the Pacific just over 2%. I look forward to any comments.

MR WALKER

Thank you Mr Acting Deputy Speaker. The Minister quite rightly says that there are some interesting stats for October. With the exception of QLD Australia appears to be performing fairly well and NSW has actually gained and even on the last 2 years stats has gained, and one would suspect that some of those people out of QLD are actually travelling through NSW because I believe that these, either that or the promotion is that the flights are more available out of NSW than they are out of QLD and that's to be understood as well because Norfolk Jet has not been in a position to come out of Brisbane as often as Flight West was. However of very great concern to me is that we have had no disruption in flights out of New Zealand and the Minister failed to mention that NZ is running at almost 50% down on 2 years ago and it looks substantially down on last year and yet we have supposedly had a marketing program in NZ which has been taken up to boost NZ and those figures over the last 3 years, so that the community out there can compare them in 1999 we had 820 in October, in the year 2000 728 and for this year 480. That is a substantial drop and we have been not disrupted with airlines out of NZ. We still have 2 737's coming per week and that has not been disrupted. I wonder whether the Minister could comment on that.

MR SMITH

Mr Acting Deputy Speaker sure I don't mind commenting on that at all and Mr Walker's suggestion that I omitted to give those figures

on purpose, it doesn't make any difference to me. Sure the figures were down over the last couple of years but NZ had its own problems too. Members are well aware that Air New Zealand their national carrier found themselves in difficulties and people will, I don't know this but I'm guessing now that Bruce has raised it that people may have been reluctant to put money into airfares with an airline that was well publicised as being in financial difficulties. I haven't analysed that figure with the Tourist Board at this point in time, we've been more concerned with the Australian market which is where the majority of our people come from, but I certainly accept that New Zealand numbers are down for the month of October and certainly the next Minister for Tourism might like to focus a bit more on there. We do have a representative in Auckland, not a full-time representative that is doing a lot of work to stimulate the market, but rather than be positive which I usually am with tourist numbers I think I've shown a bit of negativity today towards the situation. We have to because it's reality, it's reality in the tourism industry. In Australia it's a real problem, around the world it's a real problem, the airlines just keep, I shouldn't say keep, there are airlines that are closing down. The industry has changed and I just want, I'm putting that point because it's not as rosy as what it has been. Where I think we are very very lucky is that we don't need very very large numbers to exist in the tourist industry. I mean when you think of a total of 40,000 visitors as our best year, I mean that amount of people probably travel out of Australia in one day so to stimulate the market to achieve our numbers I don't see as too hard, but we just have to be well aware of where it's going. It's also credit to Norfolk Jet, they are in a position where they can respond very quickly to situations and they have proven that they do and will obviously continue to do that. I mean they've got 6 flights a week they want to keep those as full as they can as much as we want to keep them as full as they can. So it's just a matter of concentrating on it, focussing on where the difficulties are, trying to compete with the other Pacific Islands who are also facing similar problems. The domestic market in Australia is certainly become competition to such a small market as Norfolk Island. I see the time is flying along and I might just leave it at that for the moment Mr Acting Deputy Speaker.

**MR BROWN** Mr Acting Deputy Speaker could I assist the Deputy New Zealand Consul by pointing out to him that in the Inbound Passenger Statistics that are distributed to us each month the top left hand corner breaks down the visitors by place of residence. So if a lot of Queensland people came to us via NSW they will show in that particular table as actually having come from Queensland, and that's why that table is quite a handy piece of paper. I'd like to commend the Minister for having taken the time to sit down, work out where his biggest problem is and try to work out how to do something about it. I think it is a better course than trying to identify a dozen different problems and not have the time to do anything about any of them. So to such extent as the Minister may have been criticised by the Deputy Consul for not putting more time into New Zealand I think that the Minister has in fact made a wise decision in tackling the busier Australian markets first.

**MR BUFFETT** Just in case there has been some essential sort of information that I have missed on some important appointments of recent times, may I offer my compliments to whoever has been appointed Mr Acting Deputy Speaker.

**MR ACTING DEPUTY SPEAKER** Thank you Mr Buffett for your injection of joviality into the proceedings this morning. The question is Honourable Members that the Paper be noted. Is there any further debate.

**MR MCCOY** Thank you Mr Acting Deputy Speaker. Just a brief one. Whilst I appreciate what the Minister or the Tourist Board is doing to bolster the numbers from Australia then after the collapse of Flight West and then the unfortunate incident on September 11, it has always been a feeling during my time as a member of the Tourist Accommodation Tourism Association that we must continue to

market strongly in New Zealand and simply based on the fact that if we do get a problem with Australia then where are we at, but as has been mentioned the competition around that emanates from New Zealand or between other competitors of Norfolk Island in the tourism industry. One of the main areas of competition has always come from Queensland itself and that has been an issue which the Tourist Board of the past try to grapple with and also our marketing managers in New Zealand, but I will reiterate that I have asked the question in the past about what we are doing to try and keep the numbers up from New Zealand and my main concern was based on the fact of Air New Zealand's evident poor financial situation and when it comes to the bottom line if they looked at Norfolk Island and they think, well it's not worth flying to Norfolk 2 times a week anymore, they could possibly drop one of the flights and that's why I believe we should be active in the New Zealand market just as much as we are in the Australian market, and I would also like to note that the figures indicate that the numbers from New Zealand have been steadily declining over since June of this year. Thank you Mr Acting Deputy Speaker.

MR ACTING DEPUTY SPEAKER Thank you is there further debate on the question that that Paper be noted Honourable Members.

MR SMITH Mr Acting Deputy Speaker I wasn't going to say anymore but I feel I need to respond to what Mr McCoy has said there and I thank Mr Brown for his comments because that is the reality of our situation. As far as the New Zealand market is concerned of course we are concerned with that. I've just been handed a note from the Tourist Bureau which I shall read. The total outbound figures from New Zealand to all destinations are down 42%. Our loss by comparison is minimal and that's come from the Tourist Bureau and I thank Bob for sending that down. So it's not just Norfolk Island that's having trouble getting people out of New Zealand but I just wanted to comment, I have in front of me the current census of population and housing and there's some interesting figures which I won't go into but it's reminded me that at times the market does change. There was a time not much more than 10 years ago when the New Zealand numbers were well above what the Australian numbers were. It goes like that, and has from my observation over the whole period of time we've been involved in tourism. Sometimes New Zealand is the strong market, sometimes Australia is the strong market, but as Mr Brown said our difficulty is keeping the largest market, which is Australia at the moment, keep that stimulated and have the people coming from there. Thank you.

MR ACTING DEPUTY SPEAKER Thank you. Further debate. I put the question Honourable Members.

QUESTION PUT  
QUESTION AGREED

MR NOBBS Thank you Mr Acting Deputy Speaker. I table the Financial Statements for the year ending 30<sup>th</sup> June 2001 and ask that they be noted.

MR ACTING DEPUTY SPEAKER Mr Nobbs.

MR NOBBS Thank you Mr Acting Deputy Speaker. The public account of Norfolk Island is comprised of four funds, the Revenue Fund, the Administrative Services Fund which covers the GBE's, Trust Fund and a Loan Fund. The year 2000/2001 accounts as presented are based on proper accounts and records and are consistent with those accounts and records. The accounts have not been materially effected by any change in accounting principles from those applied in the previous years. The accounts fairly reflect the financial position of results of operation shown. The original Revenue Fund budget for 2000/2001 provided for a deficit of

\$366,000. The budget was revised in January/February 2001. At the review it was agreed by the Legislative Assembly to reduce the original deficit to a possible worst outcome of \$155,000 deficit. The final outcome at the 30<sup>th</sup> June 2000 was a surplus of \$960,000. Overall revenue received and accrued exceeded the revised budget forecast by \$342,000 and it exceeded last year's record result by \$265,000. Accrued income amounted to \$839,000 which is comprised of Customs Duty, \$3.62m, Tourist Accommodation Levy \$117,000, FIL \$90,000, Fuel Levy \$65,000, Liquor Bond \$96,000, Tattersall Commission \$52,000 and others \$57,000. The income derived from Customs Duty, Departure Fees, Liquor Licence Fees and Land Title Fees and Vehicle Registration is the highest ever recorded. Overall expenditure is \$1.169m less than the appropriated amount. However \$530,000 of this amount was transferred to the financial year 2001/2002 to cover outstanding orders and commitments as at the 30<sup>th</sup> June 2001. Expenditure on salaries and wages came in \$229,000 under budget and recurrent expenditure came in \$541,000 under budget. Capital expenditure was \$400,000 less than budget. Administrative Community Services and Works expenditure all came in under budget. Welfare expenditure was the highest ever recorded at \$543,000 more than 1999/2000. The cost of Education rose by \$140,000 from \$1.678m to \$1.782m. Tourism Norfolk Island was appropriated \$770,000 which was the same as in 1999/2000. Capital Works purchases amounted to \$367,000 which was \$152,000 less than in 1999/2000. The major figures in that was other plant and equipment of \$223,000. As part of the process of the Revenue Fund adopting accrual accounting principles the Revenue Fund is now included in its balance sheet the following assets and liabilities. The balance sheet is in that after providing for accumulated depreciation which at the 30<sup>th</sup> of June 2001 amount to \$3.3m. Assets in 2000 cash was \$1.649m and cash in 2001 was \$2.93m. Temporary Advances \$269,000 in 2000, \$652,000 in 2001. Debtors were \$862,000 as against \$980,000 in 2001 and stock was \$525,000 against \$516,000 in 2001. Building and structures, there was \$6.495m in 2000 and \$6.287 in 2001. The total assets for the previous year was \$13.448m as against \$15.136m for this financial year. Liabilities, the total liabilities were \$1.636m last year and \$2.364m in the current year which left net assets of \$1.812m in 2000 as against \$12.772m in 2001. At the 30<sup>th</sup> of June 2000 the Revenue Fund had net current asset reserves of \$2.715m which is an increase of \$1.045m over the 30<sup>th</sup> of June 2000. Just quickly on the GBE's. The Liquor Bond increased sales for the year 99/2000 by \$365,000 and the Liquor Bond paid a dividend of \$1.271m to the Revenue Fund which was the highest ever recorded. The excellent result was vastly due to a reduction in salaries and wages of \$62,000 at the Bond. The Post Service income decreased by \$87,000 over the year. Stamps were down \$109,000 but total expenditure increased by \$22,000. The dividend of \$67,000 went straight to the Revenue Fund which is a decrease from the previous year. Electricity Service income increased by \$466,000 for 99/2000. Increase is mainly attributed to a consumer tariff increase in October 2000 because of the rising costs of fuel to run the generators. The net profit of \$192,000 for the year was \$41,000 less than 99/2000 and the cost of the fuel for the generators increased by \$459,000 over the previous year. The Service expended \$142,000 on capital purchases during 2001. Norfolk Telecom, overall income was up \$419,000 over the previous year. Telephone traffic in and out was up \$181,000, line rentals were up \$52,000, Internet access was up \$43,000, lead circuits were up \$82,000. Payments to Telstra increased by \$179,000 and other substantial increase in expenditure amounted to some \$374,000. The undertaking made a net profit of \$974,000 which is \$110,000 less than the previous year. A dividend of \$1.2m was paid to the Revenue Fund. Norfolk Telecom spent \$209,000 on capital purchases and works. Lighterage Service, income increased by \$110,000. There was a relocation and funding was provided by Telecom to allow that relocation of the equipment from the old lighterage shed up to a more suitable spot at Middlegate and the Kato crane alone was borrowed from the Water Assurance to fund that and in the final \$50,000 will be repaid on that loan in this current financial year. Norfolk Island Airport's total income increased by \$101,000 over 99. Landing fees increased by \$73,000, total expenditure compared to the previous year increased by \$170,000. Salaries and wages

were up \$38,000 and depreciation was up \$31,000. Income over expenditure before depreciation was \$748,000. The Airport expended a total of \$30,000 on capital works and purchase and the Airport's net current assets position increased by \$781,000 to \$2.429m. Water Assurance funds. The Water Assurance funds increased \$14,000 and they expended \$21,000 on main additions and \$3,000 on the purchase of plant. KAVHA funding. The Norfolk Island contribution was \$287,000 to the KAVHA Fund and the Australian Government contributed \$464,000. Expenditure total \$807,000 and KAVHA recorded an income deficit over expenditure of \$38,000. At the 30<sup>th</sup> of June 2001 KAVHA had a carried forward balance of \$91,000. The Museums, after the application to the Revenue Fund subsidy of \$82,000 the integrated Museums made a net profit of \$57,000. The souvenir shop made a small net profit and the café a small net profit and the Museum's accumulated funds balance of \$63,000. Workers Compensation Scheme had an income over expenditure of \$50,000 compared with an income excess of \$56,000 for the previous year. Total income was up \$51,000 but compensation payments were also up \$44,000 over the previous year. At the 30<sup>th</sup> of June the fund had accumulated funds of \$499,000. The Healthcare Fund achieved in 2000/2001 a surplus of \$156,000 compared to a deficit of \$39,000 in the previous year. There was no subsidy given by the Revenue Fund in 2000/2001. Members claims amounted to \$530,000 compared to \$830,000 in 99/2000 and bad and doubtful debts, that's levied to fall for 2000/2001 amounted to \$24,700 compared to \$39,000 in the previous year. At the 30<sup>th</sup> of June the Fund had an accumulated fund position of \$111,000. This fund has the worst debt collection record of all Administration services. In this respect it's been recommended that a better way of collecting the levy should be investigated. The Gaming Enterprise, in 2000/2001 ended with a surplus of \$139,000 compared to \$134,000 loss in the previous year. Income of \$278,000 was received. At the end of June 2001 the undertaking had reduced its accumulated loss of \$233,000 at the 30<sup>th</sup> of June 2000 to \$94,000. It's anticipated this accumulated loss will be repaid in full. Cascade Cliff – sale of rock. The Cascade Cliff sale of rock enterprise commenced operations in October 2000 and the undertaking made a loss of \$118,000 in the first 8 months of operation. The Offshore Finance Centre was created as a GBE in April 2000. Income for the year was \$104,000 subsidy from the Revenue Fund. Expenditure amounted to \$12,700. It's unlikely that any income will be generated in the short term and at the 30<sup>th</sup> of June 2001 the undertaking accumulated funds of \$22,200. At the end of the 30<sup>th</sup> of June last the Cascade loan fund was \$2.997m in debt to the Australian Government. By formal agreement with the Australian Government bi-annual loan repayment instalments to the Commonwealth will be sourced from the sale of crushed rock. The first loan repayment of \$128,500 was paid to the Commonwealth in April 2000. Just in relation to the consolidated position. In the year 2000/2001 the Administration of Norfolk Island on a consolidated basis made a gross profit of \$3.6m before depreciation. After the application of depreciation the net profit was \$1.29m compared to the net profit of \$759,000 in 99/2000. The consolidated balance sheet of the Administration increased from \$31.668m to at 30<sup>th</sup> of June 2000 to \$32.957m at the 30<sup>th</sup> of June 2001. Thank you Mr Acting Deputy Speaker.

MR BATES

Thank you Mr Acting Deputy speaker. I don't have a long set of pages out in front of me to read off and analyse this so I'll try and speak from the returns themselves a little bit. I find this set of Financial Statements as a new something new in it that we haven't seen before and that's a series of graphs and I always find graphs very interesting and very helpful and I commend the Finance Manager who I believe is responsible for producing these graphs which range over the last 10 years in most cases and I congratulate him on including those in the Financial Statements. I draw Members attention to the graphs on page 13 and I think it's quite easy to see that the last 2 years 1999/2000 and the year 2000/2001 on those graphs have shown that we were going along on a fairly steady plain and then the last 2 years the finances have taken off. I'm sure the Chief Minister will say that's all his work but it certainly is an indication that the strategy of the deregulation and what is happening is

beginning to show rewards. We have had a set back as at the end of June and they are not the figures that are before us now but I think we'll need to be mindful of that. In the consolidated balance sheet you will see that the last 2 years have shown a very heavy increase and I rather think that's something to do with these statements, the last 2 years of the Revenue Fund has been on accrual accounting and the assets belong to the Revenue Fund would not reflect in the earlier figures but they would reflect in the 2 figures there. So that's probably the reason why there's quite a large increase there. On page 25 Members will see just over half way down the page where in the expenditure figures and you'll see that salaries and wages in the Revenue Fund have come in at \$230,000 less than what this Assembly appropriated and you also see that the current expenditure for the next figure down has come in nearly half a million dollars but you'll see where 247 has been through the accrual accounting system has been re-appropriated to the next financial year. But even in adding that in the expenditure is still \$300,000 down on what was appropriated by this House. Now they are the recurring expenditures, wages and the recurring expenditures and those savings are significant. I draw Members attention to the capital expenditure where \$366,000 was spent and a further \$282,000 appropriated for the next financial year, and that leaves \$116,000 underspent there, net under expenditure and capital expenditure but capital works that probably just won't get done. I haven't analysed just what they are but all in all our expenditure for the year is over half a million dollars less than what this Assembly approved. To what extent there is a degree of neglect in that I haven't analysed. Maybe it's good management in some of the areas, the savings in the salaries, perhaps that's good management or perhaps it's just that things that were supposed to be done didn't get done. The consolidated cash reserves if Members look on page 12 will see that the total cash reserves of the total organisation is over \$7.5m, it's \$7.75m, that's our cash reserves and if Members look at page 25 they will see that the cash reserves of the Revenue Fund is just on \$3m. I've been pressing on a number of Assembly's to have a discussion on this as to what our reserves should be because really we're talking about the tax payers money. We're sitting around with \$3m of the taxpayers money in the Revenue Fund and if you take the total thing with sitting around with \$7.75m of the taxpayers money sitting there. Now we should be saying to the community we've overtaxed you or it's our plan to build up our reserves to a certain figure or we intend to do something with that money. It's not our money, it belongs to the community, but I never seem to be able to get the Assembly to sit down and have that sort of a discussion. I think it's important, we don't have the right to just tax people and put the money in the bank. We don't have that right. We certainly have the right to tell the community well we think our reserves are too low and we wish to build them up to a certain figure. But we had a good year this year and things happened and our surplus was greater than what we anticipated and we intend to do something of benefit to the community with that money. I think that's all I want to say but I would like to see compensations along that line or debate along that line take place so that at least the community knows, and we know what our strategy is and what we intend to do with the taxpayers money. Thank you Mr Acting Deputy Speaker.

MR BROWN

Mr Acting Deputy Speaker Members have had these financial statements for something like 7 days, perhaps a little less for most of us. They are 117 pages long and they are in first statements totally prepared in the new accrual accounting format. Not all of us are Rhode scholars and it is not simple to get a grip on what these actually tell us. There's a few things that they do tell us though. The Chief Minister told us that the income was the highest recorded, there's another way of expressing that. We taxed the community more than we've ever taxed them before, that's the proper way to express it, and let's see what we gave the community back. We took \$370,027 in vehicle registration and licence fees, we took \$377,000 in fuel levy, we took not clear how much in duty on motor vehicles, duty on tyres and spare parts, duty on fuel and so forth. So the motorist paid fairly heavily. What did he get, \$304 was spent on plant and equipment for the Roads area, \$1480 was spent on road

reconstruction, \$112,793 was spent on wages and \$110,732 was spent on materials. It's not clear how much of those materials were actually used during the year. It may be that this new system transfers stock into the capital side and that perhaps that doesn't show up as having been spent here. So I'm not sure precisely what all of that means save for one thing, the tax paying motorist got ripped off. We have just had a year in which we had the highest number of visitors on record. We've been told that we did well because we made saving in recurrent spending and in wages, but those savings that we've been told about are against our budgeted figures. What you really need to look at is what did we spend last year and if there are savings they are not very large compared to last year. If we look at the main part of the wages area, the administrative area, this year we've spent \$1.737m compared to \$1.749 last year, so there was a saving for whatever reason of \$20,000 and that may well have been because a number of positions weren't filled for some time in part because of the reform process that's been going on. In a year in which we had record visitor numbers and taxed the community more than we've ever taxed it before we have shown by the look of it a degree of surplus. We're not maintaining those record visitor numbers now but the question is what are we going to be able to do about reducing the spending to balance that out and the answer is it's going to be very hard to do without massively disadvantaging the community. What we seem to be heading into now is a difficult period, somewhat like the difficult period of 19 I think there was one in the early 80's and I think there was another in the early 90's. We need to be addressing just how we are going to overcome the costs to the public purse of a substantial reduction in our visitor numbers if that occurs. Let's not sit here rejoicing about what a wonderful job we've done here, let's take a view that what's happened is good, we didn't go backwards for that year, we had everything going for us. As I said we taxed people more than we'd ever taxed them before, we increased lots of the charges and the full impact of those increases won't show until the current financial year and we had record visitor numbers but let's not sit on our laurels, let's not tell the community we've done a wonderful job, let's simply acknowledge that we got away with that year but it's a damned hard year ahead of us. Thank you.

MR NOBBS

Thank you Mr Deputy Speaker. Just to Mr Bates, I'm not crowing about these financial statements. As I said at budget time it's the Legislative Assembly's budget and therefore any financial returns or statements are theirs as well. I'm just the convolute to see that certain things happen. It was a good result for sure and it's exactly just what's been said now is the reason why we should look at it as a good year and I've said previously in this and other places things are not looking too good for this year but we do have a buffer. I was brought up on this island, I can tell you that you people the islanders have been through the ups and the downs for the last one hundred and whatever it is now that we've been here 140 years or something 138 I think it is now, that we've been on the island and there's been this continual from history of ups and downs, and the people that were here then and are still here are quite capable of managing their arrangements to smooth out the hard times and not get too carried away with the good times. I can assure you of that, and we have had some relatively good times over the last couple of years. Mr Bates said it was due to deregulation, I say it was due to competition with the airlines, and in a nutshell the additional accommodation has been made available and there has been an upgrade in the tourist industry accommodation for sure, but competition is what I believe has driven the numbers up and the resulting increases to the coffers. Certainly we, last year we brought into force the changes to fees and charges which had been passed by the previous Government and had not been brought in. Those became quite significant because not only weren't they in but we also got caught up in a system where there was an increase now due on the original figure. So there were some concerns in that area, but I just remind people that a lot of those fees hadn't been increased since the mid eighties and some had, some hadn't, and it was an attempt then to smooth out the situation so that we got relatively regular increases and not a one off belt every 10 years or so. There is a need for some adjustment to the arrangements of those fee

adjustments and the Service is actually working specifically on that at the present time now and it will be available for the new Assembly when they come in, some recommendations which will I believe improve the situation that we have at the present time. Just in relation to expenditure on the roads and the like. It's a difficult area and I know that Minister Smith who's area that is had problems with the lack of materials and the like but I did some figures for a person and this doesn't include the last financial year, the one that we're talking about. But the total expenditure on roads is fairly, if you look at it over the years, it varies considerably. It goes from something like \$750,000 back to about \$250,000 depending on the particular situation, but overall the overall expenditure really reflects the, over the last 10 years has really reflected what we've gained. I think the average expenditure was something like \$505,000 and the actual, that's including the petrol levy and that, and the whole lot was something like \$577,000. So the actual expenditure was a little under but not as great as would appear from the figures that were quoted a while ago. All I can say Mr Speaker is that I thank the Finance Section and I thank the Finance Manager for providing the support and particularly in relation to these documents. As was said earlier it's a very thick document 100 odd pages of it and it takes some putting together and I think they have done a magnificent job and I reiterate what I've said in the past, it's a great thing to go into a year that doesn't look to be too good at this stage but there are indications I believe after later in this financial year that things will improve, but it's great to go into this and it's great for the incoming Assembly to have that buffer which can be made available in case it's needed to balance things out in the current financial year. Thank you Mr Acting Deputy Speaker.

MR ACTING DEPUTY SPEAKER      Thank you. Is there further debate. There being no further debate I put the question.

QUESTION PUT  
QUESTION AGREED

MR ACTING DEPUTY SPEAKER      Thank you. Are there any further Papers for presentation this morning.

MR MCCOY      Thank you Mr Acting Deputy Speaker. I just want to give the one's who are presenting the Papers a break. I present the Gaming Authority Report for 1<sup>st</sup> of January to 30<sup>th</sup> September and move that that Report be noted.

MR ACTING DEPUTY SPEAKER      Thank you Mr McCoy.

MR MCCOY      Thank you Mr Acting Deputy Speaker. The Gaming Act 1998 provides under Section 46 (1) that the Gaming Authority must as soon as practicable, after 1 January and 1 July provide the Executive Member with a Report relating to its activities in the previous 6 months. Under provisions of Subsection 4 (6) 4 the Gaming Act 1998 the Executive Members must table a copy of any Report received under Subsection 1 at the next sitting of the Legislative Assembly following its receipt. Just a brief summary of the Report. During the period of this Report no further applications for licences were sought or received. The Authority took the view that because of the uncertainties it was neither prudent or ethical to market internet opportunities or encourage any further applications. The Authority however did what it could to positively influence Federal politicians in terms of Norfolk Island's gaming activities and kept its licencees fully informed as to what was happening in the Federal sphere. During the period the Authority met formerly on 2 occasion on 14 and 5<sup>th</sup> January 2001 in Norfolk Island and again in Brisbane on 14 May 2001. Members will recall I attended the Authorities meeting in Brisbane to discuss Government related issues. I was accompanied by the then CEO, the Deputy Crown Counsel and the Secretary to the Gaming Authority. The Report sets out the issues considered by the

Authority. The Commonwealth Government passed the Interactive Gambling Act 2001 which was assented to in July 2001. This Authority is of the view that the application of this legislation cannot be enforced so far as Norfolk Island is concerned. Although 15 months have been lost in developing Norfolk Island's interactive gaming activities the Authority is now working closely with 7 of the 8 licencees to endeavour to get them to pursue internet gaming opportunities and to recommence planning with the view to commencing gaming operations within the next 6 months. One licencee Wager Works has clearly indicated an interest in pursuing its prospects and representatives of Wager Works are proposing to visit Norfolk Island in December 2001. As Members are aware the Gaming Authority is currently funded by the Revenue Fund and the operating deficit as at 30<sup>th</sup> of September or more realistically as set out in the Financial Statements the Authority is in debt to a tune of \$93,000 or has a deficit of \$93,000. A recommendation has been received that the administrative functions of the Authority be transferred to the Administration to help reduce the costs of the Authority and this is currently under review. As I have said previously the establishment of interactive gaming in Norfolk Island ought to be encouraged to provide another revenue stream for Norfolk Island and I trust the next Legislative Assembly will take the same view. I now table the 5<sup>th</sup> report of the Gaming Authority for the period 1 January – 30<sup>th</sup> September 2001, and the delay in reporting is because of the lack of activity of the Authority as a result of the uncertainties related to Federal Government's moratorium on gaming activities. Thank you.

MR ACTING DEPUTY SPEAKER Thank you Mr McCoy. The question Honourable Members is that the Paper be noted. Is there any further debate.

MR ADAMS Thank you Mr Acting Deputy Speaker. I'm just interested if the Minister could clarify for the House what's actually meant in the Report in terms of transfer administrative processes to the Administration in order to save money.

MR MCCOY Thank you Mr Acting Deputy Speaker. The reasons why that has been recommended, and members are aware, they've received a Paper with a number of options, 3 options I believe and one of the options was to transfer administrative responsibility to the Gaming Authority. As I mentioned whilst answering a Question Without Notice this morning the Gaming Authority has been stretched for supporting staff and in particular in relation to a Secretary to the Gaming Authority. Unfortunately we have not been successful to date in getting a licencee up and operating. Had we been successful well then the Authority would be self funding and there possibly would be no requirements for any consideration to be given to the administrative purposes of the Authority, but as it stands to date the Revenue Fund is providing for the Authority to continue functioning and that's why the recommendation has been put forward as the Assembly is responsible for the community's money and part of the conduit to ensure the community's money is not expended in an unaccountable manner the CEO to the Public Service has a role to play. So until we get some licencees on line and the Authority becomes self funding there will be a necessity for the Administration to be above the expenditure of the funds as they are coming out of consolidated revenue, and that's the basis of the recommendation, and that recommendation came from the Authority itself.

MR ACTING DEPUTY SPEAKER Thank you. Further debate on the question that the Paper be noted. No further debate Honourable Members I put the question.

QUESTION PUT  
QUESTION AGREED

MR ACTING DEPUTY SPEAKER Are there further Papers for presentation this morning.

MR NOBBS Thank you Mr Acting Deputy Speaker. I just table the printed form of the Census of Population and Housing for the year 2000 to 2 Aug – 7 2001. You recall I tabled the non printed version before and I'm just tabling that as a formality Mr Acting Deputy Speaker.

MR ACTING DEPUTY SPEAKER Thank you Mr Nobbs. Are there further presentation of Papers this morning.

MR BUFFETT Before we move to that could I Mr Acting Deputy Speaker just offer compliments in the conduct of that Census of Population and Housing. It's a cyclic census that we do of course but it provides essential statistical information for Norfolk Island and it's conduct is not an easy process but it has been done efficiently, and I just wanted to make compliments in terms of its preparation and the job that has been done.

MR SMITH Thank you Mr Acting Deputy Speaker. I'd like to table the Financial Statements of the Norfolk Island Tourist Bureau and the independent Audit Report.

MR ACTING DEPUTY SPEAKER Thank you. Are there further Papers this morning.

MR NOBBS Thank you Mr Acting Deputy Speaker. Just before I get onto that I recorded appreciation which I think Members agreed with me 100% at the last meeting congratulating those participants, the Statistician and his main man Mr French.

MR ACTING DEPUTY SPEAKER Mr Nobbs if there is to be debate on this matter I would appreciate it if you could move to have the Paper noted.

MR NOBBS I thought we'd gone past it, that was all and I just mention it in passing if I may.

MR NOBBS Thank you. I've got another Paper. I table the Revenue Fund monthly financial indicators for the month of November 2001 and I move that it be noted.

MR ACTING DEPUTY SPEAKER Thank you Mr Nobbs.

MR NOBBS Thank you Mr Acting Deputy Speaker. I've a note here from the Finance Manager Mr Wilson. The Revenue Fund Financial Indicator Report is based on accrual accounting principles, accrual of substantial revenue such as the Customs Duty, FIL, Accommodation Levy, Telecom Dividend, Postal Dividend and Fuel Levy have been included albeit on an estimated assessment based on historical records and taking into consideration the present down turn in tourist numbers. The indicators report is based on the approved budget. At best as can be determined at the 31 October is that the Revenue Fund income is about 92% of budget which shows a \$307,000 shortfall but which is an increase of 2% over the last month. October 2000 was 104% of budget. Overall expenditure at the end of the 4<sup>th</sup> month of the financial year is about 16% which equates to \$677,000 under the approved budget. All expenditure categories other than for Welfare are under budget. Welfare expenditure is 125% of its budget which equates to \$98,000 overspend. Based on the expenditure trend for the first 4 months of this financial year the Social Benefits payments projected results for 2001/2002 will be \$50,000 overspend. In addition based on the accounts paid for Welfare medical expenses to October 31 2001 the projected result for the 2001/2002

financial year will be \$185,000 overspend. Total income for the first 4 months exceeded total expenditure by \$50,000. Thank you Mr Acting Deputy Speaker.

MR WALKER Thank you. Could I just ask the Minister for clarification Mr Acting Deputy Speaker. At the head of column 3 and 7 is it simply a typo and that should be 2001/02.

MR NOBBS Yes it is a typo sorry.

MR BATES Thank you Mr Acting Deputy Speaker. Just a couple of points I don't think the Chief Minister mentioned. One is that Customs Duty is \$100,000 for the first 5 months of the year, 4 months of the year, end of October and that is significant and I think it indicates some of the things that were mentioned earlier. Total revenue is \$67,000 down and the Chief Minister said we're 92% of budget and that's fairly reasonable for this time of the year. But a disturbing factor in it or something that perhaps makes it look a little bit better than what it is, the fact that revenue has exceeded expenditure by \$50,000 in the first 4 months could look good but we've done 18% of our capital works program, for the whole year in 4 months and I think if that was running where it should be at close to 50% of budget then I think we'd be looking at a different story, and unfortunately when Assembly's tighten belts it's usually the capital works programs that suffer. I'm not too sure if any have been shelved because of the financial climate. They probably haven't, they're probably just slow getting off the ground but I'm sure we wouldn't have a \$50,000 surplus if our capital works were proceeding on an even basis through the year. I just mention that for interest.

MR ACTING DEPUTY SPEAKER Thank you is there further debate. No further debate. I put the question.

QUESTION PUT  
QUESTION AGREED

MR ACTING DEPUTY SPEAKER Thank you. Are there further Papers for presentation this morning.

MR MCCOY Thank you Mr Acting Deputy Speaker. I'd like to present the Bio-mass Energy and Technology Pty Ltd for a quote for a gasifier and also stage 2 of the community consultation report prepared by Anne Prince and Consultant and move that those Papers be noted.

MR ACTING DEPUTY SPEAKER Thank you Mr McCoy.

MR MCCOY Thank you Mr Acting Deputy Speaker. The Members and many in the Norfolk Island community would be aware that the Norfolk Island Government received a \$250,000 grant as part of the Commonwealth Coast and Clean Seas program from the Australian Government on the 9<sup>th</sup> of August 2000. Subsequently the Norfolk Island Government engaged the co-operative research centre for waste management and its subcontractor Anne Prince Consulting to carry out a waste characterisation study and prepare an options study report. The options study report was distributed to Assembly Members following a presentation on the 22<sup>nd</sup> of January 2001 completing stage 1 of the waste management options study. The waste management team revisited Norfolk Island from the 22-26<sup>th</sup> January 2001 to undertake a detailed consultative process with the community regarding the waste management options paper. On receipt of stage 2 community consultation report in June 2001 the Norfolk Island Waste Management Committee based on recommendations derived from the community consultative report commenced the process of engaging Biomass Energy Services and Technology Pty Ltd to carry out a feasibility study, design and cost a

gasifier for the purposes of replacing the present burning facilities at Headstone. Stephen Joseph of ? visited Norfolk Island in September to carry out the feasibility study and subsequently has provided a quote for design and supply and erection of a gasifier. For public information and record I table the stage 2 Community Consultative Report and the feasibility study for installing a thermal gasifier summary report and I would urge that any incoming Members to the 10<sup>th</sup> Assembly would pick these up and continue the development of an improved waste management system for Norfolk Island and I would also urge any members of the community to source these 2 documents and read and make comment on those documents. Thank you Mr Acting Deputy Speaker.

MR ACTING DEPUTY SPEAKER            Thank you. Is there any debate. There being no debate I put the question.

QUESTION PUT  
QUESTION AGREED

MR MCCOY                                    Thank you Mr Acting Deputy Speaker. I also present the Cascade Cliff sale of rock financial report for the year to 30 October 2001 and move that that report be noted.

MR ACTING DEPUTY SPEAKER            Thank you Mr McCoy.

MR MCCOY                                    Thank you Mr Acting Deputy Speaker. A report was prepared on the operation of the abovementioned enterprise, that's the Cascade Cliff – sale of rock enterprise and tabled in the House at the September sitting 2001. The statement attached to the report advised the House that a further financial report would be tabled on completion of the project. The project in so far as having produced the required volumes is complete. At the last report the only outstanding amounts were 75-150ml ?? material 234 tonnes, gabian rock 1,090 tonnes, a total of 1,324 tonnes. The gabian rock production has been completed and with 110 25 tonnes of ? matress material to be sorted, Parks Australia finally rejected the gabian rock material claiming it did not meet specification. Following exhaustive discussions it was agreed that the product be re-screened, this has been completed and requires removal of approximately 1,000 tonnes from the Parks Australia airport site back to the Cascade rock quarry and a further 1,000 tonnes produced. Just also for public information for anyone who may not source this document, the estimated financial position as at the 30<sup>th</sup> of October 2001 it does not list the assets but there is quite a substantial amount of rock left in the source rock stockpile which I believe is an asset to the community but the cash at bank was \$242,735-47, sundry debtors \$262,608-76, the roads stockpile \$304,997 and the community stockpile is estimated to be \$563,420. Parks Australia on completion will be \$106,663-80. The total estimate is \$1,480,424-27. The liabilities at the moment, there's an advance from the Revenue Fund of \$650,000, royalties at the 30<sup>th</sup> September 2001 is (\$3,222-131)??? Cents, Claims from Island Industries Pty Ltd \$128,494-20, royalties on stockpile estimated to be \$518,075. The total \$1,618,700. The surplus deficit is \$138,275 and as advice this is a snapshot for information purposes only and not a true accounting record and I will table that financial statement.

MR ACTING DEPUTY SPEAKER            Thank you Mr McCoy. Is there debate.

MR BROWN                                    Mr Acting Deputy Speaker I wonder if the Minister could tell us just where the community stands in terms of the loan from the Commonwealth of I think about \$3.5m. Is there sufficient rock to repay that loan and is it a fact that the community is presently looking at a potential \$2m shortfall.

MR MCCOY                                    Thank you Mr Acting Deputy Speaker. It is a bit difficult to answer that question right at this particular moment because in actual fact

again unfortunately I'm not the Minister with responsibility for the management of the stockpile. The Minister with responsibility for the management of that stockpile is part of the Cascade Cliff management team and that happens to be Mr Smith.

MR ACTING DEPUTY SPEAKER Thank you is there further debate. No further debate. I put the question.

QUESTION PUT  
QUESTION AGREED

MR ACTING DEPUTY SPEAKER Thank you. Are there further Papers for presentation this morning.

MR BUFFETT Mr Acting Deputy Speaker I have a Paper progressing the justice package. At earlier sittings I reported on the justice package explaining a number of steps Mr Acting Deputy Speaker. Firstly the court of Petty Sessions collation and then together progression of the evidentiary component and the Crimes component. Today I'm able to table the first major item of draft legislation which is the Evidence Bill and I have those available for tabling as an exposure draft to encourage detail consideration of it by Assembly Members while the Justice Review Committee finalises its deliberations. I believe in this way Mr Acting Deputy Speaker that the community can move expeditiously toward reform in this area. The Bill that is exposure draft presentation today is based on the Commonwealth Evidence Act and the NSW Evidence Act and as I've mentioned to the Assembly previously it's designed to provide a uniform approach to complex evidence rules. It will minimise uncertainty and costs to participants in legal proceedings. Once introduced into Norfolk Island the Evidence Bill will represent a significant development in criminal and civil procedures in Norfolk Island and it will provide for a readily accessible guide to the laws of evidence on the island and it will enable participants in legal proceedings to benefit from clear concise rules interpreted by the Courts with minimal differentiation. That's that particular part. If I can them move to the next major stage which is the table of the Crimes package. That's not ready at this moment. That is the next stage on from this. Members will recall that at the September sitting I advised that drafting instructions had now been prepared with a view to establishing a comprehensive framework for the criminal jurisdiction including development of the following. The Crimes Bill, Criminal Trial Procedure Bill, Police Procedures and Powers Bill, a Sentencing Bill, a Bail Bill and Young Offenders Bill. Initially when the review committee's program was defined it was decided to consider each of those as separate items but it has become clear to the committee, during the course of its deliberations that each piece of those legislation items that I have mentioned were much interlinked and as a consequence the committee has been able to work through very quickly the program and drafting resources have really been unable to keep up. The Service is currently reviewing resources to be able to meet that drafting need, but that's talking about the next step on from that which I have just tabled here. The justice reform processes have been deliberated on for a number of years in Norfolk Island and I do have some pleasure in my role as Minister in the last few months in progressing this particular important item. The provision of the draft I'm now tabling is a significant advance and I do comment of course that we as the 9<sup>th</sup> Assembly won't consider the draft as our time is drawing to a close, but I strongly urge the 10<sup>th</sup> Assembly Members, yet to be decided of course to proceed with the work achieved to date in reviewing this justice package and to see to conclusion the reform of the administration of justice within the island. I table those copies of the draft Mr Acting Deputy Speaker.

MR ACTING DEPUTY SPEAKER Thank you Mr Buffett. Are there further presentation of Papers this morning Honourable Members. No further presentation of Papers.

**STATEMENTS****MR BUFFETT**

Thank you Mr Acting Deputy Speaker. Firstly I have a Statement concerning the South Pacific Mini Games. We're 12 days away from the opening ceremony of the 6<sup>th</sup> South Pacific Mini Games here on the island on Monday the 3<sup>rd</sup> of December. Games arrangements are well in place and several sporting bodies have published their program of the Games on the Games website, which is [www.southpacificminigames.nlk.nf](http://www.southpacificminigames.nlk.nf). Members will remember that I have given progressive updates on the preparation and organisation for the Games over the past 3 months but it might be useful to repeat some items of information. The South Pacific Games Council unanimously endorsed Norfolk Island's bid to host the 6<sup>th</sup> Games when it met in Pago Pago in May of 1996. This was 5 years ago and shortly we will see the culmination of these 5 years of planning and organisation and I pay compliments Mr Acting Deputy Speaker to the Norfolk Island organisers and also acknowledge the Office of the Administrator in relation to a number of Commonwealth areas of assistance, for example the RAAF band that he has been most helpful in gaining access to. The mascot for the Games is Miamiti, a Boobook owl which was a suggestion from Anne Marie Judd and Tracey Yager was commissioned to prepare a series of designs for use in correspondence and display signs for the Games. We'll be seeing a lot of Miamiti during the 10 days of the Games. 19 countries including ours Norfolk Island will be participating here on in the island and to recapitulate upon those the countries are American Samoa, Cook Islands, Federated States of Micronesia, Fiji, Guam, Kiribas, Nauru New Caledonia, Niue, Norfolk Island of course, Northern Marianas, Palau, Papua New Guinea, Samoa, Solomon Islands, Tahiti, Tonga, Vanuatu, and Wallis & Futuna. The South Pacific Mini Games charter requires 6 countries to be entered in each sport before it can be contested and I confirm that there will be 10 sports contested here in Norfolk Island and these are Archery, Athletics, Bodybuilding, Clay Target Shooting, Golf, Lawn Bowls, Netball, Squash, Tennis and Triathlon. These Games will be the first time that Archery has been competed. The number of athletes, officials and visiting dignitaries are continuing to increase and at this stage we're expecting the arrival of some 850 people connected with the South Pacific Mini Games. Members of the community have volunteered their time to become team attache's and volunteers to assist with the Games. I attended Mr Acting Deputy Speaker a meeting of attache's and volunteers on Monday afternoon. There are a good number of them and I add my thanks for their voluntary help. School students are being involved in a number of ways including ball boys and girls for the tennis and netball, and they will be key players at the opening ceremony. Readers of the Norfolk Islander will be aware that Norfolk Jet Express have transported the medals and they are already here and that they have made 10 seats available for visiting print media. The major sponsor for the Games is Origin Energy who are previously known as Boral Gas. There are many other sponsors that have generously donated funds, donated material and time out of their own busy schedules and the comprehensive list of sponsors is available in the official program, which is currently being printed by the organisers, and I acknowledge all of those who are sponsors and give them very great thanks for their participation in Norfolk Island's Games. Throughout the duration of the Games there will be additional Police Officers, that together with the local Special Constables will ensure that normal policing and security during the Games will be enhanced. The International Olympic Committee will help run the medical side of the Games and they'll be providing 3 Doctors to work with the Norfolk Island Hospital staff and help co-ordinate the medical facilities that will be based at the Norfolk Island Hospital. There will be medical facilities at Kingston for the Opening and Closing Ceremonies, and the International Olympic Committee doctors will also carry out the drug testing of athletes. The program for the Opening and Closing ceremonies was published in the Norfolk Islander on the weekend, as was a map showing designated parking areas. Formalities commence at 2.30pm and I do encourage as many people as possible to come to this major event in our island's history and indeed to attend as many as the sporting venues to support and cheer, not only our

own athletes of course, but also our visiting athletes over the 10 days of competition. The daily program is aimed to be published over the weekend. I encourage people to assist to make the Games people who visit us welcome here in our island home. I'm pleased to confirm that Mr Kevin Gosford who is the International Vice President of the International Olympic Committee will be attending for the Opening Ceremony as will be visiting dignitaries from other South Pacific countries competing in the Games. Bill Sackavich, the Secretary General to the South Pacific Games Council will be on the island for the duration of the Games. He has already arrived. His reasons for being here are twofold, one to help us with the fine tuning and the final preparation for the Games and secondly to help prepare for the meeting of the South Pacific's Games Council which will be held at the South Pacific Hotel on the 8<sup>th</sup> and the 9<sup>th</sup> of December of this year. Some additional items of interest, cleanup. Cleanup Norfolk Island day will be held this Sunday coming from 8.30am starting at Rawson Hall. The advertisement for this exercise reads show sum pride in ours side, anyone who is able to assist in picking up rubbish around the island is encouraged to help participate, even if it's for a short period of time so that we can show how beautiful the place is, and of course last night and continuing today the rain, will assist in making everything clean and green. All the sporting venues are looking really good, from the School athletics track and the archery field, the Cheryl Tennis Club has extended their clubhouse and the Netball courts have a new grandstand. Paul Trigger Evans is in final preparation mode for catering and has his team of workers ready to go. I understand that the last ship carried one of Foodlands largest orders for many years and a lot of the goods imported will compliment Trigger's locally grown supplies. Quite a large media content is confirmed for the Games including Mainland TV crews and a large contingent from Radio Australia including the well known identity Brendon Telfer. On Saturday the 1<sup>st</sup> of December the Norfolk Island team in its entirety will march from the RSL to Rawson Hall where the Norfolk Island flag will be raised. The team will assemble at 9.30 and the march will commence at 10.00. I have been asked by the organising committee to extend its thanks to the very many people who are volunteers that have come forward to help to assist. The people of the island always rally in times of wanting to put on a good show and this the International Year of the Volunteer, all volunteers should be recognised and I trust that the comments that I'm making now will do something towards doing just that. I again extend on behalf of myself and the Assembly, yourselves Honourable Members our congratulations to the Games Organising Committee and it's band of helpers in bringing the South Pacific Games to the island and acknowledge the time and the effort expended by them, to bring us what I'm sure will be an event that we will all be proud of. I again encourage the participation of the Norfolk Island community in whatever way you can in these 6<sup>th</sup> Games and take this opportunity to wish our own athletes every success in their endeavours. Thank you.

MR BATES

Can I move that the Statement be noted.

MR ACTING DEPUTY SPEAKER

The question is that the Statement be noted.

MR BATES

Thank you Mr Acting Deputy Speaker. Mr Buffett mentioned amongst a lot of others Bill Sackavich the Secretary General to the South Pacific Games Council and also mentioned that Bill is already on the island. Bill's been a long time friend of our Sports Administrators Danny Yager and Tommy Lloyd and personally known to myself. He's been to Norfolk Island before on occasions, he loves Norfolk, he's delighted to be back, he's from the Northern Marianas and I would just like to take this opportunity to extend on behalf of all my colleagues a warm welcome to Bill.

MR ACTING DEPUTY SPEAKER

Thank you. The question is that the Statement be noted. Is thee any further debate on the Statement. Honourable Members I put the question.

QUESTION PUT

## QUESTION AGREED

MR BUFFETT Thank you Mr Acting Deputy Speaker. I have a Statement about immigration legislation. Mr Acting Deputy Speaker Members will recall that we passed the Immigration Guidelines Amendment Bill some 5 almost 6 months ago. That matter was referred to the Commonwealth. The response of just recent times is that Minister MacDonald has instructed the Administrator to withhold assent to that particular piece of legislation. The general theme in such advice is that it may be inconsistent with the principal Act and may diminish the Commonwealth's capacity of control in some areas of immigration. I should say that the Commonwealth Minister for Immigration does not have the concern with the Bill that we have presented but Minister MacDonald did not have that view and referred it to the Attorney General's Department. I have instructed in light of all that I have instructed our Officers to examine the methods for a way forward in respect of this particular situation. One factor needs to be acknowledged and that is that we do now have a set of revised and more appropriate Guidelines than we did hitherto, and this is a major tool in revising our basis legislation if this turns out to be the way forward. I've mentioned the methodology of handling things in manageable parcels, where it may well be in this case that the shape of the parcel may be adjusted, but nevertheless we can and we will deliver a much needed parcel of amending immigration legislation. Having explained all of that Mr Acting Deputy Speaker the machinery of the 10<sup>th</sup> Legislative Assembly will need to take this matter to its next stage. Thank you.

MR ACTING DEPUTY SPEAKER Thank you Mr Buffett. Are there any further Statements this morning.

MR MCCOY Thank you Mr Acting Deputy Speaker. I wish to present a Statement on the land initiative. I wish to inform the House on the present status of the joint Norfolk Island Commonwealth land initiative. First there's a number of issues covered under the joint land initiative and that Statement will be tabled for public interest and so therefore I will not read the full contents of the Statement, I will read the points that really need to be pointed out. The draft revised Norfolk Island Plan was on public exhibition from the 6<sup>th</sup> of July 2001 until 28<sup>th</sup> of September 2001. During the exhibition phase the planning team conducted 2 separate weeks of on island consultation which included 2 public meetings, a specific public meeting on the KAVHA viewshed, informal meetings with numerous individuals at the plan display at Foodlands Mall. In addition throughout the public display period the planning team met with various sections of Administration, relevant Commonwealth agencies, local interest groups and individuals. 87 written submissions were received in response to the exhibition, a summary is set out in the Statement. The planning team has made an initial analysis of the submissions received to identify the key issues which are also summarised in the Statement. Some of the key steps to finalising the draft plan are as follows. Consider whether any of the key issues raised warrant changes to the draft plan, rewrite sections of the draft plan as necessary, make necessary changes to the draft plan maps, submit the revised draft plan package to the Executive Member. It is anticipated that the revised draft plan and accompanying maps the planning report which addresses each of the key issues raised during exhibition and copies of all of the submissions received will be submitted to the Executive Member as a package. The Executive Member is responsible for laying before the Legislative Assembly a copy of the draft plan, planning report and copies of the submissions received in response to the public exhibition of the draft plan in accordance with the Planning Act 1996. The Legislative Assembly decides on the draft plan, the plan is made and gazetted and timing for finalisation of the revised Norfolk Island Plan. It is anticipated that the process to finalise the draft plan will take until at least the end of January 2002. However the timing depends on the resolution of key issues in the draft plan to the satisfaction of the community and the Legislative Assembly. As a result of the review of the Norfolk Island Plan there is a need to review

the Planning Act 1996. A number of changes to the Act have been suggested over the last few years through experience and in the implementation of the Act more changes will be necessary to accommodate some of the proposed changes to the Norfolk Island Plan. A redraft of the Planning Act 1996 has commenced and it is anticipated that the drafting of the Norfolk Island Plan and the Act will occur in tandem so that both documents can be completed and become operative as close as possible together. Also as part of the land initiative there's a need to develop road codes that the current draft roads coding includes standards for construction and maintenance and road maintenance policies. The identification of the Commonwealth owned roads on Norfolk Island have been completed and is being plotted on the update of the official survey plan. This should be completed by the end of the year and the roads will be identified by both name where applicable, and a specific road number. Adjustments have been made to Ferny Lane and Headstone Road on the official survey plan to take account of the ground survey completed in August. The update will include the identification of the top of cliffs and the high water mark for the entire coastline and a recalculation of the respective areas that are affected. Amendments to the Roads Act 1996 and the Land Titles Act 1996 will be required so that roads may vest in the administration of Norfolk Island and be identified and recorded by way of gazettal outside of the Land Titles Act 1996. The costs are yet to be determined including the following, certification by the Surveyor General, consultancy costs for redrawing recalculation and printing, compensation if any, to private owners, costs for upgrading of the existing road network over and above the current maintenance cost and liability in respect of the unforeseeance by a highway authority in line with the recent High Court judgement. Also the health code, the methodology for producing health codes for Norfolk Island has been discussed with the Consultant Legislative Counsel. He will be examining the initial review of Queensland health legislation relating to public health and food hygiene carried out by the Health and Building Surveyor and the Government Medical Officer. The Building Code, the development of the Building Code is not a land initiative prerequisite however it is convenient and appropriate to pursue the development of the Building Code concurrently with the land initiative prerequisites and in co-operation with the Commonwealth. The Building Inspector has advised the task force that it would be appropriate to adopt Building Codes of Australian regulation codes similar to those of the Northern Territory. The Building Inspector has now completed a detailed paper on which advice has been sought from the Consultant Legislative Counsel. Heritage, discussions have been held with the Australian Heritage Commission on a proposed memorandum of understanding. Irrespective with progress with the MOU the Norfolk Island Administration is preparing to implement a Norfolk Island Heritage Regime under the Heritage Act 1996 through the following actions in consultation with the Australian Heritage Commission. Examination of heritage assessment criteria used in other States and Territories preparation of a draft heritage register consisting of places and items currently listed on the register of National Estate, establishment of a Norfolk Island heritage Board and consideration of regulations that may be required to establish assessment criteria and the Heritage Board. The Public Reserves plans of management, technical draft plans of management have been completed for all Public Reserves, some requiring more extensive work than others. A new format has been developed with part a including provisions common to all Reserves and part b, specific to each Reserve. The part a plan of management has been completed as have the part b plans for Anson Bay, Bumboras and Selwyn Reserve. The initial drafts of the part b plans for Ball Bay and Cascade Reserves are currently being edited. There are other matters and in particular environment codes. It is recognised that a number of environment codes including codes on noise and dust omissions and water quality should be developed as planning tools under the Norfolk Island Plan. Consideration is being given to the development of environment codes after the completion of the joint land initiative. Thank you Mr Acting Deputy Speaker.

MR ADAMS

I move that the Statement be noted.

MR ACTING DEPUTY SPEAKER  
Statement be noted. Debate.

Thank you Mr Adams. The question is that the

MR ADAMS

Thank you Mr Acting Deputy Speaker. It does appear from that Statement that Minister McCoy's just issued, certainly in terms of heritage that the nominations that were discussed early in this sitting regarding the nominations to the register of National Estate are still existing in some form. It equally appears that notwithstanding the Australian Heritages' criteria for accepting of nominations, notwithstanding that the nominations provided by somebody of some organisation Norfolk Island using the criteria, the tier criteria of intrinsic value and protection of National Estate does not appear to me to qualify for the Australian Heritage Commission's laid down criteria. That being the case why are these nominations still being retained by the Australian Heritage Commission, and it would seem very clearly that the Norfolk Island Government is in effect operated in partnership if you like, with this particular group and at the same time not advising landholders what the pros and cons are, where this process is going and certainly at no time advising them what their options are and clearly not providing them any appeal provisions or any appeal processes to be involved in it. I wonder if the Minister could clarify some of those point and perhaps provide an outline of where to next in respect of this matter for those landholders so affected.

MR MCCOY

Yeah I did read about in that brief Statement as Mr Adams correctly picked up that the. Actually what I've said is that the places and items currently listed, not nominated and whether Mr Adams is referring to the places that have been nominated to the National Heritage List or whether he is referring to places that are currently listed. My understanding is that the places that are currently listed somewhere like Branka House or the Longridge Prison Farm. Those places will remain listed, they will not be removed, and I believe the landholders would be fully aware of that. But if Mr Adams is referring to the nominated lands, well they have not been listed and that's why we must pursue our own heritage regime so that any person who wishes to nominate a property to be listed will have access to the criteria and so too will the so affected landholders but just another point there, there have been moves towards developing a MOU with the Australian Heritage Commission but that fell into some, I guess you could describe it as a period where there was very little room for any further discussion to be held on the MOU and on discussion with senior members of Australian Heritage Commission we were advised that well you don't need an MOU to put in place a Norfolk Island heritage regime, and the suggestion was that we continue and get our own heritage regime in place as quickly as possible before any further listings of land on Norfolk Island occurs where the landholder may not know that their property is being considered prior to it being listed.

MR ADAMS

Thank you Mr Acting Deputy Speaker and I thank John for that clarification. It may be that I misunderstood. I had assumed that the nominated one's were still alive and well and under discussion in terms of the Statement just provided. It does seem interesting to me and somewhat of a concern that in all of this time and obviously there's been a fair bit of work going on in the background the Norfolk Island Assembly is still unable to advise people with properties so affected by this nomination as to whether or not those nominations exist, whether or not they are being hidden by the HC waiting for a more opportune political moment or where exactly the situation is in terms of that. I'm equally interested to know when the flagged forthcoming heritage platform if you like, whether or not people who do not have nominated areas now, if in fact in the event that items or places under their control or ownership, if you like, are nominated, what are their options in terms of appeal

provisions, or is it simply going to operate similar to some of the Commonwealth legislation in terms of persons unknown can nominate anybody's place or land, not be identified, the owner of those places so nominated have no recourse to appeal, provisions in any AAT, ART or any other similar official forum, and I'm just concerned that that's going to be the eventual outcome for heritage items in our jurisdiction, and I'd be interested again if the Minister could provide some clarity on that point. Is it going to be an open and transparent process or is it going to operate similar to the AHC Act which is simply in my view from reading the Act, it's an opportunity for heritage, shall we say zealous to operate without having proper recourse for people who have the ownership of these properties to have their say and to be properly informed of the process.

MR MCCOY Thank you Mr Acting Deputy Speaker. Firstly I will undertake to seek clarification on the status of the nominated lands for landholders purposes and secondly I'd like to mention that the consultative legislative draftsman visited Norfolk Island and unfortunately I was not, for reasons beyond my control given an opportunity to discuss the implications of the heritage legislation or how that legislation would be couched but my firm belief is that the legislation should be set up in such a manner that it does have some reference back to the Norfolk Island Planning Act where decisions of the Executive Member are a reviewable decision, and whether that means that the decision to review is triggered at the point of, well I would assume it would be triggered at the point of a nomination. But as I said I didn't have the opportunity to discuss these legal requirements of the Heritage Act but I will be pursuing it in that manner if I was the Minister with responsibility for that area, and I believe it is only fair that landholders and landowners be given every opportunity to comments where their personal property is affected.

MR SMITH Thank you Mr Acting Deputy Speaker. I may be wrong but as I understood it the Norfolk Island Heritage Act was put in place to give Norfolk Island control of nominations rather than being listed on the National Register, that's just going by memory and that the appeal, any nomination as I understand it has to come to the Assembly before is gets listed on the Heritage Register in Norfolk Island, and that that piece of legislation has been around a long time, I think Mr McCoy said since 96, and it's been a long time coming. But that's just as I understand it. I haven't been involved in it but I think as far as appeal; provisions go it comes to the Legislative Assembly for agreement for nomination before it would be put on the Register.

MR MCCOY Thank you Mr Acting Deputy Speaker. That would be all very true if the Heritage Act of 1996 had only been enacted. Unfortunately it hasn't.

MR ACTING DEPUTY SPEAKER Any further debate Honourable Members. No further debate I put the question.

QUESTION PUT  
QUESTION AGREED

#### **MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR – NO. 24**

MR ACTING DEPUTY SPEAKER On the 31<sup>st</sup> of October 2001 pursuant to Section 21 of the Norfolk Island Act 1979 I declared my assent to the following legislation, Tourist Accommodation (Quota Administration ) Amendment Act 2001, Act No. 13 of 2001 and the Customs (Vehicle Size Limits) Amendment Act 2001, being Act No. 14 of 2001 dated the 31<sup>st</sup> of October 2001, A.J. Messner Administrator.

## REPORTS OF STANDING AND SELECT COMMITTEES

MR WALKER Thank you Mr Acting Deputy Speaker. As Chairman of the Select Committee Inquiry into matters relating to the deregulation of the Tourist Accommodation Registrations and other matters I would present the following Statement. On the 18<sup>th</sup> of July 2001 the Legislative Assembly appointed a Select Committee comprising Mr Adrian Cook QC, Mr Brian Bates and Mr Bruce Walker. The Committee held its inaugural meeting on the 26<sup>th</sup> of July 2001 and I was elected as Chairman. Consequent on the resignation of Adrian Cook QC both from the Committee and as a Member of the 9<sup>th</sup> Legislative Assembly Mr Ron Nobbs and Mr John McCoy were subsequently appointed as members of the Committee on the 15<sup>th</sup> of August 2001. For the record this Select Committee was established by the House to inquire into and report on the effect, consequences, advantages or disadvantages of the deregulation of tourist accommodation registrations following upon the resolution of this Legislative Assembly to deregulate such registrations. Further the essential legality and validity of conditional registrations of tourist accommodation units under Section 7(4a) of the Tourist Accommodation Act, and further any provisions which require to be introduced into or amended in the Tourist Accommodation Act to ensure that that Act operates in the best interests of the community and in its relationship to the Planning Act and other relevant legislation. Further that the impacts and effects that all tourist accommodation units registered under the Tourist Accommodation Act and which have been constructed and are in operation or which have been conditionally registered and for which approval under the Planning Act 1996 has been granted and which have been or will be constructed and which are not at this date in operation may have upon the environment community infrastructure and resources and the development to implementation of the Norfolk Island Plan under the Planning Act 1996, and lastly any other matters which are relevant to or are significant in the development or regulation of the tourist industry in the best interests of the community. The Committee proceeded Mr Acting Deputy Speaker to invite submissions. Evidence and opinions specific to its terms of reference from the public. Oral submissions both formal and informal were received. The formal public hearings were conducted on the 19<sup>th</sup> of September and the 3<sup>rd</sup> October 2001 in the Legislative Assembly Chamber and witnesses in order of appearance were 1. Mr Lyle Tavener and Mrs Robyn Tavener, accommodation proprietors and long term residents who presented a written submission and spoke to it. 2. Mr George Smith MLA, Minister for Tourism and Commerce in the 9<sup>th</sup> Legislative Assembly. 3. Mr Gary Robertson a former Minister for Tourism in the 8<sup>th</sup> Legislative Assembly. 4. Mr Mike King former Minister for Tourism in the 7<sup>th</sup> Legislative Assembly. 5. Mr James Tavener, hire car proprietor and 6. Miss Anita French, Tourism Officer for the period June 1995 to May 2000. Informal oral submissions to the Chairman were received from Miss Denise Ingleton Quintal and Mr Norman Buffett. Mr Jason Adams Tourism Officer, Acting, spoke with the Committee in camera. Mr Acting Deputy Speaker written submissions and documentation were received from the following, the Public Service of Norfolk Island, Barbara Elvey of Fletcher Christian Apartments, Dan and Nadia Cuthbertson of Cumberland Close, Accommodation and Tourism Association Inc, Norfolk Island Planning Board, Norfolk Island Police, Anne Tullner, Frank Watson, Kathleen and Paul Evans, The Norfolk Island Conservation Society, Lyle and Robyn Tavener of Tradewinds, Glenn Robinson of Tau Gardens. The approach taken by the Committee in the preparation of the final report was to allocate specific research to each of its members. That approach has worked well with a large amount of information having been gathered, analysed, disseminated, commented upon and collated. The Committee was instructed to report back to the House within 4 months. However with the best of intentions on the Committee's part the Committee has not been able to meet that deadline and the forthcoming elections for the 10<sup>th</sup> Legislative Assembly of course will bring the Committee's mandate to a close. Before I move the Motion standing in my name on the Notice Paper I wish to recognise and thank all those who came forward with submissions to the Committee. Parliamentary Committee's cannot make fully informed

and consider recommendations to the Parliament without credible input from the community it represents. I also wish to acknowledge the many hours of work contributed to the information gathering process by the Public Service and the Parliamentary Officers. There is always a great deal to be learnt from historical data and I seek the support of the House in the Motion that stands in my name at No. 1 of the Notice Paper.

MR BROWN Mr Acting Deputy Speaker I seek leave to move 2 amendments. Perhaps if I indicate what the proposed amendments say.

MR ACTING DEPUTY SPEAKER Mr Brown we haven't moved onto Notices yet, we've just been in receipt of Mr Walker's report. Honourable Members there being no further Reports of Standing Committees for presentation this morning we now move on to Notices.

### **SELECT COMMITTEE INQUIRY INTO MATTERS RELATING TO THE DEREGULATION OF THE TOURIST ACCOMMODATION REGISTRATIONS AND OTHER MATTERS**

MR WALKER Thank you Mr Acting Deputy Speaker. I move that this House resolves and recommends that, 1. All evidence, submissions and any other relevant documentation received by the Select Committee appointed by the 9<sup>th</sup> Legislative Assembly to inquire into matters relating to the deregulation of the Tourist Accommodation registrations and other Matters remain in the custody of the Clerk to the Legislative Assembly until the 10<sup>th</sup> Legislative Assembly is appointed; and 2. The 10<sup>th</sup> Legislative Assembly give high priority to the appointment of a new Select Committee charged with the same Terms of Reference in order that it may complete this very worthwhile report and recommendations.

MR ACTING DEPUTY SPEAKER Thank you Mr Walker. Is there debate on the Motion Honourable Members.

MR BROWN Mr Acting Deputy Speaker it's not Mr Walker's fault I'm sure that the Motion has some drafting difficulties but as it stands I propose to vote against it and it's for these reasons. Firstly the Motion doesn't tell us how and who, how a decision will be made and who will make that decision as to what documents form those within the description any other relevant documentation. In my view those words should be deleted and the word documents should be inserted in their place. Every document that was handed to the Committee should be retained, if any are to be retained. Secondly what happens once the next Assembly is appointed. This Motion doesn't tell us. It says the Clerk should hang onto them until the next Assembly is appointed so then presumably the Clerk can burn them or do as she pleases. Thirdly I think it's patting ourselves on the back in an unacceptable fashion to have the last line or so, paragraph 2, it's not for us to say, in order that it may complete this very worthwhile report and recommendations, that's for other people to judge, and finally I'm not so sure that it's appropriate for us, having in fact been the subject of the vote of no confidence by the community in the Referendum to be telling the 10<sup>th</sup> Assembly what it should be doing. It's all very well for us to encourage the 10<sup>th</sup> Assembly, they can have a look at it if they wish but I think that's about as far as it should go and for those reasons rather than move amendments I propose to simply vote against the Motion.

MR NOBBS Thank you Mr Acting Deputy Speaker. I see it completely different to Mr Brown's views on this subject. I mean I was a member of the Committee and it was agreed by the Committee that we should at least provide all the information, and documentation that was relevant and I would say that would be all of it except for probably scribble paper and tables as such so as it's kept as a record and that

I would definitely go along with No. 2 and that the recommendation that the 10<sup>th</sup> Legislative Assembly appoint a new Select Committee, because it is a very worthwhile report, or it will be a worthwhile report. I'm not patting myself or the Committee on the back for that, sorry Brian I didn't do that, but what I'm saying is the report will be very worthwhile because if something of this nature, if it had been looked at more closely I believe before the deregulation had occurred then we may not have run into some of the hurdles, and I don't say that we shouldn't have done the deregulation or anything like that. What I'm saying is there's some serious hurdles that appeared which with a better look at it probably would have shown up earlier or actually before the deregulation occurred and that this documentation to date has brought out some things that actually happened and if there's in the future, and I'm just saying if in the future, at some future date the then Assembly may wish to deregulate again, well they should have a document there that will at least on historical basis, and I realise that times do change from year to year but historical basis they would have information which I believe will be valuable in any decision made to deregulate in the future, and therefore I support Mr Walker's proposal or his Motion and I will be voting on it.

MR BATES

Thank you Mr Acting Deputy Speaker. I note some of Mr Brown's comments and I think some of them do make a little bit of sense but I think the intent of the Motion to me is simply that all the work done so far be passed over, which includes the Minutes and all documents and that Members of this Assembly if they support the Motion would like to see the next Assembly take it over from there and whatever comes out of it, I think the community will judge its results in due course. So I will support the Motion, I think it's important that the work does continue. While we were discussing the Annual Financial Statements I said that the increase in revenue was partly or a lot toward what's happened in the deregulation and the Chief Minister said it wasn't necessarily that, that it was the 2 airlines but we've had 2 airlines running other than the last 2 years through there and when you look at those graphs they are pretty flat but I didn't mean to linger on that. What I wanted to really say was that that to me was perhaps an upside of the deregulation all in all but I make it quite clear that the Committee so far in its deliberations have also looked at the down side of deregulation and that was part of their task and there certainly are some down sides so I don't want people just to interpret the fact that I said the revenue was ? of that, but I think it's all good news. I know that there are some in the community who do see a down side. There's a lot of people in the community who see Norfolk Island as their home and they see that some of these things are slowly taking away some of the good things that they see about Norfolk and the environment and it does ??, and of course we all know that there are some in the community who don't really see Norfolk Island the way the majority of residents do, they always just see it with dollar signs in their eyes and I think that certainly the evidence before the Committee will allow a balanced view of deregulation and I think it will allow to give the upsides and the downsides and document them all. I just really wanted to point out that where there might be some upsides there's certainly some downsides as well, but I intend to support the Motion even if it has some amendments, although Mr Brown said he's not going to proceed with those. The thrust of the Motion is what I support. Thank you Mr Acting Deputy Speaker.

MR ADAMS

Thank you Mr Acting Deputy Speaker. I similarly have a difficulty with this Motion in terms of point 2 in that it does appear to some degree that this House, this 9<sup>th</sup> Assembly purports to strongly recommend however it's worded there that the 10<sup>th</sup> Assembly pick it up and run with it under the same terms of reference and then assume at the same time that it's a very worthwhile report and document. No doubt it is and no doubt there has been a lot of work put into it but I do think it's presumptuous of this Assembly to attempt to influence how the 10<sup>th</sup> Assembly is going to conduct its business. It also presupposes in point 1 that the Clerk by issuing or by recommending, suggesting that all the evidence, submissions and other relevant docs be given to the Clerk because the 10<sup>th</sup> Assembly will want to run within exactly the same

terms. I mean that's a complete and utter unknown. I do agree that historical basis, whether it's used shortly or in the medium term is important, and I think as we are all well aware and we seem to have overlooked at this point that documents in possession of Members that have been issued whilst a Member of this House more properly should be deposited in records rather than remaining in the ownership, continuing ownership of perhaps former politicians and simultaneously should not be burdened, parliamentary officers should not be burdened as a suppository if you like for information. So in my view all the documents and evidence etc that's come before the Committee are most appropriately put into records and the next Assembly can deal with it as they wish, and in terms of this Motion I don't think it does anything particularly in appropriate sense and I also will be voting against it.

MR MCCOY

Thank you Mr Acting Deputy Speaker. As Mr Walker indicated I also was a member of the Select Committee and was appointed on the resignation of Mr Cook. I have always supported this report and I have always supported a thorough examination of the impact of the deregulation of the Tourist Accommodation industry and I think it would be foolish of any Government not to look very closely at what has occurred. Whenever we have an activity such as the deregulation of the Tourist Accommodation industry and now that we've not put a quota system in place which has pretty well stopped the deregulation we need to look back and see what happened and that is the reason I support it. I'm not interested in whether all the words are correct or where the documents lie as in the correct place, and I would also like to say that in relation to Point 2, it's only saying that it is a high priority of the 10<sup>th</sup> Assembly that they continue with this and now at that point it is up to the 10<sup>th</sup> Assembly whether they do continue or not. So I just would encourage other Members to support this Motion and I would also encourage anyone, any of the candidates who are successful at elections to the 10<sup>th</sup> Legislative Assembly to complete the process that has been commenced by the 9<sup>th</sup> Assembly, and that way in the future once we've got our planning bits and pieces in place and there is a push for any form of deregulation or expansion of the Tourist Accommodation industry we have this record there to show the Government what may occur and what things to try and overcome and to ensure does not happen. Thank you Mr Acting Deputy Speaker.

MR GARDNER

Thank you Mr Acting Deputy Speaker. Just a few brief comments on this and I only talk from experience from having Chaired a Select Committee previously in a previous Assembly, but my very clear understanding of the situation is that the documents that have been gathered by a Select Committee can go no other place other than in the keeping of the Clerk of the Legislative Assembly, simply because those documents haven't been tabled in the House, the inquiry hasn't been finalised and I find it a bit odd that we're going through all of this discussion about the pros and cons of whether the Select Committees is doing the right job, the wrong job or an indifferent job simply because the process has not been finalised. Now I don't mean to be critical of the Committee but there has certainly been a substantial period of time that has passed since the Committee was established and I realise Members have come and gone. Again speaking from experience we were given a 2 week time frame in a previous Assembly to hand down a substantial report to the House and we did that without a great deal of difficulty. I'm surprised that we haven't been able to have this report finalised by this time so that it would make it very clear to the community exactly what impacts have been a result of the deregulation of tourism. However as other Members have said around the table what the 10<sup>th</sup> Legislative Assembly do and what priority they give to this subject is a matter entirely for them. It is not a matter for this Assembly even though I'm sure that every Members around this table, if elected to the 10<sup>th</sup> Assembly no doubt would be fully supportive of pursuing that, and certainly I think that is a true statement. I really believe, I guess to cut a long story short that the purpose of this Motion really should have been a straight forward process without having to have the Motion to do it. As I've said I've already spoken to Point 1 that those documents

would remain in the custody of the House and it would be a matter for the 10<sup>th</sup> Legislative Assembly to do something with it and I see no real sense in pursuing the Motion what so ever. It's pretty self explanatory, the system that's established by Select Committee's and that is the process that must be followed.

MR BUFFETT Thank you Mr Acting Deputy Speaker. My interpretation of this Motion having read it on the Notice Paper was that its intent was really to seek the continuation of examination by a subsequent Select Committee but that would need to be left to the 10<sup>th</sup> Assembly, the Assembly that is yet to come. I didn't interpret that this matter was an effort to dictate an outcome of all of the deliberations, and on that basis I didn't have any difficulty with the Motion. I can see where the debate to date that there has been some other interpretations about that and I understand the points that have been raised, and if in fact any Member wanted to make some adjustment by way of amendment along the lines that have been suggested I would be supportive of those because it would give clarity to the original intent, but it must be confirmed that the reality is that no matter what this Motion says, this matter is going to lapse at the end of this Assembly, doesn't matter what it says, if it says yes, no, the highest the lowest the reality is, it will lapse. So I really interpret again that this was really a Motion of encouragement to move the matter for further consideration into the life of the next Assembly, and I don't really have any difficulty about that. I would have difficulty if we were trying to dictate an outcome, that is not available to us in my view. So my view is that if in fact the original intent, the intent is as I originally described and Members would see it that way, I would be comfortable with the Motion as it stands. If in fact Members needed to have some adjustments to it to be comfortable I would be equally comfortable with that arrangement. Again no matter what we say, it would lapse but I wouldn't necessarily vote against it if in fact we are interpreting it as a Motion of encouragement because I think the encouragement to continue some considerations would be useful to the Norfolk Island community and whilst we haven't the capacity in this Assembly to dictate or bind another we can maybe give some a voice to offer some views to it but they would have to interpret those views as they wished.

MR SMITH Thank you Mr Acting Deputy Speaker. I don't think we should really spend too much time over this Motion. I hear what Members are saying about the 2 parts of the Motion. Mr Buffett is absolutely right that it doesn't matter what we say in the Motion today, the matter actually ends at the end of this Assembly anyway, but keep in mind that the next Assembly is there the next day anyway it's not as if anybody is going away from, or the Assembly is not going to be appointed for 4 or 5 months afterwards but I do have a difficulty with Part 2 because of the words of the Motion that says that the House resolves and recommends that the 10<sup>th</sup> Legislative Assembly give high priority well we can't do that. I think if that was amended, just take that out of there because we can't tell the next Assembly what to do and just leave the first bit there as it's pretty harmless and it shows that we support the continuance of the Select Committee's inquiry.

MR ADAMS Thank you Mr Acting Deputy Speaker. I think quite frankly we've spent enough time discussing this and I do agree with Mr Gardner in the terms that really there's no Motion required at all. It's quite incredible we can spend so much time sitting around here debating about who's and where's and evidence and where the documentation is going to be put I therefore move that the question be put.

MR ACTING DEPUTY SPEAKER Mr Adams I will allow the opportunity for other Members if they wish to debate just before putting the question. Is there any further debate.

MR WALKER Thank you Mr Acting Deputy Speaker. I'd simply like to respond if I may that this is a Motion of encouragement as is put by Mr Buffett. It does say even if my wording here's a little loose

MR BROWN Point of Order Mr Acting Deputy Speaker. A Motion was moved that the question be put. That Motion was not withdrawn by the mover. My Point of Order is that the Chair is bound to put the question in the absence of the Motion being withdrawn by the mover.

MR ACTING DEPUTY SPEAKER I feel that the significance of the debate at the moment Mr Brown leads me to not disenfranchise anybody from participating in meaningful debate.

MR BROWN Mr Acting Deputy Speaker with respect you don't have that power. The Standing Orders are with the greatest of respect completely clear.

MR ACTING DEPUTY SPEAKER It's certainly open to interpretation Mr Brown. I'm comfortable in my ruling but there is a possibility and I refer to Standing Order 73 in which your Point of Order also refers to where there is a possibility of an infringement of rights of minority, in other words my interpretation of that Mr Brown is that there may well be some more meaningful debate and I've asked for the opportunity of Members if they wish before putting the question of ..

MR BROWN Mr Acting Deputy Speaker I seek leave a Motion of Descent that your ruling.

MR ACTING DEPUTY SPEAKER I just move to receive some advice on that Mr Brown if I could. Mr Brown I put that question then. The question is a Motion of Descent in the Acting Deputy Speaker.

MR BROWN In the ruling, not in the...

MR ACTING DEPUTY SPEAKER In the ruling Mr Brown.

#### QUESTION PUT

MR ACTING DEPUTY SPEAKER Would you like the House called Mr Brown.

MR BROWN Yes please.

MR BUFFETT	NO
MR NOBBS	NO
MR BATES	NO
MR ADAMS	AYE
MR MCCOY	NO
MR GARDNER	NO
MR WALKER	NO
MR SMITH	NO
MR BROWN	AYE

MR ACTING DEPUTY SPEAKER The result of voting Honourable Members, the Ayes 2, the No's 7, the No's have it. Mr Walker you may continue.

MR WALKER Thank you Mr Acting Deputy Speaker. I simply wanted to make 3 small points. Firstly that it is a Motion of encouragement, it does say

in the opening line that this is a recommendation and thirdly with reference to the very worthwhile report, it was this Assembly that felt it was worthwhile in the sense that they appointed the Select Committee to carry out its wishes and come forward with this report. So it was the whole Assembly that decided it was worthwhile doing this report and I think that was the intent of our Motion, was that we encourage the 10<sup>th</sup> Assembly to finalise the initial Motion that had been moved in the House.

MR ACTING DEPUTY SPEAKER Thank you. I now put the question and the question relates to the Motion as put by Mr Walker.

#### QUESTION PUT

MR ACTING DEPUTY SPEAKER Madam Clerk would you call the House.

MR BUFFETT	AYE
MR NOBBS	AYE
MR BATES	AYE
MR ADAMS	NO
MR MCCOY	AYE
MR GARDNER	NO
MR WALKER	AYE
MR SMITH	AYE
MR BROWN	NO

MR ACTING DEPUTY SPEAKER The result of voting Honourable Members, the Ayes 6, the No's 3, the Ayes have it.

#### **PUBLIC SECTOR MANAGEMENT ACT 2000 – APPOINTMENT OF EXECUTIVE DIRECTOR ENVIRONMENT AND INFRASTRUCTURE**

MR NOBBS Thank you Mr Acting Deputy Speaker. I move that notwithstanding the Motion of this house passed on 15 July 2001, this House, pursuant to section 39(1) of the Public Sector Management Act 2000, and as a consequence of the report made by the Chief Executive Office to members of the Legislative Assembly at their informal meeting of 5 November 2001, recommends that the Chief Executive Officer appoint as the Executive Director Environment and Infrastructure the person selected as the preferred applicant for the position under Section 39 (2)(b) of the Act and that the CEO proceed to negotiate a performance based contract in accordance with her responsibilities under Section 40(2) of the Act and relevant immigration provisions.

MR ACTING DEPUTY SPEAKER Thank you Mr Nobbs.

MR NOBBS Mr Acting Deputy Speaker the position of Executive Director Environment and Infrastructure was readvertised when the panel's preferred applicant withdrew his application due to a sudden serious family illness. On the 9<sup>th</sup> of October a selection panel consisting of the CEO, Ms Kate Smith, Mr Ross Reynolds and Mr Graeme Smith interviewed 2 short listed applicants. Reference sects have been conducted on the number 1 ranked applicant and Mr Graeme Smith has since personally met with him in Sydney for a second interview. The panel felt that although both short listed applicants would be competent to undertake the role Robert Goulgard Who performed more strongly at interview and was likely to be more suited to the reform process and had a wider breadth of experience. Both were felt to have the potential to fit comfortably into the community. Members have met Robert Goulgard. He came over recently on a visit and he met with Members of the Assembly, explained their situation and I'll just briefly outline for the listening public what happened prior to that. He

performed well at interview and reference sects confirmed the panel's view of the candidate and also as well as informing of his greater strength in particular in his experience with change management and his reliability with finances and budgeting. He has 20 years experience in engineering, architecture and environmental infrastructure and over 13 years in the management roles. He's worked both in private and public sectors, he holds qualifications in engineering, landscape architecture and applied science environmental design. Members met as I said with Mr Goulgard on his recent visit to Norfolk Island and were briefed on his background and at the time were able to ask questions. If endorsed by the Assembly I believe Mr Goulgard will clear his current arrangements and should be able to be on the island by the end of December. This Mr Acting Deputy Speaker brings to 3 if the appointment is supported, the 3 of the management group and there's still one more and adverts have been placed as Members are well aware in relation to filling that position and I understand that their hopeful of filling that early in the life of the 10<sup>th</sup> Assembly. That's all I've got to say on that except to explain yet again that the requirement for the Assembly to endorse the applicant is per the Act, the Public Sector Management Act. There's been talk of that provision being removed from the Act and it's an area that the 10<sup>th</sup> Assembly, I believe, and I'm not making any recommendations or telling them how to suck eggs but maybe they should look at that particular aspect in the light of the arrangements and experience in this particular exercise. Thank you Mr Acting Deputy Speaker.

MR BUFFETT

Thank you Mr Acting Deputy Speaker. There are a number of difficulties with this Motion and also the process it represents. For example the Motion in itself in the words that are in front of us on the Notice Paper asks us to endorse a Senior Director of the Service but there isn't an identification of who. Now of course we do know in some of the processes that accompanied this that there has been an identification of a particular person, but it's not reflected in the Motion that we're on about there. The last time we did it I think that there was less knowledge about the individual. There may have been a christian name associated with one or two of the candidates but, I suppose what I'm, trying to say is that there are some difficulties in that particular process that we are endeavouring to pursue, and I think Members acknowledge some of that and we've talked about it on other occasions. I really think that we need to come to a more mature process amongst the Members and not be seen as the Legislative Assembly as just a rubber stamp to other things that have happened in another place, but the principle in the inadequacy of this Motion is that it ignores the capacity of Norfolk Island residents to fill a role in the principal management team in the island. This Motion is to finalise the engagement of a person offshore to fill the role of one of the Executive Directors and this person will be one of four persons in the Senior Management team. Two members of the team are already engaged, that is the CEO and another Executive Director, both have been secured offshore. This Motion is for the third, and it too is offshore. I think there's very short odds on where the fourth will come from. We do have on this island amazing talent and we do have the capacity to make a contribution with at least one member to this management team. There have been repeated defensive statements that only if you skew the merit selection process can you offer any of these jobs locally and I think that's entirely false. The criteria for selection relates to knowledge and skill, in particular areas and knowledge of, and a similar ability into the Norfolk Island community. Know the three offshore candidates may have knowledge and skills in particular professional areas, and this is expected, but none have the local knowledge which only years on island can secure and an island resident can bring those skills to the management team, it can enhance the team, it can ensure delivery of a Norfolk Island product, but no, such people which are out people are being turned away, and so you'll understand that I really can't support that Motion which does that, but, all of those factors that I've mentioned may be of no account for today because this Assembly is in caretaker mode. We've consistently adopted this attitude over the past few days. We have had a Referendum which said no more initiatives in this 9<sup>th</sup> Assembly, go to the polls for another, and we've agreed that, it happens tomorrow week.

So at an appropriate time I'll move that this matter be adjourned and so that it becomes for the attention of the 10<sup>th</sup> Assembly Mr Acting Deputy Speaker.

MR ADAMS

Thank you Mr Acting Deputy Speaker. I'm of a similar mind to Mr Buffett. I think it's fairly well unarguable that the Assembly is in caretaker mode in short of, as David might have mentioned this whole process being regarded as a quick rubber stamp, then the most appropriate course of action is leave this decision for the 10<sup>th</sup> Assembly. They will be the group who will be working most with the person so appointed and it would be in my view less that appropriate process for us, five minutes before we trot out the door behind us under the clock, to give it a tick, get the next Assembly of the group who will have to work with the person, and referring once again to the aura of rubber stamping that got around, I sit here, I don't know whether it's just me or other Members as well but I've got no documentation regarding this person. We have glib statements from time to time regarding background etc, etc, nothing written, and the only conclusion you can come to we're expected to just rubber stamp it and it's most inappropriate and I shall not be supporting this Motion.

MR BROWN

Mr Acting Deputy Speaker I too am a little troubled. Mr Adams is right, we've not been told much. We've had statements like he performed well at interview, a little bit like talking of a race horse being a good wet runner, as a matter of fact it's a little less meaningful than that. I met a gentleman who came over a few weeks ago who was in line for this position but I met a guy named Rob G. who presumably was of Chinese descent. Now Rob G. isn't the gentleman that's been mentioned to us today. Someone with a far longer name than G. was mentioned by the Chief Minister notwithstanding that the Motion quite deliberately doesn't contain a name, and as I understand it there's a sound reason according to the advice we're given for the Motion not containing a name and that's something to do with appeal processes and so forth. The Minister for Immigration has quite rightly tried to stick up for potential local applicants. If we have an applicant from the Mainland who seems to be 105 or 120 years old by the time you add up all of his experience then it is necessary to question whether all of those things really are likely or even possible and whether someone with different local attributes perhaps should be given a second hearing. One of our problems here is this whole human resources process is believed by some to have been hijacked by a group referred to as the power pussies and is felt by some, and I've had this said to me by many people that really we should sit back and look again at our recruitment processes and objectively question whether we are going about them in the best possible way. Mr Buffett made mention of the fact, sorry the Minister for Immigration made mention of the fact that this Assembly is in a caretaker mode, he's quite right Mr Acting Deputy Speaker. This Assembly was tossed out by the community at Referendum and I think we do need to address the question of whether it's appropriate for us to make a decision of such significance as this. Now I think we've got to look at all of the surrounding facts when we consider that. Now if we were to take a view that we should not make a decision it may be 2 weeks before the next Assembly is sworn in and normally a matter such as this would not be dealt with at the first meeting of a new Assembly. If we were to cause a 2 or 3 week delay then I accept that we would be seriously interfering in the workings of the management group of the Service, but I haven't heard anyone tell me just what exceptions there are to the caretaker rule. Should we take a view that because we have met at least the Chinese gentleman that we really should make the decision because for us to not do that would require the gentleman to come back to island again in order to meet the next Assembly. Now I think to a degree that argument would be sound, but I'm troubled by the fact that not only is this an Assembly that to use Mr Adams' words is in its last 5 minutes but we're an Assembly that has acted on the vote of the community at Referendum, a vote by which the community said there should be a new election of the complete membership of the Assembly at the earliest possible date. Now I am seriously troubled about whether we should be voting at all on this question today and I am seriously troubled about the

question itself. I think if the Minister for Immigration moves an adjournment that I will support him. If it can be shown to us during the next few days that it is appropriate notwithstanding our caretaker mode for us to make a decision, and if it can be shown to us that really the best thing for Norfolk Island is for us first of to make a decision and secondly to make a decision in line with the Motion, then there is the ability for us to have another meeting before the election, so all would not be lost. Those are my present feelings Mr Acting Deputy Speaker.

MR MCCOY Thank you Mr Acting Deputy Speaker. I am really amazed. I am actually astounded that some of the more senior Members around this table who know exactly how we got to this position are now trying to stop it all. You may recall if you reflect back this Government, or a Government I think it may have been the 8<sup>th</sup> Legislative Assembly and I'm sure someone can correct me if I'm wrong commissioned a fellow by the name of John Howard that did confuse a few in the community because they thought we were getting the Prime Minister for Australia to do a report and prepare a strategic plan for Norfolk Island. You might recall part of the Strategic Plan that was adopted by the Assembly of the day was that we would reorganise the Public Service. Part of that reorganisation would include the putting in place of a corporate management group. The corporate management group at first as indicated by John Howard consisted of more, I believe maybe 5 members which the Assembly of the day did not agree with and it was refined down to 4 members. We went through the process in a previous Assembly and my short time in the previous Assembly, I was also involved in the process of developing the Public Sector Management Act and that set up corporate management group. We then went through the lengthy and long process of putting in place a human resources policy. Now I ask why that process was not stopped right back then before we wasted all this time, money and effort to get to this point now and to try and derail the whole thing. I am saddened that we don't have local people who were successful at selection but I ask in 22 years of self government how many Public Service staff have been given the opportunity to upskill, how many. I think you can count it on one hand. So now we are in an unfortunate situation where we must appoint someone from offshore, as we did with the CEO. They have a clear mandate that they must upskill present Public Servants so that when their contract terminates then there will be local people who will possibly have the skills to take those positions, and I will repeat that it is unfortunate that in 22 years of self government we did not have an army of local people apply for those jobs. I would also like to add that we have a selection panel who went through the selection process as part of the merit selection process. That selection panel consisted of people who live on island apart from the Chief Executive Officer, and that appointment or the recommendation has come from the selection panel for a gentleman by the name of Robert Grougard, and I would like to correct some of the, well I guess loss of memory that has occurred around here, we did receive a one page paper from the current CEO which set out Mr Grougard's capabilities and his experience in areas of environment and also in infrastructure. That paper had a name on it of Rob G. We were then given the opportunity to meet the gentleman and we met a gentleman, the one's of the Assembly Members who bothered to take the time and come down here, we met Robert Grougard, and we, unfortunately Mr Brown you were late as usual. We met Robert Grougard.

MR BROWN Point of Order Mr Acting Deputy Speaker. Those words are inappropriate and I ask that they be withdrawn.

MR MCCOY I will withdraw as you wish. We met Robert Grougard, we were given the opportunity to ask him any question that we felt needed to be asked to get a clearer picture of Mr Grougard's capabilities because as the Minister with responsibility for the Environment I had a lot of concerns that we were getting the right person. So I took the time to ask questions and I am comfortable that we will have someone who can fill the job that's been put in front of him and you might recall I did,

during Presentation of Papers or I made a Statement actually on the status of the Joint Land Initiative Taskforce. This particular issue if the Joint Land Initiative Taskforce and proceeding down the path towards a further degree of internal self government has been another one of those issues that has been sitting around for a number of Assembly's. Fortunately we are getting closer to a point where we can achieve some of those aims and I believe we need someone with an understanding of things such as improving, and we've seen all the rain today which has brought this to my mind stormwater run off from the roads, when we drive around the island you see the roads have been crumbled away by just adverse weather conditions, and also the fact that water is allowed to stream down and cause erosion where it should not occur and I would ask anybody to take a trip out to, again I recommended this in the past, out to Crystal Pool and see what's happening to the walking tracks down there where the water comes rushing down the road and has washed it all away, and has made it a danger. So without going too much further I believe this Assembly has every right to make that appointment as set out in the Motion. It was unfortunate that the first preferred candidate did not take up the position, and for Members that believe that we are in caretaker mode, our caretaker mode does not commence until the elections have passed. I'd hate to see how some of these people who have planning applications processed by the Planning Board if I'd let those planning applications sitting to be completed by the next incoming Minister. So we have not been in caretaker mode. As far as I understand a number of the Executive Members have been here continually every day and working every day. So whoever's idea of a caretaker mode comes from leaves me astounded, but I support the Motion, I believe that we need to move ahead and if any Member takes time to read the board out the front when you come up the stairs you'll see one of the things was to complete the Public Sector Reform.

MR BUFFETT

I just wanted to confirm Mr Acting Deputy Speaker a couple of points so that we keep the focus of the argument. We're not really entering into argument about whether or whether there should be not reform in the Public Service, that's an accepted fact and we have gone along through a number of processes to make significant achievements in that particular situation. We are not having a tirade necessarily against a particular candidate that might be in front of us although indeed there have been some questions marks raised in that context. The two key points that were identified at the commencement of the debate were these, that was the matter of local participation, that local participation was not given the appropriate strength of consideration, so that they can make contributions because the two that are in place are offshore, and the one that is proposed, is proposed to come from offshore and I'm endeavouring to make the argument about local participation is being ignored. That's what that argument is about, it's not an argument about whether we should reform the Service or not reform the Service, this is being done in the context of a reformed Service and there are criteria applied. One of the criteria relates to local knowledge and local participation and I'm making the point that we do have people who can make that participation especially in the context where we have two already that are not from within the island, and there is room for a balance in all of that. So that's the real point that is being made, and the other point is the caretaker arrangement and we shouldn't take that out of context. Caretaker arrangement doesn't mean that Government stops, but it does mean that major decisions that have long reaching effects, aren't necessarily part of the day to day process. They need to be on pause, but yes the things that come along that has happened every other day and needs to happen on every other day that follows, they cannot be ignored and Government needs to move on, and decisions need to be taken, but this is an additional factor and one that will have far reaching effects and in that context we need to consider ourselves in the caretaker mode. I share the difficulties about the Motion in front of us as I've already explained to you and I see the additional difficulty about the caretaker. I would prefer that the 10<sup>th</sup> Assembly looks after this matter in the context that we've earlier talked about, but if I'm forced to come to the matter of deciding it well I will decline it because of the local participation matter and I



possible. I don't think myself that we should hang off. I don't believe this caretaker role. I mean that means that at the last Assembly the things we were dealing with then shouldn't be dealt with. I mean they'll be just as big a problem, could be just as big a problem with the development which could be approved by the Minister for Planning in the next few days, and I don't say there's one coming on so don't get excited but there could be as just as big as problem which he's quite entitled to approve a major development as is the case with this and also the others appointments, there is an appeal mechanism in place and so I mean I don't think this caretaker mode's great, I'd say that the caretaker mode and what really worried me with the caretaker mode was the time between the polls closing on election day and then the actual new Government being sworn in up to a week later. That to me is your caretaker mode. At the present time now we're proceeding and I don't think anybody would wish to bring in anything dramatic in the last few days but this is not dramatic. This is a process which has gone through, the selection process was followed as required and now under the Act and as Mr Smith says it still remains an anomaly in the Act and we are actually dipping into the management of the Public Service and we were to get away from that process. I don't think it is a problem myself and I would hope that this appointment would be endorsed. It's really in the endorsement of an appointment of a person who we've actually met. He was at a meeting of Members here, there was not a lot of questions were asked of him. I know that Mr McCoy being in that area had a lot of discussions with the particular gentleman. I put it to Members on Monday at the MLA's whether there was a problem with this particular Motion and there was no problem indicated at that particular time, and I really wonder whether this is not an election issue that we're looking for votes, and I would hope that that is not the case, and I would hope that people are not looking for that because you are really disadvantaging I believe the Public Service which has gone through enough already I believe without this continual procrastination of holding this off on the basis that we can't make a decision because we're in caretaker mode. I would ask you to proceed with the Motion and I'd ask you to look at the appointment of it, of the gentleman concerned. Thank you.

MR BATES

Thank you Mr Acting Deputy Speaker. This is one of those issues which even when I walked in the Chamber this morning I was undecided on what I should do about it. I've listened very carefully to the debate. I still have mixed feelings about. I find it extremely difficult, possibly because next week and a couple of days there will be a new Assembly in office. Unfortunately this has become political. One of my very strong supporters has given me a hard time over the very matters that Mr Buffett is talking about and that is the non employment of locals in some of these senior positions and we've been told quite clearly by those on the selection panel and that, that there's nobody on the island suitable for these positions and when I look around and see what a great place Norfolk Island is I think great things about Norfolk Island have really been done by locals. Some of the things that aren't quite so good have been done by those that have been here for 5 minutes and know all about everything that goes on. So I really wished that there were some locals in this senior management group, but we need to look at some facts of the matter and some of the facts are that the Public Sector Management Act establishes these positions and that Act would have to be changed to abolish them and there are certainly people out in the community who say we don't need all these positions and that they are quite a burden on the tax payer. That again makes it political with an election a week or so away because really to get away from these positions you need to change the Act I believe. We've been clearly told by the selection panel and by the CEO that they are not going to be filled by locals, I think that's pretty clear to all of us and whether we

MR NOBBS

Point of Order Mr Acting Deputy Speaker. That statement that he's been clearly told by the selection panel that they won't be filled by locals, I've never seen any evidence of that or. I'd like it withdrawn if I may please.

MR GARDNER  
Bates please continue.

I don't think you have a Point of Order at all. Mr

MR BATES  
Thank you Mr Acting Deputy Speaker. I think it's been clearly indicated to us that there aren't any locals suitable to fill these positions, I think that's questionable. On the other hand there are some issues in the Public Service that won't be resolved until these positions are filled and I think that's causing a lot of problems. I think we almost had some down tools in a certain section of the Administration in the last week or so on that very basis of salary relativity study that's supposed to happen and the review of the total establishment of the Public Service, and I think there are a lot of people in the Public Service that want to see those issues resolved and the sooner the better. I think they are causing a lot of unrest and certainly allowing some of the dissatisfaction to fester. I have one positive aspect to all of this and that is that an undertaking has been given, and I shouldn't say by this Government because it mightn't be around much longer, well it won't be around much longer but has also been given by the CEO that locals will be trained to take these positions the next time around, and that's in a few years time, and I can assure all concerned that if I happen to be around when that happens I will not support any other solution. I certainly won't be supporting the filling of these positions by offshore people when an undertaking has clearly been made by senior management that they be filled next time around with locals. Because it has become political and because there is an election a week away I tend to think that a few more weeks, I mean these appointments were all going to be filled by the end of September if Members can remember back that far, they were all going to be in place by the end of September. We're now a couple of months further down the track and one is in place. I don't see where another few more weeks is going to make one scrap of difference to the overall picture, and I would prefer as it is political, as there are people out there that think we shouldn't have these positions, as there are people who think we are wasting tax payers money and there are people out there that have some problems with us, but it's not just in the Service. I think four more weeks on this appointment is not the end of the world. I certainly would support Mr Buffett's Motion to adjourn it and let the next Assembly decide it. I know there will be some disappointment in that but as I said four more weeks is not the end of the world. I think not just to defeat the Motion I think would be a real disaster because I think it would throw senior management into all sorts of chaos and I think that would also put back the very things that some people in the Service are looking forward to, that is the review of salaries, the relativity and the review of the thing that won't be resolved until this management team is in place. I believe to defeat this Motion is going to have fairly disastrous affects. I guess if it's not adjourned I might even be tempted to support it but for my part I think it is a matter for the next Assembly and I will certainly be supporting an adjournment on it.

MR BUFFETT

I move that this matter be adjourned.

MR ACTING DEPUTY SPEAKER  
The question before us Honourable Members is that the matter be adjourned and in accordance with my previous ruling I think again this is a significant issue in the late life of this Assembly. If there is anything that is not repetitive of what has been already said this morning that may have some wider bearing on the way this question is determined I would be quite happy to allow further debate so that somebody is not disenfranchised.

MR BUFFETT

I'm happy to withdraw my Motion if in fact there are a certain number of people that want to continue. It was not an effort to try and cut people off but I thought maybe...

MR ACTING DEPUTY SPEAKER Thank you Mr Buffett. I did that in saying that there were a number of other hands that had flashed up in the meantime if your happy to withdraw that.

MR BUFFETT For the moment.

MR BROWN Mr Acting Deputy Speaker lest there be any misunderstanding about the terminology of caretaker mode. The caretaker terminology normally applies to a Government and a Government normally is comprised of Members of the House that has control of the floor of the Parliament. It's a different situation to Norfolk Island and I think that if you were to adopt the principle behind the Convention you would have to take a view in Norfolk Island that the caretaker mode here means the whole Assembly is in caretaker mode rather than simply the Ministers. It's somewhat disturbing to hear that two of our Minister's don't have an understanding at all of what a caretaker role is. One of our Minister's gave every impression of never even having heard of the term but let me take it all one step further. Even if a majority of Members take a view that the Minister for Immigration and I are quite wrong and that we are very silly talking about caretaker roles. You cannot get past the fact that this Assembly has been sacked by the community. The community voted at Referendum to toss us out and it is not appropriate for us to be passing any significant Motion in that circumstance. There's on other very interesting distinction between Norfolk Island and other places. This is one of the very few places that I can think of where the Parliament continues to sit at all after an election has been called. In most other places the Parliament has had its last sitting before the Prime Minister or the Premier goes off to the Governor or the Governor General and seeks agreement for the calling of an election, and so I think that that too needs to borne in mind. That is another distinction between here and most other places. Thank you.

JOHN MCCOY Thank you Mr Acting Deputy Speaker. I thought we were talking about an appointment not a Referendum or caretaker mode and if we want to get into the process of Parliament, it was unfortunate that this Assembly decided on a date, or decided to go to elections without doing it in a formal sitting, but all I wanted to add was that when we're talking about adjourning this particular Motion we must take into consideration the impact it may have on the successful applicant and the successful applicant of course has to tidy his own affairs so that he can make himself available to take up the position on Norfolk Island. Now another four weeks may be just enough for the successful applicant to say well I don't have time to wait around for the Norfolk Island Government to decide whether they feel that I'm fit for this appointment and that's all I'd like to say.

MR NOBBS Thank you. I would like to pick up on a couple of points that Mr Bates made and one was in relation to the additional cost to these positions, what are costing the Government and I assume he means in salary terms. The salary situation really is that the CEO is getting about the same as the previous CEO and that two of the positions are around about the figure of the previous two Program Manager positions and the third Executive Director position is actually getting less than was allocated or budgeted for the previous Program Manager positions. So what we're doing is really changing the name and that's what it's about. But anyhow I would say that this Motion will, Mr Bates just another point he made is in relation to the turmoil that I believe it will cause within the Service and just a little bit more of a lack of confidence in the Service itself if not more. I would suggest to you gentlemen that the next Assembly will meet formally in December, particularly if a lot of the previous Members get in they will not want to meet in January which is what's happened in the past and that the next meeting which this issue could be dealt with properly will be in February, and as a consequence I would say we could have up to two months delay in relation to this particular exercise which as Mr McCoy has just said will cause inconvenience to the

applicant I should imagine, and also will then necessitate probably bringing him back again to meet those Members of the Assembly who he hadn't met at a previous visit. I just find it's rather difficult to not make a decision, to just put it off, it's sitting on the fence as far as I'm concerned and that we started this reform process, most of us in the 8<sup>th</sup> Assembly and it's continued on into the 9<sup>th</sup>, it would have been well and truly completed if this Assembly had run anywhere near its time and that I find it quite difficult that we cannot deal with this issue now and must put it off. I mean what we're doing is we're holding back on a lot of the issues in particular the training processes and all those sorts of issues that flow plus where we're going, the Members on our structure, what's happening with the structure, the coming up to a budget review, we're coming up to a major, and I hope that the 10<sup>th</sup> Assembly will be looking at a budget review as soon as they arrive on the scene and that they are looking then at a budget for the next financial year, and we need a strong management structure in place to deal with those particular issues. Thank you Mr Acting Deputy Speaker.

MR BATES Thank you Mr Acting Deputy Speaker. I find some aspects of the debate a little bit meaningless. I mean what is more important when the applicant might up and run away or whether we get the right decision for this community. If the applicant runs away I can't be too worried about that, there will be plenty of other applicants around. Mr Nobbs' view that decision by the next Assembly can't be made until next February astounds me a little bit. I can't imagine a new Assembly sitting around until next February before they do anything. I think we better not vote for them if that's the way it's going to be. As I say to lose this Motion would be a disaster because I think it would cause problems within the Service but a period of about four weeks delay I believe is political and I believe it does give the community a chance to think about that over election time. It certainly is political as I said before, there are some who think these positions shouldn't be there and that would mean a change of the Act and there are some that think they should be local and some of them think they are a burden on the taxpayer. No matter what we think about it it certainly is political and I think when you put the community perceptions of it, they are going to have some say in about a week on what happens against the fact that the applicant might run away then I work for this community not the applicant and I think that's really of little significance. Thank you.

MR GARDNER Thank you Mr Speaker. I've listened with interest whilst being in the Chair with the debate. It's swung around the room and I'll be quite frank and open about the approaches that have been made to me in recent days from different parties lobbying particularly heavy one way or tother. One to make sure that this goes through, the other one to try and ensure that it doesn't go through and I've heard both sides of the arguments and exactly same arguments have come through loud and clear in today's debate from different Members around the table. Quite some time ago we were discussing the recruitment of a CEO under the new Public Sector Management Act. I remember a comment from one of my colleagues sitting around the table that there's only ever been one local applicant good enough ever to hold the role of CEO and that wasn't at that time the incumbent, it was that person them self who sits at this table and then as Mr Bates said before.

MR NOBBS Point of Order Mr Speaker. Why doesn't he name somebody instead of making an innuendo as this is

MR BROWN My Point of Order is that a Member who ? has always been interrupted.

MR SPEAKER Mr Nobbs to refer first of all to your Point of Order. I don't interpret that there is a Point of Order on the matter that you have made.

If in fact you want to enter the debate at a subsequent time I'm happy to give you the call for your views to be put.

MR GARDNER

Thank you Mr Buffett.

MR NOBBS

Point of Order. I don't care what the things are but you cannot make sweeping statements like that which refer to other Members and they could be to you or they could be to Mr Smith or they could be to Mr Adams or myself, if they don't name that particular person to say that somebody has made an outlandish statement like that, which I've never heard and I've been in all the.

MR BROWN

Point of Order Mr Speaker.

MR NOBBS

I believe as Mr Gardner, I find it quite difficult.

MR BROWN

I've raised a Point of Order Mr Speaker.

MR SPEAKER

Yes I'll respond first of all to Mr Nobbs. I have heard what Mr Gardner has said. First of all I it may well be a matter of interpretation as to whether you think that is difficult in terms of membership or not and certainly I don't interpret there has been a particular identification of difficulty. Again I repeat Chief Minister there is no Point of Order.

MR BROWN

You've resolved the difficulty Mr Speaker.

MR GARDNER

Thank you Mr Speaker. Just maybe ease the Chief Minister's mind the reason that I'm not prone or keen to put names to faces is simply because I am conscious of Standing Orders. I think Standing Order 72 (a) that when discussing Members who may be appointed, who are in the process of being appointed, it's inappropriate to discuss terms and conditions and others when those officers have been identified. I really am conscious of that and I respect Standing Orders even though at times I'm prone myself while sitting in the Chair to probably overlook the written word of the Standing Orders but not deliberately, there certainly is no intent there but if I can continue in my debate. After that again I was concerned and I've spoken about this in the House before relating to the appointment of the whole appointment process that we've gone through. I've been supportive of the reform process there's no doubt about that and like other speakers around the table disappointed that there haven't been local appointments made but I'm also saddened when questioning regarding the appointment process whether because an applicant that this House I think approved the initial successful applicant before this, unfortunately they dropped out but when that occurred, when the questioning was raised as to whether maybe it was opportune that we could slot a local applicant in to this position and were told quite bluntly there's nobody on Norfolk Island good enough to fill this role. I take real offence to that. I take offence to it because that really questions my wisdom and my colleagues wisdom as to whether we have the ability ourselves to be doing the job that we're put here to do, and by the same argument if you say that there's no one on Norfolk Island good enough to do the job, again I repeat that raises in itself a pretty interesting argument that have we, as none members of the Legislative Assembly any right to sit around this table o should we just import the Federal Government or the Kiwi Government or whoever it may be to come in and run our affairs because we aren't good enough to be doing the job, and that troubles me, it really does trouble me. Reflecting on the process that we've been through and it's been long, and it's been going for 2 years, it's been going since the 8<sup>th</sup> Legislative Assembly. This is where the reform initiative came from and there's been a long hard road that's been trod to get to where we're are today. We've been through the process, previous Motion in the House approved I think the appointment of the three successful candidates for the three Executive Director positions and your debate Mr

Speaker, my debate, it's no different to what it was back in those times. We had problems with the process we felt as though, and I think at the time I said it was my opinion that maybe the bar had been lifted to such a height with deliberate intent to exclude local applicants from fulfilling those jobs. I might be wrong in that but that was my opinion at the time and I still stand by that opinion. As you said yourself Mr Speaker in your debate that maybe not enough emphasis was given on the ability of applicants or the experience of applicants in this local environment, and one of the lobbyist's who got in touch with me the other day who was prone to wanting to make sure that this didn't proceed today spoke up, and it made sense at the time that to bring people into a foreign environment like this is because it's no different to anywhere else that I know of, but it can be particularly difficult if your used to operating in a much larger environment with much greater resources at hand. When you come into an environment like this where we have particularly limited resources, things are on a down hill slide, they need to be arrested, you really have to question whether these people have the skills to be able to cope with the limited resources and the other things. I'm not questioning the skills of the applicant in question of this job but it's just a generalisation about the whole selection process. Who knows it better than the people who live here on the island. By the same token, I'm a bit like Mr Bates a little bit unsure about which way this subject should be handled today. I'm not worried about caretaker modes and things like that. I know that some people are going to want to make decisions until the very death now and probably going to be struggled to be removed from their offices but it happens, and each of us are different and each of us handle that in different ways. The success or defeat at election all handled in different ways, and so be it, that's the way it works. I understand that the appointment if it were to proceed today wasn't going to take place for another three or four weeks and I'm a bit like Brian, three or four weeks in the overall picture of things I don't think is a great time because you come into a quiet period over the Christmas/New Year break. I can't assist in sustaining the argument that the only way this is going to be dealt with if it's not dealt with today is going to be in February sometime because as Mr Brown I think alluded to in earlier debate maybe on another subject, it is in the hands of this House to come together at any time they wish to deal with a subject and a matter, and certainly if 8 of us, I know Mr Adams isn't standing for election, but if the 8 of us were re-elected and there was 1 other Member that came in we're certainly conversant with the whole issue. There is no reason why this could not form part of the Notice Paper at the swearing in of the Legislative Assembly if it was felt that it was that important. I see no problem with that. I'm just disappointed I think at the end of the day after two years of this process in train that we're sitting here today looking to adjourn it but I see no other option for us but to adjourn it, it's unfortunate that the turn of events has seen us have to go to an election and it's just unfortunate timing that this appointment was needed to be made right when it was, but I tend to agree with Brian on adjourning this, because if we adjourn it we're showing no disrespect at all to the applicant, we're not damaging their chances, we're not telling the CEO that she's not doing her job, we're not knocking the bloke out of the race, we are simply putting it off only for a short period of time. I see absolutely no harm in that. If we weren't going to election we'd probably adjourn this anyway for another couple of weeks until we were satisfied, it's going to happen anyway because to jump onto a Notice Paper it was probably more appropriate that we called the House together a couple of weeks ago so that this could sit around and be bandied around properly because I know how often we've come into the House with a matter that's thumped in front of us the morning before. I'm not saying this was thumped in front of us the morning before, but how often that's happened and we've been asked to deal with it immediately and the debate goes on, someone will support it but on the whole we adjourn it because that is the appropriate process. I don't think I really need to say too much more on that Mr Speaker at the time but certainly if there was a Motion to adjourn I am comfortable with that. I'm not saying no, I'm not saying yes. I'm probably doing what's called sitting on the fence but sitting on the fence I think is a very good reason at this stage even though I am 100% supportive of the process that has been gone through. We've heard the arguments, yes

in the back of my mind there still are a few unanswered matters and at the end of the time when it comes to recommending the appointment of Senior Executive Directors I personally believe that that is a matter for the CEO entirely. Unfortunately our hands are tied because the legislation requires it to come to the House. That is probably something that needs looking at in the future.

MR BATES Thank you Mr Speaker. I'm a little bit unclear as to whether you have an adjournment Motion before you. Mr Buffett was in the Chair and I thought he wanted some action taken and I knew he would have difficulty doing that from the Chair and I was just offering to be of assistance.

MR ACTING DEPUTY SPEAKER Thank you Mr Bates. In relation to the adjournment Motion Mr Buffett had withdrawn that in the interim to allow further debate.

MR NOBBS I'm really disappointed because this has become just another election hearing exercise and I find it quite difficult, and hear we are in a very important position, it's an engineering position, we've got real problems with the crushing of rocks and what have you at Cascade unyet this issue, well we need some assistance and I believe that it's essential that we have this sort of engineering assistance at this particular point in time and we're putting it off, and I wonder really what it's all about and I'm a little bit disgusted

MR BATES Point of Order Mr Acting Deputy Speaker. Point of Order 62 the Chief Minister's passing personal reflections on Members of this House. It's to be considered highly disorderly.

MR NOBBS In what way

MR ACTING DEPUTY SPEAKER Thank you Mr Nobbs. Casting expressions on the membership of the Assembly.

MR NOBBS I'm just stating facts Mr Speaker but if the facts have got to be withdrawn

MR BATES Point of Order. I take objection to the Chief Minister saying that the reasons for the way Members are going to vote here and I call point of Order 62.

MR ACTING DEPUTY SPEAKER Thank you. Mr Bates I support your Point of Order and Chief Minister I ask that you don't continue your debate in such a fashion and if you can contain your debate to the matter at hand.

MR NOBBS The matter at hand Mr Speaker is the appointment of an Executive Director and we've gone through the processes before, selection processes have been undertaken, the gentleman has been over here, he's spoken to the Assembly Members and those who attended seemed to have no problem with the appointment and then last Monday as I said, and I repeat it I asked if there was any problems with the Motion, nothing was said and I find it very difficult at this particular point in time, and that's why I referred to the exercise that I believe it is. Thank you Mr Speaker.

MR BUFFETT I'm prepared now to move the Motion that the matter be adjourned.

MR ACTING DEPUTY SPEAKER Thank you Mr Buffett. I therefore put the question that the matter be adjourned.

## QUESTION PUT

MR ACTING DEPUTY SPEAKER Madam Clerk would you call the House please.

MR BUFFETT AYE  
 MR NOBBS NO  
 MR BATES AYE  
 MR NOBBS Point of Order Mr Speaker.

MR ACTING DEPUTY SPEAKER I'm sorry Mr Nobbs I don't believe there's a Point of Order at this stage, we are calling the House.

MR NOBBS What about the voting Mr Acting Deputy Speaker. I mean there's some sort of an interest there isn't it.

MR BUFFETT Do you have an interest

MR ACTING DEPUTY SPEAKER Madam Clerk could you continue.

MR ADAMS AYE  
 MR MCCOY NO  
 MR GARDNER AYE  
 MR WALKER NO  
 MR SMITH AYE  
 MR BROWN AYE

MR ACTING DEPUTY SPEAKER Honourable Members the result of voting the Ayes 6 the No's 3. The Motion is adjourned.

**THE SOUTH PACIFIC MINI GAMES OPENING CEREMONY**

MR BATES Thank you Mr Acting Deputy Speaker. I move that this House recommends to the Chief Executive Officer that as many Administration functions as possible be closed during the opening ceremony of the South Pacific Mini Games and that staff be encouraged to attend the Ceremony without penalty and that the private sector be encouraged to do likewise.

MR ACTING DEPUTY SPEAKER Thank you Mr Bates.

MR BATES Thank you Mr Acting Deputy Speaker. It came to my attention when we were discussing a plan for where things might happen on the event that the Compound over where the Administration Offices are was designated parking for Officials and working in that Compound I know that the Compound is usually full of staff vehicles and I realised that the time of the event that the Administration Offices would probably be open for business as normal and I raised that question and I think the CEO commented that it was probably just as easy to close it down and these may not be her exact words and I'm not trying to put her on the spot here but it might be easier enough to close down rather than have people standing at windows. Mr Acting Deputy Speaker this is a very significant event for Norfolk Island. It will be a once in a lifetime event for some of us. The Motion is only a recommendation but it's already evident in some private businesses intend to close and those that have been to a South Pacific Mini Games event will probably realise that in the countries in which they are held, they have fairly large populations within close proximity to the Games and it's quite a big event for some of the people in some of those countries, and it's quite good to see a lot of people around for Opening Ceremony's and I think it gives a lot of

encouragement to athletes, a lot of encouragement to the Officials and I think it's a great thing. I think a good crowd is necessary for the sake of our visitors and we know that the majority of people on Norfolk Island work for a living and if their stuck away in their offices or on their mowers or wherever they might be then there's not going to be many spectators down there, and I think the organising committee have gone to a lot of trouble to ensure that this is a good event. So I thought why not for the sake of a few hours, make a recommendation, it's only a recommendation and see what happens. Now I've had some discussions with the CEO and she has some concerns. She has concerns that where staff are allocated to help with the Opening and Closing Ceremony's they may feel that if this Motion goes through not obliged to do so, to offer their services in a volunteer or in a matter of officials or assisting with the running of it. I personally think this might be true of some that have small children that they want to take along to the Opening Ceremony and feel that they need to be with their children but I guess the vast majority of Public Servants would be quite proud to have some official status, be quite proud to be part of it. The big thing would be mainly that they can be present and witness the event and swell the numbers down there and I don't think they are going to complain about having some official role to play. It's probably best if I, the CEO does support the basis of this and I've just mentioned some good things. It's probably best if I read out a Memorandum she sent to me just putting the situation as she sees it and if I read it word for word I think people will understand what I'm trying to say here. She says, further to my discussion with you today (and these are important words) I confirm that I support your Motion as the Corporate Management Team has already considered how we should deal with the Opening and Closing Ceremony's, and she says our intention for the Opening Ceremony is that as many of the staff as possible be given an opportunity to attend, but then she raises some small concerns. She says, however I have committed utilising all the staff at Kingston between 30 and 40 of them to assist with the Ceremony's. Others from throughout the Organisation are also committed and required while some others may need to be called upon. Some staff already have dedicated tasks and others will be receiving training and will be (set loose) in the crowd suitably labelled as Norfolk Island Administration – here to help. Their task will be to assist and guide our visitors on the day, similar to what happened at the Sydney Olympics. Some of the staff will be used to assist with traffic control, there will be many and varied jobs that need to be done and staff will be required to ensure the success of the event. This must take priority on the day over any expectations of being simply observer. She also says that her concerns therefore that it should be made clear that the Motion is only a recommendation, well I think that's clear enough. With the final decision or ultimate decision rests with the CEO in so far as the Administration is concerned. It would be disappointing if staff felt that the Motion gave them the right to do as they pleased and they could have little regard to my directions on the day. It would be helpful if you could support the intent that where staff are required to assist, there is an expectation that they will do so without question in the spirit of the occasion, and I hope these notes are helpful. She says I'm happy for me to use those notes and signed Robyn Murdoch, Chief Executive Officer. As I said there might be some staff that feel that they need to be with their families. I think the vast majority of them would be proud to be part of the officialdom or doing little jobs that might be required. I don't think they'll be too onerous, but I think the big thing is that they'll have the ability to be present and I think the Motion is still worthwhile and I think it would certainly give some encouragement to the organising committee, but I think it would reaffirm the support of this Assembly and I think it would acknowledge the importance that the Assembly places on the event itself and I certainly think it will help to make our visiting athletes and officials remember their time on Norfolk in this very special occasion and I commend the Motion to the House.

MR BROWN

Mr Acting Deputy Speaker I have difficulty with the Motion in its present form but I feel that it can be amended to be acceptable. One of my difficulties is that I don't believe we have any role in recommending to the Chief

Executive Officer that the private sector be encouraged to let their staff have time off to go to the Opening Ceremony and I don't really believe that we should be making such a recommendation in any event. We may feel that we have a knowledge of how the Administration works and we may feel that it's a reasonable kind of a recommendation to make in terms of the Administration but I have spoken with several of the largest employers on the island during the course of the last 24 hours and they were aghast that the Motion that's before us at the moment, aghast is the only way I can describe it, but what I'd like to suggest is that we make 2 changes, that on the last line the word penalty be changed to pay and 2 words further on, sorry with the very next word and, that between the word and and the word that we put the word recommends. So that we would recommend to the Chief Executive Officer that as many Administration functions as possible be closed during the Opening Ceremony of the South Pacific Mini Games and that staff be encouraged to attend the Ceremony without pay, and recommends that the private sector be encouraged to do likewise. Now most of the private sector is going to be quite happy if they can afford the staff to have time off, to have the staff take time off without pay to go and do it. The Public Sector, if it is viable to close a particular function for a period, staff taking time off without pay during that period, that's fine. But this also caters for the difficulty that Mr Bates referred to where it seems unfair that someone volunteers to take time off, whether it be annual leave on pay but out of their annual leave or whether it be time without pay in order to go and work at the Games when all of a sudden we pass a recommendation that the rest of the Administration get time off on full pay. They are both 2 small changes, I'd be happy to support the Motion and I seek leave to move those amendments.

MR ACTING DEPUTY SPEAKER      Leave is granted Mr Brown.

MR BROWN                              I so move Mr Acting Deputy Speaker.

MR ACTING DEPUTY SPEAKER      Honourable Members the question before us are those relating to Mr Brown's amendments on the original Motion and I think he explained quite clearly those amendments that he is looking to insert and the changes to be made. Is there any debate on the amendment as proposed.

MR NOBBS                              Thank you Mr Speaker. I find this just another one of these Motions. I thought that the issue was in hand and that arrangements were being made so that most of this could happen, and I think it's quite confusing now to attend the Ceremony without pay whereas some of them will be taking time off on Rec. Leave as was alluded to a few minutes ago and others will be there in their capacity as paid because staff are required to do, they will be required to operate in that particular area. I'd prefer that it be adjourned until the next Assembly as far as I'm concerned.

MR ACTING DEPUTY SPEAKER      Thank you Mr Nobbs. Is there further debate on the question that the amendments be agreed to.

MR BUFFETT                              Yes if I may just briefly enter the list Mr Acting Deputy Speaker. As you will recognise from my earlier statement I'm the Minister who has responsibility for the Games in the context of this environment here and I would like to see an amicable way forward so that we might be encouraging about this activity and hopefully not come to blows in how certain things may be managed. I do understand but correct me if I'm wrong that what we're trying to do is to recommend to the CEO that the facility be made for as many staff as possible to be at both the Opening Ceremony and the Closing Ceremony and that be done at whatever arrangements that can be worked out and negotiated in the process. No necessarily that it must be on pay or not necessarily that it must be without pay because there may be varying circumstances in varying places, but what ever can be advantageously put together we would try to encourage, and I'm equally understanding that we would want to try and encourage and

recommend that the Private Sector do likewise. Am I right about that because if I am right about that let's find some words to say that. That's how I interpret it. Now the Motion itself doesn't exactly say that and Mr Brown's amendments doesn't exactly say that although they are both working toward it and maybe I could just ask Members if they'd care to enter the list and confirm or otherwise that what I've said is what we're trying to achieve, and if that's the case I will probably be boring you with an amendment to the amendment to try and achieve that very thing.

MR WALKER Thank you Mr Acting Deputy Speaker. On the amendments I have some difficulty with that because the intention as I understood it was that we encourage as many people as possible to be at the Ceremony's, however that the negotiation as to whether it be on pay or without pay was entirely up to the individual employers employees. I was not of the opinion that we would have a Motion from the Assembly to say whether it be without penalty or without pay either way. I also feel that there was a deliberate move albeit that it may not have reached this House that there was a deliberate move not to declare it as a Public Holiday because that had different connotations again for all those who are employers and so I tend to agree with Mr Buffett that the intent of the Motion is that we encourage as many as possible to be at the Ceremony's but the words chosen are not quite correct.

MR MCCOY Thank you Mr Acting Deputy Speaker. I'm of the like thinking as Mr Walker, well not always but on this occasion. I notice he snitched when I said that so I thought I better make sure I get it right. On this occasion and in regard to this Motion I'm of the same thinking as Mr Walker and I believe that it should be up to the work place to determine how their staff attend the Ceremony's and whether they make a decision whether it be in the Private Sector or in Administration to let their staff attend without penalty or without pay. I believe that's something that should be negotiated in the workplace and I look to Mr Buffett to see what words he has come up with to spell it out in such a manner. Also I would just like to make it quite clear that there be no impression that we are promoting a Public Holiday because I believe as Mr Walker said there are other complications if we do that.

MR NOBBS Thank you. I think if you wish to go down that line it's fairly simple. That the House recommends that as many staff as possible attend the Opening Ceremony of the South Pacific Mini Games and leave it at that. That's the way I would look at it.

MR ACTING DEPUTY SPEAKER Thank you Mr Nobbs. Are you formally proposing that.

MR NOBBS Well I can if you want. Well I see Mr Buffett's been writing here but the issue really is with the work practices being brought into palace within the Administration now there's an opportunity and spread of hours and the likes for people to be off before 2.00 in the afternoon and it's only some specific areas I understand which are required to be on if they are needed as a Public Service and we get into all this situation as I've said before that some are being paid to go there and other are being paid to work there and it's all just too much really I mean. We should just look at it and say what we really want to say and forget about the Private Sector because the offer of a Public Holiday was not supported from my memory when this initially was put out that when the times and the dates and the program was developed and the like the Public Holiday situation wasn't supported, and we're only talking about 2.00 Mr Walker in the afternoon onwards. That's when the Ceremony actually starts? I think he's going to say something but he could have nodded. A simple solution to this.

MR BROWN Mr Acting Deputy Speaker I think that the Chief Minister was right some minutes ago when he said why the hell are we looking at this

Motion at all. If we're not going to say that any time off should be without pay what do we do if we close a Department and one person says, I didn't want to go to the damn Games. I'm here to work and I want to be paid. I think we will create more confusion than we will do good if we pass the Motion at all and could I propose an amendment to my amendment and that is that all words after that be deleted and replaced with the words, this House notes that it is now 2.30pm. That's a serious amendment.

MR ACTING DEPUTY SPEAKER           The deletion of all words after the word that,

MR BROWN                               and insert in their place this House notes that it is now 2.30pm.

MR ACTING DEPUTY SPEAKER           I don't know whether in my limited experience Mr Brown such a proposal is probably appropriate and I wonder maybe if you would defer the moving of that. Mr Buffett I seek your assistance in deferring the moving of that.

MR BROWN                               Mr Acting Deputy Speaker what I'm getting at is we've spent a long time about something which on reflection is better left to the Chief Executive Officer to handle.

MR ACTING DEPUTY SPEAKER           I understand that Mr Brown and I'm just wondering for the sake of process and procedure if we could finalise this as quickly as possible without dealing with other issues such as the time

MR BROWN                               Rather than change it to 2.32 I'll withdraw that proposed amendment to the amendment.

MR ACTING DEPUTY SPEAKER           Thank you very much Mr Brown. We are still dealing with the question that the amendments be agreed to. Is there any further debate on that question.

MR BATES                               Thank you Mr Acting Deputy Speaker. As the mover of the Motion I think I need to say a couple of more things. The Motion is only a recommendation and as the CEO has said she supports the concepts of it. She said that in her letter. She had some difficulties with how it might be handled and she's not telling anybody how to handle it. It is a recommendation. I looked upon it as a sort of a bit of a support by this House for the committee, support for the athletes that are here and also support for the CEO. If she decides that some parts of the Administration will not function during the Games she might be criticised by somebody that thinks that those functions should be up and running and it really signals to her that if she makes those types of decisions Members of this House are behind her in making those, and that there won't be any repercussions on her if a part of the Administration is not functioning during the Opening Ceremony. So I looked upon it as a support for this House to whatever actions the CEO might take to enable the benefits which I have alluded to, the benefits of the support of the athletes, the fact that most of these Games don't have many spectators our encouragement of people to be there and spectate and really it wasn't meant to pose a lot of difficulties.

MR BUFFETT                            Mr Acting Deputy Speaker I wonder if I could pick up and encourage the theme of encouragement and goodwill. I would like to move some additional words which might replace those that have been suggested in at least 3 areas earlier, which might say this. This House recommends to the CEO that arrangements be made for as many staff as possible to attend the Opening and Closing Ceremony's of the South Pacific Mini Games, and equally encourages that the Private Sector do likewise. That leaves the arrangements to those who are involved but the

matter of encouragement and goodwill is expressed by us. I think that's maybe as best as we can do in all the circumstances.

MR BROWN Mr Acting Deputy Speaker I'm happy to withdraw my amendment in favour of the Minister for Immigration's amendment.

MR ACTING DEPUTY SPEAKER Thank you Mr Brown.

MR BUFFETT I would offer you these words Mr Acting Deputy Speaker but I'm not too sure you could read them. I'm happy to repeat them if people would like me to do so. So for whatever processes are necessary I will formerly move those words that I have mentioned and I'll repeat them. This House recommends to the CEO that arrangements be made for as many staff as possible to attend the Opening and Closing Ceremony's of the South Pacific Mini Games, and equally encourages that the Private Sector do likewise.

MR ACTING DEPUTY SPEAKER Thank you Mr Buffett. Honourable Members that amendment as proposed by Mr Buffett is now an amendment to the original Motion and is the matter of the question before the House at the moment. Is there debate on the amendment. No debate. Honourable Members I put the question.

QUESTION PUT  
QUESTION AGREED

MR ACTING DEPUTY SPEAKER The question now before the House Honourable Members is that the Motion as amended be agreed to. I put the question.

QUESTION PUT  
QUESTION AGREED

### **ADJOURNMENT DEBATE**

MR BATES Mr Acting Deputy Speaker I move that the House do now adjourn.

MR ACTING DEPUTY SPEAKER Thank you Mr Bates.

MR BATES Thank you Mr Acting Deputy Speaker. This is the last meeting of the 9<sup>th</sup> Assembly and it's probably the last meeting for some of the Members, certainly Mr Adams for the time being anyway. He's not put his hand up for the next Assembly and possibly some other. It's been fairly traditional at December meetings just to wish fellow colleagues and the community all the best for the festive season and to offer a few niceties around like that, and I would just like to do just that, thank my colleagues and wish them the best for the festive season and thank those who have supported me in the past and as my name is forward hopefully I will be around to do it again in December. Thank you Mr Acting Deputy Speaker.

MR MCCOY Thank you Mr Acting Deputy Speaker. I too like Mr Bates would like to extend the warmest wishes over this festive period to not only my colleagues around the table but also to the whole community and as I have been the Executive Member with responsibility for Health and the Environment I'd also like to put a special thanks to members of the Waste Management Committee who have supported me over the last seven months, the Hospital Board who have been working through some quite difficult times. Also the ? Committee who provides advice to National Parks and that advice is passed on and appreciated by me. I'm always invited to attend their meetings and unfortunately I've only been in a position to attend one of their meetings,

and I would like to also thank all of the Administration Public Service Officers who have supported me and done their utmost to achieve some of the goals that I've put forward in my 7 months as the Executive Member. Thank you.

MR BUFFETT

Mr Acting Deputy Speaker I would just like to enter the list in terms of acknowledging all of my colleagues around the table for the time that we have been together in this Assembly. Thank you for your companionship and for your working through the various issues that we have all had to tackle whilst we have been here in this time, although it has been curtailed on this occasion the times have been warm and encouraging and hopefully we have made some contributions to the Norfolk Island community. Could I also mention some of the Statutory Boards and more informal groupings that have come together to assist in my areas, for example the Emergency Management Committee, certainly the Immigration and Social Services Committee, the Justice Committee and there are others that maybe I should have turned my mind more quickly to acknowledging them also, but if I've missed some of them I regret that and say that I would want to include them too. Particularly may I make mention of the professional staff both in this Assembly, the Clerk and others who work in this Compound here and within the Administration of Norfolk Island in their professional services offered whilst I've had responsibilities to perform. They have been very professional and I've appreciated them greatly and I wish my colleagues the best and all of the candidates who are standing on this occasion. Thank you Mr Acting Deputy Speaker.

MR NOBBS

Thank you Mr Acting Deputy Speaker. I also wish all Members well that are standing and I wish Mr Adams well for his future life obviously and may I say Mr Acting Deputy Speaker that I need to say thank you to a few people. The first ones really are the members of the staff of the Assembly who have assisted me, there's the Clerk Robyn, Alma, Gaye and the ones that have come in from time to time have all been very helpful and their efforts have been much appreciated. I'd like to thank the Boards and groups that have assisted me on a more formal basis and there's the Liquor Licencing Board, I'd like to thank them, the 3 members of that. It's been difficult and I believe that the Liquor Act is now with the drafting people. The Finance Committee which has met most weeks, it's 2 members on that, but from the outside Bob Crane and Geoff Bennett and also the Public Service member Barry Wilson. I thank them for that. We had also a Drug and Alcohol Working Group and I thank them very much for their efforts, it wasn't easy to deal with and I think they did it very very well, and I would like to pay special tribute on that to 3 people who actually cajoled me to really get it going and that's Martin Sheridan, who saw the need for some work in that area, to Gerard Berne who was the head of the program for the Salvation Army and also to Ike who amongst his other jobs took on the role of ex-officio dogsbody of the group. As Minister responsible for the Public Service I'd like to pay tribute to the Public Service in general. Firstly to the former CEO Toon Buffett who is the incumbent at the time and also the present CEO Robyn Murdoch and all the staff and I would say that their assistance to me over the last year or so of this Assembly has been great. I mentioned earlier the group that was looking at the Legislative Assembly and I thank them for that and as Minister for Finance I want to pay special regard to the Finance Section and also the GBE's and the Manager's and staff in that particular area. I've acted in other portfolio's from time to time and I think I've covered the field in the last year or so and I'd like to thank those who assisted in that way. I'd also like to thank, and I want to make it perfectly clear that there's some misunderstanding in our relationship with Australia. I'd like to thank the Australian Minister's who at the request of the Norfolk Island Government came over here and of course we've got our current or the previous Minister for Territories was Ian MacDonald. The others that visited were Richard Alston, Phillip Ruddock and Joe Hockey. We also had visits from Wilson Tuckey and some Parliamentary Secretaries, Judith Trothe and Trichia Worth, I thank them for their time and I'd also like to special thanks to the assistance provided to me by Mr Bill Heffen who

is the Secretary to Cabinet and also a Parliamentarian. I think the others that I should thank are the media and I would like to thank the Norfolk Islander, initially it was Ric and then Tim and Tom in the latter part after Ric left but I'd also like to thank you Margaret. I know your sitting up there so don't blush for her assistance as far as the radio is concerned, and particularly to me old mate Fletch for a Friday morning exercise, I will miss it. Finally I thank all those who provided encouragement and advice either verbally or in writing and I think that each of you have received a response. Finally I'd just like to wish all those candidates once again the best of luck, and a very merry Christmas and a happy New Year to yours and your families. Thank you Mr Acting Deputy Speaker.

MR ACTING DEPUTY SPEAKER Thank you Mr Nobbs. Is there any further debate Honourable Members. Question Honourable Members is that the House do now adjourn.

QUESTION PUT  
QUESTION AGREED

MR ACTING DEPUTY SPEAKER The Ayes have it. This House stands adjourned.



**THIS IS THE FINAL MEETING OF THE NINTH LEGISLATIVE ASSEMBLY**