

**PRAYER**

the Prayer of the Legislative Assembly

Honourable Members we commence with

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

Honourable Members thank you. If you would feel more comfortable with your coats off please be free to do that

**LEAVE**

Honourable Members leave is sought for Mr Nobbs, is leave granted. Leave is granted thank you

**PETITIONS**

Are there any Petitions this morning

**GIVING OF NOTICES**

Are there any Notices?

MR I BUFFETT

Thank you Mr Speaker. I give notice of my intention at the February sitting of this House to move the following motion That this House resolves that all registered tourist accommodation houses that do not comply with current water storage requirements shall be fully compliant with those requirements by the last day of February in the year 2003;

I further give notice of my intention at the February sitting of this House to bring forward a motion which endorses the amendment to the Noxious Weeds Act to provide a mechanism whereby joining landholders can resolve disputes between themselves in relation to encroachment of plants over their respective boundaries whether those plants be noxious or otherwise

Mr Speaker, I give this third notice of my intention at the February sitting of this House to bring forward a motion to this House which amends the Administrative Review Tribunal Act to provide a fees regime for applications to that Tribunal

SPEAKER

Thank you. Are there any further Notices

**QUESTIONS WITHOUT NOTICES**

Are there any Questions Without Notice?

MS NICHOLAS

Thank you Mr Speaker. This one is addressed to the Minister for Land and the Environment and I ask him, what is the treatment capacity of the Tanalith Plant and to what extent is it operating at that capacity on a regular basis

MR I BUFFETT

Thank you Mr Speaker, I cannot at this particular time answer those two specific questions which relate to exact volumes. Can I take that on notice and provide an answer to Ms Nicholas at the next sitting

MR D BUFFETT

Thank you Madam Deputy Speaker. Could I also direct a question to the Minister who has responsibility for Forestry and Noxious Weeds. Madam Deputy Speaker, I've noticed and others have noticed the

occurrence of Formosan Lilly in various parts of the Island and I ask the Minister if he is aware that this is the case and that if there are any plans or otherwise to control and eradicate this noxious and quite dangerous weed

MR I BUFFETT Thank you Madam Deputy Speaker. I am aware of the current blooming of the Formosan Lilly. I am aware that the Forestry does undertake a programme, at least within the Reserves and in the areas that we are directly responsible for to eradicate that particular noxious weed. The wider issue of that noxious weed being eradicated Island wide is something that will need to be considered by myself and this Legislative Assembly as to how we might enforce the provisions of the Noxious Weeds Act in order to get that achieved. I note the question and will take it up in more detail with the Conservator when he returns as to what the current programme is. He is currently away and should be back on the 21<sup>st</sup> of this month

MR D BUFFETT Thank you Madam Deputy Speaker a supplementary if I may. Could the Minister give some idea of the time frame that he might come back and report to the House as to plans for the wider issue of control of this weed

MR I BUFFETT Thank you Madam Deputy Speaker I undertake to do that at the February sitting if I have that information, and if I have it beforehand I will certainly relate it to the Members of this House

MR D BUFFETT Thank you Madam Deputy Speaker a question to Mr Smith in his ministerial capacity with responsibility principally with the Hospital in this particular context. Could I ask the Minister if he could confirm that it is his policy to employ offshore people over Norfolk Island residents in areas that he has responsibility for

MR SMITH Thank you Madam Deputy Speaker. In all areas of responsibility that I have I can't think of anywhere that I actually employ. Maybe Mr Buffett could jog my memory on that. If he is referring to the Hospital area, there was some mention of that in Mr Buffett's question, the Board at the Hospital makes recommendations to the Executive Member in certain circumstances which I either take or don't take. In answer to the question, no it is not my policy to do what Mr Buffett asked

MR D BUFFETT Thank you Madam Deputy Speaker could I also ask Mr Smith if in fact it is not his policy, whether it is Government policy to employ offshore people over Norfolk Island residents

MR SMITH Thank you Madam Deputy Speaker I think Mr Buffett is referring to the whole process of merit selection which in a sense I guess the Legislative Assembly has set the parameters quite some time ago. Members who have been through past Assembly's will be aware that it was a process set up that the employment of people in Government entities or within the Administration will be done on a merit selection basis primarily I believe from the complaint over many years that people were being employed because of various reasons of people knowing people, people who just might happen to slot into a position at the time, and on that basis I think is where the recommendation came from that all positions should be advertised and done on merit selection basis so in that sense I guess that the Legislative Assembly has set parameters that could create that situation. However, that doesn't mean that anybody has set out to purposely exclude Norfolk Island people in the processes. It is possibly unfortunate that that has happened during this process over the last year or so and there has been some heartache and there has been concern expressed by members around

the table here, and Mr Buffett is one of those who have been quite vocal in recent months, however if Members feel that we need to change the rule a little bit, I would certainly be open to any suggestions as far as my legislation is concerned to make changes along those lines

MR D BUFFETT Thank you Madam Deputy Speaker a further question to the Member who has responsibility in the area that has been alluded to. There has been a decision taken in the Hospital area in terms of engagement of people. I ask the Minister for any who may be aggrieved by the decision in that process, are formal processes in place that can consider people who are in that position

MR SMITH Thank you Madam Deputy Speaker there is no formal process of appeal as there is in the Administration circles, under the Hospital Act. That is something that was discussed in the last Assembly in the last months or so that due process be set up similar to what happens under the Public Sector Management Act, for the Hospital. The only appeal that anybody does have at this point in time really is to the executive member who then makes an assessment on the process that have occurred

MR D BUFFETT Thank you Madam Deputy Speaker could I ask the Minister to clarify as to whether the so called appeal process, although not formal at the moment that exist is that the Minister take the final decision in terms of the original decision and the Minister is the Review Authority

MR SMITH As I understand my role, yes, that might not be legally correct. It has happened in the past in similar circumstances in relation to the Hospital where the appropriate Executive Member reviewed the process but I've got to say that if a recommendation comes from the Management Board of the Hospital it is highly unlikely that the Executive Member would try to reverse that decision unless there was real reason to do it particularly when the process that has been set up is a merit selection process and could I add that I was going to make a short statement about this today about the particular appointment Mr Buffett is talking about which will give members the opportunity to have debate in this matter because it's obviously of concern and if Mr Buffett would like to leave the issue until Statement time then everybody can have a say in the matter rather than it be a question and answer situation as is happening right now. I'm happy whichever way he wishes to go

MR D BUFFETT Thank you Madam Deputy Speaker I'm very happy to wait until Mr Smith has an opportunity to make a statement on the matter and we could debate it further then. I have a further question if I may.

A question to the Chief Minister who has responsibility for Immigration. Chief Minister I do understand that the Immigration Guidelines makes arrangements for there to be given proper recognition to people who live in Norfolk Island to be considered for positions before Immigration permits are granted for people to come into the Island. Is this policy being adhered to in the administration that you are presently administering

MR GARDNER Thank you Madam Deputy Speaker. I have yet to have put before me any instance that I'm aware of where I would need to draw on the Guidelines for some guidance so I'm unable to say whether I'm complying with them other than to say I haven't had the opportunity as yet to be in a position to comply with them

MR D BUFFETT Thank you Madam Deputy Speaker I'm not too sure how I should interpret that response but nevertheless, could I ask the Chief Minister this question. Just point out to him that there are instances where people are being brought into the Island to take jobs over and above local people who have qualifications to fulfil those tasks. In those circumstances could I have the Minister's assurance that he will fulfil the requirements of the Guidelines in examining any immigration applications that come forward in that context

MR GARDNER Thank you Madam Deputy Speaker I can assure Mr Buffett that I will handle all immigration matters in a similar fashion to the way that he in the past as immigration Minister has handled the same matter

MR D BUFFETT Thank you Madam Deputy Speaker I would like to ask a further question of the Minister for Immigration. One of the processes that is being pursued at this moment is the updating and to be given legislative substance of the Immigration Guidelines to which I've just referred, and to which he has just referred. I just would like the Minister's assurance that in the final signing off of those Guidelines that the principals of local employment being given priority above those who come into the Island or propose to come into the Island will be written in and will be adhered to, whatever policy that he would want to pursue during his tenure of ministership

MR GARDNER Thank you Madam Deputy Speaker. Certainly in my role as Minister for Immigration I will ensure that I adhere to the Guidelines as endorsed by this House as yet they have not been endorsed, as far as I am aware, and finalised. When that happens certainly I will be bound by those in my role as Minister

MR BROWN I direct this question to the Minister for Finance. Is the Minister aware of the full extent of the loss which will be sustained by the Administration and various enterprises as a result of the liquidation of FlightWest Airlines and is the Minister able to advise whether that loss had been anticipated in the recently completed financial statements for the last financial year

MR DONALDSON Thank you Madam Deputy Speaker. As far as I know the loss is about \$297,000 which is the landing fees, basically landing fees and a bit of customs out of hours of \$5000 and hire of a cherry picker which is only a matter of \$200. I think that did come out of the blue. As far I know it was not provided for in the financial statements last year but I can take that part of the question on notice and follow up for you. Indications were that when FlightWest ceased operations they would be able to pay their debts in full. There has been a change since then. I think the ordinary unsecured creditors were less than 100 cents in the dollar to nothing and that is where the Administration ranks for payment, as an ordinary unsecured creditor

MR BROWN In relation to the same matter, can the Minister advise whether the liquidators in fact told the unsecured creditors that they doubt that any dividend will be paid to the unsecured creditors

MR DONALDSON Thank you Madam Deputy Speaker I've received no formal advise whatsoever, but whether the Service is aware of that or not I don't know but the information I'm getting from the Service is that debt is very unlikely to be paid. Whether there's been formal recognition or formal acknowledgement of it is another matter I'll have to look into

MR BROWN To the Minister for Finance, could I ask the Minister if he could look at a very thick document that has recently been sent to every

unsecured creditor which provides a fair assessment by the liquidators of the prospects and could the Minister advise the House at the earliest possible date of the number of cents per dollar which we can expect to receive on those debts

MR DONALDSON Thank you Madam Deputy Speaker. Yes I will definitely pursue that document, read through it and report back to the House on its contents

MR BROWN I direct his question to the Chief Minister and it's a question in relation to Government policy. Can the Chief Minister advise whether decisions by Ministers in this first Gardner Government are collective decisions, that is, decisions made by all of the Ministers together or do Ministers make their own decisions and leave the Government with the responsibility for those decisions but without having had the benefit of debating in them

MR GARDNER Thank you Madam Deputy Speaker it's a matter of in what role the Government is asked to participate. It depends on the particular type of legislation or the particular matter. Certainly there are pieces of legislation where the Legislative Assembly by appointing a Minister to a role is providing that person with the authority to administer a piece of legislation that that particular Minister is dealing with and in a lot of instances, as Mr Brown would be aware and in talking about immigration matters this morning, as far as immigration is concerned I'll make a decision as the Minister for immigration on a GEP application or residence application totally without a requirement or any precedent having been set for having to discuss those matters with my colleagues in Government so it's a case by case basis as to where those decisions are made, whether a Minister who is provided with the responsibility of administering that legislation sees fit to consult the remainder of the Government on a matter

### **QUESTIONS ON NOTICE**

DEPUTY SPEAKER We move to answers to Questions on Notice. Are there any answers to Questions on Notice?

MR GARDNER Thank you Madam Deputy Speaker. I have an answer to a question on notice and it may be appropriate that we deal with them in order as they appear on the Notice Paper Madam Deputy Speaker and the first one is to myself from Mr Brown to myself. What is the present situation in relation to reprinting of Norfolk Island legislation and making all Norfolk Island legislation available by CD Rom or Internet? My response to that is that I have given this matter some consideration. I am yet awaiting a report from Legal Services Unit as to the exact status of the reprinting of Norfolk Island's legislation and have indicated my willingness to consider a proposal for resourcing a one off person to come to the Island if that is thought necessary to be able to bring all of Norfolk Island's legislation up to scratch as far as reprinting is concerned and also to make that same legislation available by CD Rom or Internet. I'll be in a position to report on that more fully when that advise is to hand, but it is being progressed

The second question on the Notice Paper is again directed to me by Mr Brown and the question is, Will the Chief Minister please advise whether insurance is held to protect executive and back-bench members of the Legislative Assembly, and members of the Public Service, in the event that claims are made against them as a result of their actions as executive and back-bench members of the Legislative Assembly and as members of the Public Service? My response to that, and I would like to thank Mr Brown for the question. It's been an issue that's been around for some time, I understand back to at least 1994 when the first request for this type of insurance was sent to the Service and I share Mr Brown's concern that this matter

needs attending to as a matter of priority. The Administration currently does not hold professional indemnity insurance with the exception of that insurance which is provided to the Norfolk Island Hospital Enterprise. I'm pleased to advise however that we are currently in discussions with a broker in Sydney who has from last month requested some final details from the Administration to see quotes for that particular type of cover and again I will advise the Legislative Assembly of the status of that matter

**SPEAKER** Thank you. Question of Notice No 3. Minister for Finance this is in your name.

**MR DONALDSON** Thank you Mr Speaker. This question is in my name from Mr Brown and reads, will the Minister for Finance please advise if his advice to the Legislative Assembly at its last meeting, to the effect Norfolk Island's financial situation is in line with its 2001/2002 budget, was correct? My answer to that is that the information I gave at the last meeting was based on the latest information available to me at the time and that information said that after five months of operation the revenue fund's income was 95% of budget and the expenditure was 90% of budget and that this indicated we were operating at close to budget and that the final results would be a smaller deficit than was originally anticipated. Since then the half yearly review has identified emerging changes in income and expenditure patterns, although I emphasize that this review is still underway and is expected to be a couple of weeks before the review is completed. Officers of the Administration have been asked to identify areas where savings can be made in the expenditure and an increase in income can be made on the revenue side of things. Just a bit of further information on that. The original budget deficit at the beginning of the year, that is this financial year that we are in now, is predicted to be a \$390,000 deficit and the first half yearly review identified a shortfall in the following areas. These areas are mainly due to the demise of FlightWest and the resultant decrease in tourist numbers. There's been a reassessment of customs duty from \$3.9m to \$3.8m so there's \$100,000 less customs duty coming in; financial institutions levy is assessed downward by \$50,000; departure fees have been reassessed downward by \$80,000; revenue from miscellaneous charges has been reassessed downwards by \$62,000. The first version of the half yearly review budget produced to us and this was only a couple of weeks ago, took a very conservative view of income and a very unconservative look at expenditure. We haven't actually started trimming the expenditure yet and it came up with a figure of \$1.6m deficit for this financial year. However, I'm pleased to report that these figures have been substantially reduced and continues to fall. The budget review is not yet completed and as soon as it is a statement will be made informing the community of the outcome thank you

**MR BROWN** A supplementary question if I may Mr Speaker. Can the Minister advise whether there is any reason for the head of the Public Service not having advised him of that \$1.6m projected shortfall prior to the Minister answering a question in the House on the last occasion

**MR DONALDSON** Thank you Mr Speaker that \$1.6m first emerged as a possible figure in the briefing we had between the new Assembly and the Public Service. It was one of the slides that was presented to us. From that, there were some enquiries, but I emphasise that the \$1.6m is a starting point from which we can reduce the deficit down

**MR BROWN** One final supplementary question, can the Minister please advise the House of the number of days which passed between the Minister answering the question on the last occasion and the Public Service revealing the \$1.6m projected deficit

MR DONALDSON Thank you Mr Speaker, I got the information two days before the last Assembly meeting, that we were on track with budget and they were the November Financial Indicators for the first five months of the year. I announced that in the Assembly on the Wednesday. On the Thursday I sat down with the Finance Manager and the Executive Director Corporate Services and that is where I got the first idea that there was a \$1.6m deficit from the half yearly budget review

MR BROWN One last supplementary question. Can the Minister then confirm that on the Wednesday of the last Assembly meeting he made use of the information that had been provided by the Public Service only two days before and yet the following day detailed material was made available to show the projected deficit was \$1.6m. I'm just asking if that could be confirmed

MR DONALDSON Thank you Mr Speaker, yes that is the fact. It was two days after the Assembly meeting the information changed substantially, although I will qualify that by saying that the first information provided to this Assembly was based on five months historical trends which didn't show an alarming trend but a slight or 5% downturn in total revenue for the year. The half yearly budget review is a very conservative look at what our reduction in income might be under the worst scenario. They are not comparing exact figures

MR BROWN One final supplementary question. Will the Minister please advise this House at its next meeting, at the date on which the Chief Executive Officer first became aware of the \$1.6m shortfall and in the event that it was prior to our last meeting, will the Minister please ascertain and report to the House the precise reason for that information being withheld from the Minister prior to that meeting

MR DONALDSON Thank you. I would be happy to take that on Notice and provide the information requested

SPEAKER Question on Notice No 4. Also to Mr Donaldson

MR DONALDSON Thank you Mr Speaker. This question is also addressed to myself. Finance Will the Minister please advise whether the claims of the Chief Minister of the last Norfolk Island Government to the effect that the Administration had completed the 2000/2001 year with a surplus of \$1,300,000.00 were correct? If those claims were not correct, will the Minister please advise the correct situation? My answer to that question is that I was aware that the Minister for Finance had made a radio announcement of a similar nature to that, a \$1.3m surplus in the Administration accounts but I didn't personally hear it so I can't comment on whether it was a \$1.3m prediction or result in the revenue fund or the consolidated accounts of the Administration. Furthermore, I'm aware that the announcement was as being unaudited. There was a subsequent audit by the auditors. Those audited figures are now available and just in summary form I will let you know what they are. The audited financial statements are now available and disclose a consolidated Administration surplus of \$1.289m so that's close to the \$1.3m spoken of by the previous Minister if he was talking about the consolidated results. The revenue fund disclose an audited surplus of \$960,000. I haven't been able to seek any information from the previous Minister for Finance as since I've received this question he's been off the Island.

The next question addressed to me reads, Will the responsible Minister please advise whether it is a fact that various vehicles owned by the Administration have been without third party insurance? If so, will the Minister advise the length of time

during which the Administration has not held that insurance, and the reason for same? I've received an answer from the Service for that which I will read out. It is correct that the Administration fleet has not held third party insurance since the policy expired on the 30<sup>th</sup> June 2001. The records show that an invitation to renew was received on the 24<sup>th</sup> May 2001 but was not actioned. Further details will be sought once the responsible officer returns from annual leave. There is a further note. This situation was remedied last Friday and I would like to personally take the opportunity to thank all those who assisted in quickly resolving the situation with particular thanks to Anne Signal of Royal Sun Alliance Insurance who worked tirelessly to ensure emergency cover was in place whilst permanent arrangements were negotiated. Those permanent arrangements are now in place. We have taken third part motor vehicle insurance for personal and bodily injury and the premium is \$26,300 for that. Regrettably that is opposed to what we would have paid had it been renewed on time by \$8,500

SPEAKER  
Minister

Question on Notice No 6 to the Chief

MR GARDNER

Thank you Mr Speaker. I'll read the question. Will the Chief Minister please advise whether it is a fact that a person who lived in Norfolk Island without any form of immigration approval for a period of 5 years is able to immediately apply for residency upon obtaining a grant of a General Entry Permit? If so, what action does the Minister propose to take to correct that anomaly? The first part of the question, it appears that that is correct. Secondly the action that I propose taking Mr Speaker, I draw Mr Brown's attention to Section 29(2) of the Immigration Act which deals I think with the idea that if you have been on the Island some five years out of the last seven and acquire a the General Entry Permit you can in fact apply for residency but this particular section deals with the exclusions and I'll read section 29(2). For the purposes of paragraph 1c which deals with the period of residence on Norfolk Island, a period of residence during which the applicant was a permit holder under a visitors permit or a temporary entry permit shall be disregarded. It seems to me that a fairly simple action or amendment could be made to section 29(2) by adding words to the effect "a period of residence during which the applicant was not a permit holder" might be appropriate. That's something that I will have to seek advise from the Legal Services Unit on. I guess I'm still looking for some advise as to exactly what the concerns are regarding the five years with somebody not having a permit. The only persons that I can think of outside prohibited immigrants that might be on the Island for that period of time, I think it would be particularly unusual if they were here for that period of time, would be those members of Commonwealth services on the Island which are here without formal permits which is granted under the Memorandum of Understanding between the Norfolk Island Government and the Commonwealth. If that is the area of concern, certainly I'm prepared to discuss this with the Commonwealth when I visit Canberra in the not too distant future and I would believe that in the spirit of the mou that would not be the intent, to allow somebody to be on the Island and then use that time to contribute towards a declaration of residency but I will explore that further with Mr Brown. Maybe there's a supplementary that he might wish to ask in there to clarify with me the intent of this, but I'm not aware of a situation currently before us where a grant of declaration of residency for someone who has been on the Island for five years without a permit is actually in the system.

MR BROWN

Mr Speaker I probably should clarify a couple of things there. I was not directing my question at Commonwealth officers. My understanding is they receive TEP's but that the mou doesn't require them to actually apply for them but my understanding is that they do hold them. I was talking of people who do not hold any form of immigration status. People who have slipped between the stools and the system doesn't realise they are still here or the system

hasn't dealt with them and I can assure the Minister that I've seen situations of people being here for five years and I've seen at least one situation where having been here for five years a person got a GEP and was able the next day to apply for residency. Members may recall that I've been trying to get this particular problem fixed for four or five years

MR GARDNER Thank you Mr Brown for that response. As I've said, I see it as a fairly simple process to work through to amend that if that is an area of concern but to also say that I'm not aware of any current situation that's out there but I thank Mr Brown for raising the matter and certainly I will be progressing that to see whether that situation is in fact around at the moment and the need to draft an amendment to the legislation

MR SMITH Thank you Mr Speaker. The question is, will the Minister with responsibility for the Norfolk Island Hospital Enterprise please advise what action has been taken by the Norfolk Island Government to ensure that a suitable medical evacuation stretcher is available on Norfolk Island in order to enable the evacuation of patients by scheduled air services to Australia and New Zealand? Mr Speaker there has been an officer working on this for quite some time on the issue of medical evacuations and I am advised by the officer working on this issue that there has been enquiries into the purchase of a suitable stretcher for the purpose of medical evacuation on those scheduled services to mainland gateways. Suitable stretchers for aircraft are custom made to suit the specific series of aircraft and current cost of such for use in a Boeing 737 400 series for example, the one that Air Nauru uses is around \$11000US, ex California so we would probably be looking somewhere around \$22,000 for a stretcher which is possibly a good investment but the difficulty with that is if you had a situation like last weekend, we didn't have the 400 series aircraft we had a Fokker, a Qantas 737, an Air New Zealand 737 300 so if we bought a stretcher that was suitable for the 400 series but that aircraft didn't come and we needed a medical evacuation, we wouldn't be able to use it, however, that doesn't happen every weekend but it does raise the question, do you have two or three stretchers that could be fitted to different aircraft. There is a difficulty with the New Zealand side in that Air New Zealand has reconfigured their cabin layout and they no longer wish to carry stretcher patients on their 737's and so I can only say that the issue of Medivac's is continuing as a matter of the very highest priority

A further question to me Mr Speaker, will the Minister with responsibility for the Norfolk Island Hospital Enterprise please advise whether he has had discussions with Air New Zealand in relation to the evacuation of patients from Norfolk Island to Auckland by scheduled Air New Zealand services, and will the Minister please advise what action needs to be taken by the Norfolk Island Government to ensure that such evacuations can be achieved when necessary? I guess I've partly answered that question with the previous answer, but I'm advised once again by the relevant officer within the Public Service who is working on this project that yes there has been negotiation with the management of Air New Zealand and as stated in my response to the previous question, Air New Zealand have confirmed their inability to provide this service. This was a decision taken by their management some time ago, based primarily on the ability of commercial air ambulance carriers within New Zealand to provide the service so because there are other services available in New Zealand and from New Zealand to Norfolk Island Air New Zealand seems to be showing no interest in carrying a stretcher at this particular time

A further question to me once again Mr Speaker, will the Minister with responsibility for the Norfolk Island Hospital Enterprise please advise whether he had taken any action to negotiate with the Queensland public hospital system and/or any of the Queensland private hospitals to arrange contractual rates for patients from Norfolk Island to be cared for in the public or private system in Queensland? As I've only

had the responsibility for health as an executive member for just a few weeks of course I have not taken any action myself along those lines but I do have a response which may be of help to Mr Brown from the Acting Director of the Hospital. I enclose for your information a copy of rates for accommodation fees in New South Wales and Queensland hospitals. In New South Wales Norfolk Island is listed separately and is not classed as an ineligible classification as in Queensland. In New South Wales the shared room accommodation is \$416 per day. Now the above shows the cost to a Norfolk Island resident daily for treatment. In Queensland the ineligible patient accommodation is \$717 per day. The above shows the cost for a Norfolk Island resident. One is paying \$301 per day extra in the Queensland public hospital system as compared with New South Wales. Why the reduction in New South Wales? I am advised that when Colleen McCullough Robinson was Chairwoman of the Hospital Board she arranged with the then Director General of Health in New South Wales, Dr Bernie Amos to organise a visit to the Island by the then CEO of the Prince of Wales Hospital, Mr Bill Laurence and discussions were also held with the CEO of the Royal North Shore Hospital Dr Stuart Spring. Arrangements were completed with the Norfolk Island Minister for Health of the day and Colleen to have Norfolk Island as an external territory of Australia to be charged differently from other ineligible patients which we were before. This arrangement has saved residents many thousands of dollars over the years. Neville has made contact with Dennis Campbell, the President of the Private Hospitals Association of Queensland and Executive Director Lucy Fisher forwarded a list of the private hospitals in Queensland and since private hospitals have commenced contracting with funds their costs per day are now confidential and not published but he is suggesting that Norfolk Island could select a few private hospitals around Brisbane and the Gold Coast and I am quite happy to follow that. In fact, we already have a letter drafted to see if we can negotiate a rate in Queensland for Norfolk Island patients

This one is mine too Mr Speaker. Mr Brown to ask the Minister for Community Services and Tourism Will the executive member with responsibility for Social Services in Norfolk Island please advise whether any persons in Norfolk Island are receiving social service payments in the nature of the dole? If so, will the Minister please advise whether the Norfolk Island Government or the Legislative Assembly have ever approved the introduction of dole type payments in Norfolk Island? The answer that I have Mr Speaker is that under the current Social Services Act 1980 there are no provisions for an unemployment benefit. At present there are no recipients receiving a benefit for unemployment purposes. There is however benefits in the form of a special benefit that have been paid to persons unable to work due to sickness or injury. At present there are six persons receiving a special benefit for various reasons being four persons on a short term benefit for serious illness although all have casual employment when health allows. One person as a result of an accident and therefore unable to continue work in their field of employment and who are awaiting an insurance claim under section 34 of the Social Services Act and one person who qualifies under the requirements as not able to receive any other benefit and is suffering hardship

MR GARDNER

Thank you Mr Speaker. This question is directed to me from Ms Nicholas. It's in two parts and the first part of the question asks, does the Norfolk Island Government intend making a formal response to the review of the Legal Aid scheme undertaken by the ACT Legal Aid Commission? Mr Speaker if I might answer that part of the question first before moving on to the second part. Yes, I do intend making a formal response. In recent weeks I've sent a memo to the Acting Secretary of the Norfolk Island Legal Aid Advisory Committee or the officer within the Administration who has responsibility for providing secretarial services to the Legal Aid Advisory Committee seeking the status of that report that was sought by the Commonwealth sometime ago I understand back in about November 2000. Some work I understand was undertaken by the previous

Government and I'm awaiting that response at this stage but certainly I do intend making a formal response or the Norfolk Island Government intends making a formal response.

Part two of the question, does the Minister intend reappointing a Legal Aid Committee to consider the Commission's findings and recommendations which were forwarded to the Norfolk Island Government for comment in September 2000, and if so, in what time frame does the Minister envisage the Committee tendering its report? As I've said Mr Speaker the Legal Aid Advisory Committee I understand were considering that report. I said November 2000 but in fact it was September 2000. I have recently been aware of vacancies in the Legal Aid Advisory Committee. In fact we don't have any members on that currently and have already spoken to one of the previous members of the Legal Aid Advisory Committee who has indicated to me a willingness to seek reappointment to that Committee subject to, of course, the provision of adequate support services and resources to enable them to adequately address the findings and recommendations in the report and I would expect that I will be moving to appoint members to the Legal Aid Advisory Committee at the February sitting and that a reasonable time frame for the production of that response to the Commonwealth would be three months. There is a significant amount of work to do. I've actually brought a copy up with me Mr Speaker and for those other members, especially those new members who haven't a copy of that there is a significant amount of work that is required to review the content of that document and that is why I believe a reasonable time frame to do that would be three months

MR GARDNER Thank you Mr Speaker. Question No 12 directed to me by Ms Nicholas. In view of the Commonwealth's refusal to assent to the most recent Immigration Bill passed by the 9<sup>th</sup> Legislative Assembly, what steps does the Minister intend taking to reactivate the joint Federal and Norfolk Island Task Force to facilitate discussion leading towards the drafting of legislation which will enable both the Commonwealth and the Norfolk Island Government to satisfy their respective requirements? Mr Speaker I've discussed the issue of the reconvening of the Immigration Working Group or the Joint Federal and Norfolk Island Task Force with the Immigration Committee in recent weeks. I am waiting for their input to that but I believe it would be appropriate to reconvene that working group and I intend to respond to the Commonwealth in relation to the reactivating of that group subject of course to endorsement by members of the Legislative Assembly and I will be proceeding to respond to the Commonwealth on that when we Norfolk Island have determined our appropriate terms of reference for that particular working group

MR I BUFFETT Thank you Mr Speaker. Question 13 from Ms Nicholas reads as follows. What response does the Minister intend making to the Commonwealth in regard to the Norfolk Island Government's ability to police, and prosecute illegal fishing in, that area which is known as "The Box", being an area of 67 x 40 nautical miles or, approximately 124 x 74 kilometres? Mr Speaker there are probably two answers. The first one is with some degree of difficulty. The second one, I would wish if the House would bear with me, to provide that response because it would give the opportunity for the community to know where the question came from and the matters surrounding it. The response is as follows. The Norfolk Island community and the Australian Fisheries Management Authority are negotiating for transfer of the Norfolk Island inshore fishery or the box to the Norfolk Island Government to give Norfolk Island as much autonomy as possibly in the management of the box and to enable a recreational fishery where the sale of some fish takes place. The Norfolk Island Fisheries Consultative Committee which includes representatives from AMFA, the Administrator's Office, the Norfolk Island Fishing Club and Norfolk Island Government as a body is currently responsible for the management of that area. The box is part of the Australian Fishing Zone and is currently subject to the Commonwealth Fisheries Management Act. The Norfolk

Island community enjoys exclusive rights to fish in the box and commercial fishing is prohibited in the AFZ including the box unless that fisher holds a licence from AFMA to fish commercially. The Norfolk Island Fisheries Consultative Committee has agreed to allow transfer of jurisdiction of the box to the Norfolk Island Government by amending the Fisheries Management Act to excise fisheries from the Australian Fishing Zone. For most purposes of the Fisheries Management Act under these arrangements AFMA will retain control over waters outside the Norfolk Island Fishery. It will be necessary for the Norfolk Island Government to develop fisheries legislation under schedule 3 of the Norfolk Island Act and a detailed plan of management for the fishery to provide a local management regime for the fishery and to also replace the necessary provisions currently contained in the Fisheries Management Act which is a Commonwealth Act. Norfolk Island and Commonwealth Governments are currently negotiating agreements on basic principals to be adopted as policy by the Commonwealth and the Norfolk Island Governments for the management of the fishery so that work on arrangements for transfer of the fishery can progress. If I could just run through some of the basic principals and they are the responsibility for foreign and illegal fishing within the Norfolk Island inshore fishery will be shared. The current discussion propose that AFMA will retain jurisdiction over foreign, that is non Australian vessels and Commonwealth concession holders permitted to fish for tuna and tuna like species outside the box but prohibited from fishing inside the box. The Norfolk Island Government will be responsible for and will have jurisdiction over illegal fishing in the box including Commonwealth concession holders other than tuna operators, unlicensed Australian fishers and Norfolk Island fishers failing to comply with the Norfolk Island Fisheries regime. It is acknowledged that the additional roles and responsibilities for the Norfolk Island Government created as result of transfer of the fishery will require additional financial resources, personnel and equipment. Even so, Norfolk Island's ability to undertake surveillance and monitor activity in the box will continue to be limited. For this reason, options for sharing the costs and equipment necessary to police the box are being canvassed. For example, as AFMA will be monitoring the activities of foreign vessels and Commonwealth concession holders licensed to fish for tuna and tuna like species in the AFZ surrounding Norfolk Island including the box it may be feasible for Norfolk Island to negotiate an agreement whereby AFMA also monitors the fishing activities for which Norfolk Island is responsible. This will of course be on a fee for service basis. That is, the Norfolk Island Government pay AFMA an annual fee for policing all fishing activity in the box. These are recognised as significant issues and will be addressed as the management regime for the box is developed. Timing for the plan of management and development for the fisheries regime and I just add this for the information of members and the community, members of the Southern Cross University completed a research report on the Norfolk Island Fishery including options for management in December 2001. This report provides information that can be used as the basis for the preparation of the plan of management for the box and I anticipate and in fact I have been advised this morning that that report is currently to hand. Mr speaker I apologise for the length of this answer but I think it is important so that the matter could be placed into context to fully answer Ms Nicholas' question

MS NICHOLAS

Thank you Mr Speaker. I would like to thank Mr Buffett for the extent of his reply

MR SMITH

Thank you Mr Speaker the question to me is If it is a fact that the Joint Standing Committee recommended that negotiations with the Commonwealth in regard to Health Insurance should re-commence as a matter of urgency, what steps does the Minister intend taking to ensure that such negotiations commence as quickly as possible? Mr Speaker I would firstly like to get the view of the current Legislative Assembly on where we should be going with health insurance. I would like to then formulate a policy that we might be able to

develop out of the things the Legislative Assembly wish to have and I would then like a previous Minister for Health, Mr Gardner who is our Chief Minister who is arranging to make some visit to Canberra in the near future and he may be able to pick up some of the discussions with the Commonwealth as recommended by the Joint Standing Committee and I say that because Geoff was instrumental in raising some of the issues of health insurance in the first instance two or three years ago and I would like that to continue from that area, thank you

## **PRESENTATION OF PAPERS**

Are there any Papers for presentation this morning? No

## **STATEMENTS**

Are there any Statements this morning?

MR I BUFFETT Thank you Mr Speaker. I have two statements to present this morning. They are somewhat inter-related. The first is on the Norfolk Island Waste Management Strategy. Members may recall that Ms Nicholas I think raised this matter at the December sitting. Mr Speaker as members would be aware the Norfolk Island Waste Management Strategy is being developed by the Waste Management Steering Committee based on the recommendations in a report called the Waste Management Audit and Options Study for Norfolk Island. That report was prepared for the Norfolk Island Government by Ann Prince, Consultant and the Commonwealth Research Centre for Waste Management and Pollution Control and was presented to this community in January 2001. The main focus of work and these are some of the key equipment etc that we need, the main focus of work over the last three months has been investigations into the proposed burning facility, a clinical waste gasifier to determine its feasibility and suitability for Norfolk Island. It is understood that the technology is quite new and the manufacturers have not previously built a gasifier of the size required to treat Norfolk Island's municipal waste. However the manufacturers have completed a feasibility study including site visits and tests based on Norfolk Island's waste stream and concluded that the technology is feasible for Norfolk Island. Nevertheless a number of concerns have been expressed about the gasifier facility, both locally and offshore. Investigations are continuing including consultation with organisations who have used that facility. Investigations are also progressing on the vertical composting unit operating in Lord Howe Island. The Steering Committee has been monitoring the performance of that VCU since it was commissioned in June 2000. The VCU is also new technology and it is understood that Lord Howe Island has experienced some problems in the initial operations of the VCU. Discussions with the Lord Howe Island Board in respect of the VCU's current performance in that place are continuing. I anticipate the key decisions will be made in January, that is, this month, to progress implementation of the Waste Management Strategy. It is possibly that emphasis might shift from the installation of an improved burning facility as the first priority to the implementation of a comprehensive composting scheme such as a biowaste facility which is a VCU or alternatively we need to clearly look at the question of wind rowing as an option. Members may also recall that Norfolk Island successfully applied for a grant of \$250,000 under the Coast and Clean Seas Programme in 1999 to acquire equipment for improved waste disposal. Milestones agreed in that grant agreement between the Commonwealth and the Norfolk Island Governments have not been achieved and that's been due to the difficulties in selecting suitable equipment and the most appropriate approach to waste disposal for Norfolk Island. Mr Speaker I can inform members in the community that it has become extremely necessary for the Waste Management Committee to meet prior to the end of this month so that we can assure the Commonwealth of what our intentions are in respect of that grant and that will occur. Recent advise from Environment Australia

indicates that the work plan and milestones in the agreement will need to be revised and as I mentioned that has become urgent and we will undertake to do that. Some of the achievements to date in developing an improved waste disposal system are as follows. Twenty colour coded wheelie bins have been acquired and installed at the school in a trial programme to determine the success of sorting and frequency of collection and modifications required to existing vehicles used to collect garbage bins. It is proposed that more colour coded wheelie bins will be required to place in public areas when the trial is completed. Mr Speaker I urge the community when this is done, that they respect those bins and treat them for the purpose for which they were intended. A shipment of several pallets of crushed aluminium cans and two pallets of used car batteries was sent by ship in November 2001 to Yamba as a trial. This exercise will help to determine the cost of shipment and the suitability, that is the quality of the shipped recyclable goods. Depending on the success of this exercise other recyclable materials will be targeted for collection and shipment in a similar manner. Trials have also been conducted on shipping green waste delivered to the tip rather than the burning process that we've seen in the past and this has been done to estimate the volumes received and produced as well as the costs involved in running the chipping operation as part of the public waste management. The Steering Committee has identified a preferred site off Douglas Drive in the Airport Environs which may be suitable for an integrated waste management centre, incorporating a gasifier, composting operation such as a VCU, sheds etc to house can crushers, glass crushers, bailers etc and also an important aspect of waste management, the revolve centre. I emphasise Mr Speaker there's been no firm decision on that either from a planning sense nor does it go outside what is proposed in terms of any plans of management that are being produced for that area. It's a site that the Waste Steering Committee has identified as a possibility. Work is progressing on concept design plans for the preferred site while investigations into the gasifier and the VCU unit continue. As I said, confirmation of the preferred site as the location for the Waste Management Facility will be subject to decisions on the type of major infrastructure to be installed, consultation with airport management, CASA and the general community. Also environmental impact assessments and planning approvals that are required to achieve that if that becomes the preferred and determined site. A meeting of the Norfolk Island Waste Management Committee should be held this month as I mentioned earlier and I expect to have further advise on the direction of Waste Management for both the Legislative Assembly and the community at the February sitting

Mr Speaker I have a further statement regarding some time frames and hopefully what I might term as the finalisation of the Review of the Norfolk Island Plan. The Review of the Norfolk Island Plan and the matters attendant thereto has been going on for some time now. It is hoped that we can see an end date for this as happening at the sittings of this House in April or during the week commencing the first of April. In brief, the way we will get to that point I hope is as follows. And this is in the first round of consultations with the officers concerned. The review of submissions received and identification of the key issues arising there from including consideration of what amendments need to be made were completed on the 14<sup>th</sup> January, just a few days ago. A rewrite of the Draft Plan incorporating those amendments is now being done and it should be completed by the 28<sup>th</sup> of this month. During the period between the 4<sup>th</sup> and 11<sup>th</sup> February the planners will be presenting an oral brief to the members of the Legislative Assembly and the Planning Board. The planners will submit the plan, maps and a planning report to me for presentation to this House at the February sittings. Once the plan and other documents have been tabled they will become available for community inspection. It is intended that this period will run until the March sittings of this House. During the period after the plan has been tabled I am endeavouring to have an information session on key changes that will hopefully run between the dates of 25<sup>th</sup> February and the 5<sup>th</sup> March. Between the 18<sup>th</sup> March and the scheduled sitting day of this House which is possibly

the 20<sup>th</sup> March I will present the plan pursuant to section 10 of the Planning Act 1996 with a view that this House will resolve to approve that draft plan pursuant to subsection 10(4a) of the Planning Act 1996. Providing this Legislative Assembly approves the draft plan I will then be in a position to make the plan under section 11 of the Planning Act during the week beginning the 1<sup>st</sup> April. The above will hopefully complete the process of having a plan but that cannot be fully activated until such times as the amendments are made to the Planning Act 1996 to allow the amendments made in the plan to be correctly reflected in legislation. I'm endeavouring to have those amendments expedited so there will be no major delays between the finalisation of the plan and its commencement under legislation. Mr Speaker the above deals with the Norfolk Island Plan and there are a number of other matters collectively referred to as the Land Initiative that I am still receiving advise upon. That advise includes discussion on the date for completion of that task and a number of issues. The matter has gone on for some considerable length of time and I am endeavouring to find some end dates to give certainty to this community and the people whose lives are affected by this particular plan and the attendant bits of legislation. Staff holidays both in Norfolk Island and in Australia have not allowed me time to complete the full picture and the critical question of trying to establish an exact finishing date for the land initiative. I will be endeavouring to do this for the February sitting of this House and if I am able to arrive at a date after the meeting with the land initiative group I will certainly let the community know, and this House, thank you Mr Speaker

MR SMITH

Thank you Mr Speaker. I have two or three short statements. The first one I would like to report that as the result of an additional \$50,000 funding given to the Norfolk Island Government Tourist Bureau to boost our visitor numbers and the campaign that followed over November and December, that there has been a reported increase in real bookings to the Island for this month of January and also at this point for February. From a low point in November I've a reported 400 bookings out of Australia for January. I can report that January bookings are now at a level similar to January last year from Australia when we had two airlines flying from there. The campaign that has been run by the tourist Board is based on radio and newspaper advertising and has most certainly raised Norfolk Island's profile within Australia. It has been a particularly bad time for tourism in Australasia over the past months and shows little sign of big improvements at this stage. I would hope that we will continue to see an increase in our numbers during 2002 and I understand that the early months of March and April are looking more positive and returning to some level of normalcy at that time which is good news for us. Outlaying such an amount of cash in a promotion as we have just done or are continuing to do, can be ineffective without the support of the wholesalers and the airline Norfolk jet who contributed funds which tripled the value of what we put in and even though on the surface it would appear that we have spent \$11-12 per booking based on the bookings to date, it needs to be said that with this campaign with the other contributors it is probably closer to \$30 per booking. Of course the spin off from the campaign with those bookings will last longer than just these two months and so therefore the investment improves as time goes by and the returns to the Island are fairly obvious where each new visitor will add over \$60 directly in just two taxes, that's the departure and landing fee, plus the spending during their visit so I'm pleased to report that things are looking as good as what they were in January last year even though some would say, well that wasn't particularly bright either. Just looking back over the past few January's we are really comparing very well with those months out of Australia

Secondly Mr Speaker from the hospital. Just to record that the third doctor for the hospital will take up his position at the hospital very shortly, that is Dr Daniel Kennedy. He will take up his position as full time doctor with Dr Damian Foong whilst

doctors Fletcher and Davies will be job sharing their position which is quite well know and I just wanted to record that for Hansard.

Mr Speaker following the resignation of the former director of the Norfolk Island Hospital recruitment processes were put in place by the previous Minister to gain a replacement for the Director. Although this process started before my appointment to the Health Ministry it has crossed over from the last Legislative Assembly to this one. As I understand it, advertising took place, a selection process was set up and applicants were interviewed. The process resulted in a person being brought to the Island for assessment at the request of the Norfolk Island Hospital Board. The Board met with the person and following a further meeting to discuss any of the applications a recommendation was put to me as Minister for Health as is required under the Hospital Act and the recommendation was that I appoint Mr David Connell to be the Director of the Hospital Enterprise. This appointment was made after consideration of the process by myself which was done in accordance with merit based principles. Mr Connell will take up the position in early February

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

SPEAKER I read Message No. 2. On the 20<sup>th</sup> December 2001 pursuant to subsection 22(1) of the Norfolk Island Act His Excellency the Governor-General declared his assent to the Planning (Tourist Accommodation) Amendment Act 2001 which is Act No 15 of 2001. The message is dated the 27<sup>th</sup> December 2001 and signed A J Messner, Administrator

Are there any Reports of Standing and Select Committees. We will commence Notices Honourable Members

#### **NOTICES**

##### **LICENSING OF REAL ESTATE AGENTS AND TRAVEL AGENTS**

MR BROWN Mr Speaker I move that this House requests the responsible executive member to arrange, at the earliest convenient date, for the preparation and introduction of a Bill to provide for licensing of Real Estate Agents and Travel Agents in Norfolk Island. Mr Speaker this motion was in fact passed during the life of the last Legislative Assembly but the Government on that occasion did not manage to take any action in related to it. I reintroduce the motion so that hopefully something can happen during the life of this Legislative Assembly. I don't expect the House to deal with it today, but members will be able to review the debate that occurred on the previous occasion if they wish and at an appropriate time I will simply move that the debate be adjourned and made an order of the day for the next day of sitting

MR DONALDSON Thank you Mr Speaker. As Minister for Finance I have responsibility for this area of licensing and I have no difficulty with this request whatsoever. I see it as desirable that such a Bill be considered by this House however I'm aware of many other issues also requiring attention and this matter will have to take it's place in the list of priorities which is currently being developed by this Tenth Legislative Assembly. Before the matter can be considered I would expect that an analysis of the resources required to administer the legislation once it is up and running. It might also be appropriate at this time to consider extending this legislation to cover accountants, solicitors and other professions and trades. This matter will be included in the list of projects currently being considered by this House. I hope to report back further on it at a subsequent meeting

MR I BUFFETT

Thank you Mr Speaker. There is much of this particular motion that may touch on areas within my portfolio for example the land area. I would urge that the Minister responsible when considering this, that he talks or has discussions with the people operating this area within this community. I understand in specifically the area of real estate and in the travel area within Norfolk Island there are people operating within this jurisdiction and I would ask that if the Minister sees fit that he has a meeting with those people to ensure that what we are doing does not jeopardise any of the existing businesses or if they do, to see what considerations we might need to have in respect of those. I would also ask the Minister responsible or my fellow colleague Mr Donaldson that when he undertakes to investigate the possibility of this that we look at it in the light of previous discussions that have been held on this subject and I refer him to the sittings of the 18<sup>th</sup> October 2000 and the subsequent adjournment of the matter to see what previous members views were. Some of them were valid. Some probably need further discussion. I understand the intent behind the motion and probably the single aspect that stands out in respect of the specific question of licensing real estate agents and travel agents is I understand that those people and a number of others operating in a like manner have control of trust accounts and that is the question that we really need to look at and how they operate within this jurisdiction. Mr Speaker I have nothing more to add. I will support it providing those matters are taken into account by the Minister at the time he deals with the matter

MS NICHOLAS

In speaking to this motion I must declare an interest Mr Speaker. I have limited hours employment, as a book keeper, with one of the Island's Real Estate Agents. However, as my voting for or against the motion, either now or at a future sitting of the House, will neither benefit nor disadvantage my employer I believe that I am able to participate in the debate today. If there is a contrary opinion Mr Speaker perhaps it can be dealt with now?

SPEAKER

Any other views Honourable Members

MS NICHOLAS

The proprietors of both long established Real Estate and Travel businesses on the Island are totally supportive of this motion coming forward as they have been in the past. There is an expressed wish to see a grandfather clause in the legislation ensuring that those with long-term experience in the field would not be disadvantaged by new requirements. There is a general feeling that Real Estate Agents and Travel Agents should be accountable and that does take up the issue of Trust Accounts. In fact a feeling that the more accountable the better would be good in legislation. Both these forms of business involve the running of Trust Accounts and these accounts hold monies on behalf of other people – in the same way as a solicitor or lawyer does and that's already been mentioned here today, in the course of their day to day activities. I support the motion but like Mr Donaldson I seek to ensure that any resource requirements, in terms of legislative drafting and associated matters, as well as the resources required should the legislation come to the House and be passed, are dealt with according to a list of priorities established by this Assembly. I would not like to see work on this legislation take precedence over what I see and believe are more urgent matters. If other members feel similarly a simple amendment could deal with that as I believe the motion has been amended in the past when brought to the House, thank you Mr speaker

MR BROWN

Mr Speaker I don't proposed to say anything further today in relation to the matter. As Ms Nicholas has said the motion in fact originated as the result of a request from those in the industry. They have done a good job of self regulation to date. As a part of that self regulation they have said can we please have some legislation. That will provide them with a number of benefits Mr Speaker. One is it will provide them with the ability to have their



MR I BUFFETT Thank you Mr Speaker. Yes I have noted and heard from Mr Brown has said. I have also sought some preliminary advise from the service on this issue. I have forwarded to Mr Brown a copy of a letter and some information that I have received from the service in respect of it. Really I think the only question that has arisen in respect of whether we should or should not do this is whether it's an amendment to the Conveyancing Act as such or whether we should be looking at an Insurance Contracts Act and that is a matter I will leave the lawyers to sort out Mr Speaker subject to the following comments which are being made from the Registrar of Titles after some further discussion with him. We are amending a Conveyancing Act of 1913 which is now running side by side with what is the Real Property Act but called on Norfolk Island the Land Titles Act. I am advised by the Registrar that in terms of the Conveyancing Act there are very few parcels left under that particular system and that perhaps we should be looking a little bit further ahead being a little bit more proactive and not simply amending the Conveyancing Act but looking at those Acts that we need to amend to give the protection sought by Mr Brown, and in fact we will be doing that. So at the appropriate time I will be supporting and adjournment of the matter so that we can discuss these issues both with the proponent of the motion and with my legal advise that I receive from the service including the Registrar

MR BROWN Mr Speaker the Minister is quite correct. It certainly would be preferable to attend to this by introducing a Bill along the lines of an Insurance Contracts Act and I intend at our next meeting to seek to amend the motion to make provision for that

MS NICHOLAS Thank you Mr Speaker. Again, both long established real estate business proprietors support the motion and in fact see the legislation as essential. My previous comments about the Legislative Assembly's list of priorities in respect of resource requirements and the drafting of legislation, stand

SPEAKER Thank you. Further debate? Chief Minister

MR GARDNER Thank you Mr Speaker just in relation to resourcing implications, without the benefit of the advise from the Service on that, the only thing that I can say is I don't see it as being a major impost as far as resourcing or a major impost as far as the necessary legislative drafting or legislative amendments. I could be wrong and I await the advise on that but just to touch on Mr Brown's comments and certainly, I'm prepared to be held to this in the life of this Legislative Assembly that as far as I'm concerned the position I take, and I make it very clear today, that a motion that is passed by this House I believe carries as much priority as anything else that the Legislative Assembly may consider and will be treated so in establishing the priority list and the Legislative priorities and needs to be so

MR BROWN Mr Speaker I move the adjournment

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

QUESTION PUT  
AGREED

That matter is so adjourned

**SOCIAL SERVICES ACT 1980 – APPOINTMENT OF MEMBER TO THE  
NORFOLK ISLAND SOCIAL SERVICES BOARD**

MR SMITH Thank you Mr Speaker. I move that for the purposes of section 5(1) of the Social Services Act 1980, this House resolves to choose Stephanie Victoria Anne Jack, being a Member of this House, to be a member of the Norfolk Island Social Services Board. Mr Speaker I would just like to thank Mrs Jack for taking on this role on the Social Services Board

MR GARDNER Thank you Mr Speaker I would like to join the Minister in wishing Mrs Jack well in her deliberations as a member of the Social Services Board and I guess it is opportune to raise the issue of the review of Social Services on Norfolk Island and that is something that has been with the Social Services Board for some time now and is a matter that I think requires some finalisation. No doubt the Minister responsible in establishing his own priorities will give the priority of that review some consideration and weighting and I look forward to that process being completed as part of our consideration of the establishment of priorities of this Legislative Assembly

SPEAKER Thank you. Further debate? No further debate.

QUESTION PUT  
AGREED

That motion is agreed to

### **RESUMPTION OF PORTION 38B16 TAYLORS ROAD**

MR BROWN Mr Speaker, I move that this House requests the responsible executive member to take such action as may be required in order to resume for public purposes, subject to payment of reasonable compensation, portion 38b16 in Taylor's Road, Norfolk Island. Mr Speaker this is another motion which was passed during the life of the last Legislative Assembly but for whatever reason the Minister chose to take no action in relation to it. Again, I propose to move an adjournment of the motion today so that Members have adequate time to review the debate from the earlier occasions and to receive such advise from the community as they may wish to receive. I disclose at this stage that I have acted from time to time for the owners of two properties which adjoin this land. I'm not acting for either owner in relation to any proposed resumption and I certainly will not be deriving any benefit as a result of the Legislative Assembly passing or not passing the motion and any subsequent Bill, thank you

MS NICHOLAS Thank you Mr Speaker. In this particular issue I'm prepared to be guided by the Minister for Land and the Environment. The matter has a long and involved history and other than to query why there is a need to resume the portion when for many years the community has had the right of access to it, across it, numerous easements to park on it. However, there may be good and valid reason for it to be resumed and in due course I will be quite anxious to hear others speak on it

MR SMITH Thank you Mr Speaker I pick up Ms Nicholas's comments about the reasons behind the Legislative Assembly pursuing this particular road. I recall other times when there have been discussions on resuming peoples land, I have a real difficulty with that. Maybe I can be convinced otherwise but I don't particularly support the resumption of peoples land even with reasonable compensation because who decides the reasonable compensation, the owner or the Courts. I have a real thing about resuming peoples land

MRS JACK Mr Speaker I would like to see this matter resolved. It's gone on and taken up so much monetary resources, human resources, that it should be finalised

MR I BUFFETT Thank you Mr Speaker I would like to make a couple of general comments in respect of this. I get the feeling that this matter will be adjourned to the February sitting and if we can resolve it by then I think we are doing well. It must be understood that we don't have the general powers of acquisition or resumption of land so whatever happens in this particular case the community shouldn't feel threatened by what is being suggested because we in fact have to prepare a specific piece of legislation in order to do this. Being the Minister responsible, if it is the wish of this Assembly then we would pursue that course and I would take certain action. That action would be to have a valuation; to have the draft legislation prepared; give the members the opportunity to examine that piece of legislation. I emphasise again, we do not have the general power of acquisition of land. Whatever piece of legislation is prepared from my recollection and correct me for those who have been in this place longer, would need to be reserved for the Commonwealth because we are acquiring land and I think that's a matter that's been other than on just purposes, whatever the terms of the Norfolk Island Act is. Mr Speaker I go on to mention a couple of other issues and there are blocks similar to this that are reflected throughout the Burnt Pine area. Perhaps not with the same inherent problems in terms of its occupation but certainly in terms of the status of this particular land and I would remind people that prior to 1979 this particular land was subdivided and that one of the conditions of that subdivision was that a certain area of the land was supposed to have been set aside for the purpose of access and roads. A whole lot of things went astray and I won't go into the legalistic discussion on that but I will go into the more practical ones, and they are that whilst they are reserved for roads no action was taken and I think when we take the action in resumption of 38b1 and we need to be conscious of other similar blocks of land that are sitting in the Burnt Pine or commercial development or central business district, whatever way you look at it, because sitting within the land titles system of Norfolk Island are a number of subdivision approvals which fall in exactly category in which as a condition of approval the subdivider undertook to reserve x area of land for the purpose of public roads etc. So when, and if I am charged with the responsibility of bringing this particular piece of legislation forward, I would hope to do so and give the members the benefit of understanding the potential of formally acquiring this for road purposes and the potential on other portions of land throughout that area. I have nothing further to say Mr Speaker

MR BROWN Mr Speaker I move the adjournment

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

QUESTION PUT  
AGREED

That matter is so adjourned

**IMMIGRATION ACT 1980 – DISEASES TO BE PRESCRIBED UNDER SECTION 43(1)(c)**

MR BROWN Mr Speaker, I move that this House requests the responsible executive member to take action at any early date to prescribe the following diseases under section 43(1)(c) of the Immigration Act 1980, Aids, HIV and Hepatitis B and Hepatitis C. Mr Speaker every jurisdiction has restrictions in relation

to its immigration and those restrictions are there to protect community's from cost. They are not there to discriminate. They are there to protect community's from cost and they are there to ensure that the health of community's is protected. If Norfolk Island was forced to accept from an immigration viewpoint people with these quite sad difficulties we could very soon find ourselves in a position where the cost of medicine, the cost of social welfare, the cost of the hospital would just go through the roof. We are having difficulty enough now and we need to make use of the provisions which are already in our Act to ensure that we do prescribe those diseases that we are referring to in section 43(1)© of the Act. It may well be that there are other diseases in addition to the ones that are listed here and no doubt the Minister with responsibility for the Hospital will seek advise about that between now and our next meeting. I propose at a convenient time to simply move the adjournment of this motion so that there is the opportunity if the community feels this motion is in error, there is the opportunity for them to say so, so there is the opportunity for the Minister to check whether there are any other diseases that should be added to the list and so that Members have got time to carefully think through all the issues involved, thank you

MR GARDNER Thank you Mr Speaker, as the Minister with responsibility for immigration I would like to echo John's words. I think it is appropriate that we consider this. As he has stated, George or myself no doubt will be pursuing the hospital to see whether this is an appropriate list, to see what the ramifications of each of these proposed diseases for prescribing may have, if indeed they were to get through this proposed net that we are looking at establishing and the impact of those, so I'm comfortable to pursue that and I look forward to Mr Brown's adjournment of the matter so that those things can be properly considered

MS NICHOLAS Thank you Mr Speaker. I have sought an opinion from the senior Medical Officer in regard to the matter and that opinion is not yet to hand however I note that it probably does more appropriately come through the executive members. I note also that the principal of this motion was agreed to by the 9<sup>th</sup> Legislative Assembly and I guess they went through all the same procedures that we are about to. I'm certainly prepared to support the motion in principal and will be happy to see it adjourned today

MR BROWN Mr Speaker I move the adjournment

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

QUESTION PUT  
AGREED

That matter is so adjourned

### **IMMIGRATION ACT 1980 – GUIDELINES FOR MEDICAL EXAMINATIONS**

MR BROWN Mr Speaker, I move that this House requests the responsible executive member to prepare and implement guidelines for medical examinations for Temporary Entry Permits and General Entry Permits under the Immigration Act 1980. Mr Speaker this motion was also passed in the life of the last Assembly. To the best of my knowledge it has not yet been implemented and for that reason I've reintroduced it. One of the difficulties Mr Speaker in this area is that at present many people undergo their medical examinations away from Norfolk Island and if we don't have a set of guidelines to provide to doctors who are away from Norfolk Island we will frequently have difficulties with the reports that we receive. Particularly as those doctors will be well aware of the anti discrimination

requirements as exist in Australia in terms of employment for example. But even in Norfolk Island different doctors have had different practices in terms of these medical examinations and frequently we've seen situations where people with quite substantial medical difficulties have been able to obtain certificates which simply say I find this person suitable for the issue of a temporary entry permit and it has not been unusual to then find the healthcare fund burdened by the cost of medicines and burdened by the cost of treatment. It's not been unusual to then even have arguments as to whether something was a pre-existing condition or not particularly on the basis that the doctor pass someone as suitable for a TEP and therefore they can't have had a problem at the time. As I said, this is a motion that was dealt with in the last Legislative Assembly and passed, I seek to have it passed by this Legislative Assembly but I certainly expect that members will want to think about it. Some members will want to obtain comment about it and at an appropriate time I'll move and adjournment until the next meeting

MR GARDNER Thank you Mr Speaker, Mr Brown is correct. It was dealt with by the previous Legislative Assembly and you Mr Speaker in your role then as Minister for Immigration and Community Services had actioned the wishes of the House at that time save for implementing guidelines and I have a copy of a letter dated the 11<sup>th</sup> March 2001 to yourself in that role from the then Director of the Norfolk Island Hospital Enterprise with an issues paper and a series of recommendations and proposals in establishing those guidelines which I will extract from documentation that was provided to the new Immigration committee, circulate that to members for their information so that they can consider it and we can determine an appropriate way for that so I guess the intent of the motion is already up and running. It's already underway as part of the review of our Immigration system so I find no difficulty with it at all

MR BROWN

Mr Speaker I move the adjournment

SPEAKER

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

QUESTION PUT  
AGREED

That matter is so adjourned

### **OMBUDSMAN IN NORFOLK ISLAND**

MR BROWN

Mr Speaker, I move that this House requests the responsible executive member to prepare and table, at the earliest possible date, a White Paper setting out the benefits, disadvantages and likely costs in the event that legislation is passed to provide for an Ombudsman in Norfolk Island. Mr Speaker this motion was also passed I think in a slightly amended form during the life of the previous Legislative Assembly. I propose to seek out those amendments between now and our next meeting so that I can let members know what they were precisely. An Ombudsman is an institution which has been introduced in I think all of the Australian states and territories and widely throughout the western world. It aims to provide a simple mechanism for citizens to be able to have their complaints investigated in the event that they have not been in their view properly treated by the various public services that are involved. We've introduced an Administrative Review Tribunal, we have tried in some other ways to bring ourselves into the more modern thinking to the effect that people should be able to exercise their rights; people should be able to find out what's being said about them within public service correspondence; people should be able to challenge a decision if they think it is unsatisfactory and to do that the modern thinking is it should be necessary for them

to go to the massive cost of bringing an action in the Supreme Courts. This motion calls for a white paper quite deliberately because to introduce an Ombudsman would involve cost. It would have personnel implications and it would not be easy to do Mr Speaker, but I suggest to members that the time has come when we need to at least look at it. If we come to a conclusion that we can't do it quite yet, we need to explain to the community precisely why we can't do it yet and we need to tell the community when it is that we are going to review our attitude to it. The passage of legislation eventually to introduce an Ombudsman will show that we are committed to proper Government and that we are not going to allow our citizens to be at the mercy of whatever decision may be made about them. Again I propose to move an adjournment at an appropriate time

SPEAKER Any further debate? No.

MR BROWN Mr Speaker I move the adjournment

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

QUESTION PUT  
AGREED

That matter is so adjourned

#### **FREEDOM OF INFORMATION LEGISLATION FOR NORFOLK ISLAND**

MR BROWN Mr Speaker I move that this House requests the executive member to introduce a Bill, as quickly as possible, to provide for a Freedom of Information Act with minimal exceptions. Mr Speaker this motion was passed in the life of the last Legislative Assembly with some amendment. I propose to move an adjournment today and to advise members of the amendment which was made on the previous occasion. The concept is similar to the concept of an Ombudsman. It is aimed at bringing us into line with other places where the records of the public service are no longer secrets but where people can go and find out what is said about them in those records, it's where people can go and find out what is happening about things that they want to know about. Freedom in information legislation always has exceptions. It's not a total carte blanche to go and get whatever you like. It does have implications in terms of cost and in terms of personnel and those things need to be considered and they are normally dealt with in the event that there are difficulties, by introducing the Bill with perhaps a wider range of exceptions then is aimed to be the case further down the track as the workings settle down. I don't wish to say anything further Mr Speaker, thank you

MRS JACK Mr Speaker thank you. I agree with this motion put forward by Mr Brown. I would also like to see it extended to include a Register of Pecuniary Interest, making it compulsory and also making it freely available along with the Freedom of Information to the public and that it wouldn't just involve the Legislative Assembly members but also the CEO and executive officers making it not only the Administration and the Government but making all of us more accountable for our actions

MS NICHOLAS Thank you Mr Speaker. Just more general comment. Again as with the Ombudsman we'd love to see it, but at what cost? Freedom of Information is a necessary part of democracy but here on Norfolk Island we really must have regard for cost of some of the sophisticated systems and let's face it, I think one of the most oft expressed criticisms around the traps is about the number of employees and cost of our Administration. Both these motions, and I

would dearly love to see them both, but they are going to be a matter of enormous cost and expansion of that function, thank you

MR BROWN Mr Speaker I have no difficulty with Mrs Jack's suggestion. It will be in due course a question for members as to whether that would be incorporated in this motion or in a different motion but for today I move that the debate be adjourned and made an Order of the Day for a subsequent day of sitting

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

QUESTION PUT  
AGREED

That matter is so adjourned

### **PLAN OF MANAGEMENT FOR NORFOLK ISLAND AIRPORT**

MR BROWN Mr Speaker, I move that the responsible executive member bring forward for the consideration of the Legislative Assembly at the earliest possible date a comprehensive plan of management for those parts of the Norfolk Island Airport as may be available for commercial and other purposes. Mr Speaker this motion was also passed during the life of the previous Legislative Assembly. I propose to seek out the slight amendments between now and our next meeting and let members know of it. The Norfolk Island Airport is the largest area of land under the control of the Norfolk Island Government. I've said on earlier occasions that it would be a shame if we decided to use one bit here and one bit there for some particular purpose and then found that we had in effect wasted the whole of the remainder of the airport. I had had discussions with the CEO about this. My understanding is that she shares my views and she has assured me that work is being done on the preparation of such a plan but to such extent that motions of the last Legislative Assembly simply die upon the end of that Assembly I felt it worthwhile to introduce the motion again into this Assembly

MR I BUFFETT Thank you Mr Speaker, I have no difficulty with supporting this motion. I support the motion on the clear understanding that the airport is part of Norfolk Island. Mr Speaker I say that because what we have currently running is a Norfolk Island Plan that encompasses and takes into account everything we do in Norfolk Island. The airport being part of Norfolk Island that proposed draft plan and for those members who can remember what it contained when it was put up for public comment does in fact identify two specific areas in terms of industrial use on the airport and it also comprehends other uses within that airport area, specifically for airport use. As I mentioned earlier in the sitting of this House that plan will hopefully be back with us shortly. I would also urge that the officers who are completing specific plans for the use and management of the airport lands contained within the required area of the airport that they be done fairly quickly. I think it would be advantageous to have those at the same time as we present the Norfolk Island Plan so that we make sure that we are not wildly different in the issues being identified as being capable of being contained in the industrial areas shown on the airport and that what the officers might comprehend as what they want on the airport. I have nothing further to say Mr Speaker. I will support the motion

MR GARDNER Thank you Mr Speaker, I take it from the Minister's comments that the would wish to dispense with this motion today if the intent is to table the draft Plan in the House at the next sitting



establishing a quota. It does require some input because it is a sensitive issue within the community and I thank Mr Brown for putting it on the Notice Paper

MR BROWN Mr Speaker I think that the Chief Minister is correct in saying that if we found that there is a problem we could meet a little earlier in order to deal with it by the 16<sup>th</sup> February. My recollection is that on one occasion we lost a court case because we had a period when there was no quota and as a result the Supreme Court ordered if my recollection is correct, that everyone waiting on the quota list be let in. Now that difficulty may have been since overcome but the Chief Minister can certainly enquire about that and come up with an answer. I'm impressed with the fact that the Chief Minister has already been so far down the track with the setting of a quota for the year commencing February and for the purposes of today I simply wish to move the adjournment Mr Speaker

SPEAKER Did you want to give others the opportunity to speak if they wish to

MR BROWN I'm sorry. I did not realise

SPEAKER There might not be

MS NICHOLAS Thank you Mr Speaker. I would like to Mr Speaker because I think there is also opportunity for food for thought. The Immigration Committee is to meet on Monday next to discuss just this issue and therefore it is certainly premature of me as a member of the Committee to enter into it specifically however, like most members of the community I've noticed that Norfolk Island is really beginning to suffer from what may perhaps harshly be termed people pollution. Statistics prove that this increase in population is coming wholly and solely from tourist numbers. Certainly not from resident population numbers and the study of the census figures which provides statistics on all manner of things, will show anyone interested that the increase in people normally resident on Norfolk Island from the year 1981 to 2001, a period of twenty years, has been 114 people and that's many many short of the agreed aim of 2% increase in population growth for Norfolk Island. Many will look around and see new homes popping up all over the place and one of the things which has changed most significantly over the past twenty years or so is that young people, thanks to the overall growth in the tourist industry and Norfolk's resultant economic growth can now stay on Norfolk or perhaps return after a spell off shore to acquire skills or spouses or whatever. In many instances these youngsters buy land and build on their return and that is a part of the natural growth of any community and that's part of what we are seeing. I do feel quite strongly and I've said it before, that we need to look at the impact tourism is having on Norfolk Island and we are not the only ones seeing Norfolk Island teetering on the edge of commercialism. More importantly, visitors are beginning to see it. Observe it. Comment on it. So I would suggest that it is time that we need to look at a healthy and steady increase in the resident population. I shan't attempt to continue at this time Mr Speaker but I would ask that just a little thought be given to that resident population increase of 114 people in twenty years, and that's an increase of less than 6 people per annum. Obviously far less than the number we look at each year in terms of granting permits. I'm pleased to see that the motion will be adjourned Mr Speaker but I think that figure is worth thinking about, thank you

MR BROWN Mr Speaker this motion will be deserving of considerable discussion and I'm certainly interested to hear what Ms Nicholas has said. Years ago we set a population policy. There has not been a single year in which we have actually adhered to it. People do complain about the street getting busy, about it taking a long while to reverse out into the traffic, about there seemingly being many people around but if we allow the population to drop how are we going to



the motion the need for religious organisations to continue to be exempted but I've taken a view that it really is undesirable for the other exemptions to continue if the levy is going to reduce to .25%. As part of that there would be a moral expectation that those who do their banking offshore just to avoid the FIL would come back onto Norfolk Island with their banking and that the .25% would be being paid on a lot more turnover than the present 1% is being paid on. Now some will say, oh Norfolk Island people won't move their account back. No once they've moved it to the mainland they won't bring it back. Well I don't accept that. I have a view that most people here would prefer to contribute locally if they felt that it was an affordable amount and that they were getting value for their dollar. As I understand it, it is a bit complicated to be sending your money to be banked on the mainland. If you are going to post cheques over and you are going to lose a cheque or if it takes two months to get to your bank on the mainland, there's a lot of inconvenience. If you are going to take your cheques up to a local branch and ask if they could be pleased send them through their internal system I think that the answer now is that they don't do that. I'm not sure about that but I think that there has been some discussion and a decision against that. But in any event, it would be a simple amendment to prevent that type of transaction because clearly that is a transaction where the monies are going into the banking system in Norfolk Island and just being recorded somewhere else. I've already had telephone calls about this motion from some people who've said yes, it's about time and we would pay .25% but I've had calls from others who've said, look please don't forget the charitable organisations because it's really not fair that the Government tax the charitable organisations. I won't refer to any of them in particular but I can see the strength of that argument. If this motion was the eventual blueprint for any change it would mean that our social welfare beneficiaries would pay FIL. But they would only pay at a .25 of 1% and in the event that FIL forms part of the BAF on which pensions are adjusted and I'm not sure whether it does or it doesn't, they would in due course receive compensation through their pension payments anyway. Mr Speaker the FIL contributes a large part of Norfolk Island's ongoing revenues. The actual dollars seem to be decreasing notwithstanding that turnover in the community is increasing so it would seem to indicate that more and more people are opting out of the local banking system for whatever reason. I don't pretend to have all the answers to this. But I have a feeling that a reduction to .25 of 1%, removal of most exemptions and in this I include the removal of exemption of trust accounts Mr Speaker. I see no reason in this suggested environment for a person to be able to send his money to Norfolk Island to let's say a lawyer's trust account, to have his transaction completed and the funds sent to where-ever at the conclusion of the transaction without the Norfolk Island community deriving any benefit from that transaction. Now I know some would say that's a terrible thing, but I operate a trust account, I would not regard that as a terrible thing. I would regard that as a fee which is reasonably required by the community in which I work. I think there would be merit in looking at a ceiling for the amount chargeable on any one transaction because the type of transaction that I've just mentioned could easily be attended to on the mainland without any Norfolk Island fee being incurred. So maybe one of the things we would need to look at is a cap on liability for any individual transaction but the purpose of the motion is to express a hope that we will at least look at the question and pay some regard to the quite frequent complaint that we do hear about the FIL and have a look at whether there is something that we can do about it which doesn't deprive us overall of the funds that we need to run the Island but which does overcome what many see as a harsh and unconscionable tax, thank you

MR DONALDSON

Thank you. I would just like to respond to some of the things that are being said and maybe give my views on it. I'm very happy to provide such a paper and undertake to do that as quick as possible. I estimate it's going to take probably one to two months to prepare a white paper. I predict that it would show an immediate reduction in the revenue we get from the FIL

of \$500-600,000 per year. I don't share Mr Brown's confidence that people will bring their banking back onto Norfolk Island as a moral obligation should it be reduced to 25cents in every \$100 or .25%. One of the criticisms I've been hearing about the FIL and it hasn't been addressed in this particular one so far is the double dipping. You pay money when you put it into your trust account, you pay money when you transfer it from your cheque account to another account, when you buy foreign currency you pay it one more time. I would like to see that included in the white paper and I don't think I would have any opposition there. It may be that the cash economy that is working over here will be reduced somewhat because people rather than carry large amounts of cash around in their pocket to pay accounts will be happy to pay the 25 cents in every \$100 just for the security of using the banking system. I'm about concerned about the reduction of all exemptions because admittedly we could pay the pensioners a compensation amount. They get about \$300 per fortnight now. Well if we paid them another 75 cents per fortnight we would cover the FIL that's being charged on that one but there's other organisations out there. For instance, the Administration is an exempt body under the FIL Act. I'm sure we wouldn't be asking the Administration to pay. The school accounts are exempt, the hospital is exempt, the tourist bureau is exempt, community service clubs that are there for the benefit of the community rather than the benefit of their particular members are also exempt at the moment. I think it is politically unwise and morally wrong to actually ask them to change their system and have to pay FIL on these particular transactions. I'll leave it at that at the moment. As I say I'm quite happy to have such a paper prepared and I expect it to be here in one to two months, maybe tabled at the February or March sitting of this House. It is a bit of a guesstimate. We don't know what the reaction will be. We don't know what people will come back onto the Island with their banking but the paper can be done in the form of a flexible budget and produce various results based on various percentages of people returning their business to Norfolk Island but for the moment I'll leave it at that

MS NICHOLAS

Thank you Mr Speaker. I'm very pleased that Mr Brown has brought this forward as a suggestion for a white paper because I would not be prepared at this time to support a motion suggestion that because other than establishing the Assembly's list of project and legislative priorities, the next most significant thing for me is to find out just what our financial situation is. Now we've heard from the Minister for Finance, Mr Donaldson. He responded to a couple of questions this morning and there's certainly undoubtedly some serious number crunching ahead of us and much as I would like to see a reduction in FIL I really wouldn't be prepared to support it at this time. Production of a white paper, yes and then perhaps in due course if Mr Brown brings it up once we know what our financial situation is, we can look at it more seriously, thank you

MR SMITH

Thank you Mr Speaker. Probably every one of us would like to get rid of the FIL altogether and reducing it is something that's been talked about by probably every Legislative Assembly since it was increased to 1% by Lopyy in 1990 I think it was. The difficulty that everyone always has, is where do you get the replacement funds from. This year I think it's estimated that we are going to get about \$850,000 out of FIL. I assume that if we reduce it down to .025% that we would receive about a quarter of what we'd get now. It's interesting, I just had a look through some of the Annual Reports. The year before FIL was increased to 1% when it was running at .025% the levy collected \$65,000 in that year. By 1991 which is the next book that I have when it went up to 1% it was \$976,000. Now there may be a misprint in the Annual Report from 1989 but let's assume that it was collecting \$65,000 at .025% and considering that over the ten year period since then that revenues have doubled, it was \$5m at that time, it's now just under \$11m this year, you would assume that the FIL at .025% would possibly bring in about \$130,000 which would still leave us short of some \$800,000. If people banked the same way they did in 1989. What the answer to that is, the same as Mr Brown says,

I don't know. Obviously you would have to replace that with some other sort of taxation and that's a fair lump of money to try and find for the public account. Maybe it reflects back to what Mr Bates' was talking about over the last two or three Assembly's about a different taxation regime. Maybe that's what the answer is in the end but I'm keen to support the motion. If we can find any way to reduce it or do away with it altogether it would make quote a few people happy

MR BROWN Mr Speaker the motion merely calls for the preparation of a white paper. It doesn't call for support of a reduction of any kind or for abolition of the duty at this stage of the levy but I think that it is reasonable to suggest to members that the white paper is likely to suggest to us that at .025% we will receive more than a quarter of what we are receiving now. The Minister for Finance has said that he expects some of the cash economy would start to use the banks again, I think that's right. The Minister has said that he doesn't think too many people would return to banking on the Island once they've set up banking on the mainland and maybe he's correct in that regard. Maybe all that that means is that we've left it far too long to review the FIL and that people are far too set in their ways. But if that's what the white paper says to us, well we work out what that means and maybe we have to say to people look, we're very sorry we would all love to reduce this or to get rid of it if we can. We've had a real look at whether just by reducing it more people will contribute and more money come in and whatever may be the result but I think it's a point that is worth looking at. I'm pleased that the Minister has said that he expects he could deal with it within a few months. If it took even three months we would still be the first Legislative Assembly in many many years to seriously review the FIL and it's that, that I'm urging us to do

SPEAKER Thank you. Any further debate? You weren't proposing to move an adjournment

MR BROWN No I think we could deal with this matter today Mr Speaker

SPEAKER The question is that the motion be agreed to

QUESTION PUT  
AGREED

The motion is agreed

#### **ORDERS OF THE DAY**

SPEAKER We have concluded Notices Honourable Members we move to Orders of the Day

#### **HEALTHCARE LEVY ACT 1990 – PAYMENT OF HEALTHCARE LEVY BY INSTALMENTS**

We resume debate on the question that the motion be agreed to and Mr Smith you have the call to resume

MR SMITH Thank you Mr Speaker I would just like to foreshadow that I would like to move an amendment to the motion with your leave and I'll just give the reasons why. Members had some difficulty with the structure of this particular motion in relation to the payment of the Healthcare Levy. I have revised that motion and I seek your leave to proposed the following amendment

SPEAKER  
granted

Thank you. Is leave granted? Leave is

MR SMITH

Thank you Mr Speaker I move that all words after "that" first occurring be deleted and the following inserted "this House recommends that the responsible executive member examine and report back to the House on the feasibility of amending the Healthcare Levy Act 1990 to provide for (1) the deduction of healthcare levy by instalments from the wages of a liable person by agreement between the employer and the liable person and (2) payment of the healthcare levy by a liable person by monthly instalments. Mr Speaker I think that should take care of the concerns that members have with the way I had the motion previously where if the amendment is agreed to, so that it actually gives the opportunity for an executive member to go away and put together some information and do some investigation on whether or not this is a reasonable thing to ask and I commend that amendment

MR BROWN  
amendment

Mr Speaker I have no difficulty support the

MS NICHOLAS

Thank you Mr Speaker. The same. I had a problem with the earlier version. This I'm quite happy to support.

MR GARDNER

Thank you Mr Speaker I would like to echo those words. It certainly picks up the concerns that I had at the previous sitting and I look forward to receiving that information in a feasibility package

MR DONALDSON

Thank you Mr Speaker. I would like to support the concept of bringing a feasibility report back to the Legislative Assembly for discussion on the matter. Just running through a few things. I assume that this is going to end up providing a formal process whereby a person can enter into an arrangement to pay off their debts. Currently there is such an informal process available to people who can't pay their debts at Administration where they can enter into an agreement to pay off on a monthly basis. This one goes a little further. It says a deduction from wages. I don't know if that requires an amendment to the Employment Act or not but that's something that will be looked into and included in the paper but to the extent that I'm the Minister responsible for preparing such a paper, I would be prepared to undertake it as a matter of priority

SPEAKER

Thank you. Any further debate? The question Honourable Members is that the amendment be agreed to

QUESTION PUT  
AGREED

The amendment to the motion is agreed

SPEAKER

The final motion that we have is that the amended motion be agreed to

QUESTION PUT  
AGREED

The motion is agreed

**FIXING OF THE NEXT SITTING DAY**

MR SMITH Thank you Mr Speaker I move that the House at its rising adjourn until Wednesday 20 February 2002 at 10 am

MR SPEAKER Honourable Members I put that question to you

QUESTION PUT  
AGREED

The ayes have it thank you the motion is agreed

### ADJOURNMENT

Honourable Members we now have adjournment

MRS JACK Mr Speaker I move that the House do now adjourn

MR SPEAKER Thank you Mrs Jack. Is there any adjournment debate

MR SMITH Thank you Mr Speaker. Just a short debate. With the current priority being given to waste management I would like congratulate the students and teachers at the School, particularly Mrs Tierney and her class for doing the hand painted rubbish bins that have been placed around Emily Bay and other places. During the last weeks of School in 2001 the students painted up these 44 gallon drums with pictures and symbols which all who have noticed them along the foreshore would agree are bright and fresh and totally encourage people to do the right thing with their rubbish and I would like to just acknowledge the school and the kids for what they've done on that project

MR GARDNER Thank you Mr Speaker. I would just like to draw members attention if I could to something that's been circulated to all of them as current members of the Commonwealth Parliamentary Association and it is the document the Parliamentarian which is issued to all members of the Commonwealth Parliamentary Association both current MLA's and previous MLA's and are circulated widely throughout the Commonwealth and the package that was circulated today there are a couple of inclusions and they relate to the Northern Territory and Australia being the host nation of the Commonwealth Parliamentary Association Conference last year which a number of members attended. It was held in Australia in I understand the Northern Territory, Victoria, Canberra and I'm not sure if Adelaide was included, I'm not sure on that however it is interesting to note that in that documentation that is circulated to many thousands of current parliamentarians throughout the Commonwealth and also past parliamentarians, I don't know the exact numbers but I know it's many thousands there is a significant amount of advertisement that has been placed on the back of one of the documents and I think it's a novel approach to tourism marketing for Norfolk Island and those involved, I understand Madam Clerk, requires some noting of the effort to achieve that. I think it is pretty significant thank you

MR SPEAKER Thank you Chief Minister. Any further contributions. It might be also of interest if Chief Minister I could also elaborate on what you've just said. In the same document on page number 2 it says in the third column, "politicians are a loquacious breed but Mr Gardner seemed to have talked more than anyone before or since". I'm sure it doesn't refer to any Gardner's in this House but there are some interesting concepts in a historical sense that might be of interest to members

MR GARDNER Thank you Mr Speaker if I could. I overlooked your contribution to the documentation that was circulated with the Parliamentarian and draw members attention to page 87 of the Australian package which has an interesting article provided by yourself on Norfolk Island's relationship with the Commonwealth which is interesting reading

MR SPEAKER Thank you Mr Gardner. Honourable Members I put the question to you that the House do now adjourn

QUESTION PUT  
AGREED

The ayes have it. This House Honourable Members stands adjourned until Wednesday 20 February at 10 o'clock in the morning

