

Commonwealth Day last year was one of the many colourful events leading up to the Games. A few days before I had opened the 2002 Commonwealth Heads of Government meeting in Coolum, Australia. That summit charted a new course for the Commonwealth, confident of the important contribution the association can play as a force for good in the world. What we have in common makes the choice of this year's theme for Commonwealth Day partners in development so fitting. We are reminded daily that we live in an interdependent world and yet there exists great global inequities with millions living lives of deep poverty and deprivation which present a great and constant challenge to the nations of the Commonwealth. Under these conditions peace is often more difficult to sustain whilst precious natural resources and the environment are threatened. Economic growth and activity may be impeded as well as the benefits of modern technology denied to many. Working in partnership is essential if the nations of the Earth whether they be developed or developing, to build a better, more secure and more sustainable world. Only together can Governments and peoples create just, open and democratic societies and through a sense of partnership and mutual respect we should be able to recognise that we all share a common humanity regardless of who we are and where we may come from. In all this, the Commonwealth has much to offer. It is a unique global grouping, spanning every region of the world and including in its membership, countries of all sizes and stages of development. It is an association of peoples as well as Governments and as we particularly celebrated last year, it is a body which cherishes the richness of its diversity. The special role of the Commonwealth in development was spelt out once again in the Coolum Declaration and at the meeting of the Commonwealth Finance Ministers in London last September. 2002 was for me personally a special year and it was also an opportunity to recall those events of my life notably, the Commonwealth which has been of enduring importance. Appreciating just how far the Commonwealth has developed in the last fifty years is surely a cause for great hope in the future. And the message is signed Elizabeth R, and dated the 10th March 2003.

PETITIONS

Are there any petitions this morning?. There are no petitions.

GIVING OF NOTICES

There are no notices this morning.

QUESTIONS WITHOUT NOTICE

We move to questions without notice - Are there any questions without notice

MR SMITH Thank you Mr Speaker and a question firstly to the Chief Minister. Can you provide or do you intend to provide today the information I requested at the last meeting of each executive and that is, to bring forward the Government's goals and forward plans as they know them for Norfolk Island in each of your areas of responsibilities

MR GARDNER Thank you Mr Speaker yes I'm in a position to respond, or a supplementary response to some statements that I made in the sitting last Month where I gave an overview of the review of the Legal Aid Scheme for Norfolk Island and the implementation of a more readily accessible and robust Legal Aid Scheme. Also at that same sitting I gave a overview of the review of Immigration and my desire to make appropriate phased legislative change establishing a number of Policy and Guideline issues within the Norfolk Island law and thirdly, the

introduction of the Compulsory Third Party, Personal Injury and Property Damage Legislation which is still on target for introduction into this House at the April sitting. MLA's will be discussing that matter further with officers at next week's informal meeting of members and that is as I alluded to at last month's Sitting, a part of a complete rewrite of the Road Traffic Act in a new form known as the Motor Traffic Act 2003. Further to this on the matter of Gaming which also falls within my portfolio responsibilities, I am able to report that although our remaining licensee is relatively small in nature it is operating successfully under the umbrella of the Authority and appropriate Norfolk Island legislative structure. A further application is in the pipeline and subject to licensing is intended to be operating towards the second half of this year. Further, Norfolk Island as a reputable gaming jurisdiction has recently seen renewed interest from potential licensees however I am conscious of the cautious approach followed by most potential applicants due in part to a level of uncertainty in some sectors of the gaming industry. The goal over the next twelve months is to achieve a return for the investment Norfolk Island has made in establishing our gaming and bookmaking environment, potential indeed still exists for real financial benefit from this industry supported by continuing careful and prudent operation of the Gaming Authority and as soon as I finalise arrangements for the reappointment of the Gaming Authority I'll be making a full statement in regard to their continuing, careful and prudent operation of the Authority by those members. As spelt out last year in some detail, progress has been and is continuing to be made in the development of the Justice Package. I have in recent days received the draft Evidence Bill as one step in what will be a lengthy process to completely review our justice system. I'm conscious of concerns within the community relating to crime and the level of crime and concerns about whether or not we provide appropriate punishment within our legislative structure. These concerns will no doubt underpin consideration of debate upon the introduction of the Crimes bill and related Justice Package legislation in following months. Unfortunately, as we are all aware, due to significant budgetary constraints in the previous twelve months and in the rapid turnover that we've experienced with personnel in our Legal Section, much of the good intent in furthering the drafting and introduction of the Justice Package has simply not been realised. Budget and resources will again be a significant determining factor in the successful revision of our Justice System, not only our Justice System but all the other goals that the Norfolk Island Government established for themselves over the next twelve months. It is my aim and my goal to make significant inroads this year into those matters and I will be looking to all members for appropriate support with those initiatives

MR NOBBS Point of Order Mr Speaker if I may. Is it appropriate to make statements in relation to answers to Questions where we can't debate them. I would have thought that that answer was something that Mr Smith will be drawing from all Ministers and will take up the whole of Question time and we don't have the opportunity to debate them Mr Speaker

SPEAKER This is question time I confirm Mr Nobbs. This is not Statement time

MR SMITH Thank you Mr Speaker I reiterate the question, which I intend to do with the other Ministers as well, the same question to the Minister for Land and the Environment, Mr Ivens Buffett, can you provide or do you intend to provide today the information I requested at the last meeting of each of you, and that is to bring forward your goals as an executive in each area of your responsibilities. Those that you didn't give at the last Sitting

MR I BUFFETT Thank you Mr Speaker the short answer to that question is yes but I'm also conscious of what Mr Nobbs raised and a similar thing will occur with my answer to Mr Smith in that there are considerable areas within my portfolio area and if it is really the wish of the House to have those matters dealt with by way of a statement in Statement time to give members the opportunity to debate those issues and have discussion I'm happy to do that Mr Speaker but I'm in your hands. I'm quite prepared to give the answer right now but subject to those comments I've just made, understanding what Mr Nobbs has raised and what I think Mr Smith is endeavouring to achieve

MR SMITH Thank you Mr Speaker if the Minister is willing to do so in Statement time I'm happy with that. I don't mind when it's done. I'm quite happy

MR I BUFFETT Thank you Mr Speaker as I've said, I'm quite happy to do that as part of the statement process

SPEAKER Could I just confirm to members that Question time is Question time, that is, questions are raised, answers are given. It does not mean that the matter raised is subject to debate

MR SMITH Thank you Mr Speaker I was going to ask a similar question of Mr Donaldson but I'll ask the question as I did of Mr Buffett, is the Minister for Finance happy to make a Statement about the issues that I've raised in those questions

MR DONALDSON Thank you Mr Speaker I'm quite happy to answer it now because mine are very short and brief answers to the question. I've dealt with it as an overall attitude rather than go through each individual item that I've got carriage of and it's only a paragraph or two so I'll read it out and it won't take long at all. I was asked by Mr Smith a question on what he sees as the goals of my portfolio, well the main area of my portfolio is as Minister for Finance, although there are the Undertakings in there, there is Workers Compensation Scheme, Employment, Industrial Relations, Retail Price Index and a whole lot of other things but the over-riding element that covers all of those things is the finance and I see the most important issue in my portfolio as being financial stability of the Norfolk Island Government and achieving this as efficiently as possible and by efficiently I mean achieving the Government programs in the most cost effective manner possible without sacrificing quality and raising the revenue to fund those programs in the most equitable and administratively simple way possible and that really concludes my overview of the financial side of my portfolios

MR SMITH Thank you Mr Speaker, a question to the Minister for Finance, Mr Donaldson in relation to special telephone rates. Some time ago I did ask a question, if we were to enjoy special telephone rates as we had done in the past, and I wonder if he could give the House some indication of where that is up to

MR DONALDSON Thank you Mr Speaker. The special telephone rates issue was raised just before Christmas and I believe the suggestion was that just over the Christmas period, probably during Christmas and New Year or around that time there would be a special discounted rate to allow people to ring off the Island. Unfortunately the time didn't allow that to happen. It was raised to close for that to be advertised for whatever mechanics need to be done to change the billing system. Since then there has been no action taken to reactivate that proposal

MRS JACK Mr Speaker a question for the Minister for Land and the Environment. Can the Minister please describe the current means available for persons who wish to get rid of car wrecks

MR I BUFFETT Thank you Mr Speaker I can answer that fairly succinctly. At the moment we don't have a suitable disposal method. We used to pursue a method where the vehicles were taken to an allocated spot and the Norfolk Island Fire Service dealt with those vehicles and as a result of some discussions relating to an application in the ART and some other administrative problems that we had with that disposal method it was no longer available for us to use that method for burning purposes. The question of disposal of wrecks is one where there is an ongoing discussion with the officers concerned, and Mr Speaker, I hope within the next week or so I'll be able to give some idea after some discussion with community representatives a method by which we might dispose of vehicles and that's the immediate ones that are present. The long term disposal strategies are those that were outlined in the draft final report of the coast and Clean Seas Project and in short, that is that we would be looking for a method of stripping the vehicles and recycling them off island or some other disposal method.

MR NOBBS Thank you Mr Speaker I ask the Minister for Land and the Environment two questions. The first is in relation to fishing. Can he advise the community as to the status of exploratory commercial fishing licences within the 200 mile zone. What is happening with those. Have the results been made available to the Norfolk Island Government of that exploratory fishing, and what is the future of licences in that area

MR I BUFFETT Thank you Mr Speaker I cannot give a definitive answer to Mr Nobbs in respect of one part of that. I know there has been some information given in respect of one or two vessels which we were notified are doing exploratory fishing. I haven't got that statistical information in from of me. In terms of the long term fishing in the Norfolk Island economic zone if you want to call it that I will endeavour to find the current position and let Mr Nobbs and the community know for the next sitting and if Mr Nobbs agrees beforehand, I will let the community know what is happening in that respect. I'll also be mentioning a couple of the issues regarding the Fisheries arrangement when I make my statement in respect of matters in my portfolio

MR NOBBS Thank you Mr Speaker if I may have another for the Minister for Land and the Environment. Minister the Australian Government's I think they call it in short terms, the Biodiversity Act has been extended to Norfolk Island . Does it cover not only the land surface of Norfolk Island but also the sea around Norfolk Island and what has been the impact of that Act on Norfolk Island since its introduction

MR I BUFFETT Thank you Mr Speaker my understanding is that the Environment Protection and Biodiversity Conservation Act yes, does apply to certain issues in respect of the environment and the land of Norfolk Island. It also has some application to the seas immediately surrounding Norfolk Island and Mr Speaker there has been some action triggered by decisions made by myself as Minister in respect of the environment and EPBC Act to shorten its name and they are currently being attended to in respect of a planning application. One of the issues with the EPBC Act is that most of the States and Territories are trying to come to grips with the full ramifications and implications of that Act. This issue was raised at the Joint Standing Committee and I gave similar evidence and members of that

Joint Standing Committee were also of the view that we weren't unique in trying to come to terms with the implications of the Act as all levels of government, right down to local Government throughout Australia were trying to come to grips with it. The ongoing application of that Act is a matter that we are currently discussing within the Land Initiative Group and the implications of the application of part of that Commonwealth Act in respect of the approval that I've given will clarify some of the issues in respect of the Norfolk Island situation in a reasonably short period

MR NOBBS Thank you Mr Speaker is it correct Minister that local agreements or management plans may be negotiated with the Commonwealth under the Act and have any of these agreements or plans been negotiated between the Norfolk Island and Australian Governments

MR I BUFFETT Thank you Mr Speaker my understanding is that yes, there is that facility and the other answer is no, there has been no direct negotiation in respect of management plans by the Norfolk Island Government pursuant to the provisions of the EPBC Act

MR NOBBS Thank you Mr Speaker I ask the Minister for Finance, what impact will the increase in fuel price announced last week have on the electricity operation

MR DONALDSON Thank you Mr Speaker I received some information from the Service yesterday that they had only received yesterday the new price for diesel and as from the 1st April diesel will cost 73.45 cents per litre which is an increase of 12.46 cents per litre. It is currently 60.99 cents per litre. This is an all time high price for diesel on Norfolk Island. The previous highest price was achieved in October 2000 when it went to 72.7 so its about a cent higher than its ever been before. That's about 20% higher than what its been for the last two or three years. The effect it will have, it will cost the Electricity Undertaking an additional \$23000 per months in diesel costs for the normal generation or \$276,000 per year. On a straight line basis that increase of 3.5 to 4 cents per year and it will recoup the increased price of diesel although that matter is being look at because there's other issues in the electricity area that need to be properly costed, not the least of them being the Remuneration Tribunal increase for the workers and the fact that several years ago they borrowed \$650,000 from the Airport Undertaking to purchase a generator which needs to be repaid to the Airport Undertaking so that the Airport Undertaking can use that money for the airport upgrade. I've asked for a paper to be developed. That is hot off the press at the moment. This information is less than 24 hours old and I will be reporting back to members on the financial situation and the implications of the increase in price, thank you

MR BROWN I direct this question to the Minister for Finance. Bearing in mind the substantial increase in the value of the Australian dollar as against the US dollar can the Minister advise precisely what action he has taken to ensure that the 12.46 cents per litre increase is appropriate and what action does the Minister take from time to time to ensure that fuel prices in Norfolk Island are no higher than they need to be

MR DONALDSON Thank you Madam Deputy Speaker at the moment I've taken no action as it's only hot off the press. The 73.5 or 4 or 5 cents per litre is the Government price and is the same I believe the Australian Government contracts with the oil refineries or the oil companies but I'm quite prepared to take what Mr Brown says on notice and follow that up. I would hate to think that we are paying a differential price or a higher price or the current oil prices are being used to

pump up the profits of the oil company's at our expense. I think the best thing I can do is do a comparison with other oil suppliers and other diesel consumers

MR NOBBS Thank you Madam Deputy Speaker, Minister are you prepared to look at accessing the New Zealand market for this sort of thing and not just sticking to the Australian and Pacific area

MR DONALDSON Thank you Madam Deputy Speaker at the moment we are tied to our contract with Mobil and Mobil have the monopoly on the Island they have the tanks down at Ball Bay with the lease on the tanks, they control them. A change of oil supplier or petroleum supplier for Norfolk Island would incur additional infrastructure costs but it is something that should be looked at if it is found out that we are paying above what we can purchase petroleum products from other sources for

MR NOBBS I don't want to labour the point but I just want to ask the Minister, would he please look at this mythical contract that's supposed to be had because none exists

MR DONALDSON I'll take that on notice thank you

MRS JACK Thank you Madam Deputy Speaker I ask this of the Minister for Health. What is the justification for the substantive increase in pay given that in the advertisement for the new Director of the Hospital and is the position being advertised offshore

MR D BUFFETT Thank you Madam Deputy Speaker for some little time now in terms of the professional areas at the Hospital, there has been some revision. Indeed there was some revision over a number of months ago in terms of the professional areas and the current advertised salary arrangement for the Director is designed to be aligned in terms of that particular salary arrangement so that there is parity between those and the Hospital Director. The people that I'm referring to in terms of, I'm certainly not wanting to mention names, but in terms of professional areas, I'm talking about pharmacy area, physio area and the like, they have of recent times been set at a certain level and the Hospital Director who has oversight of those needs to be at an arrangement that reflects that situation

MRS JACK Thank you Madam Deputy Speaker a supplementary. Will there be a type of productivity clause in that given that there should be in those other areas that you've talked about in increasing pay and increase in income for those areas

MR D BUFFETT Thank you Madam Deputy Speaker in terms of the various reviews that have been conducted in the Hospital area, one of the things that have been shown to be deficient are benchmarks and are review of people delivering in their particular tasks. And so the new contractual arrangements will be designed so that there are guidelines to their tasks, policy documents as to their tasks and benchmarks in terms of delivery in their workload so that there is better accountability for salaries that are paid and delivery in terms of doing the job that they were recruited to do

MR SMITH Thank you Madam Deputy Speaker a question to the Minister for Community Services and Tourism in relation to apprenticeships. Can the Minister give us an update whether it's good or bad on the apprenticeship proposals being talked about

MR D BUFFETT Thank you Madam Deputy Speaker the news is good but the reality is that I have not yet a final report but I have just this morning received an email which was in some sense garbled and I have tried to have it sorted out but it was from the Director of Vocational Training in New South Wales and you will remember that that is a man called Mr Bob Smith who visited towards the end of last year and he written a report, he has presented this report to people in the TAFE arena and other educational areas with a view to meeting the capacity for Norfolk Island apprentices to be part of the New South Wales scheme. I haven't a copy of that report yet. It needs to have endorsement of his principals before that can happen but the signs are that there is prospective endorsement and when I have got that report I will be in a position to share it with you but the signs are good in terms of being able to deliver apprenticeship and further training arrangements for youngsters in Norfolk Island.

MR BROWN I direct this question to the Minister for Community Services and Tourism and it relates to the job advertisement for the Hospital Director. Can the Minister advise whether the increase in remuneration for this position and for the other positions to which the Minister referred a few moments ago, were resolved upon by the Board at the Hospital and if so can the Minister advise whether account was taken of the provision in the Norfolk Island Hospital Legislation to the effect that wage increases must be dealt with by the Public Sector Remuneration Tribunal

MR D BUFFETT Thank you Madam Deputy Speaker there were consultative processes and as I understand it that did include consultation with the Board. The interpretation that has been made in terms of securing contractual arrangements has been that it doesn't mean that every contracted arrangement needs to go to the Tribunal. That has certainly been my understanding and it certainly appears that that is how the matters have been handled in the past as far as I am able to overview

MR BROWN A further question in relation to the same subject matter, bearing in mind the Minister's response that the board was consulted he thinks in relation to the increase in remuneration can the Minister advise precisely who made the decision to increase the remuneration

MR D BUFFETT Thank you Madam Deputy Speaker after the consultation process the Minister has taken the final decision in that particular matter

MR BROWN Can the Minister please direct me and the members of this Legislative Assembly to the provision of the legislation which empowers him to make such a decision

MR D BUFFETT Thank you Madam Deputy Speaker there may be some elements which might require some further examination to give a fulsome response but let me make this interim response which may or may not be useful. It is certainly my understanding that on advise from the Board the Minister has the responsibility for appointment of the office that has been mentioned and in that context what accompanies that is the salaries scale in terms of conditions that relate to that provided they meet any statutory requirements that are laid out and that is the course that is being followed in this particular instance

MRS JACK Thank you Madam Deputy Speaker I ask this of the Minister for Community Services and Tourism has there been an increase

in the number of crimes committed on the Island or is the number relatively the same but of a type that is far more visual and what proposals does the Minister have to try and allay the increasing concerns the community has in regard to this matter

MR D BUFFETT

Thank you Madam Deputy Speaker all members will know and the community will know that in the last twelve months we have had two very difficult crimes. We have had a murder and in the recent month we have had a particular case of arson. Those are unusual and have not visited upon us with great regularity. I say with thanks that is the case. I'm not trying to put those aside. They are difficulties and they are being worked upon and investigation continues. In terms of other areas I have had the Police give me some overview as to how crimes may or may not be committed in terms of statistics and increase in number because there is a perception that things are becoming more difficult in the community and I think in some areas, that may well be the case but let me just walk through say the top list of four general areas and give you a report over the past four years and see how those numbers compare. I do have some figures for a six monthly period, October to March and they run backwards, the years 2000, 2001, 2002 and 2003. Let me just walk through these areas, Break enter and steal, larceny, motor vehicle theft and malicious damages. In respect of the first, that is break enter and steal, in the six monthly period for 2000 the number was 17 offences. In 2001 16. In 2002 14. In 2003 15. You will see they have a reasonable constancy about them. There hasn't been a drastic increase from those figures. The next is larceny and again walking through those areas, 2000, 11. 2001, 8. 2002, 13. 2003 2. To move on to the next, motor vehicle theft, 2000, 2. 2001, 4. 2002, 3. 2003, 4. Again you will see that there is a reasonably constancy in those figures. Now I'm not trying to say that they are the only offences that occur in Norfolk Island but to use those as an example, you will see that there has not necessarily been a significant increase in them however, it must be acknowledged that in the areas of domestic violence there is a continuing difficulty of quite some proportion. In the area of drugs there are certainly signs of increasing difficulty including use by younger members of the community and they are areas of significant concern and I have asked the Police for some strategies in terms of addressing those areas, but in addition to that I might say there are some community efforts about drug awareness that are to be pursued and are seen as being useful in the community and I would give encouragement for community support for those programmes when they move along the track. I hope that that might be useful in giving an overview as to where things might be there

MRS JACK

Thank you Madam Deputy Speaker well it's along the same lines but for the Minister for Customs but I'll let Mr Brown go because I think his is a sup

MR BROWN

Could the Minister just clarify, I may have missed this part, but could the Minister clarify whether the figures just quoted were figures of reported incidents or figures of people charged with offences, that's the first question. The second question is, can the Minister confirm that he will instruct the Police to take solid action in relation to the drug problem including a reversal of the apparent previous policy of ignoring the drug problem and finally in terms of the theft of motor vehicles, is the Minister able to arrange for the Airport gates to again be locked at the conclusion of each day to bring to an end the theft of vehicles from the car park at the airport

MR D BUFFETT

Thank you Madam Deputy Speaker the three areas, and just refresh my memory when I go through them. In terms of the first, the figures that I quoted were reported figures, they weren't the figures of apprehending people. The second really relates to instructing the Police. Could I

just clarify that the Minister is not in a position to operationally instruct the Police but of course Norfolk Island policies in terms of priorities that we would like to give are certainly matters that can be discussed and I'm prepared to do so. In terms of the third, that is the gates at the airport, it will be understood that I don't have responsibility for the airport but I am very happy to consult with my colleague who does, to see if that would be a method to try and lessen that particular difficulty

MRS JACK Thank you Madam Deputy Speaker those previous questions and the supplementary from Mr Brown, how many would have ended in convictions. Those are the figures that were reported, do you the Minister know how many have ended with convictions

MR D BUFFETT Thank you Madam Deputy Speaker I do have some figures about that, yes. I'm just looking at that to see if I can answer it in the terms of your question. You've asked me about convictions and no, I don't have the record of convictions. What I do have are some figures about charges being laid and you will see there may be a difference in that. I wasn't trying to be pedantic but I didn't want to mislead you and in terms for example, of the break enter and steal. The charges laid obviously do not equate to all of the offences that have been committed. In the recent figures, approximately half have been able to be brought to account. In the period before, that is 2002, less than that and I don't have the figures for the two years previous but the point that you make is very valid and I wasn't really trying to say that all of them were able to be apprehended but I was trying to give an overview of the frequency of the offence occurring

MRS JACK Thank you Madam Deputy Speaker this is for the Minister for Customs and it relates to the previous question. Has there been any advancement in bringing a sniffer dog to the Island whether it be for a temporary or on a permanent basis to assist in the drug problem

MR DONALDSON Thank you Madam Deputy Speaker. That's not something that we announce in advance, that a sniffer dog is coming to the Island but there is a programme in place that allows for repeat visits and I understand that the repeat visits are eminent occurrence. There is also I believe a budget bid in next years budget by the Customs office to acquire a sniffer dog. They see that as a cost effective way of controlling drugs onto the Island and it also has the additional benefit of being used by the Policy to locate drugs once they are on the Island. We'll have more on that when the budget comes out for 2003/2004

MR NOBBS Thank you Madam Deputy Speaker I ask of the Chief Minister, Minister at the December and February meetings I asked questions in relation to the cybercentre proposal which appears to have been reactivated. I ask again are you prepared to provide details of the proposal and such issues as have funds been committed by order or similar, of provision of agreed services etc

MR GARDNER Thank you Madam Deputy Speaker there has been a proposal that has been given due consideration by members of the Legislative Assembly as I alluded to at the February sitting. There was to be a presentation made to members of the Legislative Assembly and indeed that took place. There was general support for that proposal being advanced. It was left as a matter for negotiation between the Acting Chief Executive Officer and the proponents. Those negotiations are still ongoing but the Legislative Assembly were very clear in its commitment to the process that there was not to be a figure, and I don't have the figure with me this morning, that would not be exceeded in the

advancement of that project and as soon as the matter has been determined and an agreement is forthcoming I'm quite happy to make a public statement in regard to that and will do so

MRS JACK Madame Deputy Speaker this is for the Minister for Health and I ask were you aware that submission was being placed before the recent JSC hearing on behalf of the Norfolk Island Hospital Enterprise and your listed as not being present at the table with the person giving the submission and I'm just wondering why not.

MR D. BUFFETT Madame Deputy Speaker just a puzzling part to that. I'm not too sure that people need to be accorded in their absence as being a matter of note I thought Minutes were people that might be present but that's probably an aside. Certainly the Director and the Chairman of the Board consulted with me in terms of being helpful with information to the Joint Standing Committee. They had first of all requested a visit at the Hospital and that was facilitated at their request and following that it was useful to provide some additional information at their formal session and I gave endorsement for that to take place and I think that it was useful because it allowed factual information about Norfolk Island's health services and Hospital to be made in lieu of assumptions that in the past have not always had accuracy attached to it.

MR NOBBS Thank you Madame Deputy Speaker. I have one for the Minister for Health. Is it correct that the previous policy of having 3 Doctors at the Hospital been revised and the demand has now seen the need for a third Doctor diminished, and if so what are the estimated cost savings for the Hospital.

MR D. BUFFETT Madame Deputy Speaker within recent times with adjustments in the Hospital resourcing arrangement I have authorised that 2 Doctors be engaged which is what we have at present and that whilst that is happening there be an evaluation as to whether that will continue to suit our needs or whether the earlier arrangement of 3 will need to be reverted to. That evaluation is continuing at this moment and I will have a report in due course so that we will be able to better determine whether the track we are on now is the way to go or whether we should do it a bit differently. Whilst that is happening, yes there is a financial saving. I'm not able to report to you exactly what that is at this moment but obviously it has the element of a saving equating to the salary of the third Medico.

MR NOBBS I have one for the Chief Minister who I understand has got responsibility now for Stock grazing on Commons and Reserves. Minister why is it that persons not living on Norfolk Island have been permitted to have stock grazing on Commons and Reserves when the issue was discussed prior to last years muster, that's 2002 and the Assembly at that time agreed that the practice of having persons not living on the island actually having stock on the roads would cease after that one year and the year is up right now.

MR GARDNER Madame Deputy Speaker Mr Nobbs is correct that the Assembly at that time did consider I guess for want of better words preventing persons living offshore from having grazing rights on Norfolk Island but the important thing to point out, it was agreed at that time that a policy be developed and then brought back to Members for endorsement. Unfortunately that policy was not developed by the Officers in that period of time and hence the continuation of the arrangements into this year with a very clear undertaking and direction given to the Service for the development of that policy in the intervening time before the call for the next pasturage rights.

MR NOBBS I ask the Minister for Health and Community Services, Minister at the February meeting I asked you that given public funding was involved what were the costs involved in the termination of the CEO, the Hospital Director and the early departure of a Doctor at the Hospital, not Dr Foong.

MR D. BUFFETT Yes Madame Deputy Speaker I know that this matter has been raised and I've got to say that I've tried to have a helpful mind in respect of it. However my Legal Advisers continue to point out to me that the matters that have been raised by Mr Nobbs and by others are matters between employer and employee notwithstanding the element of public funding. Public funding doesn't automatically put aside an employees right to reasonable contractual confidentiality. Notwithstanding all of that, so I'm not able to provide that at this moment but notwithstanding that I have asked my Legal Advisers to further examine as to whether I can say something more useful that might be helpful to the queries that are raised.

MR NOBBS I ask as public funding was involved in this as well. Has there been any costing done on the whole Foong affair or mess is probably a more appropriate word, has there been any costing done on that whole exercise during the whole of the year 2002.

MR D. BUFFETT Yes Madame Deputy Speaker I've not undertaken a specific costing in respect of that matter.

MR NOBBS Will the Minister then please provide to this House details of the costing, including costs that have, legal costs etc in relation to what I classify as the Foong mess, Dr Foong mess. Thank you.

MR D. BUFFETT Madame Deputy Speaker I'm happy to look at some of the aspects that Mr Nobbs has raised but I should say this, that we have walked through a significant difficulty in that and related areas and it is certainly not my plan in my Ministerial capacity to revisit them.

MR NOBBS A supplementary. Minister isn't it appropriate to document these particular issues so that from a historical perspective that incoming Ministers and Members of this Assembly can actually see precisely what happens and happened at that time and it was a mess and actually try and not repeat that mistake, the mistakes and there were huge numbers of mistakes made in relation to that affair. Isn't it appropriate that those sort of issues should be documented.

MR D. BUFFETT I'll repeat the answer that I gave earlier Madame Deputy Speaker that I'm happy to examine some of the aspects that Mr Nobbs has raised but I am not about to revisit the matter.

MR BROWN I ask this question of the Minister for Community Services and Tourism. Will the Minister provide to Members a copy of the Legal advise to which he referred to a few moments ago when he suggested that it was inappropriate for a Member of this House to ask questions about termination payments.

MR D. BUFFETT Yes I'll give some consideration to that matter.

MR BROWN Madame Deputy Speaker my question was not whether the Minister will give some consideration to it, it was whether the Minister will provide Members with a copy of a document which with all due respects endeavours to restrict the rights of members of this House to make proper inquiries in order to hold it's own

Government accountable. This is a very serious matter and if the Minister is purporting to rely on Legal advice we deserve to be shown a copy of it.

MR D. BUFFETT Yes and I said that I would consider that matter.

MR NOBBS I ask the Minister responsible for Electricity and that's the Minister for Finance. Sound proofing of the Electricity shed has commenced some 18 months ago. Has the soundproofing been completed and if not why not.

MR DONALDSON Madame Deputy Speaker regrettably the sound proofing hasn't been completed, it's actually at the stage now where 3 of the 4 walls have been done, I believe the ceiling has been done and the extra office out the back has been done. The staff who are doing it were Administration staff, they were taken off the job a couple of months ago now to work on the Waste Transit Centre and are still working there. I believe they finished at the Waste Transit Centre last Friday and hopefully will be back onto the job but I have had it reported to me that the $\frac{3}{4}$ job that's been done already has substantially cut the sound coming out of the Powerhouse and we look forward to a complete job being done within the next I guess month.

MR NOBBS I ask the Minister for the Environment what progress has been made with the investigation, legal action etc etc related to the Cascade Cliff Project.

MR I. BUFFETT Thank you Madame Deputy Speaker. My latest advice is that matter is advancing. I'm to have a meeting later on in this week regarding progressing that issues and issuing further instructions to our Legal representatives. I can't divulge any more than that right at the moment but it's ingoing.

MR NOBBS I ask the Minister for Finance I believe it's in his area. In relation to the accident on Mt Pitt a few weeks ago has the report been provided in relation to that report, he said I think at the last meeting, I'm sure it was you Minister who was handling it that there was a report being prepared. Has that been prepared and what is the outcome of it all.

MR DONALDSON Thank you Madame Deputy Speaker. As of last week when I mad inquiries about it the reports had not been completed, they were still being collated and drawn together. I believe there is a report by the Police and by the Safety Inspectors under the Employment Act but I have no further information on that particular matter at the moment.

MR NOBBS I ask the Chief Minister in relation to the Australian parliament Joint Standing Committee and National Capital and External Territory's their holding a current inquiry into Norfolk Island and visited here last month, has the Norfolk Island Government provided a submission in relation to that inquiry, a written submission.

MR GARDNER I'm not aware of as yet Madame Deputy Speaker if the provision of a written submission, however as Mr Nobbs is aware the Minister for Land and Environment gave an oral submission during the sitting of the Joint Standing Committee here on Norfolk Island last month. I also understand that the Minister for Finance has written to the Joint Standing Committee intimating that he will be providing a written response to those financial queries that the Joint Standing Committee had and I have a standing invitation to the Joint Standing Committee issues by myself to them for any supplementary information that they may wish in relation to their inquiry to document those to me so that we can give consideration to providing an answer to them.

MR NOBBS Just a supplementary. Minister will the response by the Minister for Finance and also that given by the Minister for Environment cover all those questions in the 2 ½ page document that was sent to you prior to the Committee visiting Norfolk Island. Will they answer all those questions or are there still some outstanding ones that need answering.

MR GARDNER As I responded to the Joint Standing Committee and was asked questions about it at the previous sitting of the House Madame Deputy Speaker I had indicated to the Joint Standing Committee at that time that the Norfolk Island Government would undertake to respond to those questions within that document that the Norfolk Island Government considered appropriate to the terms of reference of that Joint Standing Committee and that is the position that has been taken and my understanding is being followed. However I need to re-emphasise the fact Madame Deputy Speaker that I have issues an invitation to the Chairman of the Joint Standing Committee, if there is any supplementary information they require to support their investigation we would give consideration to those matters.

MRS JACK Thank you Madame Deputy Speaker. This is for the Minister for the Environment. Has there been any further advancement of the legislation of the land package by the Commonwealth, March April were the dates been given are these still firm.

MR I. BUFFETT Madame Deputy Speaker the short answer is as far as I'm aware they are. I'll be touching on that as part of the matters that I will deal with in the Statement regarding the portfolio responsibilities and what we hope to do over the next 12 months and if Mrs Jack has any supplementary questions after I've done that I'm quite happy to discuss them.

MR NOBBS I ask the Minister for Finance has the Minister details of the costs and the means of recovery of such costs for the proposal that the Airport Fire Service attend all landings and departures of RPT aircraft, that's Air New Zealand, Norfolk Jet Express and Alliance from I understand May 1st this year and is he able to provide details of how the estimated \$3,000 per week cost of such a service will be met, will there be cost recovery from the Airlines or will the Government continue to subsidise the service.

MR DONALDSON Thank you Madame Deputy Speaker. Firstly I can confirm that it's been confirmed in the last week that we will have to meet all regular passenger transport at Norfolk Island Airport I think, that's above 5,700 Kg in weight for the plane and that covers all the normal ones that come here anyway. I've sent a Memo to the Service a while ago when this was first suggested asking them to do the costing of what it would cost us if we had to do it. There's been some staff changes within the Service as we are all aware but as early as this morning I had a call from the CEO saying it is being worked on and they are coming up with a costing. There's 2 ways of costing it, we can ask Airlines to cost per passenger, levy per head although that won't provide funds to meet an aircraft that only comes in with 2 or 3 people on it. The most appropriate way of funding it is to work out the cost of the Fire Service and divide that by the number of flights and apply a maximum take off weight formula to the total cost and it will be so much per service regardless of whether or not the planes got 100% passengers or 10% passengers but the matter is currently being looked at and the proposal is that it be a cost recovery basis.

MR NOBBS The next question I ask is a follow up to that. Are the tenders adequate to provide such a service.

MR DONALDSON Yes my understanding is that the tenders do meet a Category 5 Fire Service. There is a budget done for the Airport for the next 10 years which we had to prepare in order to apply for the loan for the Airport upgrading and that has replacement tenders I think at the 4 years and the 9 year mark in it, but as it stands at the moment they are adequate.

MR BROWN I direct this question to the Minister for Finance, it relates to the Airport. Can the Minister advise whether all 3 of the main Airline servicing Norfolk Island are up to date with the payment of the Airport movement charges and if not can the Minister advise what action is being taken to correct that.

MR DONALDSON Thank you Madame Deputy Speaker. I made inquiries into this matter in the last couple of days, in fact as late as this morning I got some updated information. As you know there's 3 airline servicing Norfolk Island, one of the Airlines is behind with its payments to the extent that it hasn't paid the last 2 weeks in December, hasn't paid January or February and we're looking at about a \$55,000 at the moment from that Airline. A second Airline hasn't paid for February or March, so it's behind by 30 days and we're looking at \$79,000 outstanding for the second Airline. The third Airline is up to date and on time, but it is a matter that has been receiving attention by the Service lately because there doesn't seem to have been a consistent agreement between the 3 Airlines as to how they pay. Some were paying every 14 days, others were paying monthly and others have been allowed to fall into arrears. That matter is being given very close attention by the Service at the moment hopefully with the result being that an agreement or direction will be given to the Airlines that will be consistent for all 3 Airlines and it will probably be a 30 day agreement.

MR NOBBS Just following on that. Minister what has happened to the debt policy, a draft which was available prior to this Government coming into office. What's actually happened to the debt policy.

MR DONALDSON Thank you Madame Deputy Speaker. That debt policy actually commenced within the term of this Assembly, it was prepared by the then CEO and the Executive Director for Corporate Services. It's currently with me but it made 2 suggestions to amend it. One was that summons' could be served by mail rather than hand delivered by the Police and the second one was that interest could be charged on outstanding debts after they've been outstanding a certain time. About 6 weeks ago I sent it back to the Service to find out if they can logistically comply with the interest component, what sort of burden is there on their part to apply interest to a debt. I've also sent it back to the Legal Services Unit to see what needs to be done to change our legislation to allow this to happen because at the current time charging of an interest on an outstanding debt is illegal. It will need an amendment to either I understand, the Supreme Court Act or the Court of Petty Sessions Act or each piece of legislation that incurs makes a charge. It is being worked on, it has taken a lot longer than it should have but it's not as simple as first appeared.

MR BROWN Further question to the Minister for Finance. The Minister just made a Statement that charging of interest is illegal. Does the Minister mean that he has received advice that it is illegal to charge interest on a debt in Norfolk Island or does the Minister mean that the Administration's agreements with its customers would require amendment in order to make provision for the charging of interest.

MR DONALDSON I think the answer to that is both of those ones but particularly as far as the Administration goes we need to amend the agreements we have with

our customers to ensure that an interest is a part of the debt. It has been suggested and I think it was suggested by Mr Brown himself at one of the meetings we discussed this that we should not be looking at Administration debts solely, we should be looking at an island wide situation so that any creditor can charge interest on an outstanding debt once it's over 30 or 60 days old. That's one of the issues we're addressing.

MADAME DEPUTY SPEAKER Thank you. The time for Questions has expired, we move to Presentation of Papers.

PRESENTATION OF PAPERS

MR DONALDSON Thank you Madame Deputy Speaker. I wish to table a Paper detailing the virements that have been made under the Public Monies Act between the 7th and the 21st of February 2003. The Act requires that I table in the House any virements made to such votes. Such virements are an internal re-allocation of appropriation approvals and do not increase or decrease appropriation in the year. Accordingly I table the list of virements.

MADAME DEPUTY SPEAKER Further Papers

MR DONALDSON Thank you. I have another Paper to present, it's a standard one that comes out every month, it's the Financial Indicators for the 7 months up to the 31st of January 2003. The Revenue Fund Indicators for January 2003 continue the trend that has been evident over the last 3 or 4 months of being slightly more favourable within the budget predictions, Total income is up 5 % on budget or \$350,000 ahead of expectations. Total expenditure is down 2% on budget reflecting a saving of \$165,000. The nett affect of that is the Revenue Fund is \$465,000 better than budget at the 31st of January 2003. However as the original budget was in deficit by \$92,000 it reduces the budget surplus to an actual amount of surplus of \$335,000. Although that is good news I will be presenting later on in the day an amendment to the Appropriation Act to cater for expected additional expenditure that will materialise in the second half of this year and that expected expenditure will absorb the gains made to date. Thank you.

MR DONALDSON Thank you Madame Deputy Speaker. I table a report on the findings of Focus 2002. The report comprises 3 documents and is from this point on is referred to as Focus Report not Focus 2002 Report. The 3 documents being the Executive Summary, the Recommendations and the Report itself. I'd like to take this opportunity to thank those people who contributed to the Report particularly the members of the Working Group who volunteered their time and effort to attend meetings and have input into proceedings. The Report has made recommendations relating to expenditure reductions, major issues impacting on expenditure and savings, the ? of fees and charges not currently being collected, trend analysis for future major work and new revenue. In summary the Focus team did not recommend any specific major, and I emphasise the word major changes to the service we provide or the method of delivery of services that would result in significant savings in total expenditure. The recommendations of the Report focus on overall improvements in service delivery and awareness of the cost of providing services, the use of business performance indicators and development of financial strategies, the cost recovery fee for service structure and the need to renew revenue sources for equity and efficiency. Copies of the Report will be available from the Administration for those interested and I table that Report.

MR D. BUFFETT Madame Deputy Speaker I table the Inbound Passenger Statistics for February 2003. Members will know that these are regular monthly statistics that are provided and tables. Let me just read through for you the figures that relate to this month in 2003. We had a monthly total of visitors of 3,120 which measured against the same period last year of 2,779 and the year before 2,932. So the figure is respectable in terms of rebuilding our figures. I do recall that a couple of Members requested me last time for information about the day trippers and I confirmed then that the day trippers are actually included in these figures and I would endeavour to find a way in which we might highlight, it's not reflected in this document because this is for last month and I'm still working towards that, but you can get some idea by looking at parts of this table which talks about people who stay in public accommodation and it can be seen for example people in this month in 2003 there were 2,666 of the 3,120 who stayed in public accommodation. So one can draw some relationship between those and maybe day trippers and that figure I may say is up on last year, but last year was not the best year we've had, I've repeated that, and it is approaching the better year before that, the better year before that was 2,725 and we are 2,666 on this occasion. I table those documents.

MR BROWN Can I move that the Paper be noted. Madame Deputy Speaker some people have been excited by the February figures. Now we have been told that February was not going to be a good month unyet here it is we can see that the number of visitors who arrived on the island in February weren't as disastrous as had been suggested and were in fact slightly up on each of the last 2 years but those who get excited about that need to actually look a little deeper with the figures. They need to look a little deeper because in terms of visitor days in public accommodation there is barely a change compared to last year and bear in mind that at this time last year there was only 1 Airline, Alliance weren't flying at that stage. Let's look at the visitor days in terms of visitors staying in public accommodation. In 2001 it was 20,438, in 2002 it dropped to 20,002, for the current year it increased by 186 bed nights to 20,182. So in fact the number was below the number for 2001, and if we look at the 2001 year the full impact of the increase in visitor accommodation had not been felt at that stage. We now have roughly 30% more beds than we had a few years ago. So in February with the island having 30% more beds than it used to have we still had substantially less bed nights than we had in February 2001. If you walk along the main street and talk to the Shopkeepers, not many of them are going to tell you that they had a wonderful month in February. In fact I know of businesses which showed losses in February for the first time in the last 5 years or ever, losses. It is regrettable that the new Airline servicing the island from Australia chose to not pursue the policies that they assured us they would pursue and those policies were not to just pinch existing market but to build new market and they were not to try to build business just by cutting prices but to build business by offering quality product, and in parts what's happening to us without the slightest doubt is we are cheapening our destination. We are as a result making it less desirable for some of those who may have wished to come here, and we are so changing the demographics of our visitors that I suspect it would be very difficult for a Shopkeeper without the benefit of fairly massive market research to have a really good idea of just what stock they should be bringing into their shops and make no mistake the combination of the Customs Duty which is earned, the wages which are paid to the staff in the various businesses on the island and all of the other financial impacts of businesses being successful on the island is substantial. March one is told won't be a bad month but what is being said to me is that April and May which are normally very good months at this stage look quite dismal. Now where you have a property that accommodates numbers of groups through the course of the year, they might 6 months out have quite good bookings but eh group market is finding it hard, particularly because of all the super cheap packages which are being advertised at present, at distress prices

and 2 months before travel, those group provide the property with their final numbers, and so for April and May or for April and most of May most of the properties will now have their cancellation in and whereas they were looking at reasonable occupancy they are now looking fairly dismal. So my point in all of this is that we need to ensure that we don't get carried away just because the number of inbound visitors for February initially indicated that there had been an increase. Under the numbers there can be a fairly disastrous situation and unless we really come to grips with all of this we're going to find that whatever revenue endeavours are put in place by our Minister for Finance will be totally frustrated because people simply won't be able to afford to pay. Thank you.

MADAME DEPUTY SPEAKER Thank you. Is there further debate. Being no further debate I put the question.

QUESTION PUT
QUESTION AGREED

STATEMENTS

MR I. BUFFETT Madame Deputy Speaker the undertakings that I gave earlier to the Assembly and Mr Nobbs in particular I'll certainly make a Statement in terms of responding to the Question Without Notice that was asked at the previous meeting and reiterated again by Mr Smith here this morning. Madame Deputy Speaker the first of the matters I wish to inform the community about is the land package initiatives. The community and Members will know the project has been ongoing for some considerable time and occupied the majority of the first year in my year in Office as an Assembly person and we've got to the stage where the revised '96 Plan has been completed, the package of legislation that accompanies that Plan and package is currently awaiting Commonwealth assent. The Public Service is currently working on the implementation programme for that plan following the assent processes and the best indications are that this will be some time towards the end of this month and early April. Based on the fact that the package of legislation got to the Commonwealth's sphere either the day before or shortly before the Commonwealth Parliament rose for the Summer session and they've just returned for the Autumn session and it's anticipated that it will be dealt with during this period. Madame Deputy Speaker as part of this package the Plans of Management for the Reserves are yet to be recommended for making by this Assembly. The Plans have all been completed and arising out of discussions that have been held by Members in between Officers of the Joint Land Task Force we are currently completing an implementation strategy and this is really important in this process. Madame Deputy Speaker the implementation strategy plan will address issues such as those that have been raised by some Members of the Assembly and in particular some that have been legitimately raised by Mr Nobbs in terms of resources and time frames if we approve those or approve the recommendations to make those Plans how we're going to deal with them. So hopefully that implementation plan will come to this Assembly and will be displayed in the community so that people can have some input and comment on the time frame and resources issues. As I said we're currently working on those time frames which we hope will be achievable. Once the implementation plan has been completed, as I said I will bring them to this Assembly and to the community and hopefully that will be towards the end of this month. Madame Deputy Speaker in relation to the Plans of Management I notified members of the community at the last sittings of this House that the Federal Minister had notified the Administrator that the Plan should be referred to him before they are made. Madame Deputy Speaker bearing this in mind I have had Officers of the Administration liaise closely with the Commonwealth

Officers of the Task Force to ensure that there are no major delays, in other words to try and identify the issues that may be of concern. Madame Deputy Speaker directly related to and contingent upon the completion of the land package is the question of the completion of transfer of the Crown Leases. They have been offered directly to leasees of certain categories of leases. In saying that and to answer a number of questions that have been directed at me by a number of individual leasees in the category that I mention who have directly received ?, I say that I have not received any contrary information that leads to me believe that the transfers will not take place upon the completion of the pre-requisites which is the Land Package, the Plans of Management and the associated issues surrounding that package. Madame Deputy Speaker another major project currently taking place in my area of responsibility is the Waste Management Strategy. The main building which will be the centre of the strategy is almost complete and the next phase will consist of the fitout and the site landscaping, including access and egress to the site will commence shortly. I must mention the great work that's been done by the Administration Works team and it was touched on earlier by the Minister for Finance. We have between 3 fluctuating to 5 people who are doing most of this Administration maintenance work and some of the building work that's directly in house with the Administration. Madame Deputy Speaker the completion of the Centre will continue over the next 2 or so months and that it the total complex completion I hope. I've taken that view that the Centre must be capable of properly functioning before the public are invited to use it. I have recently published in the Norfolk Islander a final or the copy of the final report that went to the Coast and Clean Seas Project Fund and that details and equips the funding that we receive from them plus it indicated to that point what the Norfolk Island Government or the Assembly had input into progressing that Waste Transit Centre and waste management generally. I thank the Editor and staff for their patience in printing what has been a fairly lengthy report. I will shortly be in a position to inform the community and my fellow members of the proposed framework for legislation and how the Centre will be funded and I should be in a position to do this at the April sittings of this House. That is my target at this particular point and should that information become available and allow Members and the community to have some input and comment on that I will follow the procedures I did with the Land Package and notify the people on the radio and in the Norfolk Islander. In respect of this project it is my hope that with the co-operation of the community we will have a Waste Centre that will become a benchmark for small communities and in particular island communities who are having enormous difficulties with waste problems which are akin to or sometimes a lot worse than what we are experiencing on Norfolk Island, and I emphasise the communities co-operation and constructive comments are welcomed. Madame Deputy Speaker another of the issues within my area is that of Fisheries. Now currently there are outstanding issues emanating from the baseline studies issues and options for management for the Norfolk Island Fishery that needs to be resolved. They appear to have been in limbo for some time and there has been a couple of reasons for that. Firstly there has been the need for some comment by specific groups within the community, the Norfolk Island Fishing Club and some wider membership of people who go fishing in Norfolk, plus there has been changes within the Commonwealth's sphere that have seen the management of Fisheries arrangements moved or split between AFMA which is the Australian Fisheries Management Authority and incorporated with under the AFA which is the Australian Forestry, Fisheries and Agriculture whatever it is of the Commonwealth so there has been a number of what you might call bureaucratic and political issues that have interfered. Madame Deputy Speaker we as a community can't let this go on for very much longer. The issues that currently we are addressing in Norfolk revolve around drafting instructions for local legislation, acceptance and costing for local management of the area know as the Box in Norfolk Island. Understand that this is what the representations to date have resulted into from the community and if there

is to be any change or if there's been a change of heart within that particular concept I would need to know as the Minister because we're putting resources into it trying to achieve those aims. I anticipate being able to publish a timeframe for this matter between now and May understanding that fishing is still a Schedule 3 matter under the Norfolk Island Act and therefore will need some ongoing consultation with the Commonwealth Sphere of matters. There are a number of policy issues arising out of that Fisheries and the local management of Fisheries which I will be calling on at a community and the local membership here in this Assembly to participate in because it's going to be critical what we do with it. Also in my area of responsibility Madame Deputy Speaker is Quarantine and we have received some publicity of late in respect of quarantine issues. Matters I have commenced in the quarantine sphere of my responsibility and discussed with Officers and currently preparing some more formal consultation with the Commonwealth is that of having a quarantine audit of Norfolk Island. Madame Deputy Speaker I mention again that quarantine is in respect of human, animal and plants is still a Schedule 3 matter under the Norfolk Island Act. Some of our legislation in respect of the quarantine area leaves a lot to be desired, even though I would not wish to change I think it's Section 9 of the Plants and Diseases Act which gives me the permission to declare any person, animal or living creature or plant a noxious disease. Now that might be handy in this day and age. Madame Deputy Speaker that will be a fairly comprehensive task in itself, it's overdue, the Officers have been placed on notice and we're trying to address it and hopefully that will happen perhaps in the second half of this year. There are other areas in my portfolio Madame Deputy Speaker which directly relate, if not removed from, relate to and that is the Public Health Act. The Public Health Act has been a fairly substantial piece of legislation that was prepared in the early 1990's but like most of the Acts that were done then did not do 2 things, either did not commence or legitimately put into place all the concepts which were in that particular piece of legislation and left a number of things hanging which have subsequently appeared in small stand alone pieces of legislation or now not applicable. I've commenced that process of reviewing the Public Health Act, I will be coming to members in this community to see if we still want to have a huge piece of legislation that deals with those issues, issues such as sanitary requirements, cartage of water, there's a whole range of issues and I need to specifically mention that that does not deal with the private health issues which are in the Minister for Community Services and Tourism which is the direct health requirements or providing a health service to this community in that respect. These are public health issues and I emphasise that. Having a look at the programme that I've placed before myself and the Officers within my area who I've discussed these issues with should see us well and truly towards the end of this year. In summary, that is what I have set myself as my second year as a Minister in this Assembly and as I said, I invite input from my fellow members and from the community for any of those areas

MR NOBBS
that the Statement be noted

Thank you Madam Deputy Speaker I move

MADAM DEPUTY SPEAKER
Mr Nobbs

The question is that the Statement be noted.

MR NOBBS
thank the Minister for his Statement. In relation to that he's gone to some length in preparing it and that's excellent. To say that I'm a little disappointed is the understatement of the year, because on the quarantine side of it, there is nothing there in relation to a basic requirement on the Island on the upgrade of stock be they animal or plant. There is nothing being done at the present time to assist those who wish to bring in new or improved stock be they plant or animal. It's an extremely

difficult and expensive operation, it requires as far as the animals are concerned, even to the effect of getting an export permit from Australia and that is quite incredible. As far as the plant arrangements are concerned we have the ability and the Chief Minister is very well aware of this, that we have the ability to extend our seasons in all fruits on the Island here an issue which will probably come up again, it comes up from time to time about the importation of fruit and yet we can extend those, but we can't because of the stock availability because of the quarantine situation. I'm concerned about that. I'm really concerned in relation to the fishing box, or the box as we call it, the Norfolk Island Fishery, as the Minister said, it's been in limbo for some time, but I think there is a need for the Minister to take the bull by the horns and show some leadership in relationship to that particular area, come up with some dearest guidelines and move on it. If the fishing club is loath to come along it should extend into the wider community. As far as the garbage disposal is concerned, I read with interest and I thank him for the information that was provided in the paper but I'm still unclear and he may be able to help me on this, as to whether there will be a composting arrangement at the transit centre, are we going to have a vertical composting arrangement, what sort of a system will we have in place, or is it continually to be burnt, are we still going to be feeding swill to the pigs and those sort of issues are of concern, particularly of concern. I think Mrs Jack asked the question again this morning in relation to the disposal of vehicles and those issues need addressing. As far as the land package, this is where I'm really concerned. My understanding of the land package two or three years ago is that there would be a transfer of all crown land apart from the National Park and also the areas within KAVHA and yet they would be subject to ongoing negotiations to see what would happen. It seems that the present arrangements are specific to the freeholding of leasehold land, now that was once component of it. Why the freeholding of leasehold land is tied to plans of management for the reserves if they are not to be transferred back to the Norfolk Island people is beyond me. I don't know why we are messing around with them. If they are not to be transferred to us well they obviously are Commonwealth assets at this time. I think that we need a very clear understanding in relation to the land package itself. I'm concerned that it's taken so long to get this piece of legislation and also the plan itself through Canberra when we've had from the department two and three and four members on the taskforce at various times, it's been done with close consultation with the Commonwealth the whole time and it's just taken so long and I wonder why. At this stage I'm concerned in a number of areas as far as the environment is concerned. I'm really concerned that there have been decisions taken by the minister which overrule the Planning Board. There hasn't been a lot of public city about it but I understand from the Planning Board situation that one member resigned over that particular issue and the same issue is now within the precincts of the Courts. These sort of problems are a bit of a worry considering that the planning arrangements will rest more heavily with the Minister and I don't say this Minister, it may not be because it's taken so long it will probably be at the next election before the new Act comes into place, I'm not saying about this particular minister, what I'm saying is that it worries me that there are some concerns in the Ministerial responsibility in relation to planning. That's all I have to say at this time but I'd like some answers from the Government as to what really is the land package at this time and why are those other issues not being progressed, also the garbage, Norfolk Island Fisheries and quarantine. Thank you Madam Deputy Speaker

MR I BUFFETT

Thank you Madam Deputy Speaker this list of issues. Mr Nobbs and myself have had a number of discussions on the things that he's mentioned here. What I will do if I get the Hansard quickly enough, because what in effect has happened with Mr Nobbs debate in respect of the Statement I made is that he's asked a number of questions and quite a number of them have

been answered previously and in this forum so I will undertake to answer them specifically in a written form that will be available for both the community to see and all the rest of the members to see but let me make comment on the words Mr Nobbs said regarding decisions I have made in the executive portfolio in respect of planning. Number one is that I've not been informed of a membership resignation from the Planning Board because of a decision I've made. And if there has been then certainly I would have hoped that that person would have approached me with that reason. Secondly in administering my executive portfolio, I do it on three basic principles, the evidence before me, a consistency in the decision processes that I make and looking at all the facts that are in front of me when I arrive at a decision understanding full well that the Planning Board is an Advisory Board or recommending Board so I am not overthrowing a decision of the particular authority. I'm looking at the recommendations and the advice they give me and looking at that advice based on all the information in front of me and insofar as I have made a contrary decision to the advice given then I stand by that and the processes are that if the recipients of that decision are not satisfied with my decision they have yet another forum to discuss that issue and that is in the Administrative Tribunal area. I have no difficulty with that process at all. Perhaps one thing that Mr Nobbs will be delighted to hear is that I have commenced discussions in some of those quarantine areas which have been ongoing for a number of years and I'm fully aware of some of those issues Mr Nobbs touched on. I went to a formal meeting of at least one legitimate group in Norfolk Island during this week and we had discussions in terms of those issues. Quarantine and the importation of plant and animal stock. I think there's a smarter way of doing it than some of the propositions that have been put to us previously like a Norfolk Island Government introducing huge amounts of capital to put into screen housing. I think in this day and age there's a smarter way of doing this and I've made some suggestions to this group and I have made an offer to help and assist them in achieving the very aims that Mr Nobbs has mentioned this morning about accessing better quality and more frequent stocks of plants. The question of importation of animals I'm quite prepared for anybody who want to make a submission to me to go to the Commonwealth Government level or whatever it takes to see if we can reduce some of the costs but basically the decision to import animals is a private commercial decision that should be based on a private commercial return for what for what you are prepared to invest in it. This Assembly has not seen fit and perhaps I should raise it in the next budgetary process to have a substantial amount of funding be available. We can look at precedents where we used to have fertilizer subsidy and then it didn't suit some people to have a fertilizer subsidy so they raised a question of a freight subsidy on issues and I'm quite prepared to address these but as I mentioned to the group I addressed the other evening, one of the principal things in this area of quarantine and agriculture in Norfolk Island is that the locals probably know the answers a heckuva lot better than we as a collective Legislative Assembly do and that if there is any means in my portfolio area including the availability of any funding that this assembly as a group may wish to direct to that area then I will do my best to do it or to achieve that. I would like to take those matters on notice that Mr Nobbs has raised this morning and respond to them in writing because there are conflicting views that have gone on and I think there are correct views in respect of the land issues and I'll be more than happy to provide a written response and have it published before the next sitting of this House so that if there's any further debate to be had on some of those concepts, principals or in some cases misunderstandings of where we are going and what was offered in the first place, we need to clarify them. I have no control over the Commonwealth parliament unfortunately and the speed with which assent processes take is beyond my control but what I can say in finality is I think the things moved faster in this last twelve months than they have in the previous four years

MR SMITH Thank you Madam Deputy Speaker just a thank you to the Minister for giving the answers to the questions I did ask in the last sitting. I think it's important that the community has an idea of the goals of the Government collectively or of individual executive members and it certainly helps me as a backbencher too, to understand what is happening and where we are being taken and I thank them for that

DEPUTY SPEAKER NICHOLAS is there further debate? The question is that the Statement be noted.

QUESTION PUT
AGREED

The Statement is noted. Are there further Statements

MR D BUFFETT Thank you Madam Deputy Speaker on Sunday the 31st March 2002 Janelle Patton was murdered on Norfolk Island. The person or persons who committed this offence have not as yet been brought to justice. The Police investigations do continue. The Government today announces a reward of up to \$50,000 for information which leads to arrest and conviction in this case. Detectives investigating Miss Patton's murder are hopeful that this reward will provide impetus and encouragement for anyone with direct knowledge to assist in solving this crime. Notices will today be posted with telephone numbers, postal addresses, both in Norfolk Island and in Australia for confidential contact to be made. Thank you Madam Deputy Speaker

DEPUTY SPEAKER NICHOLAS Are there no further Statements Honourable Members. No we move on

REPORTS FROM STANDING AND SELECT COMMITTEES

MR NOBBS Thank you Madam Deputy Speaker. The Select Committee continues to meet weekly and as they've seen from the discussion papers on each component of the work programme are being published in the weekly paper as an attachment. The papers are designed to assist people and are aimed at providing unbiased information for the community. May I say at this stage Madam Deputy speaker that the need for public participation from the whole community is essential and the use of discussion papers and the request for submissions be they written or oral are only part of the process. It is hoped that other means of gaining community input such as questionnaires, discussion groups or public meetings may be necessary in the weeks ahead but I ask that the community bear with us. The issues involved in this Select Committee programme are not just those in relation to the electoral issues. It goes far wider and one member of the community in particular who I hold in high esteem in relation to these sort of issues have advised that in their opinion this is one of the most important committees that the Legislative Assembly has established. Be that as it may it will not be a success unless the community takes it on board and provides that committee with its views on those various issues. Where we wish to go and how we will get there so I leave that as the report for this month if I may, and I reiterate that we are seeking continued input from the community. Some may have put in discussion papers, submissions to date but we would urge them to consider the remainder of the issues as they are dealt with particular in the discussions papers, thank you

DEPUTY SPEAKER NICHOLAS Thank you Mr Nobbs. I don't believe we have any further reports from standing or Select Committees, so we move on to Notice No 1

THE MUSEUM TRUST ACT 1987

MR D BUFFETT Thank you Madam Deputy Speaker I move that this House resolves 1. for the purposes of paragraph 5(2)(b) of the Museum Trust Act 1987 that the Executive Member reappoint the following members of the Trust – Albert Fletcher Buffett; Janice Lyn Christian; Margaret Rosemary Jowett; Kathleen Marion LeCren and Joanne Emily Quintal for the period 10 April 2003 to 9 April 2005 and 2. for the purposes of subsection 5(1) of the Museum Trust Act 1987 that the executive member appoint Alan David Tavener as a member of the Norfolk Island Museum Trust for the period 10 April 2003 to 9 April 2005. As this motion explains this is a proposal to reappoint five members to the Trust and appoint an additional member. Mr Albert Buffett, Mrs Jan Christian, Mrs Maugie Jowett, Mrs Kathy LeCren and Mrs Jodie Quintal are continuing members and I thank them for their willingness to be continuing members of the Museum Trust. There is a former members who did not seek to be reappointed, Mrs Patricia Magri who has given some six or seven years work to the Trust and I would like to record my appreciation on behalf of all of the members for her intelligence and interest in pursuing work within the purview of the Trust. Mr Alan Tavener is proposed to be a new member and I thank him for allowing his name to come forward for consideration. As members will know the Museum Trust has an overview of the operations of the official Norfolk Island Museum and they have a range of custody requirements and some of the duties are quite demanding and I do thank these people for being willing in a community spirit sense to be available. I commend these people to the House in terms of their prospective appointment

DEPUTY SPEAKER NICHOLAS Thank you Mr Buffett. Is there any debate. I put the question that the motion be agreed to

QUESTION PUT
AGREED

That motion is agreed to thank you

ORDERS OF THE DAY

SUPPLEMENTARY APPROPRIATION BILL 2003 – MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR

Honourable Members I have received the following message from the Office of the Administrator, Message No. 13. The Supplementary Appropriation Bill 2003. In accordance with the requirements of section 25 of the Norfolk Island Act 1979 I recommend to the Legislative Assembly the proposed detail stage amendment to the Supplementary Appropriation Bill 2003 as set out in the attached schedule. That message is dated the 14th March 2003 and signed by A J Messner, Administrator

SUPPLEMENTARY APPROPRIATION BILL 2002

MR DONALDSON Thank you Madam Deputy Speaker. At the February Sitting of this House I introduced the Supplementary Appropriation Bill 2003 and I spoke briefly on it. I will repeat that key information so that members are refreshed as to just where we stand. Members will recall that last June we passed the Appropriation Bill that provided a minimum level of funds for the Revenue Fund

expenditure. In fact the total of budget bids were about \$4.5m more than eventually supplied. The amount supplied was \$11.2m and that provided for a balanced budget at that stage. However it was well known at that time that further expenditure approvals would be required before the end of the year. In particular we knew there would be and I have four dot points here, a public service wage claim to be heard by the Remuneration Tribunal; a possible increase to the Tourist Bureau Grant because we'd given them less than the original budget submission and the fact that there had been severe budget cutting processes that limited the funds available in all votes to a bare minimum meant that some votes would have required the inevitable topping up half way through the year. In addition to that there were some additional items identified during the year that were not in the original budget proposals and were not given appropriation at the time. That half yearly review has now taken place and additional revenue of \$340,000 has now been identified across a range of income areas and the upward trend I was talking about earlier this morning has affected this. There's also been a need for additional expenditure identified of \$989,750. The additional expenditure is a net figure made up of adjustments both upward and downward to 126 items in the revenue fund. By way of explanation, the Revenue fund has about 270 items in it and each one is allocated an amount in the budget appropriation bids and it is confirmed with the Appropriation Act. Of those 270 line items that were issued, 126 have been reviewed. Major increases in those, and I'll talk about the ones over \$50,000 are as follows; CEO's office salaries and the three executive directors has required an additional \$114,500; welfare expenditure requires an additional \$85,000, an additional \$110,000 allocated to road construction so that certain programmes can be carried out; the Norfolk Island Hospital subsidy which was in at \$570,000 has been increased by \$400,000 to \$970,000 for this year and the grant to the Tourist Bureau has gone up \$150,000. Those five items actually accounts for most of the \$989,000 that we are talking about. However there are some new items that have been included for the first time in this supplementary appropriation bill that weren't included in the original bill. There is the move of the Immigration Office to Customs and that will require building alternations and furniture and fittings of about \$25,000 to accommodate that. The Information Technology Section has asked for another \$20,000 for data base support, the Health Quarantine have put in for two vehicles totalling \$12,500; the Legislative Assembly Select Committee which you've just heard about has asked for \$30,000 so that it can pursue some of the electoral and governance issues that it was formed to determine and under the Stock Health programme there is a requirement for an extra stockyard, or for a stockyard to be rebuilt and there's \$4,000 in that, so they are the new items that have come into the March Supplementary Appropriation Bill. It doesn't only include expenditure though, there's some identified savings that are of a reasonably substantial nature. There was a substantial amount put in for crown litigation and advisings and \$40,000 of that money will not be needed so that's been identified as a saving; the Human Resources Section of the Administration in salaries and wages has been reduced by \$42,500 and the subsidy to the Gaming Enterprise has been reduced by \$120,000. The philosophy that govern the original appropriation bill in June 2002 that is one of restraint on all expenditure continued for the half yearly review. When tabling the Supplementary Appropriation Bill in 2003 in February I referred to an item still to be included and that is the increase in revenue fund salaries and wages as a result of the determination of the Remuneration Tribunal. That amount has now been determined at \$77,400 and needs to be included in the schedule to the bill. This amendment will be moved as a detail stage amendment later in the morning. As a net result of these changes to expenditure and additional supply of \$989,750 for the current financial year and it is this amount that is sought by the Supplementary Appropriation Bill. It wouldn't be right to stop there. I've got to talk or say a little bit on the effect of the deficit budget on the Administration finances and what we are going to do about it. Provided the Supplementary Appropriation Bill

is agreed to in its current form and if the new predictions hold true then there will be a potential deficit for this year of up to \$750000 although a lesser figure can realistically be expected as not all votes will be fully spent at year end. The deficit amount is based on cash flows and not accounting profit. The difference being the effect to depreciation and capital expenditure which is treated differently in financial statements to its treatment in Supplementary Appropriation Bills and budgets. We started this year at the 1st July with \$2.1m in the revenue fund bank account and the worst situation is that we should finish the year with about \$1.35m in the revenue fund bank account. Whilst this result is sustainable for this year the trend that has been with us over the last few years must be reversed. This is being addressed by constantly reviewing expenditure and efficiencies within the Service and also looking at additional revenue opportunities. There are some current proposals to increase revenue which have been recommended to the Assembly by the executive members. Those revenue proposals are divided into two stages. Stage 1 is an increase to existing revenue sources to provide additional funds in the short term. Stage 2 is a longer term approach where the revenue base would be broadened, made more equitable, more robust and able to meet the needs of the Norfolk Island community for the foreseeable future. Stage 1 recommendations comprise the following increases to the existing levies and charges along with one new charge comprised of the first increased set of charges and an increase to the revenue received by the liquor undertaking by an increase in duty applicable to the products. Currently all liquor is dutiable at 18.5% and it is recommended to increase the rate to the following; beer will be increased to 20%; wine increased to 25% and spirits to 30%. This in total should bring in an additional \$110000 per annum. This equates to an average retail price increase of only 3% which is attributable to the duty component increase. The second area we are looking at is an increase in duty applied to tobacco products. Currently the rate is 250% and it is intended to increase this amount to 500%. On current sales or current imports this will bring in an additional \$400000. The third area we are looking at is a charge on local telephone calls and the charge has been suggested at being at 10 cents per call and if this is invoked will bring in another \$300,000 per year. There is also a suggestion of an increase in the departure tax of \$5 so that the departure tax will now be \$30. If this is brought in it will bring in an additional \$175000 and finally a new one that's been suggested is a communications levy to provide money to pay for the radio and TV facilities on the Island and that communications levy is \$100 per residents per annum estimated to bring in \$160000. It is intended Madam Deputy Speaker to implement some or all of the above recommendations as soon as practicable to reduce the impact of the current emerging deficit. Stage 2 recommendations and that's the longer term one comprise further investigation into the earlier proposal for a broad based consumption tax for Norfolk Island with a view to developing a gst type tax to be implemented as soon as possible. There is agreement amongst the Government members that the existing range of levies and taxes are not equitable and that they target specific sectors of the community at the exclusion of others and that a GST tax would be more equitable as well as providing a more robust tax base on which to plan the future. In summary the Supplementary Appropriation Bill provides funds for the Government to continue to fulfil its obligations to the people of Norfolk Island by continuing with existing programmes. These programmes include health, education, welfare, law and order, environmental issues, infrastructure issues and many more none of which unfortunately come cheaply and all of which are required to be attended to by a Government pursuing full internal self-Government. The Supplementary Appropriation Bill has also highlighted the need to review our revenue streams and the proposals I have spoken of today will I hope be seen as a move in the right direction to ensure continuing financial independence for Norfolk Island with a move to a broader more robust tax base providing the foundation for ongoing financial self sufficiency and sustainability for the future. Madam Deputy Speaker I

will shortly more that the Bill be agreed to in principal but before I do that I would like to give other members the opportunity to enter the debate

DEPUTY SPEAKER NICHOLAS Is there further debate Honourable Members

MR BROWN Madam Deputy Speaker the Bill before us is a bill to authorise expenditure. It is not a bill that relates to increasing charges taxes duties or anything else. I will support the bill but I will certainly not be supporting all of the proposed increases when the minister eventually brings them before the house. Duty on liquor in my view is slight of hand. It simply enables the administration to hide the full extent of the profits that it makes on booze, and a far easier way of dealing with that is to simply vary the mark-ups at the bond store in order to raise whatever amount of money it is decided needs to be raised from liquor. There is justification in increasing taxes on liquor and tobacco although I'm sure that some will argue and with some merit that two of the items which people use as barometers in assessing the value of shopping in Norfolk Island is the price of a bottle of grog and the price of a carton of fags but without doubt every community, the Norfolk Island community included is incurring substantial health costs as a result of booze and cigarettes and it does seem to be time for us to adopt a more realistic attitude to those items. I have great difficulty with the suggestion that we should introduce a charge for local calls. Introduce it at 10 cents and it is only a matter of time before people will want 20 cents and then 30 cents. It would be a different thing if the Minister was telling us that at the same time as the suggested implementation of the cost of local calls, the cost of overseas calls would be reduced. I would not support an increase in the departure tax. We already enjoy the benefit of being exempted from the requirement of paying a departure tax on departure from Australia to Norfolk Island. \$25 is already a substantial charge when you consider in the context of \$36.60 of airport movement charges which are paid and the myriad of other charges that are paid for the use of mainland airports and to assist Ansett staff and so on. I've got an open mind about the communications levy although I would hope that the community would get better value in terms of radio and television if a levy of that nature was to be introduced. I have great difficulty at this stage with any suggestion of a gst being introduced and I'm surprised to hear the minister telling us that it's a wonderful thing today because it seems to be only a matter of days ago that he told us that he didn't support the introduction of a gst but he'll no doubt explain all of that in due course. As I said, none of those taxation or other revenue raising imposts are part of the bill that is before us. We need to continue to provide funding for the Government to continue about its task. I'm disappointed that the cost of running the island is continuing to blow out at this rate. I'm also disappointed that all of the work that was done and the time that was taken in relation to the Focus Report seems to have come to almost zero because it seems to have told us oh well, you can't save any money so you'd better go and raise some taxes. My belief and I'm sure the belief of most members of the community is that there is room for efficiency, there is room for savings and before we look at increasing the tax burden on the community we need to be prepared no matter what the Focus Report might have said, to really tackle those issues, thank you

MR NOBBS Thank you Madam Deputy Speaker I understand what the minister is attempting to do with this. As the previous speaker said, it's to provide for expenditure to allow the Government to proceed down its course. The situation really if you look at a lot of things that were read out by the minister you'll find that we are actually paying for issues that have been dealt with I think quite badly by the Government. We can't find out as a member what the actual costs involved are of those issues that I mentioned this morning, the CEO's termination, Ms Murdock's termination, the termination of the previous Director of the

Norfolk Island Hospital, and a Doctor. We're not too sure on that. All we are doing is providing the hospital with the funds to pay for those issues. We are also asked to provide in the CEO's office a component which is required to fund the payout which was given to the previous CEO. Both issues I believe were handled extremely badly. However, be that as it may, we also have been sought to support funding for an increase in the public service salary. Now this was 5% I understand from the 1 January this year was the determination provided by the Remuneration Tribunal. I just want to say that there was a document going around last year and it was headed Dem Nor Laanen. Before I get onto what I'm saying, I just want to say something about that particular document. Nothing was done to the perpetrators of that particular document even though it was quite offensive to certain people. It was sexist and it had a number of components in it but I think that the major issue, and I congratulate the CEO for taking it on the chin and not giving back, however, one thing that the proponents of this Dem Nor Laanen was that Dem Nor Laan what was negotiated in 2001 which I believe that the house would support but unfortunately the public service committee as I understood it, vetoed the proposal and this was after lengthy discussions between the CEO and the Public Service Association executive and also it was put to members of the community and then if it was accepted would be brought to the house for what I believe would be ratification because I thought it was a fairly interesting and new concept and it was also something that was required in two areas. One was the increase in salaries to the public service and the second was the payment of that through efficiency savings. Now that proposal provided that from the 27th September 2001, 3% would be provided to the public service as a pay rise and a further 1.5% would be provided subject to productivity activities by the 1st December 2001, a further 1.5% and that's 4.5%, now that amounts in my calculations to something like \$260000 I think it was, I think it works out at about \$1300 or 1400 per employee on average that is. Now that was not agreed to. And the service ends up with 5% from the 1st January this year. So in that period between the 27th September if it was approved that is, and I'm sure it would have been, to the 1st January 2003 that amount of money was a saving for the Government so I suppose that's a good thing, but it was really a loss to the individual members of the Public Service and I just want to make that point very clear at this point in time. I'm not objecting to their wage increase although I believe that it should have been tied to productivity. It was something that could be worked through and should have been worked through. As far as the other issues were concerned in this, we've got a ballooning social services bill and I think it's overdue to bring in those recommendations which were actually made three Legislative Assembly's ago in relation to that which have not been progressed. We must do it and we must do it very quickly. Now they're not aimed at ripping the social service recipients off but what they were aimed at is to formalise the particular arrangements that have been informal in the past and I believe make it a far fairer system. I will be supporting the Bill. I don't wish to speak on those issues that the minister for Finance brought up in relation to revenue raising at this stage except to say that I would hope that the alcohol price increases when they do take effect consider the alcohol content of particular drinks, for instance, light beer should be at a cheaper rate than say heavy beer to encourage people to do it and I know my friend next to me has nearly fallen off the chair, shaking his head, I don't know whether that's at me or what, but anyhow I believe that is a point that must be taken on. That it's been brought out in discussions with people brought over in relation to the DAA Working Group that spirits are far too cheap in comparison to lower alcohol drinks and something has to be done about it so in the proposal there is some difference in pricing. I worked out last year when we looked at the possibility of funding a worker in the Drug and Alcohol area, that if you increase spiritus and wine by 5% on take, the overall cost, that would give you \$60000 for the year so I've got no problem really whether you increase it through your duty or through your percentage so long as you look

specifically a the level of alcohol in these particular drinks. I don't believe that we should have a charge on local phone calls. It's something that's been part of the Island for a considerable length of time and the only reason that I would have supported this, and these issues

Tape 4 missing. End of Supplementary Appropriation Bill debate and beginning of Legislative Assembly Amendment Bill

Tape 5 xx

Years now and this is the way it should be. That it should be left to us. We've given an opportunity and because members supported it I believe that we should let it go through and let the Select Committee work out precisely what the community wants. Now to say that its going to take time and to say that we are stalling it, is an absolute Furphy. We've had these amendments going through for four and five years now. It all takes time and I won't be supporting going through this. I'm sorry about that and I understand the views of some. I don't believe its tied to such issues as the plan and the transfer of leasehold land to freehold and all these sorts of things. That's not what it's all about. This is about an electoral issue which we have a difference, and the community has got a difference with the Australian Government or representatives of the Australian Government and it's very interesting that there were some changes in their thought system by some members of the Select Committee when they were here. We went through it last time and I mentioned it. One members of the Government team, of the coalition, that he thought that he should have put in a dissenting report. I mean, there are changes. People change their minds and I don't think we should be bludgeoned into this sort of issue in a matter of weeks and that's what it's about. We either do this or we'll do that. I disagree with that and I won't be intimidated by anybody and I still classify the Minister as a friend but I don't accept this sort of standover tactics that are going on and whilst I don't support Saddam Hussein in any way, shape or form, they're trying the same sort of tactics in that area. I don't believe that the Federal Government will act unilaterally. That is, the liberal party will act unilaterally and I believe that we can gain some support in the other areas but nobody has really tested it and that's where we are at and that's why we need to find out precisely what the views of the current community is and then talk to the Commonwealth Government and the opposition on ways and means of implementing those requirements so that we don't have to go through the situation where now as I said, this bill will go up and I think you will find that I didn't mean to infer that amendments could be made, I said amendments could be recommended by the Governor-General on behalf of the executive Government so that we don't have to go through that sort of situation. But this is definitely one of our powers, the electoral issues should be fully within our domain and we should be able to change those as we so desire with the assent of the Administrator. So that's why I'm voting against. But I don't want to hold you up gentlemen and ladies, but I'm definitely not going to support the changes because we have put up I believe a way through this and if the Federal Government want to bludgeon their way through it, well so be it. Thankyou

DEPUTY SPEAKER NICHOLAS Honourable Members we've come to the stage of putting the amendments. Before we do so I would like to read the original provisions as they are contained in the Bill. The amendments deals with section 6(1) clause a in particular and the present bill reads 6(1) is an Australian citizen within the meaning of the Australian Citizenship Act 1948 of the Commonwealth and the other amendment which is before us deals with clause c and that presently says has been

present in Norfolk Island for a period of or for periods amounting in the aggregate to not less than 18 months during the period of two and a half years immediately before the date that the person makes application for enrolment so the amendments before us deal with the Australian citizenship issue and the duration that one must be resident on Norfolk Island before being eligible to enrol. Is it your wish that the amendments be put collectively or separately

MEMBERS Separately

DEPUTY SPEAKER NICHOLAS Separately, thank you. Then we'll deal with the first amendment. The amendment to clause 4, proposed section 6 (1) is amended by omitting paragraph a and substituting a. 1. an Australian citizen within the meaning of the Australian Citizenship Act 1948 of the Commonwealth or 2. a citizen of the United Kingdom of Great Britain and Northern Ireland or New Zealand in accordance with the laws in force in those countries. I'll put that amendment

QUESTION PUT

Would the Clerk please call the House

MR BUFFETT	AYE
MR GARDNER	AYE
MR DONALDSON	AYE
MRS JACK	AYE
MR IVENS BUFFETT	AYE
MR NOBBS	NO
MS NICHOLAS	NO
MR SMITH	AYE
MR BROWN	AYE

The result of voting Honourable Members the ayes seven the noes two, the ayes have it. Therefore I put to you that the clause as amended be agreed to. We move to the next one. Proposed paragraph 6 (1)© be amended by omitting eighteen months and substituting twelve months

QUESTION PUT

Would the Clerk please call the House

MR BUFFETT	AYE
MR GARDNER	AYE
MR DONALDSON	AYE
MRS JACK	AYE
MR IVENS BUFFETT	AYE
MR NOBBS	NO
MS NICHOLAS	AYE
MR SMITH	NO
MR BROWN	AYE

The result of voting Honourable Members the ayes seven the noes two, the ayes have it. That amendment is carried. I put the question that the clause as amended be agreed to

QUESTION PUT

Would the Clerk please call the House

MR BUFFETT	AYE
MR GARDNER	AYE
MR DONALDSON	AYE
MRS JACK	AYE
MR IVENS BUFFETT	AYE
MR NOBBS	NO
MS NICHOLAS	AYE
MR SMITH	AYE
MR BROWN	AYE

The result of voting Honourable Members the ayes eight the noes one, the ayes have it. I now put the remainder of the Bill to you

QUESTION PUT

Would the Clerk please call the House

MR BUFFETT	AYE
MR GARDNER	AYE
MR DONALDSON	AYE
MRS JACK	AYE
MR IVENS BUFFETT	AYE
MR NOBBS	NO
MS NICHOLAS	AYE
MR SMITH	AYE
MR BROWN	AYE

The result of voting Honourable Members the ayes eight and the noes one, the remainder of the Bill is agreed to. I now seek a motion that the Bill as amended be agreed to

MR GARDNER Thank you Madam Deputy Speaker I do move

DEPUTY SPEAKER NICHOLAS Is there further debate Honourable Members

MR I BUFFETT Thank you Madam Deputy Speaker this is purely a housekeeping matter but insofar as any other documents might be seen to have been approved by this process I draw members attention to the explanatory memorandum which is attached to this Bill to which I'm not aware, has been amended, and I draw members attention in particular to the first page which says to this effect that the Statute Law Revision Status No 31 of 1986 repeal paragraph 6(1) (a) and these are the words that I think we need to take some notice of. This would appear to have been an inadvertent omission of the beginning of the paragraph, that is, removal of qualification of Australian citizens whilst also removing the status of British Subject. Madam Deputy Speaker that was not an omission and if that needs to be fixed then I so move by having those words deleted from that explanatory memorandum. I will leave that in your bailiwick

MR GARDNER Thank you Madam Deputy Speaker maybe we could take some guidance on that. As the record of Hansard will show, I omitted to include those words in the reading of the explanatory memorandum into Hansard at the time of introduction of that legislation into the House

DEPUTY SPEAKER NICHOLAS Thank you Chief Minister

MR GARDNER Thank you Madam Deputy Speaker, however I would seek leave to have excised from the explanatory memorandum that paragraph, the last paragraph on page one of the explanatory memorandum

DEPUTY SPEAKER NICHOLAS The motion is to have those words excised

MR D BUFFETT Thank you Madam Deputy Speaker I don't know whether this is a point of order or maybe by way of explanation. I think we are misinterpreting what an explanatory memorandum is. Certainly in the main in our context it is a written document that is circulated but the reality is that document is used by the person who is introducing the particular piece of legislation and that person may or may not use those exact words or otherwise. It's up to that person as to how they utilise that particular document and whatever is said is what is recorded in this parliament whether or no it says its an error or otherwise can be debated, challenged, whatever but it doesn't necessarily mean that the originators words, unless that person wishes it to be withdrawn needs to be the subject of a formal motion to be withdrawn or the like. It's a matter of what the presenters want to say and how others would want to interpret it and enter into debate. It's part of the debating process. It's not necessarily a part of saying that this is the gospel and if this is turned out to be in error that we've got to suddenly change the gospel. That's not what the explanatory memorandum is about

MR GARDNER Thank you Madam Deputy Speaker just to emphasise that in my introductory remarks and reading of the explanatory memorandum into Hansard, on the date of introduction to the Legislative Assembly I omitted that paragraph from my introductory remarks

DEPUTY SPEAKER NICHOLAS So you are content with that

MR GARDNER Well, whether there is any requirement to proceed with such a motion Madam Deputy Speaker I'm not aware of one, but certainly if it would satisfy members I'm happy to do so

MR I BUFFETT Thank you Madam Deputy Speaker then I'm a happy man

DEPUTY SPEAKER NICHOLAS You're satisfied with the explanation Mr Buffett. Thank you. Members are satisfied with the explanation I believe

MR BROWN If there is any copy of the older version could be amended to reflect what has been said in this place, that's the only thing that needs to be done

MR I BUFFETT Exactly

DEPUTY SPEAKER NICHOLAS I gather that it is not necessary to put it as a formal motion but if it is your wish I shall do so

MR GARDNER Thank you Madam Deputy Speaker I agree with Mr Brown. I think Hansard will reflect my reading of the explanatory memorandum that did not include those words and if that is the published format for the explanatory memorandum well then so be it, I'm happy with that

MR I BUFFETT Thank you Madam Deputy Speaker I ask that the Minister ensure that, that is the published version

DEPUTY SPEAKER NICHOLAS It has been suggested that what actually happens is the explanatory memorandum has been tabled. Did you think to strike out the relevant words Chief Minister

MR GARDNER Not from the document Madam Deputy Speaker but I deliberately omitted them from my reading as I requested of you at the time

MR BROWN If I might make a helpful suggestion, and that is if we give leave to the Chief Minister to amend the document which has been tabled in order to ensure that that document correctly reflects the words which he used when introducing the legislation and I support the granting of that leave

DEPUTY SPEAKER NICHOLAS Leave is granted, thank you. We now move to the finalisation of the Bill. Is there further debate. Then I put the question that the Bill as amended be agreed to

QUESTION PUT

Would the Clerk please call the House

MR BUFFETT	AYE
MR GARDNER	AYE
MR DONALDSON	AYE
MRS JACK	AYE
MR IVENS BUFFETT	AYE
MR NOBBS	NO
MS NICHOLAS	AYE
MR SMITH	AYE
MR BROWN	AYE

The result of voting Honourable Members the ayes eight the noes one, the ayes have it, the motion is carried and the Bill as amended is agreed to.

PUBLIC SECTOR MANAGEMENT ACT 2000 – DETERMINATION TO AMEND THE HUMAN RESOURCES POLICY

We move Order of the Day No 3, Public Sector Management Act 2000 – Determination to amend the Human Resources Policy. We resume debate on the question that the motion be agreed to and Mr David Buffett has the call to resume

MR D BUFFETT Thank you Madam Deputy Speaker. I wonder if the Clerk could just help me by distributing those please. Thank you. This matter has been discussed amongst members and has been the subject of wide consultation in accordance with the legislation. Officers have in an informal session on a number of occasions come to give us a brief and we have discussed this matter. I'm endeavouring to tidy this matter today. There are two things that I would like to just draw your attention to. The first is that I have just asked the Clerk to distribute this paper. There is one small adjustment which I will explain to you in respect of this paper in comparison with an earlier paper plus this I have clearly marked to be the document to which the motion refers and our earlier particular documentation didn't

make that as explicit as I feel it should be so I want to give that clarity to the matter. The small change is on page 5. The earlier document said right at the bottom "appointment in limited circumstances" it now says "subject to the agreement of the prescribed organisations". It earlier had said "following consultation with" so there is that adjustment in terms of this paper. That had been foreshadowed to you but I just wanted to point it out in a more formal sense. That having been said I would also want to propose an amendment to the motion in front of us. It's a change of date. In other words where it had said 6th February in terms of a document before, I am now proposing that it be adjusted to reflect the 19th March which this document has at its top. I formally table the document. Just to refresh memories, this is a part of the Human Resources Policy document, this is Chapter 13. There is an existing Chapter 13. these are amendments that have been walked through and statutory consultative processes have taken place including with the PSA, the Public Service Board, amongst ourselves and the like. I introduced this at an earlier time. We have since then had officers come and elaborate about various components and this is its final stage and I am really now at the stage of asking members to endorse that so that it makes an adjustment to the existing Human Resources Policy. I commend this document Honourable Members. Maybe I could make this formal arrangement in terms of the amendment. Could I make the proposal Honourable Members so that the 6th February 2003 be deleted and the 19th March 2003 be inserted in its place

DEPUTY SPEAKER NICHOLAS Leave is granted Mr David Buffett

MR D BUFFETT I've explained the reasons for that and I would be happy that it be put to the vote thank you

DEPUTY SPEAKER NICHOLAS Is there debate Honourable Members

MR BROWN Madam Deputy Speaker I have no problem with the document save for clause 13.8

MR NOBBS Thank you Madam Deputy Speaker. This document has been around for a while and it's really interesting that at the death so to speak that there is a fairly significant change and the significant change is that the appointment for limited circumstances in 13.8 is subject to the agreement of the prescribed organisation and my understanding of the prescribed organisation is the Public Service Association. Now I understood that the original proposal was that long term employees would not have to go through the selection process, that they would be automatically appointed as permanent members of the Public Service. Two things should have happened. The first one was that we should have had an approved structure in place and I've said this before and I'll say it again and the approved structure that we have in place at the present time was developed in the time that I think Mr Buffett was the CAO and it was accepted as a process after that that it would be more or less the base guidelines for the development and assessment of what the structure in the Public Service should be in the changes that were foreseen would occur once the Corporate Management Group was in place and operational. There's been no draft structure put up for approval as far as I am aware. I haven't seen one and I would have thought that it would come to the Legislative Assembly because that's where the original proposal was. As a consequence, what we have in fact is a structure of I think 191 positions, I think it's around that figure and we are adding on another dozen of long term temporary employees that look to become permanent so that would increase the Public Service but it appears that a number of positions that are supposedly not to be filled and that something like thirty and I had the opportunity to look at some of those positions and it was agreed that I have a look at them and I find on that list that there are three Programme Manager

positions, these have been superseded by the positions of Executive Directors in the Corporate Management Group so there's no change in the number there and it goes on through the system. There are others that are covered and what you may say is double dipping or double counting and the like and therefore I'm not too sure really now, how many public servants we are going to end up with because we have not had the opportunity to be provided with what is a proposed structure under the new arrangements. Bearing in mind that the Corporate Management Group in its entirety has been in place for something like fifteen months, so I'm concerned that there could potentially be an escalation. We've already heard some views when it was questioned before about this that, oh well, those positions will be filled because they are part of the structure, so I don't know. I have my concerns that. And returning to the original, the subject to the agreement of the prescribed organisation, that to me smacks of a selection process which we weren't supposed to be going through and I have grave difficulties in allowing the organisation to dictate who will hold positions within the Public Service. They normally have a role and I have no worries with the Union having a role but I don't agree that they should have a fairly strong position as we have at this point in time. The opportunity for it to be classified as a Mafia rears its head because here you go, you either do the right thing or you're not on brother, so I don't say that these people would do that here but the potential is always there for that sort of thing to happen. So with those two major points, I have difficulty with 13.8, the traditional provisions. I accept that there are people who have been on there for a long time that have been going from month to month and those positions have been on the books since I worked down there nearly forty years ago, those positions have been there and obviously they are a necessary position, they've proved over the years that they have to have that position in place and that's fine, but we're looking at additional ones to those and these are more or less new positions and therefore I have real concerns with them. I think that the Minister should look very closely at that sort of thing and come back with some assurance that a proper structure will be developed, put in place and be open for the whole community to see. Not the present arrangement where it's a bit of this and a bit of that and we are not going to employ them and these sorts of things. We should change it. Do it. Not after the even but before this section goes through, thank you

MR D BUFFETT

Thank you Madam Deputy Speaker. I should just emphasise a couple of things in terms of this particular provision which I have done on earlier occasions but in light of some of the things that have been said now it may be useful for me to do that. Firstly, this particular provision is endeavouring to tidy a long standing area within the service that does need tidying and has not been tidied. There are people who have been in jobs in many cases for years and this is a one off situation; it is not an ongoing situation; in which it will endeavour to tidy those. In fact, if you read this carefully it says that this provision will not apply beyond six months from the time that it is made, in other words, emphasising that this is providing a provision to tidy this long outstanding difficult area and I've got to say that it is not a perfect situation but we all recognise that it does need attention and so I think that's the first thing to be said. It's not as though it will be something that will go on forever. The second thing is that it sets out what criteria must be met to be within that category and that's mentioned in this document also. In terms of what Mr Nobbs has drawn attention to, he has selectively read this. It is certainly subject to the agreement of the prescribed organisation but it goes beyond that. It is a wide consultative arrangement. The prescribed organisation yes, but also the relevant supervisor, manager and Executive Director and then it goes to the CEO. In other words, there is a process to evaluate and to be sure that this particular task will be ongoing, is properly staffed and the people are properly performing the duties and that opportunity for this to be solved can only be done in that six month window so I think that they are factors that erect safeguards against

some of the difficulties that have been displayed. All those who have endeavoured to walk through this process, as I've said earlier, recognised that there appears to be no ideal solution but we must find a solution and we've endeavoured to get one as close to the mark that is possible, hence that proposal and I might say that that explanation has been brought to members on these two occasions, we've endeavoured to walk through and have it explained by the relevant officers who have a brief in the Human Resources area to work through difficulties such as these. I thought that explanation may be helpful to members

MR I BUFFETT

Thank you Madam Deputy Speaker I'm not too sure that what the Minister has said has totally cleared my mind of a couple of questions that I have. I'm not too sure whether the prescribed organisation for example has a role as an employer. The role of the employer rests with the CEO and certainly the CEO may take recommendations or suggestions or comments but perhaps I'm reading this incorrectly but it says subject to the agreement of. Now does that also mean that if the prescribed organisation doesn't agree, the CEO cannot appoint. I have that couple of brief questions in my mind, as to whether they've gone beyond the role of the prescribed organisation in representing the employee and therefore transcended the role from an employee representative organisation to the employer themselves being subject to their agreement. As Mr Nobbs said, it certainly does leave a margin for imagination in terms of when you look at small numbers of people who have been in these positions, being subject to that sort of agreement. I'm not too sure if I can agree with that part of section 13 at this time. Having said that, I make one other comment and this is no criticism of the Minister, but yet again we receive this amendment at 11.15 or 23 minutes to midnight when the decision process is in place. We hear comments regarding the Public Service from time to time and I think the Public Service deserves a little more consideration from us in this issue. Mr Nobbs has made reference to the structure and a few other things that in his view and the view of a couple of other members need to be fixed but the view in my mind is to suggest an adjournment of this issue, but not an indefinite adjournment because I think there are three or four things that may need to be attended to in respect of the Public Service and we owe them that to get these things fixed. As Mr Nobbs said, they have been going on for some time, but I would be of a mind subject to what other members have to say, to temporarily adjourn this so that we are all happy in our minds at what the Act says and to have a special sitting to fix up those issues which are critically important in respect of the Public Service because it's come after lengthy debate and after some issues and I think we owe them that consideration. I will leave that for comment from other members

MR BROWN

Madam Deputy Speaker I mentioned that I have difficulty with 13.8 and my difficulty is twofold. Firstly, I have a difficulty with a Union as it were deciding on whether an employee can be appointed to a position. As Mr Buffett said, surely that is not an appropriate role and to give you an example of my concerns let's assume that we are in a different place and we are talking of a fairly militant Union and that some people were members of it and some people weren't. I can easily imagine a situation where the only ones to get recommendations were those that were active members of the Union and there is nothing to say that that couldn't happen here. The second difficulty I have is a large part of the foundation of this Public Sector reform process has been merit appointment. Surely if someone is already filling a job on a temporary basis and has merit, they are going to get the position if it is advertised and if they are not making the grade well is it appropriate that we make specific provision that no matter how well or how poorly they might be doing they've got to have this new job because what we are talking of is something which will be a new position as I understand it so I

would prefer that clause 13.8 be deleted altogether. I've taken note of Mr Buffett's words when he has suggested that the Public Service deserves a little more consideration than us considering a document which has been distributed to us just minutes ago. I would have no difficulty if the matter was adjourned but I will continue to have difficulty with clause 13.8

MR SMITH Thank you Madam Deputy Speaker just a short comment. I agree with what Mr Buffett and Mr Brown has said. This document has appeared in our hands in the last ten minutes. It looks very very simple but as we've often found in the past when a document is given to us at the last minute, we can oversee some things. If there is a move to adjourn I would support that adjournment otherwise I would be inclined to think about whether I should agree to what is proposed today or not

MRS JACK Thank you Madam Deputy Speaker yes, the section on conflict of interest here in the role of the prescribed organisation gives me concern and in its current state I would have to say no, I need more talking between us and with other members and as Mr Ivens Buffett suggested, perhaps another meeting but I have trouble with those changes in that phrase thank you

MR D BUFFETT I move the matter be adjourned

DEPUTY SPEAKER NICHOLAS Thank you Minister. The question is that this matter be adjourned and made an Order of the Day for a subsequent day of sitting. Is that in accord with your wishes Minister. I put the question

QUESTION PUT
AGREED

That matter is so adjourned

EMPLOYMENT ACT 1988 – AMENDMENT TO OVERTIME PROVISIONS

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

MR BROWN Madam Deputy Speaker I seek leave to amend my motion. Members have been distributed today with a single page. Has everyone got that? Perhaps I could read the motion as it stood at the conclusion of our last meeting and then I will set out the one change. That this House requests the responsible executive member to cause a bill to be drafted and introduced into the House in order to amend the Employment Act so as to exclude employees in receipt of salaries from the operation of the overtime provisions of the Act provisions of the Act and so as to allow any employee who so agrees in writing, retaining the right to withdraw such agreement on seven days notice at any time, to be paid a flat hourly rate without provision for overtime provided only that such hourly rate shall not be less than the employees normal hourly rate and to amend section 20 subsection 1 of the Act so that the notice period shall be the greater of seven clear days or such period as is stated in the employment contract. Now I'm seeking leave to further amend that by adding the words "or 120% of the minimum wage, whichever shall be the higher" after the words "provided only that such hourly rate shall not be less than the employees normal hourly rate" so it's a requirement that it be not less than the employees normal hourly rate or 120% of the minimum wage, whichever shall be the higher. Madam Deputy Speaker the amendment has been suggested to take account of concerns expressed to me by Mr Smith who was concerned of the

possibility that someone might be being paid the minimum wage and he felt that if someone was being paid only the minimum wage there should be a percentage above that minimum wage which would apply. I have no difficulty with that because I greatly doubt that anyone is paid the minimum wage, thank you

MR SMITH Thank you Madam Deputy Speaker. I thank Mr Brown for putting that amendment forward because that was my concern. With what we are trying to achieve here and it is based on the argument that a person who wants to can work more than their normal, say forty hour week, so if someone wants to work fifty or sixty hours that they won't be put in a position where they would be working sixty hours at the minimum hourly rate even though their normal hourly rate is a lot higher, and I see this as putting a protection in for those people and also signals to the employers that it wouldn't be okay to do this, particularly when the new minimum hourly rate is accepted or put into place, and recognise that this is only a motion, not a bill, that in the formulation of the bill it takes account of something like this, thank you

DEPUTY SPEAKER NICHOLAS Thank you. Leave has been granted for Mr Brown's amendment. Is there further debate

MR GARDNER Thank you Madam Deputy Speaker just briefly, as Mr Smith has already alluded to, this is a motion. I generally am in agreeance with the principal of it and I think it is appropriate that it be drafted and then we will be able to read it in its full context in relation to the remainder of the bill and I have no difficulty with that

MR BROWN Madam Deputy Speaker I'm sure I did so on the last occasion but just in case could I declare my pecuniary interest in that I am an employer

MR NOBBS Thank you Madam Deputy Speaker I don't know. We don't really know or should I say that I can't find any definition of a salary in the Act so a person on a basic wage of \$7.00 if they work for forty hours could be on a \$280 per week salary I thought that what the proposal was, and now we've got an amendment which says that 120% of the basic wage which is about \$8.40, that's been brought into it, I'm just wondering now, I thought a salary would be somebody say, on \$20,000 per year or some figure like that and not just on a minimum wage and I would have thought that that's fine if you have a manager on \$40000/50000 whatever it is, well they should be working without additional overtime of any consequence so that's my problem with it. I've only got your little bit of paper to tell me what it's about you see and that's why I have difficulty with this motion and if Members, bearing in mind that if we agree to the motion it then has to go through and join the queue and then be drafted and there'll be hours spent on it and what have you. I thought that may be the motion could be dealt with a little differently and there could be some sort of explanation of really what it's about. Whether we're talking about people on salaries or people on basic hourly rates

MR BROWN Thank you Madam Deputy Speaker, the motion is intended to relate to people on salaries, not people on basic hours rates. Certainly it would be wise to define a salary in the amending bill if the motion is passed and that would then give Mr Nobbs the opportunity to have clarity in that regard, but salary is meant here to be a salary as distinct from a wage, and in employment terms they are the two options. You have casual employees and so forth, but a casual or part time employee would never be regarded as being on a salary and frankly an employee on wages is not regarded as being on a salary so the

situation is somewhat restricted. Maybe Madam Deputy Speaker that at the time of considering a draft Bill we might decide to take that a little further, because I'm looking at it that the salary situation will only resolve the situation for some employees, it won't resolve the situation for all employees

MR NOBBS Thank you Madam Deputy Speaker I'm prepared to support the motion but I urge the responsible Minister, would he please get those other amendments that are supposed to be in the Employment Act up and running as quickly as possible because they've been sitting around for a little while and we need to get them in place. Whether you like it as a catch all or basic wage, I think \$7 is fairly low, thank you

MR I BUFFETT Thank you Madam Deputy Speaker I intend to support the motion as it stands as I think there are people in the community who will benefit from this. If it is of any interest, this very concept from my reading is currently being discussed in respect of salary aggrieved persons on the mainland at the very moment in certain areas so there may be some lead that we may look at. Having said that I intend to support the motion but perhaps make a suggestion that when we get to the stage where the Minister has his set of drafting instructions we may be able at an informal Members meeting have a look at that drafting instructions to make sure that we are not changing legislation at the eleventh hour but the drafting instructions might be correct before we get to that point because this is complex in the employment field and its not easy and there are a number of things we might need to consider, some of which have been touched on today

MR DONALDSON Thank you Madam Deputy Speaker as the Minister with carriage of this matter I am quite happy and quite prepared to bring it back to the House for further discussion in the form of a motion or an amendment to the Act but I see before we do that we definitely need some definition on salaries. I can see the need for the people on a salaried amount not to be paid overtime. They are expected to work whatever hours it takes to do the job to earn that salary. I have a little concern with the amendment that's been put through this morning where it says 120% of the minimum rate as defined in the Employment Act for the normal hourly rate. What that appears to be doing is taking away the existing overtime provisions of the Employment Act and substituting 120%. I know there's a safety valve or an out there that says the employee has to agree in writing for that to happen but that could be that in certain circumstances there is pressure put on employees to agree to that sort of arrangement in order to keep their job, keep their accommodation and keep their airfare entitlements alive, but I'm happy to bring it back for further discussion. I'm a little puzzled as to why it can't go through as a private Member's Bill, why it has to come through from the executive member. I see Mr Brown has raised his hand very quickly on that one so I'll leave my comments to that stage

MR BROWN Thank you Madam Deputy Speaker, there is a very good reason as to why it has not been introduced as a private Member's Bill. The only way it would get drafted in that situation would be if I drafted it myself. Private members Bills do not get to be drafted in this environment. It's a long long time since I can recall a private members Bill being drafted for introduction into the House and even if I were to draft the Bill myself, the usual practice is that it sits on the yellow paper for the whole of the remainder of the particular Legislative Assembly and never gets dealt with so that's the reason for introducing it as a motion so that the Minister with his infinitely greater influence can cause something to actually happen

DEPUTY SPEAKER NICHOLAS The motion is that the question be put. I put the question that the question be put

QUESTION PUT
AGREED

Then I put the question

QUESTION PUT
AGREED

The Bill is agreed to in principle thank you. Is it the wish of the House to dispense with the detail stage. Thank you. I seek a motion

MR D BUFFETT I move that the Bill be agreed to

DEPUTY SPEAKER NICHOLAS Further debate. No further debate Honourable Members? I put the question

QUESTION PUT
AGREED

The ayes have it, the Bill is agreed thank you

MR D BUFFETT Thank you Madam Deputy Speaker in respect of the next item that is Order of the Day No. 6 there is a request that you do not call that matter on. I have some papers which I will separately distribute to members. That matter is not to proceed today

DEPUTY SPEAKER NICHOLAS Thank you Mr Buffett. So the Bill is withdrawn

MR D BUFFETT No, no, no. It remains there but we will attend to it on a subsequent day, thank you

FIXING OF THE NEXT SITTING DATE

MR BROWN Madam Deputy Speaker I move that the House at its rising adjourn until Wednesday 16 April 2003, at 10.00 am.

DEPUTY SPEAKER NICHOLAS Thank you Is there any debate. The question is that the Motion be agreed to.

QUESTION PUT
AGREED

Thank you, we move to adjournment

ADJOURNMENT

MR SMITH Madam Deputy Speaker, I move that the House do now adjourn

DEPUTY SPEAKER NICHOLAS Is there any debate Honourable Members?

MR I BUFFETT Thank you Madam Deputy Speaker I would like to touch on one matter. Given the current world situation as we understand it from the news broadcast that are being broadcast in this part of the world I would like to make this short comment, that given the situation if there are any families in Norfolk Island who find any of their kin involved in that then I wish them Godspeed and a safe return

MEMBERS Hear, hear

DEPUTY SPEAKER NICHOLAS Thank you Mr Buffett. Is there any further adjournment debate. Then I'll come to the floor thank you

SPEAKER Final adjournment debate Honourable Members

MS NICHOLAS Thank you Mr Speaker. I would like to address the matter of the proposed importation of an ultralite aircraft into Norfolk Island. On the 25th September Ron Nobbs introduced the motion into the House seeking to restrict the height at which aircraft generally fly over the land mass of Norfolk Island to 4000 metres or 13000 feet. Other than when taking off and landing. In speaking to the motion at that time I made mention of the fact that the Commonwealth Civil Aviation Regulations, the CCAR Regulations which are in force in Norfolk Island already provide that an aircraft must not fly over any city town or populace area at lower than 1000 or over any other area at lower than 500 feet, take off and landing procedures are of course excepted. To get an idea of that 1000 feet level the present scenic flights over Norfolk Island I'm told fly over the Island at between 1200 and 1500 feet. The group who plan to import the ultralite advise that their aircraft will be registered with the Australian Ultralite Federation and will fly under their regulations which are issued by CCAR. It seems to me then that CCAR will be the controlling body for the flights which the ultralite will make. According to a letter written by Hayden Bell to the Airport Manager in November last year, the flights will be limited to daylight when weather conditions are favourable and probably ten flights per week. It's also said that weekends will not be congested to use their words. Many of the pilots are able to fly only from Monday to Friday. We were also advised that the only time the ultralite will be at less than 1000 feet is during their takeoff and landing procedures and at that time they will not drop below 1000 until they are at the end of our landing strip. The craft have short take off and landing capabilities. Hayden Bell who is the spokesman for the group wrote to the members of the Legislative Assembly a week or so ago and in that letter he states that a. a pilots licence is required to operate the aircraft, b. the majority of the proposed pilots already possess CCAR issued private and in some instances commercial flight crew licences and c. to obtain a CCAR pilot's licence candidates have to undergo a set of syllabus of practical and theory training which is subject to examinations on completion. Aviation is one of the most regulated industries in the world indeed to be able to operate and obtain insurance a syndicate club structure has to exist and be affiliated with a CCAR approved Australian Ultralite Federation the AUF. There will be a President and Chief Pilot, records will be kept of all flying activities and pilots will be required to maintain log books. The aircraft also has to be maintained to AUF standards. As Hayden also says, in effect this means a defined path and structure to deal with any complaints issues and concerns. A number of pilots came to address members at an informal meeting early this month and they did that because they knew we had concerns in respect of noise, the invasion of privacy and safety issues. At that time they spoke of the modification of the aircraft engine to ensure maximum noise suppression. We are assured that the noise will be at a level of fifty decibels when the ultralite is at 1000 feet. Now that's remarkably quiet. The average noise

level inside a well maintained vehicle is around 60 decibels. The conversation of a group of people in a room is I believe around eighty decibels and we are talking about fifty decibels at 1000 feet. The group expressed a willingness to fly their craft over the sea and around the Island rather than to criss cross it incessantly and drive us all nuts. They also told us that their craft could be utilised in search and rescue operations at minimum cost. Their running costs are very low. Something like \$45 per hour. This activity is to be regulated by CCAR in respect of flying height and by self regulation in respect of the places they fly and the frequency. This will set the scene for the future of such activities on Norfolk Island because if the use of this ultralite on Norfolk Island causes nuisance in terms of noise pollution and invasion of privacy to members of this community the only avenue open to us will be to ban their importation. We are all nervous about this issue because of the poor track record already set by users of jet skis. It was left to them to self regulate and that sadly has proven ineffective so under present circumstances, until we get some environmental protection legislation under which we may be able to make some regulations, the only alternative is for us to ban importation and that to me seems draconian. It's probably appropriate Mr Speaker for me to say that I'm running with this one on a wing and a prayer. I hope these guys do the right thing by us and by the community of Norfolk Island. Thank you

SPEAKER
Honourable Members?

Thank you Ms Nicholas. Any final debate

MR NOBBS

Thank you Mr Speaker I wish to make it quite clear that my motion was not directed to the ultralites, they came along a little bit after that motion was put together but it refers to all light aircraft and I think that if it's fair for one it's fair for all and we should have some ability to regulate the performance of all light aircraft on the island and I await with interest the discussions that are being had with some of the pilots and the like to come up with a reasonable regulatory arrangement other than self regulation which has its moments of good and bad and unfortunately the bad moments are the ones that seem to get all the publicity so I would think that if we are to do something, there should be regulation for all light aircraft operations over the land known as Norfolk Island, thank you

SPEAKER
the question is that the House do now adjourn

Thank you Mr Nobbs. Honourable Members

QUESTION PUT
AGREED

Therefore Honourable Members this House stands adjourned until Wednesday 16 April 2003, at 10.00 am.

