

PRAYER

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

PETITIONS

Honourable Members I firstly ask if there are there any petitions this morning?. There are no petitions.

GIVING OF NOTICES

Are there any Notices?

QUESTIONS WITHOUT NOTICE

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

MR SMITH Thank you Mr Speaker a question to the Chief Minister. Chief Minister as you are aware a new Minister for Territories amongst other things has been appointed by the Commonwealth Government. Have you had contact with the new Minister and if you have, have you made any sort of invitation to the Minister to attend Norfolk Island

MR GARDNER Thank you Mr Speaker, yes I have been in contact with Senator Ian Campbell the new Minister for Territories, Local Government and Roads, there's been a renaming of the ministry Mr Speaker, and I have issued to him an invitation to visit Norfolk Island. There had been a thought that maybe the Minister would be in a position to visit later this week. That has not been confirmed but I am of the understanding that the Minister is making every endeavour to visit Norfolk Island early in his term as Minister for Territories

MR SMITH Thank you Mr Speaker another question to the Chief Minister in relation to the Joint Standing Committee, is there any information on when the Joint Standing Committee is to table their report on Norfolk Island

MR GARDNER Thank you Mr Speaker the only word that I've had in relation to the Joint Standing Committee's report is that there is a possibility that its tabling may be delayed because of the change in ministries or responsibilities for the ministry from Wilson Tuckey to Senator Campbell. I have had no further word on that matter other than that

MR SMITH Thank you Mr Speaker a question to the Minister for Finance. Could Mr Donaldson please give us an update on the airport upgrade unless he is going to be making a statement about it and I would be happy with that if he does. Also with the SLS landing system, if there is any progress with the implementation of that

MR DONALDSON Thank you Mr Speaker the airport upgrade has reached a stage where it has secured a loan from the Commonwealth for the funds to provide it. At the moment we have completed documentation for the tenders to go out for the principal contractor for the airport upgrade and that contractor will have responsibility for the job from the quarry face virtually to the finished product. There is a

delay. Everything is ready to go but the delay is in the proceedings as we are waiting for an ART hearing on the future of rock crushing on Norfolk Island. It was thought that there was no merit in sending out tender documents when we can't assure people of the source, or the price or the availability of rock although that matter should resolve itself in December when there's an ART hearing. The SLS landing system, that was progressing, there was money in the budget. Alliance Airlines had equipped one of their planes with the avionics to receive the signal, the other plane was to be equipped however, events in the last week with the cessation of operation by Alliance to Norfolk Island may change that. I have no current information on the exact status of the SLS system at the moment

MR SMITH Thank you Mr Speaker a question to the Minister on the airport upgrade. Do we know how much rock we are going to need for that project

MR DONALDSON Thank you Mr Speaker the original report from GHD in the preliminary design for it talked about 20,000 to 22,000 tonnes of rock

MR SMITH A question to the Minister for Land and the Environment in relation to crushed metal, could he update us on what the situation is and when he hopes that we will have a supply of crushed metal

MR I BUFFETT Thank you Mr Speaker the crushed metal situation has not improved that much over the last month unfortunately. The Administration is considering the options for the removal of the other than rock or the temporary rock stockpile at Cascade Reserves and generally referred to as the area outside of Aunt Lil's. the ART has given approval as I understand to Island Industries to undertake three days of crushing and three days of test crushing in the presence of the scientist Heggy's and Associates for the purpose of the final determination of this matter at the current site in Stockyard Road, however, the applicants in this matter have as I understand it, now made application to the Supreme Court of Norfolk Island to once again prohibit that taking place so unfortunately there is very slow progress because of those procedures and those processes through the ART and the court system that is, as I said, generally hindering the provision of crushed metal in Norfolk Island

MR SMITH Supplementary. And maybe this is out of order. Is there any thought to changing the rules of the ART so that we can't get the Island to a situation like this again

MR I BUFFETT Perhaps Mr Speaker I could answer that by suggesting that if the membership are of a view that we need to take some emergency procedures in respect of this particular topic then we may discuss this as a separate issue, but I would not like to propose any suggested amendments to circumvent the process of the existing ART procedures, nor the procedures applicable within the court system in Norfolk Island. It is a difficulty but the justice in all of this is that everybody is entitled to the applications that can be made to law and are now pursuing those. Unfortunately I can't do much more at this point. If the membership of this Legislative Assembly and the community generally I believe are of a view that we should take more drastic or dramatic steps to provide metal then we may need to consider that. That may even go to the situation of us having to import metal if these particular scenarios continue and the frustration of being able to produce metal locally continues. Now that will be a significant cost to this community for the future but these are things that we need to consider. At the moment we are going through those processes and I am really caught by those, and as I said they are the processes of the Administrative Review Tribunal and the Supreme Court of Norfolk Island

MR NOBBS Thank you Mr Speaker may I ask a supplementary to that. Minister could you just provide some information which I don't think I caught in your answer to Mr Smith, is the three days proposed to allow the Stockyard Road crusher to operate, is that in the enclosed proposal as put up by the company or is it an open arrangement

MR I BUFFETT Thank you Mr Speaker as far as I am aware, they've only got one machine capable of doing the actual crushing. I understood it is now enclosed, or almost completely enclosed. The extent of the work I can't fully answer Mr Nobbs at the moment, but they've only got one machine as I understand it, and that's within the shed that's been part and parcel of the conditions of that particular approval

MRS JACK Mr Speaker I ask this of the Minister for Finance, in the September sitting I asked a question about landing fees, and I ask the same question. Are all payments of landing fees up to date by all three airlines; are the accounts still thirty day accounts and with the amalgamation of two of the airlines, who will be ultimately responsible for payment of landing fees with that new arrangement

MR DONALDSON Thank you Mr Speaker there has been some improvement in the situation since I last spoke on this. One of the airlines has brought its landing fees substantially up to date. Another one of the airlines is still dragging the chain but I believe that summonses have gone out to that airline. As to who is ultimately responsible for the landing fees, both the owner and the operator of the aircraft are jointly and severally liable for the landing fees

MR NOBBS Thank you Mr Speaker I ask the Chief Minister, will you be making a statement on the newly announced arrangements for passenger aircraft from Australia to Norfolk Island

MR GARDNER Thank you Mr Speaker the short answer to that question is no, I hadn't intended to make a statement

MR NOBBS What is the Government's view on the announcement

MR GARDNER Thank you Mr Speaker the announcement that was made by Norfolk Jet and Alliance Airlines last week was a business announcement, an arrangement that they have entered into. I guess the Norfolk Island Government's position in that relationship is that it is happy to see that the airline arrangements have not been derailed in servicing Norfolk Island and that we wish the new arrangements every success

MR NOBBS could I ask a supplementary to that, Minister when was the Government made aware of the proposed changes; were there any discussions prior to the announcement and if not, were there any indications

MR GARDNER Thank you Mr Speaker I had a brief discussion with the Chief Operating Officer of Norfolk Jet Express Mr David Bobberman on the morning of the announcement. He was unable to disclose to me the content of the announcement that was made later that afternoon, because there was an embargo on that information and Mr Speaker he wouldn't even allow me the opportunity to guess at what the content of that announcement may be but certainly the Norfolk Island

Government was made aware of the new arrangements at exactly the same time as everybody else was

MR NOBBS Another supplementary, Minister are you concerned that in the announcement there was considerable expressions of problems associated with the Tourist Bureau and I ask are these accusations correct and if not, why wasn't something put into last week's paper to refute those particular accusations and is it correct that the Government largely, I understand, through yourself, undertook to assist Alliance with seeding funding for start up advertising and the airline I understand committed funding on the basis of this agreement and why was it not honoured if this commitment was made

MR GARDNER There's a lot of assumptions made in those questions Mr Speaker. A lot of them fall into your own portfolio responsibilities as Minister for Tourism. I think it would be appropriate that I defer the answer of that questioning to your good self when the opportunity does arise. However, there's been a lot of things if I may just comment on that, there have been a lot of things said and a lot of things done. Certainly there have been a lot of rumour mongering and that's obviously continued in the nature of this question. Certainly the ...

MR NOBBS Point of Order

MR GARDNER Certainly the community is entitled to the

MR NOBBS Point of Order Mr Speaker. I asked a question on the basis of information that's...

SPEAKER Yes. What is your Point of Order Mr Nobbs

MR NOBBS That my name has been impugned by rumour mongering

SPEAKER I didn't interpret that the Chief Minister was talking about your statement as being rumour mongering, I thought it was a more general statement outside and wider

MR GARDNER Thank you Mr Speaker if I might finish my answer to the question, and those rumours Mr Speaker as far as I'm concerned the community are entitled to some answers and I'm sure that you will do your utmost to provide those answers to those rumours

MR NOBBS Just a supplementary, I understand Mr Speaker that when Alliance was coming on line and when these negotiations were made, and I ask the Minister if this is not correct that this was what was happening, that we were in a process of a change between two Ministers and that the major person who took the running of this at that time, was the Chief Minister himself, not the incoming Minister for Tourism, yourself, Mr Speaker. Is that not correct Chief Minister

SPEAKER Did you want to respond to that Chief Minister

MR GARDNER Thank you Mr Speaker yes it is correct that I was party to negotiations with Alliance Airlines in the days immediately before the beginning of their service to Norfolk Island. It was made very clear then and has been made very clear since to the Island that we were not funding directly, airlines in any form or fashion and that the marketing arm which is the Norfolk Island Government Tourist

actual workings and mechanics of the pier are not disturbed in any form or fashion that would interrupt the fishing activities that take place from the pier and also the supply ships that visit Norfolk Island and their unloading capacity

MS NICHOLAS Thank you Mr Speaker. A question to the Minister for Land and the Environment and thank you Chief Minister. If Norfolk Island is to have its own Heritage List, what additional properties or places will be included on that list over and above those that are already on the National Register and what process will be adopted in listing those places

MR I BUFFETT Thank you Mr Speaker the short answer to that is there will be no additional places automatically added to the list. When we discussed with the Commonwealth the question of us having our own Heritage List and in accordance with Commonwealth philosophies in respect of Heritage matters right throughout Australia and the other states and territories, States and Territories are now becoming responsible for their own Heritage items. When we discussed this issue we undertook to list those matters that were already listed on the Register of the National Estate as being the basis of our Heritage Register. There is no proposal on my behalf to list any additional matters other than those that may be applied for or nominated under the local processes as provided for by the Heritage Act 2002 and the more prescriptive means of doing that which are contained in the Heritage Regulations to that Act

MS NICHOLAS Supplementary to that. Is the Minister able to just give a brief outline of what the requirements are for that listing

MR I BUFFETT Thank you Mr Speaker well I probably could do that, simply by referring to the Heritage Regulations. They provide a process where an application can be made and I'll just briefly touch on these otherwise we'll be here for a considerable length of time. Once an application has been made, it really is made to vary the register by adding to or deleting from the Register and anybody is entitled to make such an application, the second process is that professional advise and preliminary Heritage Assessment is taken on that application, that is followed by a public consultation phase that is mandatory under the Act to be undertaken, the public consultation period is gazetted and the process is gone through during that period to do a couple of things; the Chief Executive Officer needs to provide a report to the executive member. Once that report has been completed there will be consideration and assessment by the board, that is the Planning and Environment Board to which as part and parcel of the arrangements under the new Planning Regime, expertise in terms of Heritage are provided by way of additional membership to that board depending on the category of the heritage item being considered. Once that is done a recommendation is made to myself if it's during my time in parliament as the executive member for a statement of proposed heritage item is published. When that is done, the executive Member will give notice of the executive Members decision and that then takes it to the next level which is before an item is considered for inclusion on the list it is brought before the full membership of the Legislative Assembly and it goes through a process in this place where the proposed addition to or deletion from the instrument that is prepared for myself becomes a disallowable instrument so its got a fairly exhaustive process to insure full public consideration consultation and of course the wider Membership of this Legislative Assembly is considered before such action is taken to place matters on the Register

MR NOBBS Can I ask a supplementary to that. Just in relation to the Heritage Register Minister I asked you at the last meeting why significant convict area such as Kavha and Cascade and Longridge were included and yet the

Headstone area was not included and the Headstone Reserve is not included whereas all the other reserves are. Has he been able to ascertain why this happened

MR I BUFFETT Thank you Mr Speaker as I indicated to Mr Nobbs last time, the Headstone Reserve simply was not nominated in any applications previous to put on the Register of the National Estate. I have made some inquiries and there has been no definitive answer as to why it hasn't been. The Headstone Reserve, as I said was not listed, however under the process that we have at the moment if the community or Members of the Legislative Assembly or the Assembly as a whole believe that the Headstone Reserve should be added to the Register of the National Estate, that application can be made, to add that reserve to our Heritage Register once it's in a position for that to happen. There's no real reason that I can ascertain why it was not included on the original Register of the National Estate

MRS JACK Mr Speaker again to the Minister for Finance I refer this time Minister to the cold bed tax and ask are there any tourist accommodation units severely behind in their payment and if so are these substantial amounts of money and what are we looking at to try and bring these payments up to date

MR DONALDSON Thank you Mr Speaker I understand there are several tourist accommodation units that have fallen behind with their payment of the accommodation levy. They are subject to a normal debt recovery procedures and I believe summonses have gone out to those ones who are substantially behind.

MRS JACK A supplementary. You mentioned the debt recovery policy. I've asked in this House a couple of months how this debt recovery policy is progressing and have never had an appropriate response. I was just wondering if any of those were up to date, the issuing of summonses the interest on accounts and so on

MR DONALDSON Thank you Mr Speaker there is a debt recovery policy at force in the Administration that consists of thirty days to pay your bills then several letters go out and ultimately you get a summons for not paying your bill. There is a review of that debt recovery policy and that's what's dragging on for longer than it should have been but the debt recovery policy is there and is being applied

MRS JACK Another supplementary. Is there any ending to the reporting of that debt recovery review

MR DONALDSON If that question is, is there an achieved by date or completion by date, I don't want to be flippant about this, but I would like it to be done by Christmas

MR NOBBS Thank you Mr Speaker I ask the Minister for Land and the Environment at the last meeting you mentioned that the reserves do not require a planning application. Is this correct? I understood from the 1996 plan that the whole of Norfolk Island except for the National park was subject to the Plan and all that was attached to it, including the building board, and the new plan includes the whole of Norfolk Island. Is what you said at the last meeting, actually correct or is there some problem

MR I BUFFETT Thank you Mr Speaker I understood at that particular time that it was correct and I haven't taken the opportunity between the last meeting and today to check on what Mr Nobb's has said, but I certainly will do that and let him and the community know

MR NOBBS This is in relation to the work done at the Headstone Reserve Minister if you recall, I asked you what the status was of such work given the recently completed Plans of Management and I also asked you whether you had been able to ascertain whether a tender was called for this work and I asked you if a tender had been called for this work and I wonder whether you've been able to ascertain whether this was done or not and I also asked you why the Administration hired trucks to cart and remove soil when I understood that it's own vehicles are capable and available to undertake this work and were sitting in the shed

MR I BUFFETT Thank you Mr Speaker I had intended to answer these, albeit that they weren't on notice, and I had invited the Member to put them on notice but I can certainly answer those couple of issues for Mr Nobbs and I think the question was were tenders called for the recent earthworks at the Headstone bottom tip as part and parcel of the question that he asked at the September meeting. The response is this. Earthworks at the Headstone tip needed to be carried out immediately because of storm damage that had occurred during that particular week where we lost the shed, part of the cliff area and needed to be carried out while the bottom tip was closed due to that storm damage. A private contractor with appropriate equipment was hired at normal commercial rates. I'm advised that the tenders were not required for works because the works were less than the \$10000 which clip in the tender committee requirements and that the matter could in fact be dealt with by the Corporate Management Group and they took the action to resolve those works. As part of that series of questions Mr Nobbs asked why private trucks were hired when suitable Administration trucks were available, that is, sitting idle. Madam Deputy Speaker, at the time that these works needed to be carried out, one of the Administration trucks was already set up with equipment for road sealing and on a standby to complete the commitments we had in respect of the Mt Pitt road so that vehicle was not available. The other two trucks were not large enough to move the excavated material at a fast enough rate to keep up with the excavator that was working at the time so in terms of good efficiency we hired two vehicles that would keep up with the work to save any congestion within that particular areas which was already overloaded. Furthermore Administration staff because of other commitments and time were not available to do some of the works as they were involved in some road patching, some of the few that we've done during that period, road patching and also, Madam Deputy Speaker, Members will recall that the ship was also working at that time so in terms of efficiency we thought that the hire of the trucks from a private contractor was the most efficient way to deal with that issue

MR NOBBS Thank you Madam Deputy Speaker, I ask the Minister for Finance, given that there was no increase in the fee unit in 2002, will there be an increase in the fee unit for this year bearing in mind that the fee unit has implications in relation to a number of Government charges

MR DONALDSON Thank you Madam Deputy Speaker the fee unit is currently set at 16.50 and it has grown there from 10.00 in accordance with movements in the retail price index over a period of time. There has been a delay in getting the June 2003 retail price index reading completed but when that's done we'll know whether there's been enough movement in the retail price index number itself to trigger a movement in the fee units but at the moment it is dragging the chain. I did give an indication that it would be completed by this meeting but it hasn't been. We have caught up with the March reading but we haven't done the June reading yet although the information has been collated there needs to be some data input and some editing and some checking on the information before it can be finalised

MR SMITH Thank you Madam Deputy Speaker a question to the Minister for Community Services and Tourism who has responsibility for roads and the Road Traffic Act. In relation to number plates, two or three months ago a series of letters were sent out to many people in the community in relation to non returned number plates including letters that went to diseased estates. I understand that some people were quite upset about that but I understand that there has been some revision of our method of getting plates back and I wonder if the Minister could update us on the process that is now being carried out

MR D BUFFETT Thank you Madam Deputy Speaker the situation described by Mr Smith is accurate. In fact earlier in the piece a number of letters were sent out quite demanding letters, and some of them were despatched to diseased estates. From the Service's point of view that was the only point of identification of the previous holders of the number plates and so that course was undertaken. I too have had representations from people in that situation and indeed I have asked in the instances that I have been aware of, that the service make contact with these people and put the matter into perspective for them and explain how they might proceed with the matter if in fact they wish to take certain courses of action. I do understand also that the Service have undertaken an adjustment of the approach there but it needs to be said that there are outstanding number plates and there needs to be an effort to retrieve them so that there can be a better enforcement of registered motor vehicles in Norfolk Island and that's the real purpose of that. If in fact there are still outstanding difficulties of the nature that Mr Smith has mentioned, now if he would want to draw that to attention I can take them up individually and try and find a remedy for them

MR SMITH Thank you Madam Deputy Speaker a supplementary. Thank you Minister for that answer. The question of the ownership of the number plates. There seems to be an understanding by people who register their cars that when they register they pay for their number plates. Are you able to advise whether a person who is registering a car actually owns the number plates or do they remain the property of the Administration forever

MR D BUFFETT Thank you Madam Deputy Speaker it is my clear indication that the ownership of the plates rests with the Administration of Norfolk Island. They are issued to individual people for purposes of identification but it does not necessarily transfer ownership of those plates

MR NOBBS Thank you Madam Deputy Speaker I ask the Chief Minister if he is able to provide additional information to a question that I asked last meeting in relation to the accident that happened on the Mt Pitt road, whether an inquiry has actually been held following the unfortunate accident and is he not concerned that such an inquiry is essential if for no other reason that it might assist in assuring such horrific accidents are avoided in the future

MR GARDNER Thank you Madam Deputy Speaker that question that I actually answered last month was a matter that I deferred answering the question to my colleague Minister for Finance Mr Donaldson in his role in employment matters. I understand a report has been provided to him indicating what level of inquiry has been made and maybe again, it is appropriate that I defer that question to my colleague Mr Donaldson

MR DONALDSON Thank you Madam Deputy Speaker yes, a report has been received in the last month from the Legal Services Unit of the Administration outlining events to date and reports that have been lodged. It is still really

a confidential report and I wouldn't like to make a public statement on it. There is provision in the Employment Act for an employer to provide safe working conditions for the employers and I think that is a matter now being addressed as one of the issues yet to be resolved, in fact, whether an offence has been committed under the Act or not. I don't wish to say anything more about it at this stage

MR SMITH Thank you Madam Deputy Speaker a question for the Minister for Community Services and Tourism who has responsibility for works in relation to the new addition to the school which includes the new Administration block which will allow for the new multi media centre to be set up at the school. Could he advise the progress and the start date on the construction of that project please

MR D BUFFETT Thank you Madam Deputy Speaker I'm not able to provide a start date at this time Madam Deputy Speaker, I don't think a start date has been set at this moment but I could be wrong about that and I'm happy to enquire about it, but certainly there have been finalisation of plans and there has been in terms of the final plans which needed to go through the planning process and that part is complete. There needs to be a more accurate costing in terms of the finalised plans, and then there needs to be a process of tender and I understand that that's the stage it's at

MR SMITH Thank you Madam Deputy Speaker a supplementary. The tender process, will that be done from the school or will that be done from the Government

MR D BUFFETT The school Madam Deputy Speaker is part of the Governmental process and so the normal tendering process will be done by the Administration

MR NOBBS Could I have a supplementary to that. Could somebody please explain to me what the multi media centre at the school is; what the cost is and where it's going to be funded

MR D BUFFETT Thank you Madam Deputy Speaker the multi media mention was not made by me, it was made by Mr Smith. However I can mention this. The multi media centre is not a proposal to be built. It's an allocation of space within the existing school building. If you will just remember that within the school complex where you enter the school there is a fairly large building which is used as an assembly hall. There is a stage and a dividing concertina wall that can divide that particular room into two. Of more recent times that building has been used as two classrooms and therefore it's use as a development in terms of the multi media content of the school's curriculum has not been available for that purpose. The new classrooms that have already been built which are adjacent to that will mean that there is greater flexibility in use of that particular space for the purpose that Mr Smith has just mentioned and that I think is the context of the multi media centre. There is not a proposal to build a new building as a multi media centre if that was interpreted

MR NOBBS Can I ask the Minister for Land and the Environment, will the Minister be making a statement in relation to the waste management centre, this morning, or not

MR I BUFFETT Thank you Madam Deputy Speaker I hadn't intended to make a formal statement this morning but I certainly can let the community and Mr Nobbs know that the centre has been running over the last two weeks

MR NOBBS Well I might as well ask you now, has a budget been prepared for the annual operation of this centre and if so, what is the annual estimated costs of running this centre

MR I BUFFETT Yes, a draft budget has been prepared and I understand it is with the Minister for Finance. Madam Deputy Speaker, the budget I thought I had circulated some information in respect of that to Members some time ago, seeking the views of Members regarding some options for payment of the running of the Waste Management Centre. I don't have all that information in my head at the moment but I am more than prepared to provide Mr Nobbs with that information and let the community know within the week of what the intended cost for running the centre will be

MR NOBBS The second question I have, is what is the additional cost of sorting rubbish by the Administration particularly in public areas, because of the lack of appropriate receptacles and an accompanying public education campaign

MR I BUFFETT Quite clearly I haven't costed that, but if there is a suggestion that there's been substantial increase of the community dumping into Government waste disposal bins, then we need to have a look at that and see what the costs are. Madam Deputy Speaker, I would certainly urge the community not to do that but to use the facilities up there. There is more than ample sufficient assistance at the Waste Management Centre at the moment which we've done to assist the community in doing that and I would hope that the community would take some pride within themselves and use the facility that we've provided and not just dump because of the little bit more effort required to do some sorting

MR NOBBS Thank you Madam Deputy Speaker I wasn't referring to dumping and I ask the Minister, is he not aware that he Administration provide in public areas rubbish receptacles for the use of people using that particular facility and my question was this, what is the additional cost now of sorting that rubbish by the Administration in these public areas, the rubbish from people who utilise those areas for recreation etc etc, because there's a lack of appropriate receptacles in that area and also there's been no public education campaign suggesting that people may like to use these receptacles in the way that is proposed

MR I BUFFETT Thank you Madam Deputy Speaker there's a little of both elements, of what I said earlier and the revised question that Mr Nobbs has asked. I haven't spoken to the people who operate the centre to see if there have been significant additional cost in sorting. I will certainly do that. I certainly have had discussions with the staff at the Waste Management Centre and within the Administration regarding the provision of extra bins, for the public areas, but reiterate what I said earlier, that this community should take some pride and to try and sort, and of course, the commercial operators who use some of these areas, for them to either take some of the waste home with them and resort rather than using the facility and putting them all in one receptacle there. In short Madam Deputy Speaker, we are looking at the provision of more bins and marked bins in those areas to allow the sorting process to be done by the users of the areas

DEPUTY SPEAKER Thankyou Minister. Are there further Questions Without Notice. No. There are no Questions on Notice today

MR I BUFFETT Madam Deputy Speaker whilst there's no formal Questions on Notice, Mr Nobbs certainly I invited him to put some on and this may be out of order, but if the House would permit me to suspend so much of Standing

Orders to answer Mr Nobbs' perennial question regarding the description of KAVHA I would like to do that

DEPUTY SPEAKER

At Statement time Minister

MR I BUFFETT
Speaker

Yes, I'm in the Chair's hands Madam Deputy

DEPUTY SPEAKER
any Papers for presentation today

Thankyou. Presentation of Papers, are there

PRESENTATION OF PAPERS

MR GARDNER Thank you Madam Deputy Speaker under subsection 31(4) of the Legal Aid Act 1995 I now lay before the Legislative Assembly a report addressing the matters specified in that subsection and for the benefit of my colleagues, those matters specified are a report of the Legal Aid Advisory Committee for the period January 2003 to 30 June 2003 relating to the Legal Aid advisory Committee's activities for that period. Secondly, all the recommendations of the Committee that have been accepted and a statement of reasons for the non acceptance of recommendations; thirdly that no legal assistance has been provided to a body corporate and lastly enclosing a summary of the financial records of the fund in relation to that period and Madam Deputy Speaker, I table that report

MR DONALDSON

Thank you Madam Deputy Speaker I table the financial indicators for the first three months of the year ending 30th June 2004. In speaking to the financial indicators they show that income is running at 94% of budget and expenditure at 83% of budget. The main reason why income is below budget is that customs duty, although up in dollar terms on last year, is down on budget. We've had an 81% achievement rate so far to date on customs this year. This shortfall is mainly attributable to the budget figure being based on new rates for alcohol and tobacco products supply for the whole year when in fact they only took effect from August onwards. Additionally customs duty does not accrue in equal monthly instalments and historically the second half of the year has performed better than the first half. The expenditure figures does not show any alarming trends with overall expenditure being \$545,000 or 17% under budget. At the 30th September the net performance of the revenue fund against budget is favourable to the amount of \$287,000. Just one more observation I'll make is that for the three months ended 30th September 2002 which is a year ago, the equivalent period, the total revenue is \$2721,000 and that compares to the first three months of this year, of \$3,024,000 so although there's been a net increase in revenue there's been a slight decrease in percentage of budget achieved to date, thank you

MRS JACK
that the Paper be noted

Thank you Madam Deputy Speaker can I move

DEPUTY SPEAKER

The question is that the Paper be noted

MRS JACK

Thank you Madam Deputy Speaker I would like to ask the Minister that this is for three months of the financial year. This is the second time we've had the financial indicators given in quarter yearly slots and I'm just wondering if this is the new format or will we go back to monthly indicators being provided

MR DONALDSON Thank you Madam Deputy Speaker, no I fully expect and fully require monthly indicators to come from this point forward. The first month of the financial year doesn't really show many trends and it's a busy period for the Administration staff, in finalising the previous year. At the last Legislative Assembly meeting we had in September I tabled the twelve months financial indicators so Mrs Jack is right, this is the first indication we have had of the performance of this current financial year

MR SMITH Thank you Madam Deputy Speaker. With the percentages the Minister has just talked about its interesting and maybe out budgeting was a bit too imaginative if we are not spending anything like what we budgeted for in the first three months and we're not raising as much as what we expected to in the first three months maybe at our budget review we really need to review downwards in what we approved in the budget process. I don't have the indicators in front of me so I can't look through to see where the money is not being spent or raised except that Mr Donaldson did say that customs duty is down quite a lot. Mr Brown has just shared his paper with me and I can see where a lot of the spending isn't occurring and that's in the works and general roads area and possibly that's understandable. It would be interesting if the taxes that were raised, as Mr Donaldson mentioned, the tobacco tax and liquor, I imagine that we are tracking the changes to see if the sales of those products are retained at previous levels or with the huge increases that we've put on tobacco products whether it has had an effect on sales by people visiting the Island whether they bother to buy here now in that area

MR DONALDSON Thank you Madam Deputy Speaker let me just comment on Mr Smith's comments. The problem with the tobacco one, is that the budget figures included tobacco and alcohol duty increases for the twelve months and this only included the two or three months, and additionally there was quite a bit of warning put out on duty on tobacco and alcohol products was going to double from 250% to 500% I think it was which enabled importers to stock up in the months of June and July so that their purchases in subsequent months of August and September were probably lower than they would be. No trend has been tracked at this time as to the effect the price increase will have on purchasing trends. That is something that we will be looking at. In fact I've asked the customs office to prepare an analysis of the customs duty categories over the last five years. That's one of the other issues that I'm concerned about is that although we almost achieved budget with our customs duty last year and we've been doing quite well out of customs duty I have some niggling fear that the reason we did so well was there was a building boom over the last couple of years and if that building boom subsides, we'll lose a lot of our customs revenue so I really want to track the trends in those areas before we get too far into the year

MRS JACK Thank you Madam Deputy Speaker I would just like to ask if the Minister could also keep a check on the liquor Bond because if subsequent increases in spirits, and even though there's a 30% discount given to travellers I would just like to know how the sales go in that area because for some people with the difference of a couple of dollars they will stop to buy it here and buy alcohol on the way back so I would like a close watch kept on those sales as well please

MR DONALDSON If I could just comment on that, the sales at the liquor Bond are being tracked and the comments of people about comparative prices of Australian duty free and Norfolk Island discounted prices are being noted and that's all I can say at this time. It's early days now and trends haven't emerged

DEPUTY SPEAKER Honourable Members further debate. No further debate I put the question that the Paper be noted

QUESTION PUT
AGREED

That Paper is noted

MR GARDNER Thank you Madam Deputy Speaker I table before the Legislative Assembly the Annual Report of Norfolk Island for the years 2001 to 30 June 2002 and move that the paper be noted. Madam Deputy Speaker, in tabling the Annual Report for the period from 2001 to 30 June 2002 I would like to take the opportunity to read into the Hansard the letter of presentation from the Acting Chief Executive Officer to myself which is incorporated into that Report. It goes Madam Deputy Speaker, Dear Chief Minister I'm pleased to submit the 2001/2002 Annual Report for the Administration of Norfolk Island. It is noteworthy that during this period staff were recruited to the new positions of Chief Executive Officer, Executive Director Corporate Support and Business Development, Executive Director Environment Infrastructure and Executive Director Minister Community Services and Tourism. During the period covered by this annual report the Administration was headed by ms Robyn Murdoch as Chief Executive Officer appointed on the 4th July 2001. As indicated in the annual report the Administration of Norfolk Island continues to manager a broad range of diverse activities that with few exceptions covers the services provided by all three tiers of Government on the Australian mainland. I would like particularly to draw attention to the ongoing commitment of our staff within the Administration and the achievements that all to often go unnoticed. The wide range of facilities and services provided by the Administration would not be possible without an effective Public Service. Accordingly I take this opportunity to thank the staff of the Administration of Norfolk Island and those working for the Government Statutory Authorities for their efforts throughout the year. I present the report for tabling in the Legislative Assembly following which it will be made available to the public. Yours sincerely, Luke Johnson, Acting Chief Executive Officer. Madam Deputy Speaker, if I could just add my own words of comment and commendation to the Public Service for another good years result and for the efforts of the public service in providing services to the community of Norfolk Island , thank you

MRS JACK Thank you Madam Deputy Speaker I was just wondering why roads didn't get a mention in the report, is there any reason. Is it because technically they belong to the Commonwealth

MR GARDNER Thank you Madam Deputy Speaker I can't answer that one. Certainly I haven't gone through it with a fine tooth comb to ensure that everything has been addressed but certainly that's something that I'm sure will be noted by my colleague the Minister for the Public Service and certainly by the Acting Chief Executive Officer

DEPUTY SPEAKER Thank you Chief Minister. Any further debate?
Then I put the question that the Paper be noted

QUESTION PUT
AGREED

That Paper is noted

MR D BUFFETT Thank you Madam Deputy Speaker I table a number of statistics relating to inbound passengers into Norfolk Island for the month of September 2003. Just to elaborate some of the detail these report that for the month of

September we had a monthly total of 3485 visitors to the island. That compared with 3404 of last year and 3320 of the previous year so there is a marginal increase on last year and a reasonable increase on the year before that. Again by way of elaboration I mention that most of those visitors have come from New South Wales and Queensland. In round figures, 30% from New South Wales, 31% from Queensland, something like 14.8% from Victoria, something like 14.8% again from New Zealand so that's the general spread of the major source place of visitors for September. In the figures that I have tabled I also table an updated graph which graphs the past four years and graphs the present year to date for illustrative presentation of how tourist figures have moved over the past 5 ¼ years. I table those documents

STATEMENTS

DEPUTY SPEAKER
Honourable Members

There being no further Papers I call on Statements

MR DONALDSON

Thank you Madam Deputy Speaker I would like to make a brief statement on the progress that's being made in the revenue review for the Norfolk Island Administration. Members will recall at the May sitting of this House bills were introduced to increase duty on alcohol and tobacco products, increased departure tax and increased telecom charges to enable a balanced budget to be presented for the year ending 30 June 2004. these bills were stage one of the revenue base review and were a holding measure whilst a larger review of alternative or a revamped revenue options was explored. Next week two officers from the Commonwealth Treasury will be visiting Norfolk Island. These officers are coming to Norfolk Island at the invitation of the Administration. They are coming to assist us in our revenue raising investigation. They are senior officers with the Indirect Tax Division of the Commonwealth Treasury and have already been given substantial amounts of material and done substantial research into the current revenue arrangements for Norfolk Island and have been supplied with extensive information on the financial economic and demographic aspects of Norfolk Island. Their advise will assist in determining which revenue options or combination of options is the most suitable for Norfolk Island to further investigate and once chosen they will be able to further assist with the financial modelling and the administrative issues involved as well as providing an analysis of the economic impact of any new charges on the private sector. Their initial visit will be vitally important in providing both the Treasury Offices and the Administration with information needed to investigate and report on available revenue options. Apart from meeting with Administration staff, Legislative Assembly Members and officers they will also be meeting with representative bodies of the private sector. Thank you Madam Deputy Speaker

MR I BUFFETT

Thank you Madam Deputy Speaker I take this opportunity to just provide an answer to Mr Nobbs in the form of a statement. Mr Nobbs asked at the September meeting as part and parcel of a range of questions why the description of the KAVHA area in the information package that was recently provided to residents, different to the description of KAVHA in the revised Norfolk Island Plan. Madam Deputy Speaker, having looked at that, yes there is a slight difference. I can advise that the description that's been put in the heritage Register is the correct description and we have found that some other typographical errors in the plan that's now been passed but not commenced, and I will be seeking some Speaker type amendments to correct that description prior to the plan being fully commenced, hopefully some time prior to or around the November sitting of this House

MR D BUFFETT

Thank you Madam Deputy Speaker I just wanted to make some confirming statement about the appointment of a Drug and Alcohol

try and progress them as expeditiously as possible and as I say, these considerations here in fact if my memory serves me correct, a number of them are already addressed in the draft that we have tried to put together to date. I just make that comment in terms of this situation so that, that perspective can be seen in consideration of this motion. I'm very happy of course if Mr Smith wishes to move an adjournment in the way that he has foreshadowed

MR I BUFFETT Thank you Madam Deputy Speaker just one further small amount of debate Madam Deputy Speaker, and it's this. If the Road Traffic Act that we have before us at the moment that purports to deal with third party matters including some of these other matters that I guess third party is contingent upon, I think requires a couple of things to be done to it and I have had discussions with my colleagues, the Chief Minister and the Minister for Community Services and Tourism. I think what needs to happen with this piece of legislation is that some of the elements needs to be made more well known to the community and the community need to be perhaps told of some of the possible implications of us putting into place compulsory third party arrangements. There are some significant matters that the community need to come to grips with for example, the question of seat belts if that's what is intended. It will touch upon the question of motor vehicles, it will touch upon a whole range of issues within the Road Traffic Area. As part and parcel of what the Minister for Community Services and Tourism has said, I would certainly urge and will be continuing discussions with my colleagues that we split some of these things and perhaps have an education period for the community as to the effects of where we are going with some of the stuff in the Road Traffic Act

MR SMITH Thank you Madam Deputy Speaker before I do move that adjournment I'm interested in the comments about compulsory third party which is more of a debate there. I was of the understanding that the compulsory third party we were just going to have legislation that says that we must have compulsory third party insurance on our motor vehicles. I'm interested to hear if there's other proposals to actually have a compulsory third party scheme or anything. I take it that's not the case

MR GARDNER Thank you Madam Deputy Speaker under the draft Motor Traffic Bill that I tabled in the House some four or five months ago provision was made there for the establishment of a scheme in the absence of being able to acquire compulsory third party insurance, an underwriter or broker to provide that service to Norfolk Island so basically we covered all basis in that draft piece of legislation. As far as advancing that Madam Deputy Speaker, the Assembly will have an opportunity to discuss next week with our visiting insurance broker and risk assessor and a compulsory third party specialist matters to do with not only the bulk of the Administration's insurance but also the concept of compulsory third party. The purpose for having that meeting is so that Members are able to tease out some of the matter that are of concern to them when consideration is given to the introduction of compulsory third party system for Norfolk Island and for those specialist to answer particularly questions in relation to what brokers or underwriters would be prepared to insure on Norfolk Island and under what sort of arrangements. In other words, what things would need to be done in our legislation to give confidence to an insurer to come in here and underwrite an insurance programme for us in that area. Now that may indeed include the imposition of seat belts and other wide ranging and various type arrangements including strengthening inspection arrangements on the island, and a whole host of things so that meeting is taking place next week and certainly will be exploring those matters. There is an important decision that will need to be made after that and that is whether we do go into for want of better words, the mainland type arrangements that an underwriter or a broker is prepared to insure for us or whether we go it alone and that's

getting back to Mr Smith's comment about our own scheme, our Norfolk Island scheme, a bit like our healthcare scheme which is different to Medicare obviously but is intended to provide a similar service. Our Workers Compensation Scheme which is different to what happens on the mainland but is something that is insured on Norfolk Island under our own scheme. That may be the only option that is available to us. We don't know the answers to those things at present but certainly, those meetings next week will give us some direction on where we need to head in relation to the matter of compulsory third party Madam Deputy Speaker. The safety issues. Yes there have been a deal of discussion amongst Members in this forum and in our informal meetings of Members about the proposal to separate the two matters, in other words the safety issues to do with Road Traffic and the compulsory third party issue. If Members are comfortable to do that I'm comfortable to do that because I would not want to see the compulsory third party issue held back because of debate on safety matters and I wouldn't want to see safety matters held back because we are not able to advance compulsory third party matters as quickly as we would like so I see this as positive. It's one of those matters that needs consideration when we look at the whole broad range of insurance aspects. I guess in supporting the motion in my mind I would be supporting it on the clear understanding that it is not exclusively those matters that are in this motion but are part of a much wider range of specific safety issues to do with motor traffic on Norfolk Island

MR SMITH Thank you Madam Deputy Speaker I'm interested in the Chief Minister's comments about compulsory third party insurance. I don't know how long I've had my cars insured but its probably twenty-five years or something. Quite a while and in all that time I've had comprehensive insurance. I've never had any problem with the insurance company. They've never advised me that I need to have seat belts or any other special requirements and I pay the premium so I expect that I'm being covered properly. I would be surprised if we are put in a situation where we have to change what we do here to suit an insurer for third party insurance when there must be an awful lot of people here who do have their cars fully insured and for us to change the rules whether we do decide to change the rules or whether we are forced to would be interesting

MR GARDNER The insurance cover that is provided to Norfolk Island is provided by the grace of the insurance company that is providing it. If there are particular matters that they require as part of their risk assessment to be addressed they'll certainly make that known to us, but certainly I'm aware as having carriage of compulsory third party that for us to march of and made it compulsory that you hold third party there are a fairly significant number of persons that probably would not be able to get insurance today for compulsory third party. Just would not be able to and that basically means eliminating a large number of people from the roads not through their fault. Not that there's anything wrong with their car or their driving habits but simply they would not be able to acquire third party cover

DEPUTY SPEAKER Further debate? I seek a motion of adjournment Mr Smith

MR SMITH Thank you Madam Deputy Speaker I so move

DEPUTY SPEAKER I put the question is that this matter be adjourned and that resumption of debate be made an Order of the Day for a subsequent day of sitting

QUESTION PUT
AGREED

That matter is so adjourned

HEALTH INSURANCE

We move to Notice No 2, which again stands in Mr Brown's name but by your leave Mr Smith will put the motion

MR SMITH Thank you Madam Deputy Speaker, on Mr Brown's behalf I move that this House requests the responsible executive member to consider, and bring forward for the consideration of the House at its next meeting, proposals to encourage senior citizens to maintain their existing private health insurance policies notwithstanding that they may be provided with cover by the HMA Scheme. Madam Deputy Speaker, Mr Brown also asked if I would adjourn this motion after any debate that's brought about by the Members and adjourn it to the next sitting

MRS JACK Thank you Madam Deputy Speaker I would just like to say that already in proposals being put forward in the Social Services Review, two options are proposed that give some support to Mr Brown's motion. The two proposals are that 30% which occurs in Australia be offered as a rebate towards their private healthcare cover or a form of gap insurance which means that the basic rate in Southern Cross would be one amount and if they are paying for private health insurance then that difference would be met by HMA, whichever would be the cheaper option. I must say that what I would prefer to have happen or to run in conjunction with this, is a drive to push the social service review forward, after all, it is the third largest expense department in the Government's expenditure. I would also like to see asset occur, not just on their income but on their total assets because for all senior citizens, there are some senior citizens that wouldn't need any assistance and I think it should be given to those in need

MR NOBBS Thank you Madam Deputy Speaker I think everybody agrees with this sort of approach but from memory I think we dealt with something similar to this several months ago and it should be extended to the whole community and I think I talked at length on that and I would have thought that encouraging people to get to private health was something that we should do anyhow particularly with our aging population as people keep saying we are but it's most important that this happens and I would suggest that this be extended to the whole of the community not just to senior citizens and I just question what is a senior citizen. Is a senior citizen on the pension or is a senior citizen somebody over a set age

DEPUTY SPEAKER Thank you Mr Nobbs. Is there further debate? Then I seek your motion of adjournment Mr Smith

MR SMITH Thank you Madam Deputy Speaker, on Mr Brown's behalf I move the debate be adjourned and that resumption of debate be made an Order of the Day for a subsequent day of sitting

DEPUTY SPEAKER I put the question is that this matter be adjourned and that resumption of debate be made an Order of the Day for a subsequent day of sitting

QUESTION PUT

MR I BUFFETT Thank you Madam Deputy Speaker I seek clarification because we ended up with two distinctly separate things. We've just agreed the motion or we've just agreed to adjourn it

DEPUTY SPEAKER We've just agreed the question that debate be adjourned and that resumption of debate be made an Order of the Day for a subsequent day of sitting

AGREED

That matter is so adjourned

SOCIAL SERVICES ACT 1980 – RE-APPOINTMENT OF COMMUNITY MEMBERS OF THE SOCIAL SERVICES BOARD

We move to Notice No 3

MR D BUFFETT Thank you Madam Deputy Speaker I move that for the purposes of section 8 of the Social Services Act 1980 this House resolves to recommend to His Honour the Administrator that under sections 4 and 6 of the said Act that he reappoint Patricia Madge Anderson; Dale Frances Hogden; and Thomas Leslie Lloyd, as community members of the Social Services Board for a period of 3 years commencing on and including 15 October 2003. Madam Deputy Speaker, as Members will understand from this motion the timeframe for the serving Members of this committee is about to expire and this is a motion to tidy the period that is to follow. Mrs Anderson, Mrs Hogden and Mr Lloyd are serving Members. They have served faithfully and well and I thank them for the services that they have given. It's not an easy task to go through the processes that they regularly undertake and I again thank them. I propose that they be reappointed in terms of this motion

DEPUTY SPEAKER Is there debate. There is no further debate. I put the question that the appointments be made

QUESTION PUT
AGREED

The motion is agreed thank you.

PUBLIC HOLIDAYS 2004

MR DONALDSON Thank you Madam Deputy Speaker I move that for the purposes of subsection 9(2) of the Employment Act 1988 this House resolves that the Employment Regulations 1991 be amended to provide, and I'll just pause there and say this is a motion dealing with the public holidays that will be celebrated on Norfolk Island in the year 2004, continuing on, (a) in respect of 2004, the day after Christmas Day is not to be observed as a public holiday; and (b) Monday 27 December 2004 is to be observed as a public holiday. Madam Deputy Speaker, the Employment Act provides for twelve days to be taken as public holidays for the purposes of the Act. Those days are the 1st January, New Years Day; 26th January Australia Day; 6th March, Foundation Day; 25th April Anzac Day; Good Friday, the Monday after Good Friday, Anniversary Day being the 8th June, Queens Birthday which is normally celebrated on the second Monday in June; Show Day the second Monday in October; Thanksgiving Day the last Wednesday in November; Christmas Day the 25th December and the day after Christmas Day, the 26th December. The Act provides that regulations may prescribe that for the purposes of the Employment Act a different day may be taken to

be a public holiday in addition to or instead of the day listed in the Act. This normally happens when a public holiday falls on a weekend and it is considered appropriate to move the public holiday to a normal working day. That's a normal working day in what might be considered the old fashioned concept of Monday to Friday. In the calendar year of 2004 Foundation Day; Anzac Day; Christmas Day and the day after Christmas Day all fall on the weekend. The resolution before the House only seeks that a different day be taken to be a public holiday for only one of those days that day being the day after Christmas Day which for the purposes of the Employment Act the following Monday will be taken to be a public holiday. Without passing this resolution Madam Deputy Speaker, there will be no public holidays over the Christmas break for those persons who work Monday to Friday. If agreed this motion will provide a three day break over Christmas and not the traditional four days that occur if Christmas Day and the day after Christmas Day fall on a normal working day. This situation arose in 1993 and a similar amendment to the regulations was approved resulting then in a three day weekend. I commend the motion to the House

MR D BUFFETT Thank you Madam Deputy Speaker the terms of this particular motion although Mr Donaldson has accurately described the overall picture, I understand this particular motion to address really what we describe as Boxing Day. It doesn't address all the other issues. And as I understand it notwithstanding the fairly quite necessary convoluted way the motion is put together and I understand that is necessary to fit the legislative requirements so I'm not making that a criticism but sometimes it makes it a bit hard to understand when you read it in isolation so its about boxing day and its endeavouring to achieve this. Whereas Boxing Day falls on the weekend, that it is providing a weekday to be utilised in lieu of that or in addition to that period of time I suppose. And that's how it has traditionally been observed as I understand it and if it has been traditionally observed in that context then I am in favour of this motion which preserves that continuity of its use

MRS JACK Thank you Madam Deputy Speaker I will be voting against this motion. I don't believe in moveable feasts and I'm also wondering what happens to a working group set up some time ago by the Government between employers and employees. There was a Government Minister I'm led to understand and an MLA, a representative from the Chamber of Commerce, somebody from the Employment Conciliation Tribunal, and it was agreed at that time between all parties that for the sake of the Employment Act, holidays would fall on the date on which they fell and not have a day off in lieu and as I'm led to understand by talks with some people outside in the community that part 2 of the Act was to be rewritten and I'm led to understand too that this was actually passed but never commenced, so perhaps I am wrong and that amendments have taken place since then. Correct me. I'm sure they will if I'm wrong. I also think of how do we treat Boxing Day. Is that just a normal Sunday or is it still a public holiday. No. That is just a normal working day. Boxing Day has no special significance anymore for this 2004? It's just a normal Sunday. Well I disagree with that. I disagree with people having to pay time and a half on the Sunday and then again on the Monday. Losing retail trade. I think somebody has to stand up for the sector up town and that's what I'm doing, so no

MR NOBBS Thank you Madam Deputy Speaker well I'm opposing it for a different reason. I always thought that if you had the Christmas and Boxing Day on the weekends well you got the Mondays and Tuesday off because if you don't give people that you are actually penalising the people who work five days per week and I've always accepted it in the past myself in employment that I've had and I don't intend to change my mind now, thank you

MR SMITH Thank you Madam Deputy Speaker I have a very similar view to Mr Nobbs in that. Mrs Jack made reference to an Employment Committee that was set up. I don't know which Government I did have one which had those representatives as Mrs Jack pointed out. I don't recall us discussing the issue of public holidays being celebrated on the day that they actually fall but I would certainly need to do some research to find out if we did talk about that. I don't remember us doing so but that's by the by but I have a similar view to Mr Nobbs. If those two days, Christmas and boxing Day fall on the weekend that traditionally here, of what I recall, they were taken as holidays for the workforce on the Monday and Tuesday. I seem to recall that happened within the last six years which is the last time that would have occurred when both those days fell on the weekend. I do understand that it does cause difficulties for some employees who work normally on the Saturday, Sunday and Monday and that's a difficulty but maybe that can be overcome, I'm not too sure exactly how at the moment so that an employer isn't forced to be paying double time on a Saturday and also on a Monday for the same employee purely because they happen to do weekend work so even though this is over twelve month away and as Mr Donaldson has pointed out, it will be the next Legislative Assembly that gets blamed for it, that I would like us to retain the way we did it as I understand it, and I need to be corrected if I'm wrong about that, but as I remember it was always, that if there were two public holidays like Christmas Day and Boxing Day, if they fell on the weekend it was two days taken in lieu on the Monday and Tuesday

DEPUTY SPEAKER
like the Minister to go ahead

Mrs Jack has the call, but Mrs Jack would you I

MRS JACK Well I would just like to say if I can please Madam Deputy Speaker, that in this House a couple of months ago Mr Brown put a motion before the House proposing the support of the Legislative Assembly to I think, of giving the retail sector a vibrancy and two days to some people may not make a hassle but if we are going from a proposal of one day to two days that is taking away a somewhat contradictory to opinions expressed earlier on by those same Members to support a vibrant retail industry

MR DONALDSON Thank you Madam Deputy Speaker just to comment on Mr Smith's comments and to point out that if this resolution is not passed or amended and passed it will revert back to the public holidays being on Saturday and Sunday. People will leave work on Friday, celebrate Christmas on Saturday Sunday and go back to work on Monday. There's no fall back situation whereby by default Monday and Tuesday automatically become public holidays. I chose not to, in formulating what direction to travel on this one, chose not to have Monday and Tuesday as public holidays for a couple of reasons. One of them was it's consistent with what's being done in two of the mainland states, New South Wales and ACT, they are doing exactly what this proposal recommends, and that is celebrating Christmas Day on the Saturday, moving Boxing Day if you can put it that way to Monday and having a three day weekend. The alternative and that's what Mr Nobbs and Mr Smith have alluded to, of having Monday and Tuesday as public holidays disadvantages quite severely some people in the system who due to rotating shifts such as working at the hospital, the airport, the tourist accommodation industry who have to go to work on the real Christmas Day, miss out on the Christmas dinner with the family, they miss out on the children opening presents, they miss out on the celebrations of Christmas, not being compensated, because we wouldn't hold Monday as a day in addition to the Christmas Day because that would actually create another public holiday in the system, but holding the Monday in lieu of the real Christmas Day and I'm not prepared to move Christmas Day for any purposes from the real Christmas Day to two days later so that's just to give a bit of background information as to why the resolution is what it is

MR I BUFFETT Thank you Madam Deputy Speaker I intend to support the Minister. It's a good thing we're not trying to move around the birth date of our good Saviour, and we are probably dealing with the appropriate day which is Boxing Day and this will probably end up being a real interesting conversation but we've got the right title of the day at least, Boxing Day. Madam Deputy Speaker, I support the Minister's proposal and am a little disappointed that Mrs Jack does not believe in moveable feasts

MR NOBBS I think that as far as comparing it to New South Wales and the ACT I understood that when Anzac Day falls on a weekend in New South Wales they have the Monday off. So comparisons to that State and Territory is a bit misleading because what we're doing is we are cutting back considerably on the public holidays that people have had for some considerable time. I understand that the situation is, if we don't pass this motion there'll be nothing. It will just be the Saturday and the Sunday and that's not fine really but what I should imagine is that we should have some provision within the Act to provide for this sort of situation as well as the holiday if we want to have Saturday as Christmas Day and that's the day that's observed then Monday should be in lieu of. That's the way I've always operated so I don't know why this has come to pass this time. Obviously it has in the past in 1993 apparently and it will be in another ten years time I guess but I would suggest that this be left and some amendment made for the next meeting because I wouldn't like to amend it on the run here

MR D BUFFETT Thank you Madam Deputy Speaker I was going to propose an amendment but if Members would prefer not to have it on the run I'm comfortable with that too

MR NOBBS It would be nice to deal with it today because I won't be at the next meeting

MR I BUFFETT Thank you Madam Deputy Speaker I thought in our ordinary Members meeting we talked about the real possibility that we may need to have a special sitting some time because of other commitments that we have and perhaps if amendments – let me pause for a minute. One of the dangers of trying to amend on the run is that none of us are a legislative draftsman. We are having enough difficulties as it is and I would suggest that perhaps we might take some good advice and if amendments are to be made we have a look at them without trying to do them on the run and that we have the opportunity of maybe a special sitting, and the ordinary November sitting, and we may well have time to do the amendment and to consider this properly

MR SMITH Thank you Madam Deputy Speaker I would have seen that an amendment would be as simple as adding a c. to it and putting Tuesday 28th December 2004 as similar to b. which is Monday 27th. That would add that extra day. Christmas Day would still be celebrated on Christmas Day, Boxing Day would still be Boxing Day but we would be giving those public holidays as extra days as I understand we have had traditionally, so that those who have to work on Christmas and Boxing Day as quite a few probably do, can enjoy a holiday on the Monday and the Tuesday

MR GARDNER Thank you Madam Deputy Speaker I think I'm about as confused as everybody else is around the table but if Mr Smith's amendment were to see the light of day and be passed it would then clearly be my understanding that for the purposes of the Employment Act the only public holidays would be Monday

and Tuesday. For the purposes of the Employment Act, Christmas Day and Boxing Day would not be a public holiday. If that's correct that lessens my confusion. In other words There would not be four public holidays in a row next Christmas in 2004

MR SMITH Thank you Madam Deputy Speaker that's not what I was talking about but actually since the Chief Minister's been speaking I notice that a. we have to change too because that says the day after Christmas Day is not observed as a public holiday. If that's confusing what I'm proposing is that Christmas Day and Boxing Day be observed as the Employment Act states now, but as traditionally we used to day I understand, that Monday and Tuesday be additional days. Now Mrs Jack won't like that at all but it is how it has occurred before. This is just another thing where we are undermining the traditions that we are used to or am I wrong about those days and I would need to check that

MR DONALDSON Further to that, there are people on this island who are rostered on to work for instance Friday to Wednesday as a regular working week and they have Wednesday and Thursday off. Those people would automatically under Mr Smith's proposal, have four days public holidays. It wouldn't matter to those people who say work for the Administration on a nine to five Monday to Friday position, they would get their Monday and Tuesday off and they wouldn't be paid for the Saturday or Sunday because they are not working that day and they are not ordinary working days, but it is becoming a bit complex. I would be quite happy to move that it be adjourned to the next sitting and as Mr Buffett has referred to, there is a very strong proposal that we'll have a sitting in about two weeks time, but there is a danger there. Although we are talking here bout Christmas and Boxing Day in the year 2004 which is over a year away, we still have to gazette the holidays as close as the 1st January 2004 which is only three months away so we should be gazetting those holidays as soon as possible to give everyone a chance to plan their activities for that year

DEPUTY SPEAKER Are you putting that forward Minister

MR DONALDSON I don't want to stifle debate by putting that now, but I'm happy to do that later

MR I BUFFETT Thank you Madam Deputy Speaker I press the point that I made which is having these amendments properly made and this reminds me of a conversation that I had recently in another place where this particular lady in all seriousness said, could somebody please tell me what day of the week Tuesday the Melbourne Cup's going to be held this year and the answer was, it's definitely going to be one with a y in it and this is receiving the same sort of proportions so I would push that the amendments be properly looked at, circulated so that we are all on the same wavelength. What will be public holidays and what will not be public holidays, whether we will have one or two

MR SMITH Thank you Madam Deputy Speaker looking at the numbers and considering that Mr Nobbs is going to be away at the next sitting if the five Members at the moment support the original motion is there any point in going any further or should Ron and I register our objections to the changes. This debate was brought to the House because we couldn't decide in our normal informal meetings and its turning out the way it really looked that it was going to anyway

DEPUTY SPEAKER Is there further debate? No. Mr Donaldson I believe you foreshadowed a motion of adjournment

MR DONALDSON It is with reluctance that I move the debate be adjourned and that resumption of debate be made an Order of the Day for a subsequent day of sitting

DEPUTY SPEAKER There being no further debate I put the question is that this matter be adjourned and that resumption of debate be made an Order of the Day for a subsequent day of sitting

QUESTION PUT
AGREED

That matter is so adjourned to a subsequent day of sitting

OUTSOURCING OF ROADWORKS

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

MR SMITH Thank you Madam Deputy Speaker this motion was introduced at the last sitting, and my motion requests the responsible executive member to investigate various options including outsourcing to upgrade and maintain all necessary roads on Norfolk Island in a certain period of time and I adjourned this motion to give people time to think about what was proposed in the motion and give the Government perhaps an opportunity to do some checking out of the facts before we progressed any further. I don't have much additional to say at this point except that there are some people in the community whom I have spoken to who think this is a reasonable way of improving the road structure on Norfolk Island considering the state that its in, mainly due to the lack of crushed metal over the last three, maybe four years and also with the proposed way of doing it that I've got in my motion here it does say that it is outsourcing of roadworks, but that doesn't mean to say that it doesn't have to be done by somebody on Norfolk Island. It doesn't mean to say that it can't be the Administration. Part of the proposal could be for example that the Administration was to put together a proposal that enough people be added to the workforce in a temporary capacity and also that those people who work on the roads could be working long days to actually get a lot of the work done where the Government would have to agree that certain funding be put up to be able to cover the extra costs of wages, that the funding will be made available for the materials that will be needed for it over a shorter period than the way we currently do it, or if the Administration wasn't to do that, somebody within Norfolk Island could possibly put up a proposal similar to what is proposed here and if that wasn't acceptable then yes, outside contractors could be used to oversee the project using all local employees but I would be interested to see what other Members have come up with since the last sitting and where this is going. I can say that I'm quite happy for it to stay on the table for another month if Members want me to do that

MRS JACK Thank you Madam Deputy Speaker it was with interest that I read through a copy of Hansard with all of the Orders of the Day today having missed last months meeting but I would just like to ask, what number of kilometres we are talking about. I understand that there's one hundred kilometres of road on Norfolk Island and I would like to know just how many roads, I know that Mr Smith mentioned fifty kilometres last month, and what determines whether a road is necessary or essential. Is it a number of vehicles over a set period of time that determines this. Do we have to consider the gradient of a road in considering that it's essential. What type of surfacing as Toon mentioned in his debate. Tarseal on some and coral crushed with a roller for others. Do we have to look at the liability aspect of the Administration for the due care and attention and responsibility for roads. Will we be

able to get away with just coral dust and rolling and what does it come down to in the end but what does the community want in the way of good roads and what is the community prepared to pay. Some people when it comes to part b. of the motion that funding be met annually from the roads budget to avoid the need to borrow funds, do you mean a partial apportionment of the funding for the roads budget be used because x amount of dollars is used for capital works and the other is for your basic repairs and maintenance of the roads. There are some people out in the community who are disappointed that over the years the fuel levy and car registration have been put into consolidated revenue and not been set aside for the upgrading of the roads. I notice that Mr Donaldson mentioned that approximately \$284,000 was set aside in last years budget for capital works on roads and there was a proposal by Mr Smith to look at this happening over the first two years but the next ten years, we would look at \$284,000 say by ten years, that's just under three million dollars of funds being available to do the road. Now Mr Smith also mentioned that \$125,000 per kilometre of road and he admitted that those figures were a few years old. Mr Donaldson Mentioned \$127,000 per kilometre and the Chief Minister recognised the contractors need for profit. Well I'm concerned about the two figures mentioned by Mr Smith and Mr Donaldson because while they may be figures received from Administration are they figures looking at a cost neutral situation and not something that a private contractor would also look at with a need for profit there and I bring into this Legislative Assembly if I may a situation that is personal, but I live on a private road and it is in a very poor state or repair. Now through an associate, a resident and a close neighbour of mine has had a quote done for approximately 200 metres of road from a private contractor. Now admittedly it's curbed, the need is there for channelling and curbing and it's not a six metre road, but that quote was for \$150,000 for approximately 200 metres of road so if we look at it and say alright, we won't worry about the curbing and channelling that could take it down to \$100,000 for 200 metres and you look at that and then you say maybe we can get it down cheaper still because we are looking at a bulk deal if you will at 50 kilometres then perhaps we can look at \$90,000 for 200 metres of road. Whatever way you look at it, it's still well in excess of the \$127,000 proposed. In fact, it's looking at just under half a million dollars per kilometre of road so what would we be looking for, for our budget, the fuel levy and car registration to fund. It doesn't cover what we are needing so in actual fact, are we looking, forget with all due respect what you are proposing here Mr Smith but just look at, let's bite the bullet, let's go and get a loan interest free from the Commonwealth to cover the roads to repay it with the fuel levy, car registration and the funding put aside each year for capital works and then the funding that you are not putting aside but giving over to the capital works repayment, that goes to outsourcing a private contractor to look after the repairs and maintenance on the roads and that is the way that I would support it because I do agree with Mr Smith, the roads are in a shocking state of repair but I also would like to add that it's a terrible shame that with the airport reseal loan, that this was not extended to incorporate the roads and the equipment that will be here for some time starting next year could not be utilised for the roads as well thank you

MR NOBBS

Thank you. This motion has some good points in it. I don't think it's completely out of order. I said at the last meeting that there's always been a problem with the roads with actual funding. Where do we get the money from but there are other things we should do before we even talk about getting loans and doing these other things, is to what standard the Norfolk Island residents or the community I should say, require for their roads, or what are they prepared to pay for their roading and that's the most important question and then establish an exact plan as to what roads really are essential roads. What standards should there be. Mrs Jack spoke about curbing. I think it's been proved here that it's necessary to curb on the hills. There is an additional cost at the moment which is actually occurring and needs addressing as a matter of some urgency and that's the disposal of water off those roads. We need to look at what roads Norfolk Island is actually responsible for and what roads

are Commonwealth roads in all these issues. We don't have that type of information. I've always believed that it's essential that the community keep within its control a number of essential services and one of them is road construction and I believe that the community should actually have and maintain the equipment that is essential to keep roads in order and that is just part and parcel of the business. You can lease out or hire or contract for certain parts of it but the major components of the road construction should be available on the island because of, for no other reason than in the case of an emergency if we get huge torrential rains and something fails then there is the need to fix it very quickly. We don't have a lot of roads here and therefore we need all of them I believe. I think that Mr Smith there's a need for additional consideration in relation to this. I've always believed that the Works Depot should be a Government Business Enterprise, they should be run on a commercial basis and that those facilities I'm talking about, the essential services should be maintained within that organisation but they have the ability to contract out and also compete in the wider sense within the community for other works. I would have difficulty in supporting this motion in its present format but what it really is, is a request to the responsible executive Member to investigate the feasibility of these sort of things and therefore on the grounds of that I'm prepared to support it because we need to do something about our roads and I would just like to mention to Mrs Jack that the actual roading proposal that she puts up relates to a different system operating to the airport sealing to that of the actual roadworks that are done on the island here. It's a different system and I won't go into it here. We've looked at it Mrs Jack I can assure you, the last Government looked at it and it was thought to be not feasible although it may be appropriate to do the major roads within the town area and those heavy use areas say from the school through to the airport. I'm just saying roughly. It may be appropriate to consider those but that should be part of the overall plan as to how we handle the roads. What do people want from their roads. Mr Buffett's complaining about what a good road he's got outside his place because they speed all the time. That's another side of it whereas down in our area they can't speed because they can't get out of second gear going up and down out of the potholes but that's all I have to say, thank you

MR I BUFFETT

Thank you Madam Deputy Speaker there are indeed a number of issues contained in this motion. I think one of the ones that Ron refers to and I agree with him – mark the day – that it asks the executive Member to go away and do a number of these things and I think that's exactly where we are at with this. The comments and discussions that have been held this morning are adding meaningful additions to this motion to give it some sense because the motion as it stands with all due respect to the proposer, there are some gaps. One that the community have suggested is that the motion itself says that funding be met annually from roads budget to avoid the need to borrow funds and it suggests that we do a whole lot of things. One proposal put to me is that unless we borrow the funds to do the roads we'll be forever going around in a circle so you either make a decision to do a bundle or roads, x kilometres over a period, borrow the funds and do it and then amortise the funds through your budget to pay for it so there's a number of issues. Madam Deputy Speaker, maybe it would be of assistance and Ron touched on this, that we have done a considerable amount of work in respect of the land initiative in doing a number of things in respect of roads, identifying those roads for those people who are not aware we have about four or five different categories of roads on Norfolk Island. We have reserve roads, those are the roads in the reserves from the original land grants and they would belong in theory to the Commonwealth because they were Commonwealth grants of land so we've looked at those and identified those. One of the interesting things that arises from that is that you may find that if we were to give a definition to necessary or where some people give is a slightly different name and call them essential roads, they are and form the essential roads in Norfolk Island. They are the main roads, for example the ones that run from jetty to jetty, the ones that run from east to west across the island,

mostly on the top of ridges which causes your drainage problems and there are a number of issues. So perhaps I'll shorten my debate because I could go on for a while, because of the information we have gained as part of the land initiative on roads, they have private roads and you might recall there was a motion that Mr Brown brought in I think in early 2002 that we go away and identify and put up arrangements for the funding of the maintenance and upgrade of private roads. I think that paper should be resurrected and looked at in conjunction with the particular motion. Now I certainly took the carriage of that on board at the time and I think I subsequently handed it to the Minister responsible but I'll conclude my debate by urging that we put these matters together and as this motion suggests, that the executive Member bring back some of that co-related matters for us to consider as a substantive motion

MR SMITH

Thank you Madam Deputy Speaker I would just like to take Members back to the origin of this motion and maybe that's been forgotten over the last period of time that there was a concept. This concept was put to us I think in our Government Ron where companies would come to Norfolk Island for example and say look, we can do x amount of your roads and it will cost you \$10m. Or some such figure. Now what they do, they don't get the \$10m before they start the job, this particular company said that they would come here, use as much local content as they could and they would make sure that they covered as much roading as they could in two years and bring all those roads up to a standard, then they would maintain them at their own cost for a period over ten years and what you do, is you don't give them \$10m up front of course, you pay them each year over the ten year period and that's how it works. It wasn't anything about having to put up \$10m in the first place because you don't do that anyway in commercial practise and that apparently works successfully in other places but if its done nothing else Madam Deputy Speaker, it has raised the issue of what we are doing with roads. The roads in some places on the island are really, really bad. Now we might not drive up them and not know that, but there are some roads that are just really bad. I believe that our roads guys are quite capable of doing our roads but we can't give them the money, we can't give them the metal, the last bit of roading that was done in Burnt Pine that was decided on and funded and done in a period of about three weeks and that was from the Leagues Club to the Tourist Bureau. They were to do the other end of Burnt Pine within two or three weeks but because of difficulty with funding that never occurred. The funds were there but they didn't transfer it to the next financial year, it was just the way things happened. They are quite capable of doing it but we have to give them the money, we have to give them the materials to be able to do it but we've also got to decide what we want to do. I mean the more we sit and talk about the roads, I mean, look at Mt Pitt. The roads guys did a great job up there with resealing. I don't know what the cost of doing that was but in relation to some questions that Mrs Jack asked, well quite right, I mean, what roads, what do we call essential roads, what roads do the community really want us to do. Everybody who lives on a road that's bad will want their road done. That part of the community will want that road done but they might not care about another piece of road that's equally as bad on the other side of the Island but the Works Depot had and I assume they still have, the Minister might be able to clarify that, they had a roads programme mapped out and they know what roads because they go around checking them and they knew what roads they needed to do next but also the difficulty with roading from what I've learnt from the guys on the roads, is that the good roads are deteriorating all the time so even when you look at a road and think that doesn't need doing, it needs maintaining so we are way behind with the roading programme anyway but probably the most important ones to do something with are the ones that are still coral like parts of Burnt Pine. It's only tarsealed over the top of coral rock and they are not going to improve and you can't just keep filling potholes they just get worse and worse. But as for the costing of it and to compare it with the airport and my calculations – and they could be way out – that the runway is a few kilometres long, it's about forty metres wide I think which is six lengths of

road wide and it's going to cost something like \$3m to put a 75mm seal on the top so if you cut that seal down to what you would need on a road you could probably get 24 kilometres of road done for \$3m. Logical if you think about it. But also one of the things that interesting with the airport runway, maybe the Minister for the Airport could tell us that with the upgrade of the runway surface there was discussion earlier on about the scraping of 10 mm of the existing runway surface and what the project people said at the time was that if they do that you could actually take that off and heap it on a road somewhere. I don't know how much there would be but if there's enough for 12 Kilometres of roading maybe that could be used and the only cost would be of picking the stuff up and putting it out over some road somewhere. But I don't mind. However this motion ends up and I think I will adjourn it, and I'll revise the motion to say something like, that we must do some roading in five years otherwise we might as well take all the tarseal off and go back to dirt roads and in some cases we would be better off

MR D BUFFETT Thank you Madam Deputy Speaker I do applaud the attention that we give to the road needs. The real test is whether we are going to vote some money to carry out the task and whether we are going to get metal. They are the two real tests. I'm not in favour of talking about this matter forever. I'm going to make a proposal with some amendments in a minute and I'm going to suggest that we settle it today. The debate to date has brought out a number of things that are not just encompassed in this motion. There have been some hesitancies about this method but there have also been given some indicators that there are some further and more wide ranging options that may be available and the real thing I applaud is that we are willing to give some better attention to the roads than we have in the past. I make this proposal that we adjust this motion in these terms. I would like to read it in it's amended form and then you can assess whether you feel you would like to run with it or not. It really is widening the situation. If you would support this, it would read such, that this House requests the responsible executive member to investigate the various options including outsourcing to upgrade and maintain all necessary roads on Norfolk Island over the next ten years and to report back to the House by the December sitting. As you can see, that gives a wider option to some of the other things that have been mentioned. If you support the motion as it is, it talks about one option and I think there are wider options but I'm not trying to cancel out the option that is already suggested and to be quite frank, to do it by the next sitting is not practical and so I've tried to add another month onto that. That's how I think we should travel and maintain the impetus and when it does come back in December, to do something about it. If Members are comfortable that I put that amendment together I will do that now. Madam Deputy Speaker, I propose therefore this amendment that this House requests the responsible executive member to investigate the various options including outsourcing to upgrade and maintain all necessary roads on Norfolk Island over the next ten years and to report back to the House by the December sitting. Madam Deputy Speaker, I so make that proposal and I move that the amendment be put

DEPUTY SPEAKER Thank you Mr Buffett. Prior to your speaking the Chief Minister did seek the call. Shall we take that prior to putting this amendment

MR GARDNER Thank you Madam Deputy Speaker my comments probably relate more to the amendment than to the motion so it would probably be appropriate for the Minister to move his amendment and I can talk to the amendment

DEPUTY SPEAKER Are Members clear on that? Then we put the amendment

MR GARDNER Thank you Madam Deputy Speaker I guess I'm somewhat intrigued. The amendment picks up what I think is the sensible approach because from what Mr Smith has said, there was an investigation and feasibility looked at already considered by the previous Government so all of that information must be on a public record somewhere. The homework's been done. My only question is, I'm just a bit bemused as to why it wasn't brought back to Members at that time because I certainly don't recall giving any consideration to such a proposal however I would be interested to see them. Mr Smith talked about a \$10m project by a company so it's interesting that it's coming to light now. Mr Smith talked about an identical type arrangement over a period of time however as we are all aware that's fallen foul of the budget process and the lack of metal and all the other problems associated with maintaining roads but at the end of the day it really comes down to dollars and cents and if the Legislative Assembly are of a mind to commit the money, so be it, we will have upgraded and maintained roads but again, certainly in my experience unless dollars and cents are committed there have been other more pressing priorities that seem to have detracted from the implementation of an appropriate roads programme. certainly if this is going to advance that an bring it back onto the agenda I'm in full support of it and I support he Minister's amendment

MR I BUFFETT Thank you Madam Deputy Speaker I would certainly support the amendment. It gives a wider scope in which we need to play. One of the fascinating things is this question of money. We heard the Minister for Finance mention earlier that we need to look at a revenue review. Madam Deputy Speaker, all of these things we talk about we need to take a mature look at where we are going because we have all three tiers of Government here in Norfolk Island. It's not just a local council scratching around. We have to put this in conjunction with all the other things we do in Norfolk Island and if it means we have to go back to this community and say to achieve this which is a significant infrastructure and asset, then we need to look at additional taxes or whatever, we need to put all these things into perspective and see how we are going to fund it and I think it's as simple as that, but what we have recognised is that roads is a problem, it needs funding and we need to find the revenue to do it. That's all we are saying. If we can't find the revenue then we have to look at additional revenue and it then goes into the melting pot with all the other demands and requirements of this community and we as the Legislative Assembly representing that community have to be responsible to providing it but one thing this community must understand is that we do not manufacture money. Just because we are the Legislative Assembly we do not have that status federally so we'll be going back to the community to say, this is what you want, this is how you are going to pay for it. It's as simple as that. And in conjunction with that there are a number of other issues that need to be addressed and I hope that the Minister for Finance when he addresses his new revenue matters these issues are all addressed

MR SMITH Thank you Madam Deputy Speaker Toon has pretty much put that into three nutshells which makes it easier. He's probably quite right with the roading as far as the Commonwealth is concerned. Part of their transferring of the roads as he's been telling us over the last few months, he's probably right that it probably falls into their bailiwick to fund the upgrading of the most important roads and its only chickenfeed to them, but I'm quite happy with the amendments proposed by the Minister, the only thing I say is we've got just over twelve months to run, it would be really nice if we could have some action put in place in the next twelve months. Some sort of plan that the community can say oh good on them, they've worked out how they can fund and repair these roads, rather than just talking about it so I support the amendment

MR I BUFFETT Thank you Madam Deputy Speaker that's exactly what I'm saying. If we've only got twelve months we need to make a will and bequeath all these issues to the forthcoming Eleventh Legislative Assembly but we should also not just leave them with having to sell the farm. That's really what I'm saying because we can bequeath all these things but as part of the revenue raising we need to have this community thinking about what they want and how they are going to pay for it because it's very much like a family

DEPUTY SPEAKER Any further debate? We put the amendment. Honourable Members are you clear on the amendment, that the House requests the responsible executive member and strike one, to investigate and delete the feasibility of engaging outside contractors, insert various options including outsourcing to upgrade and maintain all necessary roads on Norfolk Island over the next ten years comma, all the rest is deleted until you come to the bottom, then and report to this House by the December sitting

QUESTION PUT
AGREED

The motion is carried. I put the motion as amended unless there is further debate. I put the motion as amended

QUESTION PUT
AGREED

The motion is carried as amended

DEVELOPMENT OF A VIABLE PRIMARY INDUSTRY SECTOR ON NORFOLK ISLAND

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

MR NOBBS Thank you Madam Deputy Speaker I think I spoke at length on this at the last time. The motion really is to ask the responsible executive Member to investigate and to provide where appropriate suggested solutions. It commenced by outlining a few things and reaffirming the House' support for primary industry on Norfolk Island and I take heed of what Mrs Jack said about the uptown sector but I just remind her that farmers don't have holidays be they public or private so it really shouldn't worry her in that point. It recognises that there are specific difficulties in development of a viable primary industry sector and it expresses concern at the limited range of primary production on Norfolk Island. I think the first one, that there are specific difficulties is fairly clear to most people who have been involved with this sort of thing in the past and it expresses concern at the limited range of primary production on the Island and it goes on to request suggested solutions. I don't think it's mind boggling stuff but I do think there is a need to maintain the rural sector on the island here. I think there's a lot of goods which are imported and I've often wondered whether the Government gaining revenue from import duties and the like may have been a factor in holding back additional primary production on the island. There is a reasonable viable primary production sector at the present time but I know that they need support, they need technical assistance, not so much the financial report but I have had people state that there should be a reduction on duty on seeds and things like that and we went through the stupid situation where you had to pay 10% on seed potatoes whereas on eating potatoes it was only 6% duty and that was clarified a few years ago so that it's all 6% now. Those sort of issues should be considered. I have nothing more to say in

relation to this. I know that Ms Nicholas has an amendment here which I will speak to when she moved it

MS NICHOLAS Thank you Mr Speaker. Perhaps I should put that proposed amendment. The only part of this motion with which I take issue is part 4. where Mr Nobbs asks the executive Member to take responsibility to investigate and where appropriate provide suggested solutions and I'm a little disappointed that he would seek to tie up what amounts to Administration resources in accomplishing that. Mr Nobbs certainly demonstrates an interest in the matter. He's not otherwise involved in any committee of the Legislative Assembly and I think it would be extremely useful for him to head up a think tank of interested primary producers, gather and consolidate some of their ideas and as the motion says provide suggested solutions. I would have thought that it's better to get some form of consensus from primary producers themselves before dedicating Administrative resources to a broad shot in the dark without specified aims in view. The Minister for Land and the Environment if I read him correctly has already made mention of a 1979 ABAER Report and his continuing access to that body in Canberra and from what the Minister said at the last sitting I think it's reasonable to assume that he would make the material and the contacts available to Mr Nobbs. The Minister also said that he doubts whether the outcomes of an investigation will change the scenario very much. On that basis it's perhaps even more important that Mr Nobbs take an active role in the process and that's how I see him playing a significant and productive part in the process therefore Mr Speaker I would move an amendment that paragraph 4 be amended by deleting the responsible executive Member and inserting Mr Ron Nobbs MLA

SPEAKER Thank you Ms Nicholas. We have an amendment in front of us Honourable Members

MR NOBBS Thank you Mr Speaker. I don't mind what the Legislative Assembly wants to do in relation to this motion but what's happened is this, that in the past everything has gone through the responsible executive Member. All requests have been through there. They have access to the public service. Backbenchers don't have that access to the public service directly. They can find out all the information and that's fine. As far as my not being involved in anything as far as the Legislative Assembly is concerned is a bit of a furphy. I'm actually on a standing Committee. I'm also on the DAA Working Group which is still operating. Be that as it may, it was set up by the previous Legislative Assembly who funded a project on Drug and Alcohol Abuse. I'm still working on that and we're still proceeding and I would like to thank the Minister for actually advising the community formally through this organisation of the progress that's been made thanks to the funding that we budgeted here, but also additional funding which the Lions Club of Norfolk Island so generously provided which allows the project to go for some twelve weeks. It's up to Members, whatever they want to do but I find it difficult because whilst I may be retired now I still have an interest in land here and I have an interest in a couple of other projects in relation to primary production so I do have a conflict of interest and as Members know I'm pretty strict on conflicts of interest but if you want me to do it, well I don't mind doing it but I would have thought that the normal procedure, and we've had it all the way through on these motions to date, is that the executive Member actually take the lead on the proposal, thank you

MR I BUFFETT Thank you Mr Speaker having listened to what Mr Nobbs said, I was of a mind to support Ms Nicholas amendment but to leave just the executive Member there it does probably a couple of things because the executive member is not specifically naming myself Ivens Buffett as the executive Member and there is a possibility within the executive arrangements to move some of the

responsibilities around because we all have equal executive responsibility. Let me suggest this, that at the last time this motion was put I also declared some interest. Let me refresh Members. I declared that I had interest in land in Norfolk Island and I also declared and it may have gone fairly quickly but I have a current application with the RIRDC. Now the RIRDC is the Rural Industries Research and Development Corporation. It's a Commonwealth corporation. Let me declare that I have a current application on foot with that particular corporation so perhaps what I'm suggesting is yes, there is an executive Member responsibility to do some of these things. Yes I believe that if Mr Nobbs was willing to be co-opted to assist in this, and what he's indicated is that he would be more than willing to do that, I have certainly had some lengthy discussions with Mrs Jack in respect of this because Mrs Jack is one of the few that have come to me and actually sought to have a read of the ABAER that was done. Just prior to self-Government in 1978 because these were crucial matters that needed to be discussed around that time as well, having said that, I think we should leave the motion in its original form and will not be supporting the amendment.

MRS JACK

Mr Speaker I would just like to mention here that I have no problems with a. and 2. of Mr Nobbs motion. No 3 expressing concern at the limited range of primary production on Norfolk Island I do have a slight problem with because I think its circumstances that force this limited range of primary production. If you have to introduce say for chicken meat, the day old chicks and then the feed and goodness knows what, the tremendous cost of value adding to that chicken in order to compete with the frozen chooks that one buys up town that I don't expect a complete range of fruit and vegetables to be available owing to the price of electricity and cold store refrigeration so I think we have a good basic range of fruit and vegetables on the island albeit dependent and forced on us by the seasons. With point 4. where appropriate to provide suggested solutions, I just want to know to what. To making primary industry more viable. Well if it includes dealing in subsidies, to fertiliser or water assistance or electricity, I do have a problem with that because those are commercial decisions the same with the packing plant that was mentioned in the previous session by Mr Smith. Those are all commercial ventures that have a financial plan that people look at and look at the one, two and five years forward. If they mean to work more closely with AQUIS, the Australian Quarantine Service and perhaps using some of their facilities offshore in bringing over a broader variety of crops or things in the medium, in the AGAR, Tissue Culture, I have no problem with that but if it is going to mean a commercial inference I certainly do because those are what people must investigate themselves when looking at it but I certainly don't mind assisting the Minister if he chooses that it's alright by him to take Mr Nobbs place. I do see the point of what Ms Nicholas has said that it's good for the Member to investigate himself to form a committee and bring those problems that the committee has seen to the Minister and to this House but if the Minister is willing to forgo that I'm willing to assist the Minister thank you

MR NOBBS

Thank you Mr Speaker just referring to what Mrs Jack said I think all of the above would be about it but what she doesn't realise, and she mentioned chicken meat in particular, and I'll take that as an example, chicken meat, feed's expensive, have to import it, have to pay duty on it and on it goes, and been there, done that sort of thing. What's holding up production locally of feed. We can grow it here, we can grow wheat, rye, whatever you want to grow here, not just corn, and we have grown it here in the immediate past I should say. It's a few years ago now but I guess you could call it the immediate past that we have grown those things. What's missing. A harvesting arrangement. That's what would be needed. That's the first of the constraints that you can put in. That's what I'm talking about here, the concerns about the limited range of primary production and that's in the chicken meat but there are specific difficulties in relation to providing chicken meat but if you can get the feed

organised here it will be far cheaper. If you can get the licence to have the eggs laid on the island, the breeding programme here that will improve it as well but to do those things, you need a larger production base than just meat and what it means is this, that to get a harvester here you would then look at other areas that you can facilitate like increasing in the pig production or if a dairy could start and those are the sort of areas that you should be looking at. A broader view. Not just for somebody to go out and say, Wolf has set up in the valley up here, great setup, and that's wonderful. That's only one segment of it. You've got to look at the broader context of it and get more efficient usage of the open land that we have left on the island here. That's all this motion is about. It's nothing specific. It's not looking at specific commercial entities but mainly on a broad arrangement

MRS JACK Mr Speaker if I may, so looking at co-op arrangements between people and perhaps amalgamation of land. Those things, to make pasture over several blocks to get the acreage. Are you wanting all those things looked at. As I said I'm prepared to assist

MR NOBBS I can't walk on water but I know that Toon can so he's more able to do this

MRS JACK Hence Christmas Day should maybe stay on the Saturday

MR SMITH Thank you Mr Speaker just in relation to the amendment that's been proposed if the Minister is quite happy to pick it up as in the original motion and if the Member Mr Nobbs is keen to be co-opted for it I guess the amendment has become redundant. As far as the rest of the motion is concerned though, I totally support what's in the motion. As Members will recall with the Norfolk Island Plan a significant part of that plan supports the rural aspect of Norfolk Island and that will include primary industry aspect so I support the motion

MS NICHOLAS Thank you Mr Speaker. I'm not sure, but having been told that the Minister can walk on water, I'm not sure that I shouldn't...

MR I BUFFETT Thank you Mr Speaker I might call a Point of Order because as you will recall it's not specific, I used the executive member in this to refer to all four executive members so I wouldn't want to pre-empt what others can do so I think Ms Nicholas should put the amendment

MS NICHOLAS Well Mr Speaker I'm afraid I was about to withdraw it. If possible, I will withdraw it

SPEAKER Are Members of a mind to accommodate that course of action. Yes. We will consider that the amendment to the motion is withdrawn. Honourable Members we have the substantive motion in front of us. Is there further debate before I put the question. No further debate. The question is that the original motion be agreed to

QUESTION PUT
AGREED

ABSTENTION

MR GARDNER

Do you want to call the House Chief Minister or are you comfortable in having your name recorded? Yes. Then it shall be so, thank you. The motion is agreed with the Chief Minister's abstention

LAND SPECULATION

We resume debate from an earlier sitting on the question that the motion be agreed to. Mr Nobbs you have the call to resume

MR NOBBS Thank you Mr Speaker this motion is in response to concerns I believe in the community that there are concerns in relation to land speculation on the Island and that something should be done about it, and so what I've put is a very brief motion here which asks the responsible Minister to provide to this House at the earlier opportunity an assessment of the community concerns in relation to land speculation and following the assessment of the community concerns provide recommendations to this House as to how such concerns may be alleviated. Mr Speaker as I say this is something that's come from the community. I think that this House should look at it. I don't want to pre-empt what the Minister may find out or what the proposal is. There has been work done in the past in relation to this particular issue but it was never completed and he may like to pick up some of that work and look at it as the basis but I think it's important that we should clarify what the community concerns really are in the first instance, thank you

MRS JACK Mr Speaker thank you very much. On reading the motion of Mr Nobbs, I find it interesting that on one hand he is saying to address the concerns of the community in this matter and then point 1. says that we have to assess the community's concerns so we are not even sure until we've done point 1. if there is any concern over land speculation and then if it does prove to be, so I think it is a bit of making work because we're not sure if there is problems with land speculation. Prior to the election of this Assembly, because this motion has come up as Mr Ivens Buffett mentioned previously, in the previous sitting of the House, that there were several questions without notice leading to problems with land issues, but prior to the election of the Tenth Legislative Assembly out of the previous 100 sales, 95 of those were to locals. In this year from the work I've done with three real estate agents, with one there's been thirteen sales, nine have been residents to residents and four Australian to Australian. In another all sales have been local, and they also told me that last year over 90% of the sales were local to local. On the third real estate agent, all their sales to date have been local sales to local sales. Perhaps what I see as a problem of land buying and selling here is that we could be a victim of our own success this island and I say that because we at present have low interest rates, there is no penalty for people to hold more than one job as occurs in Australia and that with the only employer providing employee sponsored superannuation being the Administration that many people in the community have to supply their own form of superannuation and for this this means buying land, perhaps building, putting a rental property on it, buying a business of which I must say my conflict of interest now, in that we have more than one block of land on Norfolk Island that being our primary place of residence, so really I would just like to know, that if people decide to have work and then buy land and use that land to increase their capital worth, where's the problem with that and if another person decides to come along and make their living by buying and selling property well really, where's the problem with that? They're the ones that have all this money tied up in land, that interest rates could go through the roof, that they are being predicted by Christmas to go up, they are the ones left holding the can so what's the problem? I just can't understand it. That's the way people choose to make a living, that's their challenge if you will and I really can't understand or is it a problem that some people do it, and they're alright and

other people do it and they're not deemed to be alright buying and selling land, thank you

MR NOBBS Can I comment on that. Some people are alright to do it and some aren't yet Mrs Jack's argument was related to, she specifically referred to residents and locals as being the major part of it. Speculation can be a resident or a local or a visitor or anyone who is allowed to buy land on Norfolk Island. It's the same whether it's resident local or visitor. I don't see any difference. It's just on speculation and there are concerns. I mean people have spoken to me about it and I thought the best way is to bring it out in the open and see what the story is

MRS JACK I have no problem with bringing it out into the open but one of the suggestions for dealing with the problem last month Mr Nobbs said is perhaps introducing a capital gains tax. Well if we are going to start looking at that I see the same thing happen to those in the Administration when they collect their superannuation that they have a capital gains tax or some form of tax on their superannuation. I don't see how we can just look at one source for a capital gains tax and not look at other sources that are for the same reason

MR GARDNER Thank you Mr Speaker I'm interested in the mention of a capital gains tax because if the concern is with the value, the dollars and cents that are being paid for a block of land all a capital gains tax is going to do is add an extra few hundred or thousand dollars or whatever to the price of a block of land, it's not going to, I think, get to the primary concern. Certainly the concern's been expressed that land is just too expensive. Well in the real world, that's happening everywhere. Land is going up, it is going up, it is going up and it all comes back to these basic principles of supply and demand and I'm not an economist but I'm sure my colleague the Minister for Finance might be able to give us a lecture in that, but that's what it boils down to at the end of the day, supply and demand. What somebody is prepared to pay for a block of land and whilst there's people out there who are prepared to pay what some people might consider exorbitant prices for blocks of land, it is going to continue to happen, there is nothing that we can do to stop that in my view

MR I BUFFETT Thank you Mr Speaker I can only do what's been requested and I intend to try. The biggest problem I see though is how do I ask the people out there whether they believe land speculation is taking place. We can certainly look at the statistics as mentioned by Mrs Jack and we can make a number of assumptions but really I want to say that I understand Mr Nobbs there's been some comments made to me but when you ask some rhetorical questions of the people making those comments, it becomes a little bit of an interesting discussion because one of the interesting things, and without being disrespectful to anybody, a lot of this is as long as "ent me". One of the fascinating issues when you deal with a topic like this is that very question "long es ent me". Now how do we deal with that when we provide a specific answer to a question that's put on the notice paper I think it's going to be the trick, this Legislative Assembly needs to jump over. Certainly I can provide the statistics, we can make some comments and we can make some recommendations based on other places and there are other communities if what's been said in this motion, to look at other communities of this size and see what they do with their land, there's the Cook Island concept, there is the Lord Howe Island concept, there are other places that simply don't allow the trading in land because of the finite land mass like you have in Norfolk Island and it's a slightly different thing, but if that is the sort of solution that a lot of the people are wanting they have got to understand the restrictions that those sorts of issues place upon them so it gets back to the ent me thing, and we've really got to come to grips with that element when we talk about this issue, because not only does this matter touch upon land speculation, it touches upon what we've done with the plan and goes

back to the very motion we discussed before. Mr Nobbs viability of an agricultural theme. Whether we continue to subdivide in accordance with what the plan said or whether we look at a totally pedantic regime where big brother tells you what you can do with your land down to the last degree including to who you may sell, or who you may not sell to or your ability to sell in any event. Now these are interesting questions but I think they are all matters that are touched upon when you raise a question of land speculation and I mention that without any disrespect to anybody. This is a really interesting subject and my difficulty as executive Member responsible is formulating the questions to find the answers and I suspect there's a lot of what I said, involved in that issue

MR SMITH Thank you Mr Speaker this motion is a simple motion that requests a certain thing of the executive member. The executive member has almost said that he's already done some work on it and is happy to go further to find out whether there is concern in the community to do with land speculation. It's not for us to sit here and try and decide whether land speculation occurs or not. If the executive member is happy to do it I fully support the motion and move that the motion be put

SPEAKER I'm not too sure that I need to take up the last part of your comment because I think all Member have exhausted their debate so I will put the substantive question Mr Smith if you are comfortable with that. Honourable Members the question is that this motion be agreed to

**QUESTION PUT
AGREED**

The ayes have it, that motion is agreed thank you

POPULATION CONTROL

We are resuming debate on the question that the be agreed to. Mr Nobbs you have the call to resume

MR NOBBS Thank you Mr Speaker. Once again there was considerable talk in relation to this motion at the last meeting. There was a proposal put that we do have a 2% growth policy at the present time. It's been mentioned at odd times that this is what happened but it's never, as the people who raised it I think most of them said that, there were more than one, said that it's never been adhered to. This proposal that with population control, there are constraints on the Island here to the natural and the built environment as well as the social fabric and economic capabilities of Norfolk Island and I don't think anybody can disagree with that although there was talk that we can do anything engineeringly on the Island including pushing down Mt Pitt and extending Norfolk Island for another few hundred acres but whether we need to go to those lengths is something I don't think is worth thinking about at this point in time but I did actually get some information when I was going through some things, was a sketch of an island off Vancouver, well it wasn't a sketch it was actually a photo in 1934 and the comment on it stated maybe, that this would be Emily Bay in the year 2000 which in 1934 was a long way away as we know now, and this was a fairly heavily developed area and whilst it hasn't happened here I think if that same writer was to come back and look at the place now, which he probably has, he would be quite excited with all the building that's going on, on the Island here. It's really interesting that we seem to stay at a population figures, in the various reports of around about 1400 residents, 600 the General Entry Permits and temporary entry permits to the 1900 2000 mark and have done that for quite a few years and yet there's considerable activity as far as building, and it hasn't just involved an extension of the tourist industry accommodation and the like, it's been in other areas and yet our population stays the same. I feel that this

motion would from an environmental perspective allow us to measure and to manage our population on the Island here, to retain those with the other motions that I actually put in place to retain the rural aspects of Norfolk Island those things that visitors come to see, and that's obviously our main industry, tourism, and it's great now that we've got a consumption population of about 3000 when the tourism industry is fully operational so that allows not only for the shops to increase their sales but it also allows for the primary industry sector to extend their activities. I haven't a lot to add to what I've said already apart from the fact that the 2200 figure is an interim measure, it is a fraction above the highest that I can find for people ordinarily resident on the Island, that's taking away the tourists and that I think there is a need within that to ensure that we always have a number in our population figure which caters for the tourism industry. I think that if that figure extends beyond say 45,000 visitors per annum and I know that figure is used as the number of visitors that come in here whereas it should be the number of bed nights so that you could say that beyond 300,000 bed nights may be a more appropriate figure to use there, that's fine, if it exceeds that figure there will obviously be more need for support for the tourist industry and therefore I would suggest that there is a need to review but it's most important that we don't have something in place which will stifle our major industry. That's all I wish to say at this point in time Mr Speaker

MR GARDNER

Thank you Mr Speaker I won't be supporting the motion as I expressed at the last sitting. Though I don't disagree with the concepts and the principles that are in there I believe that already those concerns are addressed in other areas including the Planning Act and the Norfolk Island Plan and all the preambles that are in those documents and also the Immigration Act they address those concerns about maintaining Norfolk Island principally as the home of the people of Norfolk Island. I've done a lot of research into this. I hear what Mr Nobbs has said about all of the building activity that's taken place. If we go back and we look through the census that's been produced on Norfolk Island you will see that basically what's happened, yes there's been 140 odd new dwellings built on the island in the last twelve years or thereabouts, but actually the number of persons living in those dwellings has decreased accordingly so I mean there's a capacity to house more people but all that's really happened is that people have moved away from home at an early stage, they gone and built a house for themselves on their block of land but because of the significant increase in the number of dwellings on the island it hasn't reflected in the permanent population on the Island. I've dug back through all of the annual reports of the Island back to 6 August 1991 which was when the second to last census was done, the total population ordinarily resident people on the island at that time was 1937. In the 30th June census this year, twelve years later it's 1976, the ordinarily resident population on the Island. Now I'll admit that there are errors that can occur in looking at a specific date but I've looked at a specific date throughout the year when usually all the kids are on island and all the families are on island, it's no good looking at last week's figures for example because in last week's figures the ordinarily resident population on Norfolk Island was down to 1920 but you've got school holidays on, and a lot of people are away and so I've basically settled when I've tried to do the comparisons on the 30th June of each year over that twelve year period so in effect the total ordinarily resident population of Norfolk Island at a given time, which is a reasonable time, at the end of the financial year when the school terms' in, when things are happening on the Island and probably a stable period during the year on the Island, in effect the total population has increased in twelve years by twenty-nine persons. If we want to look at the figures that Mr Nobbs has pulled out of the air as far as getting 2200, well by my calculations we are probably the best part of fifty years away from achieving that. I could be wrong. Things could turn around and there's a lot of things that we need to consider when we look at this, and there's the aging population, the perennial problem of how we are going to address that and the concerns that arise from an aging population. We are dealing with that problem or we need to deal with that problem as well as every other jurisdiction needs to deal

with that problem but I guess my primary reason for not supporting this motion is that I believe in so many other areas we address them with our concepts, our principles, our preambles, everything that we say, gives us that safety net that we are looking for an it's proposed by this. Really all that it would be doing is duplicating a number of process that that have already taken place. There are plenty of warning signals that are available to us that if something were to happen we have the ability to rapidly address them. I know it falls in my area, but I really at the end of the day don't know what purpose it would serve by me bringing back amendments to the ouse. Which amendments could be amended on the floor to the Immigraiton Act. I don't believe the Immigration Act is the appropriate vehicle for that. It is in my view and certainly it is a consistent view that planning areas are more appropriate areas for controlling population, for controlling development and for controlling practices on Norfolk Island

MR SMITH

Thank you Mr Speaker I looked at this motion last month and I've thought a lot about it. We talk a lot about population on Norfolk Island, the immigration Act, with the quota that we generally do twice a year and are only doing it once this year as I understand. We have similar discussions every time we raise the issue or the issue is raised. I don't totally agree with what the Chief Minister has said, that we have enough protection through the planning controls and through the Norfolk Island Act's preamble, and other such things and even the Immigration Act when it really comes down to it, that we could actually control the population if, and it's probably unlikely at this point in time, if there was something else that started on Norfolk Island that created a boom in employment because as the Chief Minister has said on different occasions and I agree with him, that the population is only going to reflect the amount of work that's available or the amount of businesses that are viable. You can't just have people just arriving here and not doing anything although someone would probably like to do that. But if there was some other industry started up that employed another fifty or sixty people which in the future may be possible, the immigration controls wouldn't really control that if they were people who weren't coming here as residents if they were coming here under the immigration Act which could lead to people moving on to the General Entry Permit status and residential status later on. Whether the things that Mr Nobbs has in the motion here are the things that need to be in there or not I'm not sure but I agree that we should always be aware of the population controls on the island. Now I had some information that during the war the population was bigger than what it is even now and there's been many times through the last twenty eight years where the population has been more than what it is right now, and the population does dwindle as our resident population moves away, and that is happening continually but that's just as much a concern as it going the other way but the concept that Mr Nobbs has here, I agree with it. I agree that we should be reaffirming it all the time, that we should be concerned about the environmental impact of people and what they do on the island and keep that in the back of our mind all the time. Whether what Mr nobbs is proposing here is the right way to do it by putting a ceiling on the ordinary resident population, if it was the Resident with a capital R population as under the immigration Act that would be different because I think in the last Assembly or the Assembly before that I think Mr Adrian Cook discovered that the controls we have on the General Entry Permits with quota was a waste of time in a sense, that we should really be putting a quota on the amount of resident on the island because he discovered that many of the people who acquired a the General Entry Permit status left the Island unless they were section 18 the General Entry Permit and those were the ones who went on to become residents. If that was the case in this particular motion, if it was talking about the resident population being controlled the same way we do with the the General Entry Permit status, there would probably be some sense in doing that, although we would probably say, how are we going to do that, how are we going to do that, but we do it now already with the the General Entry Permit applications. I agree with where Ron's coming from although there

are some things I don't like in there and don't feel like trying to amend them today, but I do agree with Ron's motion

MR GARDNER Thank you Mr Speaker maybe if I could just respond to a couple of Mr Smith's point there. The Immigration Act and the Policy and Guidelines address the concerns that Mr Smith has raised about new businesses bringing in a number of people, a new industry being created and doing the same. Well the Policy and Guidelines address those under the new business principals and there is an assessment process that you need to go through Is it something that's required? What's the impact that it's going to have on the Island? I can loan you too the Immigration Act and the Policy and Guidelines if you would like to have a read of them and see exactly what protective measures there are within that piece of legislation. I could also loan you the Norfolk Island Plan...

MR NOBBS Point of Order Mr speaker, there's no need for a supercilious attack on Mr Smith, it's not warranted

MR GARDNER I don't think that's an attack Mr Speaker

SPEAKER I've not interpreted that that is an attack

MR GARDNER I'm simply trying to provide some direction and guidance,,,

SPEAKER Order. Order Chief Minister whilst I respond to Mr Nobbs Point of Order. Mr Nobbs I don't interpret that it's in the context that you've described and therefore no Point of Order

MR GARDNER Thank you Mr Speaker for that. And so those concerns are addressed. It's simply as I tired to say at the last siting, a number of didferent areas where we address the environmental concerns, the impact concerns and all the other necessary concerns. As I've said, f I'm not against the concepts and principles that are contained in there, but we're just in my view, moving in this direction is just duplicating again something that we've spent a heckova lot of time and resources and we've duplicated a number of times in the past, again wasting resources which can be more importantly and more effectively directed towards other problems that we experience in other areas

MR I BUFFETT Thank you Mr Speaker I don't intend to support this motion today in this form. I take on board a number orf issues that the Chief Minister has said in respect of the controls and the opportunities we had to look at those issues. In the Planning, in Immigraiton. Mr Speaker one of the principle reasons I don't support the motion in this particular form or the way its on the table today, is this, have we got the fortitiude to really deal with the concepts that are contained here. Let me put a couple of proposintions to the Members. When one goes to the Briths Deaths or at least Births Register that's at the Registry Office and have a look at the number of peole who have been born in Norfolk Island and who probvably under the present Immigraiton Regime have some rights that have accrued and we've never seen or heard of a number of these people and when I had a look a few years ago my estatitef was that unless we are prepared to take some dramatic steps in the Immigraiton steps, that is they will be allowed back wether it be automatically or with some retstictions or some things that are closer to home in respect of who can come and go on Norfolk Island I think it makes a bit of a mockjery in putting forward a motion like this. How are we going to enforce it or are we really going to do it. If for example there are three or four thousand people out there and through circumstances we've tried to promote government sponsored

industries and we get one of these things up that really goes off with a bang and we get all these people who as of right are allowed to come back to Norfolk Island are we going to have the fortitude to say no, we've capped it at 2200, go away. I doubt it and therefore we have to look seriously at that issue. As I said earlier, I don't disagree with the need to preserve a finite environment, and that's what Mr Nobbs is on about and interestingly enough, all the motions that Mr Nobbs has on the paper today are inter-related but I do caution when we look at putting up a motion like this with specific figures in it, we have to come to grips with some of those other issues that are directly related to immigration and are we or future Governments going to have the fortitude to actually enforce what we are trying to legislate. I doubt it very much and therefore we need to look at that and come to grips with some of those issues before we pass a motion similar to this. We can however come to grips with it if we have the fortitude to say, no more subdivisions. You will not build on portions of land that are under x square metres, but when we start making those decisions we have a whole range of other decisions we need to make. Have we the ability to compensate them for the rights we are taking from them. Have we the ability to give them alternative and the only alternatives is either case or something like that because as I've mentioned in a number of discussions we have not got the ability if we spoil or through mismanagement, damage Norfolk Island, to add or open up another 500 acres of nice green, pristine land which we haven't interfered with. We could look at this motion and what we've already got in place and take a step backwards and say, alright, you may have subdivided that under a different regime, but you're not going to build on it and are we going to be strong enough to say you are not going to do that to preserve and achieve exactly what is suggested and in doing that here we are prepared to make sure we comply with one of the principle philosophies of the Norfolk Island Act that there shall be no unjust acquisition without due compensation and that attitude or that particular concept falls quite clearly into some of the issues addressed by this motion. As I said, I have no difficulty with the concept providing we have the fortitude to take it through to the degree that I've said and I think that's what we are on about. Not the population rise and fall because one day as I said earlier Mr Speaker, one of these industries will take off. We have currently a cyberspace thing. Now what happens if that becomes a goer and this community is awash with \$100 million dollars of spare revenue. Goodness forbid. How do you make those controls and say to people you can't come back and share in it. I see enormous difficulties. Look at that whole picture and be strong enough to say these are the constraints, this is what you get for giving up and it's not just hey you can't come because it's going to spoil Norfolk Island. There's a far wider range of issues that we need to consider and for those reasons, until we get to that I can't support a motion like that

MR NOBBS

A couple of issues there with Mr Buffet. The first one really is that the four motions that I put up are all intertwined. They were originally one motion and I thought it was a bit confusing so I broke them up so that's what happened but they are all intertwined and if he goes back to the other ones he will find out that there is a solution to the off island people in the last motion that was the wrath of quite a few Members but anyhow that's the way it goes. As far as the issue of compensation I sit here stunned because in the life of the Legislative Assembly the area of KAVHA was created which provides fairly horrendous controls on what people can actually do in that area and we've already got the ongoing saga of a person being unable to build in there. An application has been lodged and they are unable to build and there's been no compensation and I don't think there's even been a request from the people who live in KAVHA for what has actually occurred. There may have been but it didn't come from the areas that I know of so it's already established, a precedent on the Island here and there's probably more where because of necessity or some other reason things have changed in the areas and we did it in the last plan we changed out in the eastern area of the island where as you well know Mr Speaker we changed the rules

of subdivision and extended them from five acres to ten acres or from two to four hectares and we also in that plan the original recommendation from the planners was for a ten hectare or twenty acres in the rural area and that was reduced by this body to ten on the request of some people in the community. Not all of the community but some people so I mean, these are the issues and with what the Chief Minister is saying that in all these little pockets of legislation and policies and what have you there may be sufficient controls but they should all be drawn together I believe to some particular single entity and so that should be available for the community, that should be available for people coming in here and wanting to live on the Island that they know the rules and regulations instead of finding that there is something in this Act over here and another over here and they are continually running up blind alleys and that's why it was suggested that this be included in the Immigration Act so that it's up front so the community and the Australian Government and also anybody coming in here knows what the story is. I, after the last meeting, don't expect support so I move that the motion be put

SPEAKER Honourable Members I'll put the motion to you

QUESTION PUT

Would the Clerk please call the House

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

The result of voting Honourable Members the ayes two the noes six, the noes have it, the motion has not passed

Honourable Members in terms of Orders of the Day five and six, they are not ready to proceed so they will not be called on today. We therefore have concluded the substantive business for today's sitting and I look to you Mr Nobbs to fix the next sitting day

LEAVE OF ABSENCE

MR NOBBS Thank you Mr Speaker before I do that may I ask that whatever must be done to set aside Standing Orders – I wasn't too sure and arrived a little late – but I need to seek leave of absence from the next meeting

SPEAKER Yes, we can handle that forthwith. Mr Nobbs has sought leave from the next sitting. Leave is granted. Leave is granted

MR I BUFFETT Thank you Mr Speaker just before we go to that, there was foreshadowed in the sitting that there may be two...

SPEAKER Can I handle the matter of leave. Leave is granted from the next sitting for Mr Nobbs. Thank you Mr Nobbs

MR I BUFFETT Mr Speaker I was just wondering whether Mr Nobbs needs to seek leave from two sittings

SPEAKER From the appropriate one or two sittings. Yes. Mr Nobbs you have the call in terms of the next sitting date. The date is the 19th November in terms of your proposal and if we can just pause on that to see if we are any closer towards knowing when the interim sitting might be and we might set that date instead of the other. I'm just putting that to you, the suggested date being in a fortnight's time

MR I BUFFETT Mr Speaker I've had some preliminary discussions in respect of some of the issues and there's three or four I think in my area and I've had some discussion with my colleague the Minister for Finance and we tentatively looked at Wednesday 29th

SPEAKER Would you like to then set the date at Wednesday 29th

MR I BUFFETT Well there's a few things...

MR GARDNER Thank you Mr Speaker if it's any assistance I would settle for the 19th November. If those other matters do come about there is a process that we can go through and that we go through that process

FIXING OF THE NEXT SITTING DATE

MR NOBBS Mr Speaker I move that the House at its rising adjourn until Wednesday 19 November 2003, at 10.00 am.

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

QUESTION PUT
AGREED

ADJOURNMENT

MS DONALDSON Mr Speaker, I move that the House do now adjourn

SPEAKER The question is that the House do now adjourn. Is there any debate Honourable Members?

MR GARDNER Mr Speaker, just in relation to a question that Mrs Jack raised with me when I tabled the 2001-2002 Annual Report earlier today. She had queried why there was an absence of roads in the Annual Report, if I would direct her attention to the Department that looks after roads and that's the Works Depot which begins its report on page 53 of the Annual Report and the specific section is on page 54 of that Report but it certainly deals with roads in the body of the Annual Report

SPEAKER Chief Minister thank you. Is there any further adjournment debate Honourable Members?

MR I BUFFETT Thank you Mr Speaker just one matter if you would Mr Speaker I've had a number of people approach me regarding rubbish that's on

the beach areas and probably arrived there as a result of the disposal practices that we used to have. Mr Speaker to relieve some of the angst of the people and congratulate and encourage those who have been picking them up of their own free will to continue to do that I will be looking at some resources as part of the Waste Management to do some of the cleaning up that's evident in areas such as Anson Bay and the Bumboras area but as I say, the community has been so good with the Waste Management Centre for the operations for the first two weeks I would encourage them to use their civic pride and continue to pick up some of the rubbish that's on the public lands

SPEAKER Thank you Mr Buffett. Is there any further adjournment debate Honourable Members? There being no further debate I put the question

QUESTION PUT
AGREED

Therefore Honourable Members this House stands adjourned until Wednesday 19 November 2003, at 10.00 am.

