

MRS JACK Mr Speaker a question to the Minister in charge of Tourism. I would like to know who is responsible for the production and ordering of the Destination Norfolk Island brochure that is made available to people

MR SMITH Thank you Mr Speaker, that would be the Tourist Board

MRS JACK The Tourist Board. Tell me then, what is being done in the matter of supply because there are none there

MR SMITH Thank you Mr Speaker if there is a need for supply that needs to be taken up with the Chairman of the Board and I can do that any time today

MRS JACK Mr Speaker thank you. Another supplementary to that. The current brochure is being put aside in favour of another one being made. How far is that along in being progressed and when can we see the new one being put forward

MR SMITH Thank you Mr Speaker the brochure is being worked on constantly, not throughout the year, but there is a period of time when the Board develops a new one. I'm surprised to hear that the current brochure is not being used pending the new one and I certainly need to find out the story about that but if there is more information that Mrs Jack wants, I'm happy to pursue that

MRS JACK Mr Speaker this is also going to the Minister re the Tourist Board. Can the Minister explain to the House the differences in dates between this House finding out the conclusion of the previous Tourist Director and when that Tourist Director or head of the Tourist Bureau was actually given notice

MR SMITH Thank you Mr Speaker I'm just trying to interpret that question. I assume Mrs Jack is referring to the General Manager of the Tourist Bureau and the time of his written dismissal notice

SPEAKER If that is the case Mr Smith, may I refer both yourself and Mrs Jack to Standing Order 72A which as you will recall, refers to a person who may be the holder of a statutory office and there are certain procedures to follow if in fact you wish to pursue such matters and I draw that to your attention and I would interpret that what is being pursued at this moment falls within that category. That doesn't mean that you can't do it, but you must follow the procedures that is prescribed to do it

MRS JACK Mr Speaker I have no problem with that. Then if I can go on, when is the new position or the position that is being made available, when is that being advertised

MR SMITH Thank you Mr Speaker, I'm not too sure of the exact timing of that but I'm assuming that that would be before very long

MRS JACK Mr Speaker again supplementary to that. Can the Minister tell me who is then in charge of the Tourist Bureau

MR SMITH Thank you Mr Speaker if Mrs Jack means, well no, I'll just assume that she's saying who is responsible for the Tourist Board. Well that would be myself as executive member for Tourism and the government as well and of course the Assembly if it's referring further down the chain there's the chairperson who

currently is Bob Goldsworthy. Does that answer the question in the context that Mrs Jack is seeking

MRS JACK Mr Speaker no I'm sorry, it wasn't clear. It is who is now the General Manager in charge whilst we are waiting for a person to be appointed

MR SMITH Thank you Mr Speaker this does occur occasionally and has occurred at this point in time where there is no General Manager and in that case the Board usually makes the decisions that are required of the Bureau and as I understand it that is happening

MR NOBBS Thank you Mr Speaker I address this to the Minister for Tourism. Is it correct that the Minister for Tourism will be making a statement in relation to the subject that Mrs Jack refers

MR SMITH Thank you Mr Speaker it was my intention to make a statement to the House but there are certain things we need to do when I make that statement

MRS JACK Mr Speaker thank you, this one is also addressed to the Minister for Tourism. Can he tell me how many accommodation houses have asked for deferral of paying of the cold bed tax

MR SMITH Thank you Mr Speaker offhand I think there have been two although having said that, I know that certainly there are many accommodation houses who are concerned about the level of the registration fee on tourist accommodation beds and that has been raised, in particular since we increased the registration fee last year from 75 cents to \$1.00 and at any other time thereby wouldn't be so much concern over it but with Flight West and other incidents over the past twelve months and the range of new tourist accommodation that's come on line there are tourist accommodation places that are certainly feeling the pinch with the registration fee which is a dollar per day per bed so for a tourist accommodation place that doesn't have anyone they would see that as quite an onerous tax that they have to pay. I've had one or two applications to deregister beds which is available to tourist accommodation proprietors if they wish to do that. There has also been a proposal to the Minister for Finance to reduce the registration fee down to the level prior to June 2001 but if Mrs Jack would like a more specific answer I can certainly go away and get that answer today

MRS JACK Mr Speaker I was also wondering what action is being undertaken to ensure that payment is made

MR SMITH Thank you Mr Speaker there are rules in the Act about registration fees to be paid. As I recall the levy period is every three months or four times per year. It's a fee that must be paid. If there are options open to people who are having difficulty finding the money but it is a fee that must be paid

MR NOBBS Thank you Mr Speaker can I ask a supplementary to that. Is the Minister actually progressing this or is it being left as they might do this and they might do that

MR SMITH Thank you Mr Speaker, I'm not too sure what Mr Nobbs is referring to, but if he's referring to the query by tourist accommodation proprietors last year, I think Ron might have been the Minister at the time that the registration fee did go up by quite a large amount. There was a proposal from the tourist accommodation people however it was argued, and I may be wrong, it might not

have been Ron who talked about that, but it was argued that this year, if there is any movement in the RPI there wouldn't be a registration fee depending on how far the RPI moved. I haven't pursued it any further at this point in time it's actually something that falls within the Finance Minister's area. If a proposal comes from Members I'm sure the Minister would be quite happy to look at that

MR NOBBS Thank you Mr Speaker a supplementary to that. Isn't the Minister aware that under the tourist accommodation Act he has responsibility for tourism and tourist accommodation and I ask again, is he not aware that the basis of an increase in the tourist accommodation levy and other fees and charges were developed in the previous Assembly to mine, and it's an automatic increase so that there is a distinct possibility that under the arrangements there'll be no increase to tourist accommodation levies until possibly 2014

MR SMITH Thank you Mr Speaker, I'll ignore the first part of the question which I could take to be insulting as to whether I realised that I had responsibility for tourism. The other parts that Mr Nobbs' referred to, yes, I am quite well aware that the tourist accommodation registration fee or bed tax was reduced in Gary Robertson's time as a replacement for the hot bed tax which used to be charged when a visitor stayed in the bed, that's when the tax was paid and when the bed was empty there was no charge. That was not a successful tax as far as the Administration and the Government went. What Mr Robertson did, there were other fees that were charged for tourist accommodation and he amalgamated the lot into a registration fee and all the other costs were included in that fee. I think it started off at 50 cents per night but it had increased, it got to .75 cents per night then the RPI when it adjusted last year increased it accordingly, but the difficulty was and I might just go further to explain this, it was suggested that the registration fee be increased to \$1.00 from .75 cents but the legal advice from the Legal Services Units which I passed on to the ATA said that it would go up to .78 cents however it was discovered when Mr Nobbs was the Minister for Finance and introduced that because he deals with the RPI, when it occurred there was a quirk in I think the Interpretation Act and the fee couldn't go up by a minimal amount it had to go up to \$1.00. I'm quite sure that if Mr Nobbs is right that fee will stay the same as it is for the next twelve years and tourist accommodation proprietors will be quite a lot happier to know that

MS NICHOLAS Thank you Mr Speaker. A question to the Minister for Land and Environment. Is he aware that the public is finding it difficult to obtain copies of the Plan which this House is to consider at the April meeting. To what extent is he able to ensure that the public will have access, not only to the Plan but to the coloured picture which also describes what is contained within

MR I BUFFETT Thank you Mr Speaker. Ms Nicholas brought this to my attention a day or so prior to this meeting and I have been in touch with the Administration. For those people who have made attempts to obtain copies of the Plan I have arranged for more to be printed if they would like to call Mrs Jodie Quintal on 22001 to leave their names and I have certainly asked that more copies of that plan be printed for those people who wish to have it

MRS JACK Mr Speaker a question to the Minister for Environment. Can he please inform the House of the current status of the Island's Waste Management Plan and the grant that was given to the Norfolk Island Government during the last Legislative Assembly

MR I BUFFETT Thank you Mr Speaker the current state of play with the Plan of Management is that the revised plan which includes a number of issues in terms of the Waste Management area have been sent back to the Commonwealth within the last few days and we have received a letter from

Environment Australia that they have extended the time for the grant that was given to Norfolk Island for establishing that. In terms of the finalisation of the Waste Centre we are awaiting some final information regarding the Airport Plan and there will be a statement made on that and hopefully I've now asked the Service to prepare the necessary applications so that we can advertise the proposed total plan for the Centre to be published in the Gazette and dealt with under the various planning applications that we need to do

MRS JACK Mr Speaker this is to the Minister in charge of electrical and alternative energy. One of the Executive Directors some weeks ago visited Portland in Victoria to look at alternative energy and I'm wondering when we can expect to have a report on the pros and cons of these

MR DONALDSON Thank you Mr Speaker we were informed about a week ago that a Director had been away to investigate wave energy in Portland Victoria and is now in the process of preparing a report. I do expect that report to be available shortly although I can't give a timeframe but I expect within the next two weeks

MR NOBBS Thank you Mr Speaker I address this to the Minister for Environment. Has the Minister any information on the proposal by the Commonwealth regarding leasehold land other than a statement made by the previous Minister for Territories, Senator Macdonald, late last year which provided virtually no detail.

MR I BUFFETT Thank you Mr Speaker I'll be making a fairly lengthy statement on the free holding of land proposal and that is specifically to certain categories of crown leases, later on in this meeting when we get to Statements

MR NOBBS Thank you Mr Speaker a question to the Minister for Finance. I asked last meeting in relation to the demonstration number plates which were provided to the Government in 1998 from memory. They were left on the Island and he was to find out the fate of these plates that were worth a considerable amount so I'm led to believe

MR DONALDSON Thank you Mr Speaker I was really expecting to get that question on notice although I did make some enquires as to where the plates are and I believe they are held in the safe in the Registry Section of the Administration and although I haven't sighted them I believe they are there

MR BROWN Mr Speaker I direct this question to the Chief Minister does Norfolk Island still have Immigration policies; are they those policies which are set out in the Policy and Guidelines document; and are they still adhered to

MR GARDNER Thank you Mr Speaker and Mr Brown for that question. Before I came up to the House this morning I had some discussion with the Crown Counsel in regard to exactly that matter. The Guidelines document that Mr Brown is referring to is a document that hasn't been before the Legislative Assembly in any form or fashion or received endorsement by the Legislative Assembly. It is a document that has been used or was adopted by a previous Minister for Immigration for use in assisting in the determination of immigration applications and the reference that is provided to the Minister to do that is section 17(2) of the Immigration Act which provides for the executive member who shall have regard to such matters as believes to be relevant. Crown Counsel this morning says that an Executive Member had considered in the past. I consider that those sections within those Guidelines remain relevant and the Act is very clear when it deals with matters under Section 17(2), particularly in relation to temporary entry permits and the appropriate course that needs

to be followed when determining an application especially for temporary entry permit and that deals with matters such as employment of people on Norfolk Island, the qualifications of people to carry on employment or to participate in a business, whether a business or profession is already sufficiently provided for in Norfolk Island; the character of the applicant, whether the applicant entered or remained in Norfolk Island; any facility available on Norfolk Island or whether Norfolk Island would likely to be subject to an undue burden and considerations of health and age and other such matters. The health of the applicant which is detailed and whether the applicant holds a ticket for travel from Norfolk Island. I had discussed the concept with Crown Counsel of taking the Guideline document that is still in its draft form and has not been finalised and as I answered in the House a couple of months ago to a similar type of question, that I will uphold the law as set out in the Immigration Act but I will also seek to have endorsed the final guidelines documents which has not been finalised however if a final draft is available I haven't yet received that, it is my intention to bring that document to the House to table that document in the House and move a motion to provide for that document to be given due consideration under section 17 of the Immigration Act

MS NICHOLAS Thank you Mr Speaker. A brief question to the Chief Minister, I believe that there is to be an insurance summit held in Canberra to be attended by States and Commonwealth and of particular interest to that summit is the matter of public liability insurance. To what extent are we able to avail ourselves of the findings of that summit

MR GARDNER Thank you Mr Speaker I had intended to address exactly that in my statement on my trip to Canberra and will detail for Ms Nicholas at that time if she's happy for me to answer that question in the due course of that Statement if that's acceptable

MR NOBBS Thank you Mr Speaker a question to the Chief Minister in relation to court sentencing. What is the Government's proposal to facilitate counseling for offenders as recommended in court sentences handed down recently

MR GARDNER Sorry Mr Speaker could I just have that question again

MR NOBBS What is the Government's proposal to facilitate counseling for offenders as recommended in court sentences handed down recently

MR GARDNER Thank you Mr Speaker. Again I have had quite a bit of discussion with the Legal Services Unit in recent times about the review of our Justice Package and part of that Review deals with exactly the topic that Mr Nobbs has raised. In fact I think I reported to the House at the previous Sitting that the Magistrates had sought from me some sort of surety that officers on the Board of volunteers who supervise community service orders as part of the sentencing programme for courts on Norfolk Island, that was dealt a bit of a blow with the fact that there was no professional indemnity insurance available to those persons. I've sought to have that extended to those persons even though it's not allied to the counseling I believe at this stage it would need the same sort of consideration given

MR NOBBS Thank you Mr Speaker, just a supplementary. Does that mean that there will be counseling made available particularly to people who have been sentenced already or not

MR GARDNER Thank you Mr Speaker I'm not aware of any facility that is available at this time but certainly I'll seek some advice from Legal Services Unit on that and get a more detailed response to Mr Nobbs

MR

BROWN

Mr Speaker I direct this question to the Minister for Tourism and it relates to his role re the public service. Can the Minister please advise the policy in relation to payment of the cost of repair to Administration vehicles in the event that such vehicles are damaged during private use

MR SMITH

Thank you Mr Speaker, that's a good question. I'm unable to answer that at this point as I don't know the answer to that but I'm very willing to do some research on that and bring the answer back to the House

MR NOBBS

Thank you Mr Speaker, a question for Mr Smith in relation to the road programme. Can you tell me where we are at with the road programme and is it a fact that there's been a transfer of funds from roads to other areas within the Administration

MR SMITH

Thank you Mr Speaker the roads programme I was going to make a statement on that but I might as well cover it basically now. Currently the roads gang is working on the road at Prince Phillip Drive which is one of the few remaining dirt roads. There is a section right along the top of that that is being prepared as I understand from the Executive Director that certainly laying the metal and possibly the sealing of that road will take place either late next week or the following week. It's the intention then to move, and I think I made this statement in the House at the last sitting, it's the intention then to move to part of Taylors Road to the airport end of Taylors Road from the cattle stop to the Tourist Bureau to tidy that road up. It won't be a full reconstruction but it needs attention. There'll be probably a patching and reseal over that area to hold it for a period of time then it's intended to move to JE Road. That road is not in very good shape, in fact I went up it yesterday to see how it is holding up and a fair bit of traffic goes up that road and that's one of the priorities within the next three or four weeks and I assume that would be done. As far as the transfer of funds out of the road vote is concerned, I don't know what Mr Nobbs is talking about there. When we did the budget review about \$300,000 was taken back out of the roads vote and that money was transferred I'm not too sure where, but maybe the Minister for Finance could answer that question

MR NOBBS

Thank you Mr Speaker a supplementary. The road programme, that actual statement was actually similar to one that was made about twelve months ago

SPEAKER

Is there a question Mr Nobbs

MR NOBBS

Yes I have Thank you Mr Speaker, is there any timetable on the road programme

MR SMITH

Thank you Mr Speaker there is a capital works programme which all members of the last Legislative Assembly had copies of and that set out the roads programme at that particular time. There have been some difficulties in the last two or three years with roads and Members of the community would know. That programme has been amended slightly, as I've just explained but as Mr Nobbs will see in the proposed budget for the next financial year, the programme will be similar although some other roads will become higher priorities

MR NOBBS

Thank you Mr Speaker just a supplementary. Is there any truth in the rumour that metal is the holdup to the road programme

MR SMITH

Thank you Mr Speaker we will get to the point very soon when we will run out of a particular metal. I'm not too sure how far along. I think we'll get to the kind of this financial year but anyway with the amount of metal that

we've got, I can't remember what grade it is but we will certainly get to the point where we'll run out of the stockpiles that we do have for road making so one would hope that we will have some crushing operation up and running before that time comes about

MRS JACK Mr Speaker I just ask the Chief Minister, is the Minister of the Norfolk Island Government attending the Immigration Ministers meeting in April

MR GARDNER Thank you Mr Speaker, the House did endorse my attendance at the Immigration Minister's Meeting in Darwin next month. As far as I'm aware that is still continuing but no decision has been made as yet that we are not attending, that I'm aware of

MR NOBBS Thank you Mr Speaker a question for the Chief Minister and it relates to the duty of care and insurance of what are actually private roads in private subdivisions. Is the Minister, considering the concern that was expressed a few meetings ago about public roads, is the Minister doing anything about ensuring that there is a coverage on private roads within subdivisions which are used by Members of the public

MR GARDNER This is the first time that query has been raised with me Mr Speaker. To settle Mr Nobbs and other persons concerns in that area I will seek the appropriate advise and make sure that I relate it to members

MR NOBBS Thank you Mr Speaker I address this question to the Minister responsible for quarrying and I assume that it's the Minister for the Environment. It relates to a conflict between the various parties in relation to whether the particular stockpile contains dirt or other than rock. Has this issue been progressed. Has there been finalisation to the particular problem that was experienced and where are we going from here

MR I BUFFETT Thank you Mr Speaker. On the basis that it may touch on the issues that I deal with, perhaps I could answer the question in this way today, that I believe Mr Nobbs question may touch on some aspects that might be subjudice for a number of reasons. For these sittings I will take that question on notice and if not subject to subjudice problems I will certainly answer that at the next sitting

SPEAKER Thank you. Further Questions Without Notice. Then we have concluded Questions Without Notice Honourable Members

QUESTIONS ON NOTICE

We move to Questions on Notice. They are numbered 26 onwards. Are Ministers in a position to respond to those questions this Morning. The first one is to the Minister for Community Services and Tourism.

MR SMITH Thank you Mr Speaker. Question on Notice No 26. Will the Minister advise how many crimes the police have investigated during the last six months and how many of these investigations have resulted in charges being made? The reply from the Police is as follows. The period covered is October 2001 to March 2002. How many crimes have been investigated by the Police. It goes by offence and the number – break enter and steal 14; larceny 13; motor vehicle theft 3; malicious damage 6; and assault 2. Charges laid in relation to those was break enter and steal 2; larceny 1; motor vehicle theft 1; malicious damage 1; and assault 2. The summary of that, as the Police say here, in about 90% of cases cash alone was stolen during the break and two of the fourteen reported break-ins for the six month period from October to

March involved residential premises. The latest reported break and enter occurred on the 24 February 2002. Several of these offences are still under investigation and several are awaiting the results of forensic analysis

MRS JACK Mr Speaker I have a supplementary. What action is being undertaken by the Police to work with more out of hour shifts, even though we've discussed it at a private meeting I would like the public to know the answer and also are more juvenile crimes being committed and as Mr Nobbs mentioned before is there a need for counseling and is this being seen to

MR SMITH Thank you Mr Speaker there's a series of questions there and I'll try and answer them as best I can. Yes we did have a discussion as to the hours that the Police perform their tasks. The reasons given and confirmed by the Police when I met them was that there are three police and no matter what you do you can't have three police on seven days per week. We do have some special constables who assist the police but they must have a police officer with them when they are on duty. There is a very good roster which is made up by the police that takes into account the most important hours as they see it, which is a lot of the weekend of course when it appears that a lot of police requirement occurs, particular Friday and Saturday night. There's a system where police officers need to have time off in lieu of work which impacts on the amount of hours they do in a two week period. There are times when officers get leave of course so there's quite a lot of time throughout the year where if you didn't have to have all of those things it would work out well and there would be a lot more cover than they are getting. As far as juvenile is concerned, I don't know what information Mrs Jack is referring to. I do know that the young people on the Island do get upset when they are accused through the paper ironically from time to time from being responsible. I'm not saying that they might not be though unless we really know from the charges, therefore we should be careful that we don't make general statements about young people being involved in crime. As far as the counseling of that is, I suppose that refers to the piece I just mentioned. If there was incidents of young people being charged then there certainly would need to be some sort of counseling. It would be good to have counseling for those people

MRS JACK Mr Speaker Mr Smith referred to forensic tests being carried out. Where are these carried out

MR SMITH Thank you Mr Speaker the police have available to them, fingerprinting which they do. They can do DNA testing but most of that stuff I imagine would have to be done off Island

MR NOBBS Thank you Mr Speaker, can I ask a supplementary question to that. Why is it that the local members of the constabulary can't operate on their own at certain times and under certain rules. Why can't they be utilized as you would a general surveillance type operation

MR SMITH Thank you Mr Speaker, I suppose it depends on what we are talking about. I guess there would be certain occasions when the special constables, I'm thinking just back to the Mini Games when there were occasions where they were used but I think what Mrs Jack has been referring to is actual crime solving and as I understand it from the Police, although our special constables are very very good, they can be put into situations where if a Police Officer wasn't there, they may not have the training required to do certain things, but if Mr Nobbs is keen to get a more in depth answer I'm quite happy to ask the Police to provide such an answer

MR NOBBS Thank you Mr Speaker I would appreciate that
Mr Smith

MR

SMITH

Then if Mr Nobbs would like to put that on notice, that would give me the opportunity to do that

SPEAKER

Answer to Question on Notice No. 27

addressed to the Minister for Finance

MR DONALDSON

Thank you Mr Speaker. I've got a series of questions relating to virtually the same subject. I'll read out the questions and give the answers that I've received. The first one is how many private residences are used to hold commercial progressive dinners, fish fry's, morning and afternoon teas etc., and the answer I've received for that one is that the Administration is aware of 27 private residences being used to hold commercial progressive dinners, etc. The second question was were these premises are required to be licenced, and if so what licence are they required to hold. The answer to that one is all of these premises are required to be licenced, they fall under the definition of "eating house" in the Sale of Food Act and are required to hold a Sale of Food Licence. The next part of the question was how many of these premises do actually hold a Sale of Food Licence, and I'm advised there that 17 have applied and received licences under the Sale of Food Act which leaves 10 unlicenced. I'm also advised that the Administration is following up this issue and investigating the need of a compliance with the licencing provisions. The fourth part of the question is whether those premises which serve alcohol are required to hold a Liquor Licence, and the simple answer to that is yes they are required to have a Liquor Licence. There is a little bit of ambiguity there in that it talks about supply of liquor and supply is the sale or otherwise distributing liquor. There is some other provisions in the Act about 12 or more people gathered together for a social gathering constitute the supply of liquor that requires a licence under the Act. I'm further advised that the only progressive dinner venues that hold a Liquor Licence are those that hold a Liquor Licence for other purposes such as Guest Houses and Hotels, and once again the Administration has taken on board the pursuit of this matter to remedy the situation.

MRS JACK

I'd just like to ask the Minister what does it mean having a Food Licence. Is it just a revenue raiser for the island or do you have to follow a set of guidelines regarding the setting up of kitchens etc and serveries.

MR DONALDSON

Thank you Mr Speaker. I'll answer that to the best of my knowledge, it might not be a complete answer but really having a Sale of Food Licence means complying with certain standards for the safe preparation of food, it means submitting those premises to inspection on a regular basis and it also has a revenue aspect to it. I think there's a \$100 or \$200 sale of Food Licences that comes in once a year. There could be other issues that are involved or stem from holding a Sale of Food Licence but off the top of my head I can't extend or answer past what I've said.

MRS JACK

Thank you Mr Speaker. Then I'd just like to have the Minister chase up a particular ambiguity that comes forward is that if you have a shop in town and the flooring is cracked and the relevant Inspector can come in and say you must fix the floor. Why is it that in one case you can have a bare dirt floor and be allowed to serve food.

MR DONALDSON

Thank you Mr Speaker. I can understand the concern of the person asking this question. I don't have an answer to it, I wasn't aware that there was Sale of Food premises that actually had a dirt floor unless of course Mrs Jack is referring to outdoor barbeques and outdoor venues which are something which I believe to be not outside the ambit of the Act but outside the provisions of the Act and that there is very little to control it, but once again this is all part of a review of the Sale of Food issues that have arisen over the last few months or few years.

MRS

JACK

downtown that is used.

Mr Speaker I'm referring to the Boatshed

MR NOBBS

Thank you. Just a supplementary Mr Speaker in relation to the liquor side of things. Is it not correct Minister that the proposed new Liquor Supply Act which the Assembly has been waiting for for about 9 months possibly 12 months for a Bill to be produced, will this not clarify the ambiguity that you were talking about in relation to the serving of alcohol at those particular facilities or has there been a change, will this Act be coming on shortly or where are we at with the Liquor Act actually.

MR DONALDSON

Thank you Mr Speaker. I understand the Liquor Bill has been drafted and is now in its consultative form. It's only been finalised in the last week or so. I haven't yet seen a copy of it but it's my intention to discuss it with Members of the House, discuss it with Licencees on the island and bring it to this House for consideration and passing in the law as soon as possible. I do understand it has dealt with a lot of the anomalies that existed under the old Act including those that related to tavern type situations where drink but no food could be supplied. At the moment under the old Act they are accommodated under the special licence provisions which are a little ambiguous.

MR SPEAKER

Thank you Honourable Members. Question No. 28. I know the Notice Paper refers to the Minister for Land and the Environment but I understand it may be a question that related to the Minister for Finance.

MR DONALDSON

Thank you Mr Speaker. Can I just have a moment to read the question.

Thank you Mr Speaker. Can I just have a

MR I. BUFFETT

Mr Speaker perhaps whilst Mr Donaldson is doing that on the basis that it has been specifically referred to me on the Notice Paper and also on the basis that probably Public Health as such falls under my portfolio I'm quite happy to answer those questions if Mrs Jack and yourself agree.

MR I. BUFFETT

Mr Speaker the answer to this question relation directly to the previous one and probably go hand in hand with the other one and listening to the answers to the other questions and some of the supplementary questions that were put I think there is an issues that probably needs to be clarified. One is the preparation of food and where that food is prepared and the other issue is where that food is distributed, and where it might be consumed and they are two fairly distinct things. Having said that Mr Speaker the question that was directed to me asked as follows, number 1 would the Minister please advise with regard to private residences use for commercial purposes such as fish fry's etc 1. The health, sanitation and safety standards guidelines for these businesses and perhaps I could answer them as we go. The answer to that particular aspect of the question is as follows, and so I've been advised by the Health and Building Section. The standard applied to these premises are the same as those used for the commercial operators most currently utilised their domestic kitchens with the understanding that they will be maintained at a Sale of Food standard. The operators of cliff top fish fry's are required to hold a licence which covers their equipment and preparation facilities and no conditions are applied to the eating areas used at this stage. The second part of that question that I was asked reads as follows. How often are these premises visited by relevant Officers to ensure compliance with the relevant codes. The answer that I have been provided with is as follows. These premises are visited at least once in each year for the purposes of the annual licencing regime. If there are items which do not comply during the licencing inspections they are visited more frequently. No licences are issued until these items have been rectified and reinspected. The third aspect of the question was asked

whether the water used on these premises is tested and if so, how often. Mr Speaker the answer to that is that the water at those premises are tested from time to time and more regular tests are carried out and performed if unsatisfactory results arise as part of the inspection process.

MR SPEAKER Thank you for those responses to Questions that are on Notice.

PRESENTATION OF PAPERS

MR SMITH Thank you Mr Speaker. I would like to table the Inbound Passenger Statistics for February 2002 and move that the Paper be noted.

MR SPEAKER Thank you. The question is that that Paper be noted.

MR SMITH Mr Speaker it was pleasing to see that the results of the February visitor numbers almost came up to the same month as last year. There was a number of 2,776 people arrived in February and compared to last year of 2,932. At that time there was both Norfolk Jet and Flight West as well as Air New Zealand out of Auckland. So overall that was a good result for that month and from all reports that I've had it certainly was a good month for many commercial operators although perhaps not for all the accommodation proprietors. In comparison to the year before, if we go back to the year 2000 where there was actually more this year than there was 2 years ago of a number of 2,500 odd. The visitor days for February this year was 20,002 compared to 20,438, in other words this year really was as good as last year in the visitor days. The numbers I might just run through those. There was 1,342 out of NSW, 211 out of Vic., 715 out of Qld, 50 out of SA, 28 from WA, TAS 18, NZ 319 and the Pacific 93, giving us that total of 2,776. The number for the financial year to date Mr Speaker is 25,614 but as Mr Brown actually pointed out to us just in the last week or so that that's exactly the same number as last year. Now that might be coincidental or there may be a mistake in there and we've asked for clarification on that from the people who do that up, and I table that thank you Mr Speaker.

MR SPEAKER Thank you. Any participation. The question is that the Paper be noted.

QUESTION PUT
QUESTION AGREED

MR DONALDSON Thank you Mr Speaker. Mr Speaker I table the Financial Indicators for the 8th month ended the 28th of February 2002 and move that they be noted.

MR SPEAKER The question is that the paper be noted.

MR DONALDSON Thank you. The Financial Indicators are to the 8th months income show that after 8 months income into the Revenue Fund it is running at 99% of budget for the income and 96% of budget for the expenditure. As I stated in my meeting in the House last month the budget result for the 12 months is expected to be a \$1.128m deficit. If we proceed at the current rate of income and expenditure we should expect to have a \$690,000 deficit by the end of the year. The original deficit, that's the \$1.128m amount takes into account operational expenditure and capital expenditure. The capital expenditure includes the following major items that have already been spent or are programmed to be spent before the end of this year. There were new School buildings \$266,700 and just for the record that includes completing what's called the shower block at the School which was expenditure that came out of

this year and also a budgeted amount for a new class room come office complex up there that may be completed this year or may have to be extended into next year. There is in the budget road reconstruction of \$275,000 and that was commented on earlier today about how much was in the budget. Originally there was \$500,000 in the budget but the half yearly review reduced that to \$275,000 in the budget and that was done with discussions with those at the works Depot and the Executive Director responsible for road constructions. It was felt that that amount of money was all they needed to fulfil the works programme they could undertake in the remaining portion of this year. There's also in the budget a capital expenditure of \$200,000 to spend this years portion of the money on the computer data base that's being installed in the Administration and that mainly relates to the accountancy programmes. Hopefully that will eventually eliminate the need for 15 invoices being sent to every body every month as well as a lot of other things. There was \$54,000 in the budget for the tyre depot relocation, there's \$156,000 in there for new plant and equipment and there's \$60,000 in there for new toilet blocks and change sheds at Kingston and that's a KAVHA project. In all the total budget had a capital expenditure commitment of \$1.13m and what I'm saying here is that if this is all spent there's a good chance we'll end up with out \$1.128m deficit. The likelihood is that not all of this will be spent and we'll end up with a lesser amount although it's impossible at this stage to tell exactly what the lesser amount is. Although the spending to date shows a slightly better than budget situation it is not grounds for complacency as even the reduced budget deficit that will most likely be obtained is not sustainable. Clearly the income of the Revenue Fund is affected by the tourist numbers on the island and I've got some figures here that might help out George from his last one where he read out a figure of 25,614, I'll just read through and you'll see what I mean. As at February this year there have been 21,940 tourists on the island compared with 25,614 last year, that's tourist to date, number of tourists and that's a decrease of 15% over the year. The previous year it was 24,894. There's no doubt that this downturn in tourism and no doubt the downturn in tourism is caused by the demise of Flight West has impacted severely on the income streams of the Administration. If there's not an increase in the number of tourist levels to that achieved 12 months ago the Government will have to look most seriously at increasing the rate and range of taxation and I'll repeat that because it's something that's really got to be said as much as I hate to say it, and that is the Government will have to look most seriously at increasing the rate and range of taxation if we are to maintain the same services we're providing now and the tourist numbers don't increase. The budget for the year ended 30th June 2003 is now being prepared and I have asked for consideration to be given to increasing the revenue base and what I'm saying there is working on the figures that are around now what would the answer be if duty rate went up a couple of % if some of the other taxes went up, if new taxes were introduced. It's really an early stage of exploring our options as how we're going to survive the next year financially. That really completes my statement on the Financial Indicators.

MR SPEAKER

Thank you Mr Donaldson. Debate.

MR BROWN

Mr Speaker I can answer one of the questions for the Minister. He asked the question what would happen if duty went up 2%. There probably would be a Petition taken around for a Referendum to get rid of us. I think that would be the answer there. Mr Speaker it is heartening that the Minister has actually publicly stated the problem that we face because it seems to have been head in the sand stuff until now. Somehow or other we're told that we had a surplus of over \$1m last year but we're told that for this year we're going to have a deficit exceeding \$1m unless yet again we don't make our capital spending and we don't maintain all of our infrastructure. I think thinking people are getting sick and tired of this Mr Speaker. I think that thinking people are crying out for the Legislative Assembly and in particular the Norfolk Island Government to come forward with acceptable answers to the problems. It's good to hear the Minister raise the problem, I trust that he will come forward now with his range of suggestions and I realise just as he does that if his

suggestions are unacceptable it will be his head on the chopping block rather than anybody else's. Thank you.

MR SPEAKER

Thank you. Further debate.

MR NOBBS

Thank you Mr Speaker. Just in relation to the \$1.128m I mean that included a carry over of some \$400 \$500,000 I forget the exact figure offhand at this particular point in time and so that in the next financial year there was much made of this being part of the \$1.128m. The same thing will apply in all probability in the next financial year as well. There will be another carry over of under our present arrangements now, previously where we had cash accounting we were allowed, well we actually committed and actually funded purchases up to the 30th of June in each year whereas currently now if it's not supplied it's ordered but not supplied that money is not expended or committed at that particular point in time and there's a carry over as I understand and that's why there was a carry over in this financial year and there was a carry over in the last financial year. So I assume that there will be a carry over again in the next financial year and therefore we will have the same sort of argument going on at the time of the budget review come December or January or February whenever you do it, next financial year as there was this year. So that has to be taken into account. It's been recognised for some time that we have got, that there have been problems with the Administration funding and the cost of various items going up and particularly Social Services and the like. There was the initial requirement I believe was that we should look at the expenditure side of things. Taxes were put up during the last Assembly and if they have to go up again well so be it but I've always said that we should look specifically hard at the expenditure side of things, we should look at efficiency and expenditure in our operations to ensure that the expenditure is done properly and that's where we should start and after that if it's necessary then we put up the taxes. It's unfortunate that this year as the Minister says there's a 15% I think he said it was 15% downturn in tourism and up to date in this financial year and that has impacted significantly on the returns to the Administration. But I wish him well. Thank you.

MR DONALDSON

Could I just respond to some of the points there. Maybe I emphasises to strongly one side of the equation in my comments. I spoke of the reduction in revenue due to the downturn in tourism. I should have commended the Public Service for their attempt to reduce expenditure. That expenditure reduction programme is alive and well and happening in the Public Service and I just wouldn't like for people to think that there's a spending programme in the Public Service that's not being very well monitored.

MRS JACK

Mr Speaker the Minister mentioned the demise of Flight West as contributing to our problems which it indeed did we've also had the September the 11th and while that has been a shocking display it has also made local travel far more attractive and what I'm concerned with is that the current Tourist Bureau Board must really make a lot of effort in being proactive and pushing this as a very safe and secure destination, and I'm hoping that the Minister responsible for that Tourist Board will get behind the Board and the Bureau and really start asserting our place in the market because now is the ideal time to do so.

MR SMITH

I suppose I best say something about that Mr Speaker. I certainly do stand behind the Board with it's marketing and promotions. It's one of the single most important functions that the Government does to get our revenue in, even though this debate about whether the money is spent in the right areas or not and that's been a debate for many many years, the 6 or \$700,000 in promotion funds that we do have, but certainly things like the promotion that was done by the Bureau and therefore the Board late last year has given the results that we've seen to date. We are probably getting to the point actually where and this is in speaking to Greg Precell

from Norfolk Jet who recognises that his aeroplanes are 80% full. I mean you can still fit more people on the aeroplanes but as he says that's not a bad number to be getting on aeroplanes and he had been looking at how he could do an extra service because he's getting to the limitations of what they can actually carry. He's fully aware of that and the Bureau's been having good discussions about it but certainly the safe destination thing has certainly been used but I mean you don't even really need to advertise that fact it was just the general thrust of tourism over the past few months, but you might notice that the reports are now reporting that things are getting back to normal as far as the United States routes are concerned which will have that flow on affect down in this area again. But I think we've been very very fortunate with the number of visitors we've had, not enough as Graeme is saying, we had that downturn of 15-20%, it does affect people. There's other issues around and I mentioned accommodation before and maybe I didn't say enough about that, where there is now more beds around it is making it tougher for some of the accommodation people which has an impact, it does really have an impact and the question is where do we go. Do we try and fill all the accommodation, I don't know what the answer to that is today, at the risk of getting the community offside which is what happens as you recall last year when a petition was created saying enough is enough with tourist accommodation, therefore the tourist numbers. It's something that we have to face ourselves as an Assembly probably over the very near future and have some real in depth discussion about but certainly a recognition by me and anybody that's involved with tourism Mr Speaker that we need to stimulate it wherever we can in whatever way we can. We're looking at reviewing the way we have been doing the marketing and promotions and that's going to be happening over the next 2 weeks actually and finding better ways and more efficient ways of doing our marketing. Thank you.

MRS JACK

Mr Speaker I'm just saying that we've got to keep that impetus going because we are coming into the quiet time of the year and if we don't keep that impetus going then we're going to have people complaining not about the abundance of tourists but the fact that they are having to close down and the domino affect that will have on a small community. Thank you.

MR BROWN

Mr Speaker we used to have 1,256 licenced tourist accommodation beds, we now have about 30% more than that number. 130% of the beds, 85% of the visitors the maths is simple, on average the industry is running at about 65% of where it was a year and a bit ago. Now people made their investment in additional accommodation in the knowledge that a plan had been published by the Norfolk Island Government Tourist Bureau, I think they called it Unity 2005 and it, if my recollection is correct was a plan to grow to about 345,000 bed nights a year by the year 2005. We're a long long way short of that Mr Speaker but airlines made plans on the basis of it, people invested money in accommodation properties on the basis of it. We're seeing a decline in visitor numbers and doing very very little about it. I haven't seen any evidence of the 2 major Airlines that is Air New Zealand and Norfolk Jet being asked to come and meet with the Government in order to develop a joint plan to increase the number of seats that are available and to increase the number of visitors sitting in those seats and here for the first time today our Minister for Finance has told us we're in trouble. We're in deep trouble Mr Speaker if we don't come to grips with that particular marketing strategy Unity 2005 that was put together some years ago. If we are going to continue to pursue that strategy well we need to be seen to be doing so. If we're going to say the strategy is wrong then it's time for us to say so because people need to know which ever way it is that we're travelling. This is our only substantial industry at present whether we like it or not. Gaming might come to something one day, the Cyber centre might come to something one day. Some other wonderful thing might come along one day but they are all mights at this stage Mr Speaker, there is only one bird in our hand, that's the tourism bird. We've got a Tourism Minister who is absolutely burdened by a massive portfolio, he has been burdened to the extent that in recent times his health has suffered from the extent of his

overwork and really I think far more attention needs to be paid to this area than is presently being paid to it. Thank you.

MR SMITH

Mr Speaker this is probably the discussion we should have had when I tables the Inbound Passenger Stats but Mr Brown is right in some of the things he says but what is the answer and the Assembly is the one that has to come up with the answer because the marketing strategies that the Bureau or the Government is working to at this point is Mr Brown is correct aiming for 340,000 Bed nights by 2005 and I note Mr Brown has circulated that particular strategy with a covering letter in my absence which covers the things he's just talked about and I agree with the questions he's asking, what do we do, but do we go down that track of trying to fill every bed on the island I mean that would certainly suit a certain section of the community but we also have to be able to balance that out with the rest of the community that may be saying there's too many cars, there's too many people there is too much accommodation, too many buildings going on and that's something we had to face as the last Assembly and we dealt with that at that particular time. As I say I don't know what the answer is in relation to this because I can't speak on behalf of all of my colleagues here but as far as sitting back and not doing anything about it which I think may have been behind what Mr Brown was saying and I apologise to him if that's not what he was saying but certainly the Bureau has been very active with the Airlines particularly the Australian side of it in trying to do the best we can with the number of seats that are available. Now it is a concern to us, it is a concern when this could be a low period coming up and the Airline has actually indicated that, that there is going to be a period, I can't remember the exact month it was and we've got to target those periods, but I appreciate what Mr Brown said about the overload and that may have caused my requirement to leave the island but I don't put it down to that at all, although I do agree I have a busy workload and I think I'm working through that ok, but I just wanted to say that we're not sitting back and ignoring the facts because the facts are there, in all the information that we have whether it be financial, whether it be in the passenger stats or generally throughout the island. We certainly get to know when things aren't producing as well as what they could do and that's at the forefront of my mind anyway.

MS NICHOLAS

Thank you Mr Speaker. As somebody who was pretty much involved in the petition of early in the previous year has probably forced me to make some comment and I don't speak on behalf of the petitioners at all but I do believe that we are left with a moral obligation to fill the beds which we, this as a Government has registered. Therefore we do need to address the tourism strategy as Mr Brown suggests. I think we need to address a couple of things in doing so, obviously the advertising campaigns that are presently being carried out and in particular the advertising campaigns which were carried out earlier this year which proved so successful, immediate success and I think we need to have a close look at those and how they were formulated. I think we also need to be looking at the Airline situation, I think we need to be looking at second strings to our bow. I would to be one of the first to congratulate Norfolk Jet Express for the job that they've done and without them we probably, well obviously we would be in a far worse situation than we are in now and yes I'd like to congratulate the Minister for Finance on laying a few things on the line as well, but we do need to be addressing the Airline issue, we do need a second string to our bow, we need to be looking very closely at, or watching very closely, monitoring the Air New Zealand situation because I think there is a fair bit of flack around which is very similar to the flack which was around before Ansett fell out of the sky, and I think we have to be mindful of that, and I think perhaps we need to be talking with somebody like QANTAS who had the run before many years ago, Australia, Norfolk Island, New Zealand. Is there any reason that we shouldn't be at a Government level talking with those people and I come back to the moral obligation that we have to fill the beds which we now have registered. Thank you.

MR

GARDNER

Thank you Mr Speaker. Just briefly I guess talking about initiatives to do with tourism, Members around the table will know that tourism has never been a forte that I've claimed to personally have however the position that I hold and the discussions that I have had to date certainly it has been in the forefront of my mind a need to certainly pay particular attention to our major industry, and certainly in the discussions that I've had I've made every effort that I possible can to see if we can develop alternatives that may, sorry not alternatives but other initiatives that may compliment what we currently have in place with the service that's provided by Norfolk Jet and Air New Zealand and I think I've reported to the House and certainly through the press on discussions that were had with the President of New Caledonia, Pierre Frogie during the Mini Games about the possible options of the recommencement of airlinks with New Caledonia. They may only be small, it may only be small numbers but it is something that I believe we should continue to look at and in relation to that I am still awaiting a response, a second response from the president of New Caledonia in relation to that he had referred the matter to his Department of Transport in New Caledonia for their consideration and I understand it's a tri-partite matter that needs dealing with in that it is a matter not only for the Norfolk Island Government to give some consideration and support to but also the French Government and the Australian Government. So that's one of those initiatives that's been followed through and also as I reported on radio last week Mr Speaker we had some positive discussion with the Manager of the Lord Howe Island Board Mr Murray Carter, again looking at what options and what opportunities may be available for the re-establishment of air links between Lord Howe Island and Norfolk Island. I realise that has problems it's had problems historically because of the type of aircraft and their limitation as far as range is concerned but certainly again another area that I don't think that we should leave to sleep, no matter how many it might produce for us. It may only be a few but certainly is in my mind worthy of follow up. Thank you Mr Speaker.

MR SPEAKER
that the Paper be noted.

Thank you. Further debate. The question is

QUESTION PUT
QUESTION AGREED

MR SPEAKER
morning.

Any further Papers for presentation this

MR I. BUFFETT

Thank you Mr Speaker. Mr Speaker I wish to present the draft Plans of Management for the 1st package of the Reserves, the 12 Reserves and move that those draft Plans be noted.

MR SPEAKER
be noted.

Thank you.. The question is that those Papers

MR I. BUFFETT

Thank you Mr Speaker. As part of the land initiative and the package of matters that are currently being dealt with by the Joint Workforce Taskforce on land, one of the initiatives are to present or prepare Plans of Management for the Reserves in Norfolk Island. Mr Speaker today I table 12 draft Plans of Management in respect of the Anson Bay Reserve, Ball Bay Reserve, Bumboras, Headstone, 100 Acres, Middle Ridge, Nepean Island, Point Ross Reserve, Selwyn Reserve, the Stock Reserve and Two Chimneys Reserves. Mr Speaker the draft Plans of Management have been prepared and we are now entering into what might be called a public consultation phase. Except for the 100 Acres Reserves these are the first draft Plans of Management for each of the Reserves. The Plan of Management for 100 Acres Reserve had been revised to conform with the new format and has been adopted for all Public Reserve Plans of Management. Because there are issues that are common to

all the Public Reserves a Part A, draft Plan of Management that applies to all Reserves has been developed and that's included with that package. The draft Plan of Management for each Reserve is therefore referred to in this package of documents as Part B Plan of Management and should be read in conjunction with Part A and there is a considerable amount of reading to do I can assure you Mr Speaker. There are other Reserves or Plans of Management to be prepared in respect of those Reserves that fall within the KAVHA area and there are 6 such Public Reserves within this KAVHA area Mr Speaker. They are the Cemetery Reserve, the Government House Grounds Reserve, the Kingston Common Reserve, Kingston Recreation Reserve, Point Hunter and the War Memorial Reserve. Mr Speaker it is our aim to have those draft plans ready for the April sitting of this Assembly and I am assured by the Taskforce that they will be ready for the April sitting. Mr Speaker if I could just touch on the management and philosophy issues involved in these documents. Each draft Plan of Management describes the flora and fauna, history and use of each Reserve. Each draft Plan of Management also sets objectives and management strategies and actions. These generally reflect the present public use and management practices that are currently being carried out in each of those Reserves. However there are management issues that need to be addressed differently in a number of Reserves and thus warrant careful community consideration. Mr Speaker these issues include matters such as, commercial activities, mining, grazing, including the inclusion or exclusion of stock, camping and construction of walkways and platforms to mention some of them. Mr Speaker with the presentation of these Plans of Management we have commenced the public consultation phase on these drafts. The Part A and Part B draft Plans for each of these Reserves are now available to the public. They are available and I ask that this House make them available by the act of my tabling them today. A notice in this weeks Gazette invites submissions from the public on the draft Plans of Management for each of these Reserves. Mr Speaker I would urge the public where possible to give us written submissions on those Reserves or if you have or wish to make oral submissions in respect of any of the Reserves please contact the appropriate Officer the Conservator, or if you wish to make oral submissions on them I am happy to take those when time permits. Mr Speaker this public submissions phase will run until I hope the 31st of May 2002 and this allows 2 months for this public consultation phase. At the end of the public consultation period the Conservator of Public Reserves will collate all of the submissions and make recommendations to myself as the Executive Member. The process Mr Speaker is this, that the draft Plans of Management together with the submissions that the Conservator has put together and including a report from the Conservator will be laid before this Assembly. It is hoped that this Assembly will then approve them

MR GARDNER

Thank you Mr Speaker, just a comment. I think it was a very useful exercise that the previous Minister for the Environment, Mr McCoy undertook, in relation to consultation processes for the Plans of Management I think for the Cascade Reserve and another one that slips my mind, but certainly very useful public meetings and work sessions were initiated and I think they were useful and I think my question is that I understand some of these reserves are very small in size but certainly it doesn't diminish their importance and whether the Minister is proposing to deal with them in a similar fashion with public working sessions

MR I BUFFETT

Thank you Mr Speaker we've called for comment on the plans. If that is the wish of the Assembly then I'll certainly talk to the officers concerned and see what is involved in that process. I would just like to mention also that copies of the Plans of Management will be available in the Registry Office and there will be a notice in this weeks paper setting out in full where those Plans of Management may be accessed

SPEAKER

Thank you. Is there any further debate. No further debate Honourable Members? Then I put the question that the Paper be noted

QUESTION PUT
AGREED

The Paper is noted thank you

STATEMENTS

MR GARDNER Thank you Mr Speaker I have a statement broadly titled a Report on my visit and the Minister for Land and Environment's visit to Sydney and Canberra from 6 to 16th March 2002. In an effort to avoid undue repetition I table the article from last weekends "Norfolk Islander" entitled "An extremely busy ten days for Norfolk Island Legislative Assembly Ministers" and that my comments be read in conjunction with that tabled document. The article accurately records what was intended to be a brief report, for the purpose of my radio broadcast last Friday morning and covers the full extent of our various meetings and discussions whilst in Sydney and Canberra. I however, do wish to briefly expand on Norfolk Island's attendance at the Standing Committee of Attorney's General and this relates to the question asked earlier today by Ms Nicholas in relation to the working forum on public liability held in Canberra today. I had the pleasure of attending the Sydney meeting of the Standing Committee of Attorney's General accompanied by Mr Barry Yau, our Legislative Draftsperson and I will copy Mr Yau's report on the meeting to Members for their information. I have available if members are interested all of the relevant agenda papers and documents in a ring binder similar to this but twice the thickness which may be of interest to members. One matter of particular interest to Norfolk Island was the issue of public liability insurance Mr Speaker. Minister agreed at the Standing Committee of Attorney's General that mounting problems associated with public liability insurance needed to be resolved in the various jurisdictions. The Commonwealth Attorney General, the Hon Daryl Williams provided an agenda for today's 27 March meeting, referred to by Ms Nicholas, a meeting in Canberra for the Ministerial Meeting on public liability insurance. I have sought the co-operation of the Commonwealth Attorney Generals Department to keep Norfolk Island in the loop as far as the outcomes of today's meetings are concerned and I will also circulated to members as part of the information process the agenda that was proposed for today's meeting. Mr Speaker concern is such here on Norfolk Island that our own Legal Services Unit have met to consider the implications of blossoming insurance premiums and the possible options available to minimize impacts on traditional and cultural activities and pursuits on Norfolk Island. Mr Speaker in summary of our visit to Canberra, our visit has provided and will continue to provide ongoing opportunities for Norfolk Island to access Commonwealth Government expertise in a broad range of matters including but by no means limited to the areas of Health, Veterans Affairs, Quarantine, Emergency Management, the Environment and so on. Norfolk Island will continue its involvement with the Standing Committee of Attorney Generals, it will participate at the next South Pacific Community meeting, it will participate in the economic zone delineation talks between Australia and New Zealand and will have treasury and Finance assistance to prepare a robust business case to assist Norfolk Island in securing funding for the airport pavement upgrade. This list is not intended to be exhaustive. It really just indicates that a number of matters that are underway have been cemented by our visit and the value of face to face meetings and discussion is measured by the level of co-operation and genuine offers of assistance received. The success of our visit will be measured by the outcomes that will be evidenced over time. I would like to acknowledge members of the Public Service assistance in the preparation of papers and documentation for our various meetings and discussions and particular mention of the Hon Wilson Tuckey, his staff and officers of the Department of Territories and Regional Services, the Office of the Administrator

for their assistance in making appointments, the organisation of transport and office space for us whilst we were in Canberra and their continuing support for Norfolk Island. It is appreciated.

MR SPEAKER
further Statements.

Thank you Chief Minister. Are there any

MR DONALDSON
Thank you Mr Speaker. I would like to make a brief statement regarding the introduction of mobile or cellular phones to Norfolk Island. This statement is in response to community concern over the introduction of mobile phones and some misinformation that might be out there. Originally the matter grew from the Commonwealth extending through its "Networking the Nation" grant, an amount of money, approximately \$1,000,000 to Norfolk Island for the introduction of a mobile phone network. This amount represents about half the capital cost of setting up a mobile phone network for Norfolk Island. At this stage there is no commitment given by the Government to proceed with this project which can only be proceeded with if funds can be found to match the Commonwealth's contribution. I am aware that there is both support and opposition to the introduction of mobile phones from residents of Norfolk Island and the purpose of this statement is to communicate to all concerned that no contracts have been signed, no commitment has been entered into and that before either is done the residents of Norfolk Island will have the opportunity to have their say. To this end there has already been a press release and a radio interview on the subject. This was to inform the public of events to date and also to seek public comments on the question of the introduction of mobile phones. I understand there has been a petition circulating in the community and I've had some news on that this morning. As at 9.00 o'clock this morning, there have been 268 signatures on that petition. That petition does not call for not having mobile phones, it simply calls for a referendum on the question of mobile phones, and that really concludes my statement

MR SPEAKER
further Statements.

Thank you Mr Donaldson. Are there any

MR I BUFFETT
Thank you Mr Speaker I wish to make a statement on the transfer of crown leases to freehold. This proposal to transfer crown lease to freehold has been around for some time now and is known as part of the land initiatives. For some considerable time now, the people affected by the proposal had been seeking some answers to questions in regard to the quantum of payment etc. Mr Speaker I'm pleased to advise the community that yesterday I received from the Minister for Regional Services, Territories and Local Government, the Hon Wilson Tuckey, a letter that answers a number of questions that the crown lease holders affected by the proposal had been seeking answers to. I have been advised that the Federal Minister is pleased with the progress of the Commonwealth and Norfolk Island land initiative taskforce and is now in a position to advise his proposed fee for the transfer of stage one which is the crown lease to freehold. The crown lands to be transferred in this stage one are those leases held as rural/ rural residential and residential leases and the Minister has written to all of those persons detailing the amount that they individually would need to pay for the transfer. Mr Speaker so that the whole community will know the detail of the arrangement I now set that out for them and they are basically these, firstly the freehold offer will be optional. There will be a period of twelve months allowed for leaseholders to decide on the offer. It will be on the payment of a consideration. The amount to be paid is based on the difference between the unimproved freehold and leasehold values of individual properties and reflects the Commonwealth's reversionary interests in the crown lease. Mr Speaker I've been advised by the Minister that he has taken the advise of the Australian valuation office and accordingly now proposes that the amount to be paid will be equal to ten percent of the 1996 unimproved capital value plus an instrument fee of \$200 per transfer. Mr Speaker the Minister has proposed a number of stages payment options and includes

the following. The maximum period of five years for time payment, a minimum \$500 annual payment for time payment, current lease payments rents cease on acceptance of conversion offer, and a ten percent discount will be allowed for an upfront payment. Mr Speaker the Minister has also advised that when deciding to transfer a lease to freehold title, he will be taking the following matters into account. Whether it is in the Commonwealth's interest to allow the lease to be converted, whether lease conditions and covenants are being complied with and whether the lease payments which are the rents currently being paid are in arrears or not. The Minister has also advised that after twelve months after the formal offer to transfer has been made, and the lessees have not taken up that offer unless exceptional circumstances apply, in order to sell or subdivide the leasehold land, the land must first be converted to freehold title. In these instances a conversion fee based on 10% of the unimproved capital value as determined at that time of sale or subdivision will be payable. The \$200 instrument fee and requirement relating to compliance with lease conditions etc will continue to apply. Options for time payment and up front discounts will not be available in those cases. The Minister has advised that this offer proposal does not include those leases that are wholly or partially within the KAVHA area and Mr Speaker, that fact was known early in the discussions of the proposed transfers. Officers from the Minister's Department will be on Norfolk Island during the week commencing the 15th April to discuss details of the transfer proposals with lessees. Mr Speaker I reiterate that the formal offers will not be made until the prerequisites of the land package are being complied with. We're advancing in that process with the presentation of the draft plan at the February sittings, the presentation of the Plans of Managements for the Reserves at these sittings and the ones to come at the April sitting of this House. Mr Speaker in relation to this and just to keep members informed of where we are with the land initiatives which I think we all think need to be brought to some conclusion fairly swiftly, is that in relation to the legislation in respect of this package, the Planning Bill I am hoping to introduce at the April sitting of this House along with a Norfolk Island Planning and Environment Board Bill and I will be in a position to circulate that proposal to members shortly and prior to those sittings. Mr Speaker, in respect of the other pieces of legislation that form part of the land package the following Bills are almost in a stage of completion and that is according to my last discussions with the Draftsperson, are 99% ready for presentation and circulation to members before formal presentation in this place. The Land Titles Amendment Bill; The Roads Bill; The Subdivision Bill; The Billboards Amendment Bill; the Heritage Bill; the Trees Amendment Bill; and those matters are in that final stage of preparation. In respect of the question of the transfer of Crown Lease to freehold I emphasize that what I have announced this morning in statements and the letters that leaseholders affected by this proposal have received, I need to emphasize that is not the offer at the moment because the offer will not be formally made until such time as the land initiatives are being complied with. They are the answers to the questions and in other words, the outline of an offer that will be made subject to the package of land initiatives being completed. That is all I have thank you

MS NICHOLAS
Statement be noted

Thank you Mr Speaker. Could I move that the

SPEAKER

The question is that the Statement be noted

MS NICHOLAS
to be the base line

Thank you Mr Speaker. A straight forward question. Whether the Minister is able to tell us why the particular value as at 1996 is

MR I BUFFETT

Thank you Mr Speaker as I understand it, the Commonwealth has decided on that as a basis of valuation because that was the time that the matter was first promised and that's the only information I have at the moment

MR

NOBBS

Thank you Mr Speaker, just a couple of queries really of the Minister. The first one is that it appears although it's been thought that apart from taking out a special purpose lease, that leasehold land wasn't to be subdivided and under this proposal it appears that there is a provision for subdivision of leasehold land in line with the plan at that particular point in time

MR I BUFFETT

Thank you Mr Speaker perhaps I might just put this in context. At the moment there is no provision for the subdivision of leasehold land. You have the provision of variation of boundaries in respect of leasehold land because the owner is the same person and the same question applies where a lease may be varied. The reference to subdivision in this context that I mentioned in my earlier statement would only occur once the land has been freeholded and providing the subdivision complies with the requirements of the plan

MR NOBBS

Thank you Mr Speaker, the second one and I don't want this to be a question and answer but I'm somewhat confused that the offer won't be made until the land package is in place and I assume that is after the new Norfolk Island Plan has been promulgated. I just question why this is so, because I've always stated that the change from leasehold to freehold will allow, as Mr Buffett has just said, for the subdivision of it and it will allow it then to come into line with the respective plan, the Norfolk Island Plan at that particular point in time. Considering the fairly significant component of it, the leasehold land area that there is on Norfolk Island outside reserves and roads and the like, that it has a huge potential to impact on the Norfolk Island Plan and whether people are aware that this will happen and what the actual impact of the proposed free holding after the plan is in place is the question that I ask. Are we explaining to people that this is exactly what is happening and what the implications are bearing in mind that the planners, the planning group who were in place, recommended that rural be a minimum of twenty acres or eight hectares and it's now been reduced to ten acres, that's the minimum subdivision in the rural area, and I think there's a significantly amount of leasehold in the rural area, and I just wonder whether the community is aware of the potential impact that free holding of those areas will have. I've got no problem with free holding of leasehold and we have in the last Legislative Assembly attempted to push the issue so that it would be clear and concise well before the Plan was finalised, but apparently now the Commonwealth wishes to see it the other way, that it comes in after the land package and I question that and I think that if there is an offer to be made then it should be made straight away and that everybody should be made aware of it, the community in general should be made aware of it because there is a potential for impact by virtue of subdivision, thank you

MS NICHOLAS

Thank you Mr Speaker. I again perhaps apologise for a question and answer session but I wonder if the Minister is able to tell us approximately how much land would be affected should all transfers be completed. What area of land

MR I BUFFETT

Thank you Mr Speaker. I can't answer that right at this moment in terms of specific hectares and areas or acres because we are only dealing with three categories of leases and there are a number of other types of leases. But perhaps if I could note Mr Nobbs statement on the issue which I thought was a question to me, and just perhaps to provide some further explanatory information to assist people. Mr Speaker the first think I must do is declare that I've been a crown lease holder for a number of years and if that is causing some of the smiles well so be it. The other issue that I wish to remind the community of is the question of conversion or the ask by the Norfolk Island Government of transfer of lands to Norfolk Island included this category of land. The other issue that I also need to remind the Norfolk Island community of, is that this is not peculiar to Norfolk Island in terms of what the Commonwealth are doing. In fact the Commonwealth have adopted a national policy

as I understand it, of transferring the lands that have been occupied by the so called tenants, to those people in freehold. Now that's happened as I understand it in other external territories within Australia so it's not exclusive to Norfolk Island and it's a Commonwealth policy to do this. Mr Speaker the question of the minimum area of subdivision, the first draft Plan that was put forward for public comment in fact did exactly what Mr Nobbs said. It preserved most of those areas exactly the way they are. During the phase where we called for public comment, the fact that they've been reduced from ten hectares to four hectares as minimum subdivisions was at the request of the people who made comment which is the community of Norfolk Island and the summary of the submissions that they made. Mr Speaker in respect of the timing of the offer, it was always indicated by the Commonwealth that there would be no transfer of lands, including the question of free holding of crown leases, until such time as the whole land initiative package had been completed. What the Minister does in his letter is inform those persons affected by the proposal, and reflects the number of questions that those people have asked over the time since this concept was first brought to notice. They have been asking what sort of money would we pay, how would we be able to pay it, would there be time frames for payment, what are the terms and conditions, and I think what the Commonwealth Minister has done is indicated that they agree that will be the time, that will be the basis and they are the terms and conditions. It's nothing more at this point because it's always been as I've emphasized, been a prerequisite of the total package of land initiative being completed prior to that matter being finalised

MR NOBBS Thank you Mr Speaker there's another issue, and that's the leasehold land within KAVHA. It will not be freeholded. I wonder what will become of that land. Is it retained as Commonwealth land or is it passed over to the Norfolk Island Government for management or is there any decision on that

MR I BUFFETT Thank you Mr Speaker I haven't been given a definitive answer in respect of the future of that land within the KAVHA area except as I've outlined in my earlier statement, but I will say that the matter has always been in that situation since the commencement of these negotiations, that that matter was one to be settled separate and apart from the general question of free holding. The Commonwealth have always maintained, as I've understood that KAVHA will be dealt with separately, if at all

MR NOBBS Thank you Mr Speaker, the other point is that we seem to be rather lax on the Plans of Management for those areas within the KAVHA area. I would have thought that they would be one of the easiest to develop and does that mean that within KAVHA they will also be retained by the Commonwealth or will there be a transfer

MR I BUFFETT Thank you Mr Speaker if that is a direct question to me, my understanding of the reason why the plans of management for the reserves in the KAVHA area have not been completed is for those people who have been on the KAVHA Board and have been involved in the management of KAVHA I understand that there are a number of matters still going on within the KAVHA area. My understanding is that there is still a Business Plan to be done for the whole of KAVHA, there are a number of issues involving the CMP that are yet to be finalised and the question of the final Plans of Management of the reserves within the KAVHA area are not contingent on the Commonwealth having expressed one way or the other whether they will retain those lands and that's the last information I've heard from the Conservator who is responsible for the preparation

SPEAKER Thank you Mr Buffett. Any further debate? Then I put the question that the Statement be noted

QUESTION PUT
AGREED

Thank you. That Statement is so noted. Are there any further Statements this morning Honourable Members

MR SMITH Thank you Mr Speaker, I have two or three short statements and maybe I can deal with them together. The first one is in relation to the Hospital. Soon after taking over the Health portfolio I discovered that the current financial information was not quite readily available from the Hospital. I requested that the Director take immediate steps to get a picture of what the hospital finances really are. The hospital debt has arisen to around \$500,000 which is an unacceptable amount of hospital funds that can't be used obviously. \$200,000 of that debt is older than the standard 90 day period and quick action by the hospital has been taken to retrieve the debt where possible. Letters have been sent out to all debtors from the Director and I'm pleased to advise that many people have responded quickly and some of the debt is being paid off already. Many of those people have also contacted the hospital to discuss any problems they have with their accounts and I commend those people who have responded quickly. The reality of having such a large debt creates a situation whereby the hospital is not able to meet all its financial commitments as well, this year it will be necessary to replace the anesthetic machine as well as the autoclave. Now these two piece of equipment alone will cost in the vicinity of some \$180,000 and they are becoming urgent. These are essential pieces of equipment and must be replaced. Now already the Hospital receives a subsidy from the Government and I think it's around \$600,000 this year, so reigning in a large debt will help to pay for the necessary equipment replacement.

Still in relation with the Hospital, I had arranged to have a meeting at the Hospital of our occupational people, the Board Members, the staff and the Legislative Assembly representatives for last Friday to begin the discussion on the development of the new hospital proposal. It was intended to have a brainstorming session on what approach should be taken to redevelopment and what the design could or should be. Unfortunately I was off the Island and was not able to be there but the meeting went ahead and the Minister for Finance and Mrs Jack were in attendance at that meeting and I thank them for going along to it. There has been talk of building a new hospital Mr Speaker for quite some time and there have been plans drawn but a project has never actually eventuated. There are some good ideas of how such a project could be commenced and could become a reality if it all works out okay and that was the first step taken in getting along that track and there were some ideas which I will bring members up to date with as we progress along the track.

In relation to the Radio Station just for advise and information, there are some changes going on at the Radio Station and some changes to the studios and that includes moving all of the transmission equipment to the purpose built hut that is under the satellite dish. This will necessitate some transmitters to be off the air at some time and some frequencies will not be working. We hope that the listeners and viewers don't feel too inconvenienced by the changeover. The changes have become necessary as the station was running out of working space and also to install the additional studio console. The effect will be that there will be a production studio available from time to time as well as being a back up for the main studio.

I do have a statement from the Tourist Bureau which could possibly identify somebody in a contract sense and I would ask you for direction in how we deal with this matter. We may need to exclude strangers, the guards and other people while this is being recorded in Hansard

SPEAKER

Well, Mr Smith in terms of that matter, since it was raised earlier in the meeting I have had some examination done of that situation and could I just share this with you. The Chairman and members of the Bureau would be protected by the Standing Order 72a arrangement; an employee of the Norfolk Island Government Tourist Bureau would not be afforded that same protection as the interpretation of the legislation is so in terms of that you might want to determine how you would like to proceed

MR SMITH

Thank you Mr Speaker I'm quite happy to deal with it without excluding strangers, but if we get to a point where we are overstepping the mark, either I or other colleagues if they do make any comment, that you pull us up at that point. I'm quite happy to deal with this without going in camera

SPEAKER

Fine. Well then please proceed

MR SMITH

Thank you Mr Speaker in response to a request from myself to the Chairman of the Norfolk Island Government Tourist Bureau that is, Mr Bob Goldsworthy, asking for a report on the situation on the General Manager's position and this statement is from the Chairperson dated 26th March. Dear George, I would like to document the events leading to the Board's decision to dispense with the services of Mr Greg Howe, who held the position of General Manager at the Norfolk Island Government Tourist Bureau. Following a motor accident on Christmas eve last year 2001 involving the Bureau's vehicle Honda, the Board heard several versions of the circumstances of the cause of the incident. The subsequent investigations by the Board led to a breakdown in the employment relationship. At a board meeting on the 25th February 2002 the Board decided that it could not continue to work in a relationship of mutual trust with Mr Howe. The Board instructed me to take the appropriate action on behalf of the Board to terminate the General Manager's employment contract. Mr Howe was personally advised of the Board's decision in Sydney and requested to return to Norfolk Island to allow a right of reply to his termination and subsequent settlement terms and conditions. At a meeting convened on the 6th March 2002 at the Tourist Bureau Mr Howe advised the Board that he had accepted a position in New Zealand with Pacific International and that this would be available to him in June 2002. The Board expressed regret that it had to take the action that it did and thanked Mr Howe for the positive work that he had contributed to tourism NI and noted that his marketing skill had been appreciated. Mr Howe expressed the request that all parties respond to the trade and the public in a professional manner and agreed that a document of confidentiality be drawn up in conjunction with terms of settlement. The Board agreed with this option and decided to meet on Friday 8th March 2002 to formally set down the terms and conditions of settlement. At the meeting on the 8th March 2002 Mr Howe was presented with a deed of confidentiality and after reading the document said he did not believe that it reflected the service he had given to tourism on Norfolk Island in the five months he held the position. The Board advised Mr Howe that the terms of settlement reflected what he was entitled to and the contract that he had signed with the board was the exact same as the previous two general manager's had adhered to and accepted. Mr Howe was invited to seek a second option on the Board's offer and was asked to contact the Chairman on March 11th to arrange a time for further discussion. On the 9th March 2002 Mr Howe handed me a letter headed deed of release of confidentiality which apart from his contract terms included a demand for an extra sum of \$20,000. Since that demand Mr Howe has avoided all contact with myself and other Board members. In an effort to organise a further meeting with Mr Howe and as his phone had been cut off for non payment of account I contacted him outside the Post Office. He didn't wish to speak to me but he did state that he no longer worked for tourism Norfolk Island. He stated that he had been locked out of his office. My reply was that as he no longer worked for tourism Norfolk Island then he no longer had an office. The Board as you already know has

sought legal advise to try and endeavour whether this affair could be conducted and settled correctly. The Board was advised that as Mr Howe had avoided all contact to further discuss a confidentiality agreement then we should notify him in writing of his termination without the confidentiality agreement that we had endeavoured to provide. Since then Mr Howe has sought legal advise from a local solicitor and the Board has had a demand for breach of contract which we have refuted followed by a second demand for not providing natural justice. This demand is for in excess of \$200,000. Contrary to a letter from Mr Howe's solicitor and to rumours circulating in the community Mr Howe's personal life had no bearing on the Board's decision to release him from his contract. I trust this clarifies the current position, Regards, Bob Goldsworthy, Chairman. Mr Speaker, in addition to that there was a series of documents provided by the Board in relation to meetings that were held with the Bureau and Mr Greg Howe. Letters from Greg Howe's solicitor and the chain of events. I won't table those Mr Speaker obviously but I will table the statement but I would prefer unless directed otherwise by members, I'll certainly allow other members to see these documents but I will table the statement that I have just read from the Chairman of the Tourist Bureau

MRS JACK Mr Speaker I move that the statement be noted

SPEAKER The question is that the statement be noted

MRS JACK Mr Speaker may I ask...

SPEAKER Mrs Jack, by way of clarification I'm assuming that you are referring to the final statement made by Mr Smith which relates to the Tourist Bureau

MRS JACK Mr Speaker I wish to ask a question relating to something he has said

SPEAKER I've interpreted Mr Smith made three statements. One about the Hospital, one about the Radio Station and finally about the Tourist Bureau. I've interpreted your Statement be noted relates to the latter one of the three but if I've misinterpreted that please let me know

MRS JACK Yes Mr Speaker. Can I ask with regard to the reason given for the dismissal of the general manager, if that occurred during business hours or in private time. The car issue

SPEAKER There is some delicacy about the line of division in this matter. I at the very outset mentioned that the conduct of the Board members were subject to the 72a provisions. The employee was not. Now if in fact we are going to elaborate the point about the actions of the Board members then I will have to say that 72a applies. I know that Mr Smith has given some detail of the Board's actions. That has appeared to be from their own volition. If in fact we want to dwell further upon that I think I have some obligation to draw your attention to 72a

MS NICHOLAS Thank you Mr Speaker. I suspect that the subjudice convention complicates the matter further

SPEAKER Yes, well somebody had better give me some information which I would then have checked as to whether this matter is before the courts. I have not heard any mention of this matter being before the Courts at this moment

MR BROWN
Mr Speaker I can assist members there as I have disclosed to members at a previous time that I act for Mr Howe and I can advise members that there are no proceedings at this stage to the court. In terms of assisting Mrs Jack it seemed to me that Mrs Jack was wanting to ask a question about whether an alleged motor vehicle accident took place during the working hours of the former manager or during his private hours and that would seem to relate to the manager rather than to the Bureau

SPEAKER I'm happy to interpret as such

MR SMITH Thank you Mr Speaker I'm answering Mrs Jack's question through Mr Brown

SPEAKER No. Not through Mr Brown

MR SMITH I didn't mean that in the way that reflected on the member. It says here in the statement, following a motor accident on Christmas Eve 2001. It doesn't say what time of the day nor does it refer to whether the person was at work or not at work

SPEAKER Further participation. The question before us is that the Statement made by Mr Smith in terms of the Tourist Bureau activity be noted

MR NOBBS Thank you Mr Speaker. I would just ask the Minister a brief question really. It relates to the deed, and he says it was the same deed that the two previous Directors had. Were the two previous Directors sacked or weren't they

MR SMITH Mr Speaker we're not talking about Directors we're talking about the General Managers. I think the reference, and I'm only guessing here from my own interpretation where the paragraph reads, the Board advised Mr Howe that terms of settlement reflected what he was entitled to in the contract that he had signed with the Board and that it was exactly the same as the previous 2 General Managers had adhered to and accepted. There's probably a reference there and Members may or may not be aware that both the previous General Managers resigned before their contract was up.

MR NOBBS Mr Speaker can I just ask again so they were not terminated and that's what appears to be the case with the third what ever you like to call him now. He used to be the Director of the Tourist Bureau I think some other title at the moment, but at the present time, the last guy got the bullet and the other two didn't and they were on the same terms are they as I understand it.

MR SMITH I see where Mr Nobbs is coming from. No the previous two General Manager's weren't dismissed as the statement here that refers to Mr Howe points out that he was.

MR BROWN Mr Speaker I wonder if the Minister could to follow on Mr Nobbs' question, could let us know whether the previous two Managers were asked to resign. It certainly seems strange that an identical type of document is being proffered to one person who resigns, and one who's getting the DCM.

MR SMITH Mr Speaker as far as I'm aware the last General Manager had resigned earlier than her time by her own choice. I don't know what happened to the one prior to that, I wasn't Minister responsible at that time. If it

makes any difference I can investigate that but if we're just referring to what this paragraph refers to I don't see there's much point.

MR NOBBS Just in relation to another issues which seems extremely strange in that statement, it concerns being locked out of the office. Now it appears that there was some locking of the office to exclude the person before they had finalised or he'd actually been terminated or whatever word you like to call it, and I'm just wondering whether that actually occurred or not. They both refer to it.

MR SMITH Mr Speaker it wouldn't be the first time this year that that's happened to an employee. I'll see if I can find the part of the, in the statement where it mentions it. Yes I think what Mr Nobbs is probably referring to is in the paragraph that reads, in an effort to organise a further meeting with Greg Howe, and as his phone had been cut off for non payment of account I contacted him outside the Post Office. He didn't wish to speak to me but he did state that he no longer worked for Tourism Norfolk Island. He further stated that he'd been locked out of his office. So I assume that there is some connection between the both if Mr Howe was saying that he no longer worked for them that there was no reason to have access to the office I guess is what that is saying.

MR NOBBS Just a final on it. I mean it seems to be that the issue is still very much up in the air at the present time and I was wondering if the Minister without interfering with the Board was prepared to allow it to drag on and whether he was satisfied with the handling of the whole issue, bearing in mind that he was back on the island but he hadn't actually done anything about what was a fairly volatile issue I understand, by our meeting on Monday and that he was only going to see the Chairman of the Board yesterday. Is he prepared to allow this to drag on or what's he actually doing about this being the responsible Minister.

MR SMITH Yes Mr Speaker that's quite easy to answer. The Board is the employer in the situation. The Board has kept me informed or the Chairman of the Board certainly has kept me informed of the sequence of events. It's not appropriate for a Minister to be involved in an employment matter and we all know the reasons for that. I have stood back from it, if I felt that there needed to be a direction from the Minister I would have raised the issue with the Members around the table here in the first instance before I would go down that track. I've understood right from the beginning that legal advice has been taken and that the action has been taken appropriately. I don't know how much longer it's going to, as Mr Nobbs calls it, drags on. I think this happened around the 9th or 10th of March which is a couple of weeks. It's not a happy issue, it's certainly not a happy issue, but when you compare it to other issues that we are dealing with in a similar vein on a much bigger scale, which in fact involved Members of the Assembly about another employee it pales into insignificance really. But to this point I've stood back from it because if they've been working with legal advice, they have their reasons, there's no point in me getting involved in it, which is appropriate I must say.

MR BROWN Mr Speaker I really don't want to involve myself in this debate for the reasons that I disclosed to Members previously, but I wonder if I could ask just one question. Has this person ever been told why he has been terminated and was he ever given the opportunity to address the Board in relation to that question.

MR NOBBS Mr Speaker I think that question is a little bit out of order from Mr Brown but I would like to ask it in his place if I may please.

MR BROWN I'll withdraw the question Mr Speaker.

- MR SPEAKER Is there any further debate.
- MR BROWN I think Mr Nobbs wishes to ask an identical question.
- MR NOBBS Could I ask the exact question of Mr Smith as to whether the gentleman concerned has ever been given a reason for his dismissal and an opportunity to respond.
- MR SPEAKER I interpret Mr Nobbs that you are now directly asking about the conduct of the Board.
- MR NOBBS Am I. Ok. Is that not on.
- MR SPEAKER There are procedures available to you if you want to progress that. I point that out to you.
- MR BROWN Mr Speaker to assist Mr Nobbs could I move the usual Motion in relation to the closure of the meeting and the suspension of broadcast.
- MR NOBBS It might be a good idea.
- MR SMITH Mr Speaker it might be simpler if I say yes because I can see that there's a conflict arising here. Mr Brown is Mr Howe's Solicitor. If he's asking a question in relation to Mr Howe
- MR SPEAKER I just might ask you to pause Mr Smith. That matter has been withdrawn. That matter is not before us.
- MR SMITH Yes thank you Mr Speaker but even if we go into closed session Mr Brown is still Mr Howe's Solicitor.
- MR BROWN I'll assist Mr Speaker. When the meeting closes I propose to leave the meeting so that the matter can be addressed.
- MR SMITH Thank you. I think that would be wise really.
- MR SPEAKER I have before the House Honourable Members a Motion in terms of 72 (a) and I put that question to you, and this means that on a Motion duly moved, and it can be without notice and that is the case in this that there be a vote to exclude strangers and that we will suspend broadcast so that this matter may be heard in the context of the Standing Order. I put that question to you.

QUESTION PUT
QUESTION AGREED

MR SPEAKER Honourable Members until the appropriate time we exclude strangers and we suspend the broadcast of these proceedings.

MR SPEAKER Honourable Members we reconvene again. We are not on air but of course Hansard continues as is normal.

MR NOBBS Yeah well I'm very concerned about the whole issue myself Mr Speaker because there seems to be a lot of inconsistencies around and I was, Mr Brown sort of jumped in, I guess I'm a bit slow but I believe that we should thrash it out because the community can get the facts, and get it out to the community

perhaps we could break it down into exactly when was he told, in fact did Mr Goldsworthy go to Australia and tell him, was that part, and could he do that, and if it didn't happen then, when did it happen. I'm just a little bit confused.

MR GARDNER I'm of a similar mind Mr Speaker, somewhat confused. I understand that the information that the Minister provided to us on the afternoon of the 4th of March this year indicated that the General Manager of the Tourist Bureau had been or was about to be dismissed and I think it may have been the week before that that we were informed, sorry the week before that we were informed is my clear recollection that the General Manager had gone feral, I think was the word that was used, feral. I wasn't aware of any indication that it had anything to do with a car accident. Now I appreciate that the Minister can only provide advice to us that's provided to him, I appreciate that and I understand that. So that really begs the question there seems to be some inconsistency in the advice that I've received via the Minister from whoever has been providing the advice to the Minister and I understand, now that that's from the Chairman of the Government Tourist Bureau. So that causes some area of concern in that there appears to be a change in the advice somewhere along the track between the week prior to the 4th of March and now in the advice that's been given, because my clear recollection was that Mr Howe had been advised that he was going to be dismissed, or had been advised that he was going to be dismissed on the 4th of March. Certainly the information that was provided to us at that informal meeting of Members and to support what Mr I. Buffett was saying, that there had been an indication given to us by Mr Brown at a subsequent informal meeting of Members last this immediate past Monday afternoon, sorry the week before that it must have been. No, Yes the week before that which would have been the 18th of march that in fact Mr Howe hadn't been advised of his dismissal back on the 4th of March and that it wasn't until a later date. So I can understand Mr Buffett's confusion because I'm in the same boat.

MRS JACK Mr Speaker I am likewise very much perturbed at the chain of events that, there's just no proper chain of events here. I'm also perturbed because while the Minister's were away during that week, on that Tuesday the 12th in the afternoon I actually rang the Chairman of the Tourist Bureau and asked him to clarify to me the position of Greg Howe, and he said he had been dismissed, and I said has he had that in writing, yes he had. Now that is the 12th, I'm then informed that a letter was given, hand delivered to Greg Howe on the Thursday the 14th, dated the 14th that he was dismissed. Now I have a lot of problems with all of this and that is why I was trying to raise it earlier. I'm definitely seeking clarification because I'm very concerned.

MR SMITH Mr Speaker there's no difficulty in answering any of those questions. I would just like to tackle Mrs Jack's one first. She's mentioned the 14th of March, Mr Goldsworthy's statement doesn't mention the 14th of March at all.

MRS JACK No it was something that I was told.

MR SMITH Ok. Well let me go through the sequence then. I've got no difficulty in telling Members anything that I know about the situation. What I'm being careful in is that I don't raise something that I may have been told by people other than people from the Board about what has happened and that's obviously what's in the minds of some Members too because I know that some Members were approached by Mr Howe. I don't know what he has said to most of the Members but the fact is when I was first made aware that the Board had a meeting which was the 25th of February and that's the one Mr Gardner is referring to about where I was advised I think it was at Government House, that there was difficulties which resulted from, and this is in the statement, resulted in an accident that Greg had had on Christmas Eve and it turns out he was drunk and he had a serious accident which he's

given advice to the Board of what had happened, but it turns out he didn't actually give them the true story. From that became, what is it they call it in here, a matter of mutual trust which the lack of mutual trust is what continued from there on in. When I raised it with Members I did use the word feral, because that was what I was told that Mr Howe had taken off to do some show with our New Zealand representative in Vanuatu. Now I did raise that with the Members but Mr Howe hadn't been telling the Board all the facts. In fact they didn't know that our New Zealand representative was going to be going to Vanuatu but consequently she also went to Australia with Mr Howe after the Vanuatu thing. He was not giving them, I'll put it in the blunt terms that I've been told by Bob Goldsworthy that he continually lied and that broke down this mutual trust which you can't have your General Manager not giving you the real facts about it. But then that went on to the Board having that meeting which is in the Minutes here and on the 25th of February where the Board discussed what they should do about it because the situation was obviously, I mean there is other things and one of the Members around here has raised a couple of issues, well 2 Members have in relation to things that have happened at the Bureau in relation to money being extravagantly spent and those are some of the issues that were developing, but were obviously not put in the termination notice to Mr Howe. But the Board decided the best way was to call it quits. They had that meeting on the 25th of February, the Chairman was going to Sydney and he was to contact Mr Howe who was there already attending what was a Travel Show I think. He spoke to Mr Howe and told him that the Board had made a decision to terminate him at that point in time and gave him the reasons that the lack of mutual trust was what really caused it. That Greg then wanted to have a rite of reply which is fair enough. They were both coming back to the island on the 6th of March which they did and there's Minutes from the meeting of when they came back and I'll read those parts of the Minutes. The Chairman opened the meeting at 4.00pm, the meeting convened to allow Mr Howe the rite of reply to his employment termination, and subsequent settlement terms and conditions. Mr Howe advised the meeting that he did not have any comment to add so he did know. He did not have any comment to add on his behalf and Mr Howe advised the meeting that he's been offered a marketing position in New Zealand with Pacific International and that he had decided to accept the position. The Members of the Board expressed regret at having to take the action which it did and thanked Mr Howe for the work which he had undertaken since joining N.I.T. It was agreed by all present, it was agreed by all present having discussed the General Manager's termination that a further meeting be convened on the 8th of March at the Visitors Information Centre to formally set down the terms and conditions of settlement. What some Members are referring to Mr Speaker is when he actually got the written termination and that is covered in that statement here. I'll go on to the next meeting which was on the 8th. The Chairman opened the meeting, meeting convened to discuss settlement terms and conditions of Mr Howe's termination of employment. Mr Howe confirmed that he understood the reasons for his termination. The Chairman presented Mr Howe with a document titled Deed of Release and Confidentiality which set out the Board's settlement terms and conditions. Mr Howe having read the document did not advise the meeting what his terms and conditions of settlement were, but advised the meeting that the Board's terms and conditions were not acceptable and did not reflect the service he had given to Norfolk Island Tourism. Following further discussion it was suggested by Mr Howe and agreed to unanimously by the Board that he should seek a second opinion on the Board's offer. Mr Howe was to contact the Chairman on Monday 11th March to arrange a further meeting to discuss the settlement terms and conditions offered by the Board. So the picture that is being painted by that is yes Mr Howe did know of his termination, he did accept what he was told the reasons for his termination, he didn't agree with what the Board was saying that under his contract he was allowed certain things, or he was being offered certain things which he rejected. The Board I don't think had any further contact with Mr Howe except for the episode where Mr Goldsworthy had tried to approach Mr Howe outside the Post Office and Mr Howe said well I don't work for you anymore, so I don't need to talk to you basically, and that's something to do with the locking of the office. The reason we've

been given for the office being locked is that Mr Howe had total access to the Internet, like the website for example, and any other documents that might have been in the Bureau. Now if there was going to be any dispute over it they obviously decided they should lock the door. If that was a mistake that they made well it's a silly mistake they made. In the statement from the Chairman well I'll read that piece again. In an effort to further organise a meeting with Mr Howe and his phone had been cut off I contacted him outside the Post Office, he didn't wish to speak to me but he did state that he no longer worked for Tourism Norfolk Island. I'll go down further. The Board was advised that Mr Howe had avoided all contact to further discuss a confidentiality agreement and we should notify him in writing of his termination without the confidentiality agreement that we had endeavoured to provide. Now Members will recall that I had said that there was discussion with the Board and Mr Howe, probably at the point when they were actually in Sydney that Greg had said, look I don't want everybody to know that I've been terminated as such, can we make a mutual parting, and I can't remember the words I used, maybe I used happy which probably wasn't the right words, but that was what Greg wanted to protect his career, because if you get sacked it can be damaging to your future career. So the Board said yeah well fair enough, we'll do that and that was what the confidentiality and release agreement was about, to say ok well we're going to pay you this and here's this where we won't say you've been sacked but Greg didn't accept that and then his Legal Advisor in a conversation with me or a brief conversation said that Greg doesn't care how many people know he's been sacked, and we know that because he's been around and seen so many Members. So they were trying to do the right thing and I'll give them their dues with that, but then when he didn't follow it up they then said well it looks like there's not going to be anything else so we'll terminate him in writing. I don't know what day that was Mrs Jack, if your saying it's the 14th I don't think I've got anything in relation to that. I don't think there's even anything in the legal letters. I can't see anything that reflects that date but I mean whatever the chain of events shows that there wasn't a written termination because they were waiting for Mr Howe to come back and give his latest claim of what he wanted to do. Greg had rightly gone out and got a second opinion and that was from John Brown, McIntyres, and he must have been advised not to make any further contact. I don't see anything that has put anybody in a position where they didn't know what was going on and I think that's what Members concerns were that Mr Howe didn't know that he was going to be terminated until he got a written termination, well that's not true. That's reflected in the Minutes of the Board Meetings. He knew from the day that, well the that Bob Goldsworthy went to Sydney and actually caught up with him. I've got to say I've had no contact with Greg. I was approached by his Legal Advisor Mr John Brown of McIntyres to have an urgent meeting about his employment and I advised Mr Brown that I'm not the employer, the Board is the employer and he knows that, that he should be dealing directly with the Chairman of the Board which he agreed, as far as I know, and so I've had nothing to do with that but I have been kept informed, accept for the week I was away and I don't know whether Graeme got any information while I was away, and picked it up when I came back.

MRS JACK

No I was just having, that's clarified some of the dates. I was just thinking perhaps there was a problem with receiving of mail because if he was sent any papers his post office box, was that for the Tourist Bureau, and so he may not have had things forwarded on. I am concerned though, that what appears to have been given the reason for his dismissal, the car accident has happened outside work hours of a somewhat mild stance taken over the Vanuatu issue, the party with the champagne, I don't think we'll ever get to the bottom of that, and I also am concerned over the payment of money to Mr Goldsworthy's son may have escalated trouble there over the video work that was done there and that may have instigated some problems between the Chairman of the Board and the Manager of the Tourist Bureau, but I'm still concerned over issues that we'll never get to the end of.

MR

SMITH

Mr Speaker I think we should be really careful about making accusations that Mrs Jack has just made that there was some difficulty over a different issue. If that is the case that is something that, or if Mr Howe has said something along those lines well that's a matter for the Court. I certainly haven't been given any advice, in the advice that I've been given here that there was anything to do with the other issues. I did raise the one about the concerns that some Members had around the table here, had brought issues to me in relation to perhaps the General Manager was being flamboyant but I'm not suggesting that that was the reason for termination. The reason for termination is given clearly, not only in the statement here but in the legal advice to McIntyres that it was a break down of mutual trust and obviously Mr Howe understood that, but the thing about the personal matters, Mr Goldsworthy refers to in here about the fact that he went off with Anna Alverkirk is not the issue, I mean if he, Greg got up to a lot of things while he was here and that's his personal life, but what the issue was with that was they didn't know, well Greg hadn't actually told them that this lady that's our representative was actually going around doing these shows. That was the point with that, but let me say I'm as interested as everybody else to make sure that this has been handled correctly and I can only make my own assessment to this point, and with the legal advice of the Administration guiding the Board through this I accept that that bit has been done correctly. If it hasn't then that is a matter between Mr Howe and the Board through the Courts, unless the Members want me to take some other action but that is exactly where we get into the Snell/Sanders situation. This is not a Snell/Sanders case, situation case. That was when the Minister, the Minister of Tourism at that time did it, did a termination process which wasn't the way it should have been done and this is different, this is the Board dealing with one of its employees. Now whether it's been done correctly or incorrectly I can't interpret it as being done incorrectly, but if other Members interpret that then maybe they need to guide me Mr Speaker.

MR NOBBS

Mr Speaker I just, I was a bit surprised then that Mr Smith sought of jumped on Mrs Jack about the issue of a video and the like because that was a subject of a, it was a bit of a discussion at a Members meeting a few weeks ago and we still haven't got to the bottom of that. The issues that, really out of this whole deal comes back to you know this lack of trust and the like and if the lady from New Zealand, who I understand is only a part time employee of the Tourist Board, that she's employed by another organisation or more than one organisation in New Zealand, that do you know who paid, was she paid for to go to Vanuatu or wherever she went to as part of our thing or did she go separately. I thought that she went separately and that it was made a big deal of, that she was there.

MR I. BUFFETT

Mr Speaker I think the matter has been clarified. I really question the time of this House getting involved in some of the details of the issues that we're talking about in respect of matters under the Minister's portfolio that could and should have been properly dealt with by his Board and I'm really questioning why bring it to this forum. I certainly don't wish to be part of an airing of the laundry situation but it seems that these matters receive in proportion the amount of attention to other matters of state that I think we all need to deal with. I would that the Minister's statement be noted and the matter be finished with.

MR SPEAKER

We already have before the Motion that the Statement be noted. This is discussion upon that particular Motion.

MR NOBBS

I think it's most important if I may Mr Speaker that these sort of issues that are a problem within the community are clarified and if we have to go into this forum and I quite agree we should not have to go into this forum like this to discuss it, the information should be very readily and clearly available to us. I understand that the Minister has a position to take and I understand the Snell/Sanders

case scenario and the like but there is a need to know and people are concerned and there's been other issues that have been intertwined with it and there's been a fair bit of malicious gossip around in relation to the Board which I find difficult as well. So I mean it should be clarified and the Minister and the Board need to take some time and actually get the community back on side I think.

MS NICHOLAS Thank you Mr Speaker. Again I just seek some clarification, perhaps the Minister would be kind enough. My understanding is that the major form of the deed which seeks the signature of the Board and Greg Howe is one which deals with a lack of mutual trust. There was a deed drawn up at a meeting on the 8th of the third which was unacceptable to Howe. My understanding is that that deed would have documented the breakdown of the relationship with Howe, expressed as a lack of mutual trust.

MR SMITH Mr Speaker the deed of release and confidentiality doesn't spell out the things that Ms Nicholas is talking about. This was that the agreement to, which became redundant, the one that was asked for by Mr Howe about parting ways without making too much of a public issue about it. It refers to the entitlements and full and final settlement which available for Members to have a look at but no, it doesn't. I wasn't going to say anything further but I think I best pick up on the thing that Mr Nobbs raised because it is a different issue. Mr Brown raised an issue of a contra deal that was done. He had made a suggestion that the contra deal ended up in the Bureau getting an account for \$8,000. On checking with the Board with that particular situation there was 2 episodes, one that the Bureau had been billed for which was the transferring of our video, our promotion video from tape onto CD. That's the one that Mr Brown referred to because it didn't refer to the Colonial Hotel and he was concerned about that. Greg Howe had been negotiating to have all of our tapes put onto CD because that's much easier to use these days or a CD-ROM it might be for the Travel Agents. They can just put it in their computer and they don't have to have a video machine. There was some discussion about the quality of it, that the Board had had but that was a proper normal documented piece of work that had been done by a Company that did include Bob Goldsworthy's son, I think it is but Bob assures me that the decisions in dealing with that particular Company were made by the Board and he stood well back from that to make sure that there was no perception of conflict. The reason that his son became involved in that Company, there is a Company, I can't remember what they are called who did the websites three or four years ago, that's the norfolkisland.com.au website and there is a guy called Christian Van De Plaas I think his name is, he was the one who had done, and was doing the Bureau's IT work, and for reasons I don't know, Bob's son became involved in that Company or they must have amalgamated or something which obviously would flag that there was possible conflict there. As far as I know there hasn't been accept for this issue. Now the one with the CD was one thing but the other one was the contra deal that was done. Now a contra deal is, if you do something for me I'll do something for you and we won't actually charge each other and that happened with this same Company who brought over a series of people during the Mini-Games or at the beginning of the Mini-Games to do IT work and also get the Mini-Games put onto sort of a world wide network. The contra was done with Hotel accommodation, it was done with the Airline, it was done with hire cars and in fact didn't cost the Bureau anything I don't think or if it did it might have been a minimal amount of money, but that was the issue that Mr Brown had raised and he wanted to clarify it. I had it clarified with the Board and that information was given to Mr Brown because he was the one who was concerned about it with an offer to, with a follow up discussion and that never occurred for reasons I don't know. But that wasn't, as far as I know wasn't anything to do with Greg's demise. I'm assured that it was a series of events that lead to this, they just didn't get on anymore I guess is what the break down of mutual trust refers to. But I'm inclined to agree with Mr I. Buffett I mean, do we want to carry this thing on or let it take its natural course. I need to say that the last letter that was received by the Board was one from McIntyres to say that

number of years for he undertook the role of Chairman and dealt with issues in a professional and efficient manner. In putting Mr King forward for membership of the Conciliation board I do so recognising his depth of experience in employment matters and a very dedicated commitment to ensuring that fair and reasonable practices are applied and enforced in employment matters. I comment his appointment to this House

SPEAKER Further debate. No further debate Honourable Members? Then I put the question that the Motion be agreed to

QUESTION PUT
AGREED

The motion is agreed thank you

MOTION BY LEAVE - NORFOLK ISLAND ACT 1979 - APPOINTMENT OF NORFOLK ISLAND GOVERNMENT AUDITOR

Mr Donaldson you have a second matter

MR DONALDSON Thank you again Mr Speaker I seek leave to move a motion standing in my name which was circulated to members earlier today

SPEAKER Thank you. Is leave granted? Leave is granted

MR DONALDSON Thank you Mr Speaker. I move that that this House, in accordance with section 51 of the Norfolk Island Act 1979, recommends to His Honour the Administrator that he –

(a) appoint Curran Sole & Tuck, a firm in which at least one of its members is a registered auditor within the meaning of section 51A of the Norfolk Island Act 1979, to be the Norfolk Island Government Auditor for the period from 27 March 2002 to 31 December 2002; and

(b) determine that the terms and conditions of appointment of the Norfolk Island Government Auditor shall be -

(i) a fee of \$26,800; and

(ii) the reimbursement, at their actual cost, of out-of-pocket expenses incurred by the Auditor in relation to the appointment, up to a maximum of \$8,000 for the period of appointment

Once again on speaking to that motion the appointment of the previous Norfolk Island Government auditor expired on the 31st December 2001. Tenders were called in January 2002 by advertising in Australia and New Zealand. The tender specifications requested a three year contract. Closing dates for the tender was the 25th January 2002. Twelve enquires were received for further information. Eleven from Australia and once from New Zealand. Five formal responses were received by the due date. One tender was received within a week of the due date and was included in all tenders for our consideration. The first financial year to be audited is the financial year 30th June 2002 which was over half completed when tenders were called. The tender committee in considering all tender documents and after considering the time that had already elapsed in the current financial year and the groundwork that would have to be done by the newly appointed auditor, and the implications of the current Administration Audit Review makes the following recommendation, (1) that all tenders be rejected and subject to the approval of this Legislative Assembly and the Administrator that the previous audit contract with Curran, Sole and Tuck be extended for a further year at the price of \$26,800 and up to \$8000 for out of pocket expenses. That a limited procurement process be carried out and this is in accordance with the requirements of 7(1)(3) of the Procurement Policy for a subsequent three year contract on all those who expressed an interest in this tender be invited via a subsequent tendering process to

submit a fresh tender. It is relevant to this recommendation that Legislative Assembly members be aware that Curran, Sole and Tuck were one of the twelve people who made enquires about the advertised contract. I support the appointment of Curran, Sole and Tuck for a further twelve months

MR BROWN Mr Speaker I'll be voting against this and the reason that I'll be doing so is that we are now almost at the end of March and we are all of a sudden talking about appointing an auditor for the current year, that is a year in which nearly nine months has already passed. This isn't the fault of the present Minister. He only became Minister at the end of November but it is a sad episode and what we are doing is saying that it is all too hard and therefore we'll engage the present auditors for another year, notwithstanding that a number of firms went to the trouble of responding to our tender and notwithstanding that at least one of those firms provided a cheaper tender. Now I realise that there are practical requirements Mr Speaker and we've got to ensure that we don't get bogged down and find ourselves with no auditor but I don't think this sorry tale should be allowed to occur again and it is in the hope that it will highlight that that I'm going to vote against the motion

SPEAKER Thank you. Further debate. No further debate Honourable Members? Then I put the question that the Motion be agreed to

QUESTION PUT
AGREED

MR BROWN NO

The motion is carried thank you

ORDERS OF THE DAY

Honourable Members we commence Orders of the Day.

RESPONSIBILITY OF INNKEEPERS IN NORFOLK ISLAND

We resume debate on the question that the Motion be agreed to and Mr Brown you have the call to resume

MR BROWN Thank you Mr Speaker. Firstly I need to correct what I believe I said on the previous occasion. I think that I suggested to members that this motion had been passed in the life of the last Legislative Assembly. That's in fact not the case. What had in fact occurred in relation to this motion is I had written to the Legislative Draftsperson asking that a Bill be drafted. In fact nothing happened after that. The Bill was not drafted but rather than this motion having been passed in the last Assembly I think that the more accurate statement would be that I made a request for a private members bill. Mr Speaker I have provided to Ms Nicholas a copy of a chapter from a book by Trevor and Trudy Atherton about tourism travel and hospitality law and that book contains a very helpful comparative table of innkeepers legislation in the Australian jurisdictions. Not every jurisdiction has such legislation. In both Queensland and South Australia they used to have provisions in their Liquor Licensing Act and for some reason each of them repealed but did not replace the Innkeepers provisions but to the best of my knowledge all of the states and territory's of Australia have legislation and certainly there is legislation in England and other places overseas. The law of innkeepers dates back to something like 500 BC and it is probably typical of things that date back that far. Quite strict liability is imposed on innkeepers and it is said that part of the reason for that was that in much earlier times there needed to be something to act as a disincentive to prevent innkeepers robbing their guests and it is said that in much earlier times it was not unusual for a guest to find that he had his belongings nicked by the

innkeeper. Similarly because it goes back so far the common law provides that the innkeeper can retain his guests property until such time as he is paid. But in the more modern times in which we find ourselves the various jurisdictions have in general passed legislation in order to specifically set out the modern day requirements of an innkeeper in terms of liability of a guests property, liability of injuries to guests and so forth. I was just showing Mr Smith a sign which is reprinted in this book from a local inn of the Tudor period between 1458 and 1603 and that had various rules of the house including that no more than five shall sleep in one bed, no boots shall be worn in bed and no razor grinders or tinkers shall be taken in. In went on to require that no dogs be in the kitchen and that organ grinders sleep in the wash-house and Mr Speaker, that is how old the common law of innkeepers is. I'm not suggesting to members that this is anywhere near as urgent as some of the problems that confront us but I do seek members support in passing the motion to enable an updating to occur at the earliest convenient date and those are the words in the motion. Mr Speaker it might be helpful for me to add one thing. We have very wide ranging responsibilities in this place. We have very wide ranging Commonwealth type responsibilities, Federal responsibilities, we have extremely wide ranging state type responsibility, we have the whole of the normal range of local Government responsibilities. The Commonwealth has been quite active in pointing out to us areas where we have responsibilities that are normally Commonwealth or Federal areas and pointing out to us that there may be deficiencies in some of those areas, but we in fact don't have anyone pointing those things out to us in relation to the normal state type powers. This is just one of those issues but it may well be that a little further down the track we will need to appoint for a period a Law Reform Commissioner or some such person to go through all those state type areas because there are many of them that really do require attention. This is just one

MS NICHOLAS

Thank you Mr Speaker. Mr Brown was indeed kind enough to supply a very comprehensive document and I also pulled down a piece of legislation that comes out of Victoria and it's dated 1958 but it continues to mention the matter of property lost or damaged, whether we are talking about the exclusion of liability in circumstances, property lost or damaged to vehicle or anything there or a horse or other live animal or its harness or other equipment so we've retained some of the arcane provisions. One can sum this up fairly easily and I've pulled my finger out from my place in the paper but most of us are familiar with the notice behind the hotel door that generally tells us about valuables and the safe keeping of them – here it is - under the Innkeepers Act, an innkeeper may in certain circumstances be liable to make good any loss or damage to any guests property even though it was not due to any fault of the innkeeper or any servant in the innkeepers employ. The liability extends however only to the property of guests who have engaged sleeping accommodation at the inn, is limited to \$100 to any one guest except in the case of property which has been deposited or offered for deposit or safe keeping and does not cover motor vehicles, and here we go with the provision for live animals etc. This does not constitute an admission either that the Act applies to these premises or that the liability there under attaches in any particular case so it's something that we are really quite familiar with. Just one of those day to day things. There was a suggestion at the last sitting Mr Speaker that this matter could possibly be incorporated into a package of Tourist Accommodation legislation and I think Mr Brown conceded that at that time. Perhaps that could be considered further, thank you

MR GARDNER

Thank you Mr Speaker I have a query in relation to Ms Nicholas' last part of her debate and that relates to just where this piece of legislation or these provisions would be most appropriately dealt with which brings me to the question as Mr Brown alluded to earlier in debate regarding Queensland and South Australia's legislation as it pertains to this. What is it or what protections are in place in Queensland and South Australia if they are not dealt with specifically by legislation

MR BROWN Mr Speaker I have not researched the position since this book was published. It's a 1998 book and they may have been changed but in the meanwhile the suggestion of the authors of this book was that each of those states had gone back to the common law as a result of having repealed this specific provision. Now it may have been that they had an intention to bring in a fresh act to cover just those areas and it may be that it's since happened. At the time all they had was the common law which is an unsatisfactory situation

MR I BUFFETT Thank you Mr Speaker perhaps Mr Brown or Ms Nicholas can just clarify this, and I think I raised it last time, does that particular document describe an inn and whether in fact we need to do a bit more than they did in terms of what we've got here because I was of the understanding that when we talk about an inn it includes the whole complex of serving of food; serving of liquor, beverages and other things like that and provides a security service of twenty four hour reception and those sorts of issues and if in fact we are to apply them to ordinary tourist accommodation premises in Norfolk Island some of them don't quite comply with that, so that is really the reason why I pursue this. I mentioned it last time the matter was discussed and if they can be of any assistance it may assist us in coming to terms with the proposal

MS NICHOLAS Thank you Mr Speaker. I have a definition from the Victorian legislation in my hands Mr Speaker if that is helpful. Inn means any hotel or motel and includes any establishment held up by the proprietor as offering food, drink and if so required sleeping accommodation without special contract to any traveler presenting himself who appears able and willing to pay a reasonable sum for the services and facilities provided and who is in a fit state to be received

MR BROWN Mr Speaker the situation with the definition of innkeeper is that it is something that has been the subject of considerable debate, definition and litigation over the years but that is something as to which each jurisdiction decides upon its own definition. To give you an example there have been cases which have held that apartments are inns, there have been other occasions which have limited inns to places providing food and liquor but in today's environment I expect that any legislation of this nature would cover each and every tourism accommodation property and also any local guesthouse type arrangement

MR SMITH Thank you Mr Speaker I suppose the question is, if this proposal is agreed to the question is does it really need to be called innkeepers for our legislation because as far as I know it has nothing to do with us because we don't have any innkeepers legislation at all so I don't know how we need to word the motion. As was proposed before, we could include it in the tourist accommodation legislation. Whether that needs a change to the title of the motion I'm not too sure. I don't have any difficulty with this and obviously I in administering it will need to get the legislation brought to the House. I don't have any problem with pursuing what's being asked here however, I would make a request of the member that is proposing the motion that he actually develops a paper that would assist in the Legislative Draftsperson being able to develop the legislation around what he is looking for

MR NOBBS Thank you Mr Speaker I understood from the last Legislative Assembly and I've looked at one area anyhow, where an innkeeper's Act is in place and I understood from what Mr Brown said, that it was largely for the protection of the innkeeper. I wouldn't support that being the sole case but he seems to have extended it at this time so that it is also for the protection of the customer as well. If that is the case in the Bill I will support the Bill when it's brought forward but if it's purely for the protection of the innkeeper I would have some difficulty

MR

DONALDSON

Thank you Mr Speaker I'm picking up the vibrations around the table and I too support the need for a bill. Whether it comes in as part of the tourist accommodation legislation package or whether it comes in as a separate innkeepers package it probably doesn't matter all that much, however I think there's been a general policy adopted in this House that when a bill like this comes in and is introduced, there is something included in it that details the cost implications the resource implications to the Administration and I just ask that they be included in it

SPEAKER

Thank you. Further debate. No further debate Honourable Members? Then I put the question that the Motion be agreed to

QUESTION PUT
AGREED

The motion is carried thank you

CUSTOMS ACT 1913 - EXEMPTION FROM PAYMENT OF CUSTOMS DUTY

We resume debate on the question that the Motion be agreed to and Mr Donaldson, the Minister for Finance has the call to resume

MR DONALDSON

Thank you Mr Speaker. I'll just give a bit of background to those people here. At the February sitting of this House I moved a motion that certain plant and equipment be exempted from duty on a lot of conditions but the main condition was that it be exported off the Island at the end of its purpose of being here which was to do up the Mt Pitt road. I resolved to recommend to His Honour the Administrator that the exemption be granted subject to those conditions. There was a bit of debate around the floor of the House on that particular occasion and I was virtually requested to have a look at the tender document and find out what the tender document actually said. The matter was adjourned and made an Order of the Day for a subsequent day of sitting so that further details could be obtained. I can now report that the original tender specifications included the following conditions, and this was something that wasn't known to me at the time. And those conditions are "that for the purpose of tendering contractors shall assume that import duty is payable on all plant and equipment is brought into the Island for this contract regardless whether the plant and equipment stays on the Island after the project is completed or is taken off the Island. Now that throws a different light on the motion that I put to the House last time and as a consequence of the additional information I now find myself in the position of voting against my own motion. I see no justification in exempting goods from duty given that adequate warning was given to all tenderers that duty would be payable and should be allowed for in their contract price

SPEAKER

Thank you. Further debate. No further debate Honourable Members? Then I put the question that the Motion be agreed to

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	NO
MS NICHOLAS	NO

MR SMITH NO
MR BROWN NO

The result of voting Honourable Members the unanimous decision is that the motion is not agreed

ENHANCEMENT OF EXISTING, AND ESTABLISHMENT OF ADDITIONAL, SISTER CITY RELATIONSHIPS

We resume debate on the question that the Motion be agreed to and Mr Brown you have the call to resume

MR BROWN Thank you Mr Speaker. I don't wish to add much to what I said on the earlier occasion. I believe that the sister city relationships provide great opportunities to us not only in fostering friendships throughout the world but more importantly in fostering good government. This simply seeks the Chief Minister and Mr Speaker to bring forward proposals to enhance the existing relationship with Mosman City Council and to establish at least two others. It may be that when Members consider those proposals they may feel that the funding requirements just can't be justified or it may be that members feel that the benefits set out in the proposals are just not adequate for the purpose but I would like to think that during the life of this Assembly we will do our best to put forward Norfolk Island's name in other places

MR GARDNER Thank you Mr Speaker at the last sitting of the House I had some comment on this and it related to our current sister city relationship with Mosman Council in Sydney because of the parallels that are drawn with our history and the history of Australia. I would be very keen and I guess it's one of those things we should possibly have given some consideration to in the interim period between the sittings of the House to discuss this in more detail. I certainly see the benefits of establishing those sort of relationships. My only concern is in the benefit of establishing sister city relationships. I see the value of Norfolk Island participating in forums such as the Commonwealth Parliamentary Association and in particular the small countries conference as being of particular benefit for Norfolk Island to participate in, in that we are dealing with places of a similar size with not too dissimilar problems. In other words concerns of Immigration, health, waste and I see immense benefit of interacting with bodies on such a level. I gave some further consideration to this matter whilst recently in Australia when we had occasion to meet with Mr Murray Carter, the Manager of the Lord Howe Island Board and in the time that we spent with him, just exploring the similarities that exist between Norfolk Island and Lord Howe and I feel that there is some opportunity in developing a close relationship with such a place on a similar basis as sister city in that there are similarities in the problems we face. But I have no difficulty in pursuing this matter further and I would look to have some free frank and open discussion with members of the Legislative Assembly on an appropriate way forward with that. The different places of relationship, their size, shape and system that we may wish to pursue but I would like to throw into debate those thoughts on the small countries of the Commonwealth Parliamentary Association and our close neighbours Lord Howe Island

MR NOBBS Thank you Mr Speaker as you are probably aware, I have some difficulties with the Commonwealth Parliamentary Association and the need for our consistent attendance. I believe that if we are looking for advise and interaction we should first be looking at the Public Service gaining a close liaison between this and other places because at least they are consistent and usually stay in their jobs for some time and that's where the advise should be coming from. I have no problem with a sister city relationship if we are looking at that type of relationship but I don't think it's the place of Minister or members of this Legislative Assembly to be touring around too much. I think the Public Service needs to do more on an inter active basis and to put it bluntly I'm bitterly disappointed that we haven't progressed to the extent that

I thought we would have with interaction with the Queensland Government. We've had some inter action with the New South Wales Government but very limited in the past but I believe the Public Service of Norfolk Island and the states, to pick up on what Mr Brown says, we are abit at risk in a lot of our state type responsibilities and this is the area we should be looking at but the Public Service should be the catalyst for that type of activity and they are our advisors and should be right across that sort of thing but I do support the sister city relationship and attendance but provided that it's more on the basis of the Public Service taking lead

SPEAKER Thank you. Further debate. No further debate Honourable Members? Then I put the question that the Motion be agreed to

QUESTION PUT
AGREED

The motion is carried thank you, thank you

ADMINISTRATIVE REVIEW TRIBUNAL ACT 1996 – FEE REGIME

We resume debate on the question that the Motion be agreed to and Mr Buffett you have the call to resume. We are resuming debate on the original question and we have an amendment and the question that is currently before us is that the amendment proposed by Mr Ivens Buffett be agreed to

MR I BUFFETT Thank you Mr Speaker when I amended that particular motion the last time, there is another slight amendment to be done which is self explanatory. The paper says "at the March sittings" well we are already at the March sittings so I would seek leave to move accordingly that the amendment be amended by the deletion of the words "at its March sittings" and insert "at the earliest convenient date"

SPEAKER That's an adjustment to the amendment. Leave is granted for that and that is the matter that we are debating at this moment. Any further debate

MR I BUFFETT Thank you Mr Speaker I have no further debate save to say that the matter really falls under the Chief Minister in terms of his responsibilities in respect of the Administrative Review Tribunal and having given him the leeway now not to have brought the matter before the March sittings I hope he will act fairly quickly on the issue and have the matter of the fee regime brought before this House for consideration

MR GARDNER Thank you Mr Speaker. I thank the Minister for Land and Environment for his introductory words. My undertaking that I gave at the previous sitting of the House which was to seek from the Public Service some recommendations that I would be able to furnish to members for consideration. I support the Minister's view that the amendment be altered to incorporate the words at the earliest convenient time simply because the paper that I have received from the Public Service deals with establishing a fee structure similar to that of the Commonwealth which certainly was a request that I had, however, in reading the body of the paper it appears that we are again moving in the area of putting into place a fee regime that is not going to ease the burden as far as an administrative review tribunal for Norfolk Island. It is interesting to note in that paper that there has been no comment from our Corporate Management Group in relation to the setting of a fee structure. I will be seeking their advise as the Executive management group from within the Administration as to the appropriateness of pursuing this course of action as recommended in a ministerial received from the Public Service so that I can provide a

more detailed response and papers to members of the Legislative Assembly in relation to the establishment of a fee structure and I will ensure that full and comprehensive papers are circulated to the Legislative Assembly

MR BROWN Mr Speaker fees in matters such as this are the usual thing in other places. I fee should never be so high as to have the effect of locking the Tribunal door against a person and there always needs to be a provision whereby a reduction in the fee may be granted in appropriate cases but having said that it is equally important that there be a fee of some kind so that people do have to think for a moment before they file numerous applications before the Tribunal and cost us lots and lots of money so on both of those grounds I'm more than happy to support the motion

MR NOBBS Thank you Mr Speaker I agree that a fair fee regime should be implemented and should have been implemented when the bill was made an Act but that was not the case. I'm not too sure where we are going now with one Minister proposing it and another one saying hang on until I get the papers to you. Does that mean that we are going to adjourn it

MR GARDNER Thank you Mr Speaker, if that's a direct question I don't think that I was implying in any way that I wasn't in favour of this, simply that I'm attempting to provide as much information as I possibly can so that members may make an informed decision over the establishment of a fee regime rather than rushing off into it as a feel good idea and not being armed with the appropriate information. I guess it could be argued that once a fee structure is proposed and brought to the House for endorsement that that's the time it can either be knocked out or taken on board but my personal belief is that it is important that members are fully aware of the different fee regimes in place and we don't just pick up the first one that comes along which has been indicated by the paper I've received. I think it warrants more investigation before I start taking up the time of the Public Service and bogging us down in dealing with a range of issues that need to be addressed

MR I BUFFETT Thank you Mr Speaker not to add further fuel to the matter but for clarification purposes, the reason I proposed these fees is because under the land regime most of the matters that fall with decisions that are revisable are in the land package of legislation. Now Mr Speaker we all know that there are certainly discussions afoot and there will be more and more areas in this administration that falls under the Art proposals and that is the real reason why I brought the matter forward. When I noticed the number of applications, things in place, discussed with people in the Public Service the amount of administrative work that needed to be done in terms of doing this I believed a fee was warranted. It certainly wasn't my intention to make the fee prohibitive in any way at all to stop people having the right to appeal against any decision but I think we need to have people pay for some of the work that the Administration people are doing

MR SMITH Thank you Mr Speaker this was an issue two or three years ago as I recall. It came up as a budget matter and it was basically agreed to and we progressed to a point where I think it was going to be put in place but wasn't finalised. At the time it was thought that the reasons members are giving around the table here, that if somebody who was making an application to the ART should contribute to the cost of it and I support the motion as it stands

SPEAKER Thank you. Further debate. No further debate Honourable Members? Then we will work through the processes. We have three matters in front of us in a logical sequence depending on how each vote goes. We have an amendment to the amendment first of all and that covers the matter of

changing the March sitting date to the earliest convenient date and I put that question to you that the amendment to the amendment be agreed to

QUESTION PUT
AGREED

Thank you. The next is that the amendment as amended be agreed to. That is the second proposal that is listed on your paper with the adjustment we have just voted upon. Any further debate Honourable Members before we vote? Then I put the question that the amendment as amended be agreed to

QUESTION PUT
AGREED

We now come to the final matter which is the motion as amended be agreed. Is that any final debate Honourable Members? Then I put the question that the Motion as amended be agreed to

QUESTION PUT
AGREED

The motion as amended is agreed thank you

LICENSING OF REAL ESTATE AGENTS AND TRAVEL AGENTS

We resume debate on the question that the Motion be agreed to and Mr Brown you have the call to resume

MR BROWN Thank you Mr Speaker. This motion was dealt with during the life of the last Legislative Assembly on the 18th October 2000, the 15th November 2000 and the 20th December 2000. The result at that time was that the House decided to investigate the proposal rather than pass the motion. I hope that on this occasion the House will in fact decide to pass the motion, particularly as there was little evidence of any investigation taking place during the life of the last Legislative Assembly. There were sound reasons for having legislation such as this. One of them is protection for consumers. Another is to enhance the position of those who are operating in the industry and in particular to enhance their ability to obtain appropriate insurances. I introduced the motion originally as a result of being approached by people in those industries. If we license real estate agents it will greatly simplify the situation for them to obtain their insurances and it will enhance the situation where people are needing to obtain valuations and so forth because the real estate agent will be able to have a form of insurance cover. As it is there is a need felt to be so cautious in the words that are used that the resulting document isn't always of a great deal of use. In the case of travel agents, hopefully legislation would enable Norfolk Island travel agents to be insured by the travel compensation fund which provides insurance throughout all of the Australian states and territories and hopefully licensing in Norfolk Island would also provide a career path for people where hopefully we will be recognised in other jurisdictions if someone from Norfolk Island for whatever reason chose to move to mainland Australia or elsewhere but the motion simply calls for the interlocation of an appropriate bill at the earliest convenient date. I recall that in relation to one of the other matters in the life of the last Legislative Assembly we added some words to the effect, having regard to the Government's legislative programme to ensure that it was clear that the motion did not override the Government's legislative programme and I am more than happy to seek leave to add those words after the words, convenient date, that is, adding "having regard to the Government's legislative programme", thank you

MS

NICHOLAS

Thank you Mr Speaker. At an earlier time I have declared an interest in this matter and the House found my position acceptable so I will proceed from there. When Mr Brown first introduced this in January I said that it is significant that the proprietors of both the long established real estate and travel businesses on the Island are totally supportive of the motion coming forward as they have been in the past. They have mentioned the grandfather clause which has also been discussed in this House ensuring that long term experience in the field would not be disadvantaged by new requirements. I support the original motion and believe that the drafting of legislation should be included on the list of legislative priorities therefore I would be disinclined to support Mr Brown's proposed amendment

MRS JACK

Mr Speaker I look at it in terms of the need for professional indemnity by the real estate agents and travel agents and most particularly the real estate agents and I have spoken to one who has told me that their firm is already pulling back on services offered because of the lack of appropriate insurance available and that is in the area of valuations. Now valuations are required by people who have to approach the bank when needing a mortgage to purchase a property so this firm will be using off shore valuers to come in to give these valuations and that means the money is going offshore, that the people would have to have written into a contract if they really like the house the fact that when a valuation can be given and that means when the valuers can actually come over so that is narrowing down their windows of opportunity. I see the importance of this motion and I like Ms Nicholas, would want to see it included in the current list. I find it very important and I will support it that way

MR I BUFFETT

Thank you Mr Speaker. I too have had representation from at least two of the real estate agents, one of whom at least acts also as a travel agent within this jurisdiction. I'm of a mind to support this but it's one thing just to pass a piece of legislation saying you are a registered travel agents or real estate agent in Norfolk Island and one of the issues I think we clearly need to understand when we propose such legation is a benchmark against which these people are going to be registered. Now I'm sure that it's not comprehended in the proposal of such a motion that we need to set up the necessary bodies that say, you comply with this to be a real estate agent, you comply with this set of criteria all invented by Norfolk Island to become a registered person in these two fields of endeavour, so perhaps I could suggest that when we do all agree to having this piece of legislation prepared that along with the proposals and Mr Donaldson will probably raise this issue as well, that when you look at the cost benefit analysis of having such legation apart from the fact that you are providing benefits to the people operating within the community, we look at the benchmarks by which we are going to say they are registered. For example, are we going to use the Real Estate Institute of New South Wales or another state and make that a prerequisite or are we going to invent our own set of rules by which these people become registered because unless we have a set of well recognised rules I am not quite sure that any insurance company is going to take any notice anyway. And that is one of the key problems. So having said that Mr Chairman, I think it applies in both areas, in the real estate area or in the travel agents area. In other words credibility and the benchmarks by which we provide this registering mechanism in Norfolk Island because if it is a fact that we have to produce those ourselves then probably the administrative requirements and all the rest of the things would make it totally unworkable so before we agree to have the legislation prepared, let's also agree to have the necessary benchmarks presented to us as members of this Legislative Assembly at the same time so that we can decide how we intend, or which ones we intend to adopt. The other issue I would also like to mention is in respect of the real estate matters insofar as I have any say in the matter if they deal with land issues, I would be more than happy to have the people operating in that area to a meeting for a round the table discussion with me in the land areas, titling acts and all the rest and I would urge the person who may be responsible for travel agents whether that be in tourism, to do the same. I guess the general question of licensing is one for the

Minister for Finance and perhaps I could urge him to take note of some of those comments that I have made

MS NICHOLAS Thank you Mr Speaker. I will respond briefly if I may. Certainly I support the conference between the parties or as the buzz word at the moment, stakeholders. I see that as a prerequisite to any development of legislation in the area but I would also question Mr Buffett saying that there was benefit to those in the business community. I don't see it that way. I see it as benefit to the people who utilize the service providers because that's why they are insured, to benefit them should anything go wrong in the process

MR NOBBS Thank you Mr Speaker the situation really is that this is another one of the state type responsibilities that was referred to earlier and I'm wondering how far we are going to go with registration or licensing. We have on the books at the present time – and I might bring wrath down on me but I will continue – on the books a title of registration of lawyers. The title's been introduced and commenced but no other part of the Act has and it's for exactly the same reasons that Mr Toon Buffett just alluded to is that the regimes that are required to support the particular Act are considered by some and probably not by others, to be beyond the means of the Norfolk Island establishment and the community. Now I will support this on the basis that we consider very fully that type of arrangement as it comes along and if it can be followed, then we should bring in others like the registration of lawyers and the like and commence that and get those going but I do really wonder how far we are going on the licensing issue. Are we next going to have the licensing of builders and the licensing of this and the licensing of that. I don't know. It could become a worry and I will support the present drafting of a bill but whether I support the full bill once it comes on line and the administrative arrangements are in place or are proposed to cover that bill, whether I support it then I don't know, I couldn't guarantee it

MR GARDNER Thank you Mr Speaker both Mr Nobbs and Ms Nicholas have touched on something that I've spoken about in the House before and that relates to the licensing of all professions on the Island and Mr Nobbs touched on it briefly when he mentioned the builders. That is an area of concern that's been around for some time. I think that the only profession that I'm aware of on the Island save for Doctors and Dentists that require registration and I stand to be corrected on this, is for electrical contractors. I don't think there are any other professions at this stage that are required to be licensed. Raising the issue of travel agents and real estate agents is an interesting one in that I think it tends to open a whole lot of other doors that require looking in and I think we probably need to prepare some paperwork as we move along this line of licensing these two area that we don't shy away from the other areas that I believe also warrant some pretty close attention to ensure the professional standards that Ms Nicholas was referring to in relation to protecting the customer as well

MR I BUFFETT Thank you Mr Speaker just for clarification and Mr Brown might have comment, but it was my understanding that the question of registration of lawyers and practitioners on Norfolk Island is slightly different to what we are talking about here because you cannot practice in the courts of Norfolk Island as a solicitor unless you are first of all subjected to the requirements of the Judicature Act, section 55, which means that you must have been admitted to practice in a Supreme Court of the state or territory so there are some regulatory procedures there in terms of being able to practice within this jurisdiction in that profession. I guess the other issue is the question of real estate agents and travel agents are slightly outside the regulatory requirements of an electrician. As the Chief Minister has mentioned for this reason, that both of these two professions carry and run trust funds and accounts and hold money for and on behalf of the people who deal with them in terms of trust and I think that's the sort of complexity I was referring to when we decide what standards and what benchmarks we are going to use in terms of the registration procedures because it's my understanding

that the registration of the law profession in Norfolk Island and the exact name of the proposed bill eludes me at the moment but my recollection is that we came to exactly that same sort of question and that's why it didn't proceed as to how we were going to put them in place and the regulatory issues to allow that bill to function properly

SPEAKER Thank you. Further debate. No further debate Honourable Members? We have the original motion in front of us at this moment. I put the Motion to you

QUESTION PUT
AGREED

The motion is agreed to thank you

CONVEYANCING ACT – BENEFIT OF THE INSURANCE OF A VENDOR OF REAL ESTATE TO BE AVAILABLE TO THE PURCHASER

We resume debate on the question that the Motion be agreed to and Mr Brown you have the call to resume

MR BROWN Thank you Mr Speaker. Mr Speaker could I firstly seek leave to delete certain words. I seek leave to delete at the end of the second line the words "in order to" and to delete in the third line "amend the Conveyancing Act by making provision" so that the motion would then read "that this House recommends to the responsible executive member that a Bill be drafted and introduced into the House at the earliest convenient date along the lines that the benefit of the insurance of a vendor of real estate be available to the purchaser during the time between the making of a contract of sale and settlement of that sale

SPEAKER Thank you. Is leave granted for that amendment. Leave is granted

MR BROWN I so move Mr Speaker. The reason for that amendment is that quite rightly as has been pointed out to me that with our new land titles Act such amendments should relate to all transactions not just to transactions under the Conveyancing Act. I've said before that the reason for introducing this motion is the common law provides that the owner of real estate loses his insurable interest when he signs a contract to sell the property to someone else. In Norfolk Island perhaps 90% or more of Conveyancing is done by real estate agents or by people with the assistance of the lands registry. It is not satisfactory to simply rely on those people putting adequate words into their documentation to try to maintain the vendors interest and in my view in any event there is considerable doubt as to whether any such words are adequate short of actually signing the insurance policy. Other jurisdictions have introduced amendments to their legislation in order to remedy this. It is a problem which was looked at by the Australian Law Reform Commission and it made a recommendation that a change along these lines be made and I'm seeking the support of members to make that change in Norfolk Island so that if an unhappy event occurred where a property was destroyed or damaged between the time of signing a contract and actually completing that contract the parties will know exactly where they stand and more importantly the vendors insurance will continue to cover the property

MS NICHOLAS Thank you Mr Speaker. Once again I know that certainly both major real estate agents on the Island support this concept wholeheartedly and I intend voting in favour

MR I BUFFETT Thank you Mr Speaker, yes I am more happy with the motion as it has been amended today. My understanding with the original motion we had some minor difficulties as Mr Brown explained and what we are in fact probably looking at

is an insurance contracts Act and in speaking to the people who deal with this on a daily basis they would be more happy if that was enacted rather than trying to amend the Conveyancing Act and on that basis it would be my intention to support the motion clearly on the understanding that we are looking at this at the earliest convenient date given the whole package of legislation that we are currently deal with in terms of land issues but having said that Mr Speaker we may have some opportunity within that package to look at this particular issue as well and I raise that matter with the draftsperson who was doing that package

SPEAKER Thank you. Further debate. No further debate Honourable Members? Then I put the question that the Motion be agreed to and I just remind you that it's the motion without those words identified by Mr Brown

QUESTION PUT
AGREED

The motion is carried thank you

RESUMPTION OF PORTION 38b16 TAYLORS ROAD

We resume debate on the question that the Motion be agreed to and Mr Brown you have

MR BROWN Thank you Mr Speaker. This motion was dealt with during the life of the last Legislative Assembly. It was debated on the 18th October 2000 and the debate was finalised on the 21st March 2001 when the motion was carried. I said back in the life of the last Legislative Assembly that to some extent I have an interest in the matter in that I act for the owners of several of the buildings but not in relation to this matter, in relation to this particular matter I am not acting for anyone, I am not earning any fee from anyone and I am for that reason more than happy to be bringing the motion to the House. I think all members are familiar with the history of the matter. There is a small strip of land which at the time the subdivision was approved was intended to be transferred for road purposes. For whatever reason that transfer was never done. The matter was the subject of litigation in the Supreme Court of Norfolk Island at a later date and I believe that members are familiar with the result of that litigation, basically the Supreme Court said that although the registered proprietor of the small strip may have been the registered proprietor, he had very little interests in it. It is time that we cleaned up this particular problem. There may well be other problems of a similar nature. We will need to have it cleaned up in order as I understand it to complete the Burnt Pine road upgrading but in any event it is undesirable for problems like this to continue, particularly in an environment where in an earlier time prior to 1979 the land should have been transferred as part of the overall subdivision approval. The way this works Mr Speaker, this motion can only call on the executive member to take action in order to effect a resumption. That action in fact takes the form of a bill coming before the House and members then have the opportunity to decide whether the terms of compensation as described in that Bill are satisfactory to them but all members will be aware that if it is necessary at any time to effect a resumption of this nature then it can only be done upon the payment of appropriate compensation thank you

MS NICHOLAS Thank you Mr Speaker. It is certainly my intention to support the motion. I was doubtful on the other two occasions that we have had this matter before us however, having read considerable amounts of material I can say that it's a sin of omission, the failure to transfer 38B16 to the Administration was a sin of omission by both the vendor and the Administration at the time and it's about time we fixed it. I intend voting in favour of the motion

MR SMITH Thank you Mr Speaker my view hasn't changed on this. I don't agree with the resumption of land unless it's an extremely important issue to the community

MR NOBBS Thank you Mr Speaker I won't be supporting this motion for a number of points. The first one actually Mr Brown alluded to it and at the risk of getting abused again I will say that he has a professional interest in bringing it forward and the second point is that there appear to be a number of other similar type blocks around that needs attention and the third point is that the subdivision was approved by the then Minister responsible for the area and I don't think that particular Minister has been in Parliament since 1983 so it's before that time so it's quite a long time ago that this was brought on and I still believe and I said before that it's the Commonwealth's responsibility to clarify the situation in the transfer of land and in the likes, it would be an ideal opportunity to clarify all these particular blocks that seem to be blocking entrances or exists or whatever it is and those should be included with the whole road package that is going ahead and as such I won't be supporting it because I don't believe that the community should be required to pay for this piece of land

MRS JACK Mr Speaker I will be supporting this. It's been going on and on for years as alluded to by Mr Brown and Ms Nicholas. Maybe other blocks are similarly affected. As they come to light they too should be dealt with and I hope it doesn't take the same degree of time that this one seems to be taking up. I feel that if this isn't dealt with then all we are doing is hopping up and down and calling it progress, thank you

MR NOBBS Thank you Mr Speaker the situation is that I understand it's still going ahead, that is the transfer of land and these are issues that must be taken into consideration at that time and I understood that those sorts of issues were being progressed in that area

SPEAKER Thank you. Further debate. No further debate Honourable Members? Then I put the question that the Motion be agreed to

QUESTION PUT

Would the Clerk please call the House

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

The result of voting Honourable Members the ayes six the noes three, the motion is agreed

OMBUDSMAN IN NORFOLK ISLAND

We resume debate on the question that the Motion be agreed to and Mr Brown you have the call to resume

MR

BROWN

Thank you Mr Speaker. This matter was dealt with during the life of the last Legislative Assembly on the 16th August 2000. The motion asks that the responsible executive member table at the earliest possible date, a White Paper setting out the benefits, disadvantages and likely costs in the event that legislation is passed to provide for an Ombudsman in Norfolk Island. I seek leave to make one amendment Mr Speaker and that is on the second line to change the word "possible" to "convenient" so that it requests that it be done at the earliest convenient date rather than possible date. Again the purpose of that is to take account of the fact that the Government has it's own programme and this motion is not intended to interfere with that programme

SPEAKER

the motion? Leave is granted

Is leave granted for an adjustment to be made to

MR BROWN

I so move Mr Speaker. Other jurisdictions have found a desirability to introduce the concept of an ombudsman. I believe that it's time to look to it in Norfolk Island. It may be that the white paper says that it's very difficult, very expensive and not worthwhile, or on the other hand it may be that the white paper will come up with some solutions to the problems of being small and with some worthwhile suggestions but the purpose of an ombudsman is to enable members of the public to have concerns dealt with without having to go off to places such as the Supreme Court at a greater expense and far less speed thank you

MR GARDNER

Thank you Mr Speaker I'm supportive of the preparation of the white paper. We have between sittings had made available to us from the Office of the Administrator a paper with the subject title Proposal for Norfolk Island Ombudsman which generally suggests that there may be as one of the options that might be contained in the white paper, an opportunity to utilize the services of ombudsman for those purposes on Norfolk Island and it's noted within that paper that the Act relies on the Commonwealth Ombudsman for the provision of those services. As part of the preparation of that paper we would be able to glean the level of work for want of a better work, that the ombudsman be requested to undertake on Norfolk Island and be able to put a dollar value to that upon receiving further advise from the Commonwealth Ombudsman's office in Canberra'

MRS JACK

Mr Speaker I too think it's great to see such a positive proposal come from the Commonwealth that may help us to achieve this undertaking on a fee for service basis. Mr Brown I think first introduced this in the life of the 9th Legislative Assembly and it was not thrown out, nor was it discharged. Members of both Legislative Assembly's have seen merit in this proposal and if we are to go down this road then there are a couple of things I would like to say. The first is that an Ombudsman deals with complaints about Government agencies including Departments, Statutory Authorities, Public officials and employees and all about misadministration. If we feel that there is a need for such a position then it follows that we must realise that complaints exist and that these have merit. The second point is that if one considers these complaints then the type of complaints recorded are going to cover areas such as why licenses were not granted to issues of bias, to conflicts of interest, misuse of Administration resources, probity issues and even in the worst case scenarios some corruption. There will therefore be needed to be introduced something along the lines of a code of ethics, a code of conduct for employees. This I have no problem with. My concern is this, and perhaps I'm being slightly naive here, but if we expect so much of people across the road as I refer to the Administration, then haven't they and the rest of the Island for that matter the right to expect the same from us. After all, don't we set the policy for those across the road to follow. We too need a code of conduct, a code of ethics, a compulsory register for pecuniary and non pecuniary interests. All factors that I personally have no problem with and would actively push for. I feel that if the

ombudsman proposal is going to proceed then the issues I've just mentioned briefly must be addressed also, separately but at the same time and I ask the members

MR NOBBS Thank you Mr Speaker I agree with Mrs Jack wholeheartedly and I wonder whether in the discussions that the two Minister had, I think they were both there with the Lord Howe Island Administrator, whether they spoke to the representative about the recent inquiry into Lord Howe where this sort of issue was a prime concern. As Mrs Jack said, I don't think this was progressed as a motion in the last Legislative Assembly if I remember correctly, but what actually happened was that we were looking at where we could combine activates into one, instead of having one sole ombudsman here at great cost, whether it could be combined with the Administrative Review Tribunal which does a similar sort of activity and whether that could be put in place and I believe that Mr Cook when he was Minister did some work and there was a paper prepared at one stage by the Administration which may be of interest. I agree with this provision of an ombudsman but I don't believe that one on its own would be advantageous. I believe there is a need for a combination of roles and that we can do this ourselves. The Commonwealth has an ombudsman in all the cities from what I can recall, looking at their particularly areas, they've got one in Sydney and Canberra is right next door but we might come back with the same problem that we have with the current Chief Magistrate who I understand now with the ACT is charging for his Administrative Review Tribunal work whereas in the earlier days it was not charged and I wonder if there is a more efficient way of doing things then going with one particular organisation but could be combine this job with others that could be of benefit to Norfolk Island, thank you

MR SMITH Thank you Mr Speaker I just want to say that I support the motion and look forward to the white paper which will spell out all that we are here talking about

SPEAKER Thank you. Further debate. No further debate Honourable Members? Then I put the question that the Motion be agreed to and that is with the word "possible" being replaced by the word "convenient"

QUESTION PUT
AGREED

The motion is agreed thank you

FREEDOM OF INFORMATION LEGISLATION FOR NORFOLK ISLAND

We resume debate on the question that the Motion be agreed to and Mr Brown you have the call to resume

MR BROWN Thank you Mr Speaker, this matter was dealt with during the last Legislative Assembly on the 16th August 2000. At that time an amendment was made and I seek leave to move that same amendment on this occasion and the amendment is to delete the words "as quickly as possible" and to insert in their place the words "having appropriate regard to the Government's existing legislative programme". Again the purpose of that amendment is to ensure that the Government's own planning doesn't get disrupted by the motion and I seek leave for that amendment

SPEAKER Is leave granted? Leave is granted

MR BROWN I so move Mr Speaker. Mr Speaker Freedom of Information makes up the last part of what we might call the accountability programme. Freedom of Information legislation enables members of the community to find out what is written in Government files about them. It enables them to find out the background to

various decisions and it is aimed at ensuring that the quality of decision making is improved as a result. The history in Australia of Freedom of Information Acts has been that there are always exceptions contained in them which result in some documents not being accessible. Generally a fee is payable in order to access a document and part of the purpose of that is to ensure that frivolous applications are not made but at the same time to ensure that the fee is not more than that which is fair and appropriate so that the intent of the legislation is not subverted by an outrageously high fee and preventing people from using the legislation. Some people are a little cynical about legislation such as this Mr Speaker and suggests that it causes public servants to write more on those little sticky yellow notes which can be peeled off before the file is photocopied. I like to think that our public service is too professional to adopt practices such as that and that our public service would see the merit in ensuring that Government in Norfolk Island becomes more and more accountable while at the same time it does not become totally unworkable and I seek members support for the motion thank you

SPEAKER Thank you. Further debate. No further debate Honourable Members? Then I put the first matter, which is the amendment that you have proposed Mr Brown. I put the question to you that the amendment be agreed to

QUESTION PUT
AGREED

The amendment is agreed

Thank you. We now have the motion as amended and I put that to you

QUESTION PUT
AGREED

The motion as amended is agreed

PLAN OF MANAGEMENT FOR NORFOLK ISLAND AIRPORT

We resume debate on the question that the Motion be agreed to and Mr Brown you have the call to resume

MR BROWN Mr Speaker in this case also I seek leave to move an amendment that is by deleting the word "possible" on the second line of the motion and inserting in its place the word "convenient"

SPEAKER Is leave granted? Leave is granted thank you

MR BROWN Mr Speaker the Norfolk Island Airport is the largest area of land owned by the Norfolk Island Administration. It is an area of land which with proper planning for the future will be a very valuable resource. If Norfolk Island one day wants to become a technology park, there is land there to do it. If one day we decide that allowing someone to farm the airport is a better idea, there is a lot of land there on which that could be done. If we decided that the very best use for it is to put solar panels on it and collect electricity in that fashion it could be done. I think it's very important that whatever we do with that land be planned and I think it's very important that we don't allow it to be put in various areas to unplanned uses now if that might result in the future in the whole of the airport land really being unable to achieve the potential that it has. This motion was passed during the life of the last Legislative Assembly. I'm not sure how much work was done in order to prepare the plan at that stage but there's been plenty of time and in my view it is essential that a airport management plan be prepared now and I seek members support for the motion

MR I BUFFETT

Thank you Mr Speaker it's not so much a debate Mr Speaker but simply to inform the members that yes, we are fully conscious of the important of this plan as what we are doing with the land initiatives. We are awaiting survey information following the visit of the surveyor in February in respect of what might be called the airside operations, the OLS and the other part of the plan as this is to be a two part plan, one dealing with airside matters and the other with airport land use matters that are outside the airside ones and they are being currently worked on. I had hoped for a target date of the end of March. In the Legislative Assembly agreeing to this motion we may see this one come to fruition fairly quickly with the work we are doing on land matters and of course, we need to identify as Mr Brown said, what are the uses for the airport land

MR GARDNER Thank you Mr Speaker in the preparation of that plan I hear want the Minister for Land and Environment is saying, my only question is, is there any possibility that the development of that plan may impede the development of our waste management system

MR I BUFFETT Thank you Mr Speaker but I would have thought quite the opposite. I would have thought that that plan would comprehend all the existing or proposed uses and the people who are preparing the plan would identify areas that are available not forgetting that this will be a sub plan to the master plan in terms of some of the things that we do and that the airport plan, given that the intended use of the area does not interfere with our requirements to have the airside plan operate and to allow aircraft to come in and out of Norfolk Island. I can't see where it would impede any proposals for waste management

MR GARDNER Thank you Mr Speaker the purpose for asking that question is that the Minister has referred to receiving notification from the Commonwealth for the extension of the time frame to allow for the establishment of our waste management system and I just want to make sure that the airport plan because it hasn't been developed is not going to impede the establishment of our waste management system because of time

MR I BUFFETT Thank you Mr Speaker if the Minister wants a clearer, definite answer in tying those two matters together I think that's why I've indicated that a date towards the end of March as the completion date for anything to do with waste management and understanding that, that waste management has to go through the planning procedure before its placed there but we have until the end of October 2002 in terms of complying with the grant funds that have been received through the coast and clean seas programme

MR GARDNER I have nothing further to add other than I am aware of how long it can take for plans to come to this House, as we have seen with the plans of management for the reserves

MR NOBBS Thank you Mr Speaker my understanding is that the plan was virtually complete as the proposal was passed by the last Legislative Assembly and my understanding was that it was virtually complete and the only difficulty was whether it should come in before the plan or after the plan or where it should be and I mean, it should be finished. It's a fairly simple document and I should imagine that at this particular point in time quite a number of fencing changes should be made and there should be some legislative change to allow the people to go onto a designated airport area which has been fenced at the present time and which is still covered by the airport legislation. Those sorts of issues and there fore legally you shouldn't be going into some areas of the airport which are freely open to the public at the present time and those sorts of issues should be clarified. There should be a fencing out of a large portion of the

airport which is currently being mown and I can't see why this issue hasn't been completed already. I thought it was well on the way

SPEAKER Thank you. We have the motion in front of us Honourable Members and the motion is with the adjustment in words for which you have agreed. The question that the Motion be agreed to

QUESTION PUT
AGREED

That motion is agreed thank you

FIXING OF THE NEXT SITTING DATE

We have concluded Orders of the Day. Fixing of the next sitting day Honourable Members

MS NICHOLAS Mr Speaker I move that the House at its rising adjourn until Wednesday 24 April 2002, at 10.00 am.

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

QUESTION PUT
AGREED

That motion is agreed thank you

ADJOURNMENT

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

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

MS NICHOLAS Thank you Mr Speaker. This comes in the form of a mea culpa. At a recent informal meeting of Legislative Assembly members I made an error of judgement and it was to do with pasturage rights. I confess to having known nothing about the matter at hand and was led by what seemed to be a general consensus around the table at that time and I was wrong to have allowed myself to have been swayed. At the time, I wondered why, when application for pasturage rights closed on 31st December, we were dealing with the matter at what seemed to be the 11th hour. A matter of days before a gazette notice was required to be published. It was only then a matter of days prior to the publication of the list of successful applicants and why was that? Why had it taken two months to get the information to the Legislative Assembly members? If I had more time to consider the matter and taken wider advise I suspect that I would have reached a different conclusion and again, it was an error of judgement on my part to decide a matter which is of some significance related to many on the Island on what amounted to be the spur of the moment and I had questions then and I have even more now about the system which prevails. I believe that at the time it was discussed the CEO undertook to take up on the matter of a compilation of a register for the Legislative Assembly's consideration containing details of residency status in terms of whether or not the applicant is resident on the Island or if not, for what purpose is he or she absent. The number of acres or hectares held, the number of stock etc and that these factors should be taken into consideration when allocating grazing rights. The matter of whether or not grazing rights should be decided by ballot was also mentioned at that time. I look forward to considering a paper

which is brought forward by public service and I will undertake not to make decisions on the spur of the moment, thank you Mr Speaker

MR I BUFFETT Thank you Mr Speaker just one small matter given the closeness of Easter perhaps before we disband I could wish everybody a safe Easter

SPEAKER Thank you Mr Buffett. Further participation Honourable Members? The question before us is that the House do now adjourn. Is there any 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 24 April 2002, at 10.00 am.

