

PRAYER

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

Thank you Honourable Members. If you would feel more comfortable gentlemen without your coats would you please feel free to remove them

CONDOLENCES

We move to condolences, are there any condolences this morning?

MS NICHOLAS Thank you Mr Speaker. It is with deep regret that this House records the passing of Paul Scott Jackson who was born on Norfolk Island on the 15th September 1974. Paul was educated in Norfolk Island, New Guinea and Umina in NSW. The major part of his schooling was done on Norfolk Island where he completed his year 10 studies. Paul went straight from school at the age of 16, to serve for six years in the Australian Navy based in Cairns; he was posted to the patrol boats HMAS Warnambool and HMAS Ipswich. One of the highlights of his life was when the HMAS Ipswich called in at Norfolk Island where he was able to show off members of his family to his fellow crew members. Paul married Christine Sutton and continued to live in Cairns before moving down to Umina, returning to Norfolk briefly in mid 1998 where he worked for a time at Irvine's before moving back to Gympie. He was a devoted family man and protective towards younger family members. Paul has always had a strong love of the sea and spent much of his time on Norfolk fishing with anyone who would take him and had particularly fond memories of fishing with his grandfather Gilbert.. He was a keen surfer and footballer representing Norfolk Island as a member of the junior football league. To Paul's family; his father Douglas, mother Helen, his wife Christine and daughters Taylor and Paige, his brothers Gilbert and Troy and their families, his "pop" Gilbert and his extended family, Margaret, Lisa and Cheryl - this House extends it's deepest sympathy.

SPEAKER Ms Nicholas thank you. Honourable Members as a mark of respect I invite you to rise in your places for a period of silence. Thank you Honourable Members

PETITIONS

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

GIVING OF NOTICES

There are no notices this morning.

QUESTIONS WITHOUT NOTICE

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

MR SMITH Thank you Mr Speaker. My first question for today is to the Chief Minister. Last year I think as Norfolk Island was concerned wasn't particularly productive year through nobody's individual fault. I wonder if the Chief Minister could outline what he has as goals within his portfolios over the coming twelve months, where he sees that Norfolk Island should be taken over the ensuing period. I realise that this is a difficult question without any notice to Geoff which I didn't give him, and I would be quite happy if he would undertake to come back to the next sitting and

advise us as to what he sees as the goals in his area would be for the coming twelve months

MR GARDNER Thank you Mr Speaker I have a series of statements this morning on different portfolio responsibilities that I administer and contained in some of those statements are exactly some of those goals that Mr Smith referred to. Certainly I'm quite happy as I'm sure other executive members would be happy to undertake a similar task and be able to provide some idea of the goals that they expect to achieve over the next twelve months at a later date or at the next sitting certainly

MR SMITH Thank you Mr Speaker I would also like to ask the Minister for Land and the Environment a similar question, what he sees as the goals that he has in his portfolios as far as Norfolk Island is concerned over the next twelve months and likewise, if it would make it easier, if he could bring that back at the next sitting what those might be I would be quite happy with that

MR I BUFFETT Thank you Mr Speaker Mr Smith will hear from the statements that I have to make in respect of a number of matters in my portfolio where we are heading with the matters that are on foot that were commenced last year and are hoped to be completed in the first half of this year and certainly at the March sitting I will indicate or advise the members and the community what is planned for the forthcoming year but generally matters in my areas such as public health, quarantine and agriculture I've already commenced that process within the public service and had meetings prior to this in January to set these matters on foot so that we can get somewhere with some of those issues over the next twelve months

MR SMITH Thank you Mr Speaker could I ask that question of the Minister for Finance Mr Donaldson what he sees as the goals that he has in his portfolios as far as Norfolk Island is concerned over the next twelve months and likewise, if he has statements that covers some of these things today and also if he would like to bring some information back at the next sitting I would be quite happy

MR DONALDSON Thank you Mr Speaker I believe that the most important goals for the next twelve months is achieving and maintaining financial stability in the area of finances and otherwise to fund Government projects but I'm quite prepared to make a more full statement on that at the March sitting

MR NOBBS Thank you Mr Speaker I would like to ask the Chief Minister and Minister for Intergovernment Relations is it correct Minister that the Australian Parliament's Joint Standing Committee on the National Capital and External Territories which is the committee responsible for the electoral issues recommendations in relation to electoral changes on Norfolk Island is it correct that this committee will be visiting Norfolk Island in a few days time and can he explain what is the reason for this visit

MR GARDNER Thank you Mr Speaker and thank you Mr Nobbs for that. As members would be aware and the listening public would be clearly aware the visit of the Joint Standing Committee on the National Capital and External Territories have publicized their visit in the Norfolk Islander in recent weeks. The purpose of that visit has been clearly set out in the most recent communication from the Chairman of that Committee, Senator Ross Lightfoot in a letter to me of the 23rd January 2003 and the objective as stated in that letter of the committee's visit is and part of the objective of the committee's review is of the annual reports of the Departments of Transport and Regional Services and Environment and Heritage and it is to monitor the development of services and the implementation of programs by the

Commonwealth on Norfolk Island to a standard commensurate with equivalent mainland communities. The purpose of the forthcoming visit for Mr Nobbs information and the listening public's information is to enable the Committee to better understand the respective roles of the Commonwealth and Norfolk Island Governments on the Island and to learn the Norfolk Island community's view

MR NOBBS Thank you Mr Speaker a supplementary. Has the Norfolk Island Government provided a submission to the Committee

MR GARDNER No

MR NOBBS Is it correct that a letter from the Chairman to yourself Minister on 3rd December last year advised that as you are aware as part of this review of the 2001/2002 annual report of the Department of Transport and Regional Services and Environment and Heritage the Committee is planning to visit Norfolk Island in February. Do you recall that letter and then you quoted from the 23rd January 2003 some two months later where there appears to be a change in what the Committee is looking at and is it correct that that second letter contained two and a half pages of rather small typing of a series of questions from the Chairman which referred in large part to the Department of Transport and Regional Services submission which I understand is available on the Internet

MR GARDNER There have been a series of letters since the Joint Standing Committee were given their reference by obviously the Minister responsible to enquire into the annual reports of both Departments and my recollection is that that occurred sometime in July of last year and very clearly the publicity that surrounded the reference of that Committee it was made very clear at that time that it was a Committee inquiry into the annual reports for the year 2000/2001 of both of those department. Now in relation to that when I sought further information from the committee secretariat I actually asked for hard copy of those two annual reports and lo and behold the copies of the reports that I received for the year 2001/2002 so in actual fact we were looking at different documents, or obviously the Committee was looking at different documents to the documents that they had indicated were the subject of their review. The letter that Mr Nobbs referred to I can't quite recall being in December. Certainly the attached issues and questions that have recently been submitted to the Norfolk Island Government were attached to that letter that I referred to earlier of the 23rd January where there are a number of issues that the Joint Standing Committee found of interest and questions that they had for the Norfolk Island Government

MR NOBBS Thank you Minister for those answers. Can you just tell me or the community what the Norfolk Island Government is doing about it. Are you meeting with the Joint Standing Committee or do you intend putting up submissions or what is the plan. By the look of these questions – defence. I think it should be attack

MR GARDNER Thank you Mr Speaker as was agreed by members around the table Mr Speaker when we discussed this issue it was agreed that I respond in a fashion to the secretariat of the Committee letting them know that those matters that we considered relevant to their inquiry that we would respond in writing at a later date and that is our current position

MR NOBBS Will the Norfolk Island Government be meeting with the Joint Standing Committee or not or will they be appearing at the public hearings on the 18th February or what's the programme for the community to know

MR GARDNER We won't be running a formal submission at the hearings on the 18th February

MR NOBBS So the Minister won't be meeting with the Joint Standing Committee

MR GARDNER The Joint Standing Committee will be attending these Chambers Mr Speaker on Monday next to meet with all members of the Legislative Assembly and will have the opportunity I would think to discuss issues more widely that may be of interest to the Joint Standing Committee so they are able to glean individual members' views on different subjects at a function to be held later that evening

MRS JACK Mr Speaker thank you. My question is to the Minister responsible for the Road Traffic Act. Can the Minister advise given the recent accident on the Mt Pitt project, what action can or will be taken to ensure that industrial equipment operating on Norfolk Island meets appropriate safety standards to provide safe operating conditions for our workers

MR D BUFFETT Thank you. I'll endeavour to respond to that when I come to the floor in a moment

MRS JACK Sorry, I was under the impression...

SPEAKER Unless Mr Donaldson was seeking to make some interim response in terms of some of the components you've mentioned

MR DONALDSON Well I could probably make some interim response to that question but I haven't got responsibility for the Employment Act or Occupational Health and Safety. Just as a general answer to that question there are requirements in the Employment Act for safe working conditions. They are the responsibility of the employer to provide a safe workplace. There is also a responsibility on the employee to have duty and care to look after themselves. As for direct relationships with the Road Traffic Act and the safety of motor vehicles I would have to take that part of it on notice or perhaps leave it for you to handle Mr Speaker

MRS JACK A compensation question then. Would the Minister please explain what methods are available in ensuring that employers not only provide the proper safety equipment but that employees use that equipment. This is in view that the most common workers compensation payments are for eye and back injuries and that these injuries come from perhaps only two types of industries found on the Island and even though workers compensation payments were down compared to the previous year by some \$77000 is there a failure by any occupation health and safety legislation

MR DONALDSON Thank you Mr Speaker part of my previous answer answers this one. That is Section 49 of the Employment Act, that requires the employer to provide safe working conditions and also to provide the necessary safety equipment. Section 52 of the same Act requires employees to have a duty of care and to use that safety equipment. I'm not sure at the moment if there is any offense not to wear protective eye gear, hard hats or whatever it is. That's something that will be looked into as a result of current issues. There are inspectors appointed under the Act. Those inspectors may enter land and buildings to ensure that the Act is being complied with, but the policy that has been adopted in those inspectors carrying out their work is that they don't have random inspections, they respond to complaints or they respond to enquires from employers or employees

MRS JACK Mr Speaker thank you. Just further on that, given that the island does have an Occupational Health and Safety Officer but no Occupational Health and Safety legislation would the Government consider it prudent to adopt the relevant legislation from one of the mainland states and do you Minister, indeed, does this Government consider this lack of robustness within our legislation to have any priority

MR DONALDSON Thank you Mr Speaker, once again it gets back to the Employment Act part 4 which deals with safe working practices and there are quite a few stringent requirements in there. What is lacking at the moment is a code of practice that has to be adopted and the code of practice will specify the safety equipment to be used on building sites and that style of preventative measures. It is a matter of priority and the recent accident has highlighted it once again but it has been a matter that has been slowly being attended to since 1988 when the Act came into force

MRS JACK Given the view of the recent accident and you mentioned the word priority, is this actually going to get the priority it seems to deserve

MR DONALDSON It's certainly going to get priority in that it will be done as soon as possible but priority is a relative word. There are other pressing matters too that have to be attended to in Government business but the staff are working on it right now

MR NOBBS If I may Minister, would you be prepared and it might be appropriate if you do to just explain to the community the processes that were gone through after the accident. Is there to be an enquiry or has there been an enquiry. Those sort of issues are something that I think the community need some advise on

MR DONALDSON The matter is being looked into, is being enquired into by our safety inspectors, by the police and by other people but because it is a current issue that is probably not appropriate to comment too greatly on that specific accident

MR NOBBS I don't want to know the specifics of it, but I think the community if I may, wishes to know that a coronial enquiry or what sort of enquiry do you have, and the processes involving workers compensation are they adequate for the current arrangements

MR DONALDSON There won't be a coronial enquiry. I think a coronial enquiry is only conducted in the case of a death. There will be an inspectors report and as a result of that report further actions may take place but as I said, that is work in progress at the moment and I can't speculate as to what the outcome will be. There is to my knowledge nothing in the Employment Act to allow a coronial type enquiry into specific accidents

MRS JACK Mr Speaker thank you I ask the Minister with responsibility for the Waste Management Centre and the Plans of Management for the Airport the Minister for Land, I ask him when can we expect draft copies for these two enterprises. We have been waiting some time from August and we are still waiting

MR I BUFFETT Thank you Mr Speaker Mrs Jack has covered successfully two separate topics in her question. Let me deal with the Waste Management issue first. I will be making a statement on this issue in Statement time. In respect of the plans for the airport that is both airside and the available land use at the airport, I too have been waiting for those plans and less than a week ago I had

some meetings with the Public Service and expressed the need to have those completed urgently and I too am waiting for those draft plans to come to me in respect of the airport

MR NOBBS Thank you Madam Deputy Speaker to the Minister for Environment, the Norfolk Island Plan was passed by this House some months ago. What has happened to it, is it in operation or what is happening

MR I BUFFETT Thank you Madam Deputy Speaker I will also be making a statement on the land package initiatives but in respect to Mr Nobbs question, the plan that was passed by this Legislative Assembly will not become operative until such time as the new package of legislation is assented to which brings the new plan into place and the package of legislation is commenced by that will be covered in some of the matters that I will be discussing in my statement later on this morning

MR BROWN I direct this question to the Minister with responsibility for Emily Bay. Is it a fact that jet skis are again operating within Emily Bay and Slaughter Bay. Is it a fact that some of those jet skis are towing water skiers around the pontoon in Emily Bay and is it time to give up on the concept that the jet ski riders are monitoring their own activities and to totally ban them from those areas of the island

DEPUTY SPEAKER NICHOLAS Thank you. I call for a volunteer. The Minister for Jet Skis

MR I BUFFETT Thank you Madam Deputy Speaker perhaps it's a two stroke question I'm not sure but in respect of that that is the first complaint or comment I've had in respect of the jet skis following the last time a question was asked and some discussions were held. If that is the wish of this Legislative Assembly then we would need to take those matters on board and do two things. The first one is to see what jurisdiction we have in putting regulations in place to cover activities within Emily Bay and secondly to deal with the question of the use generally of the Emily Bay area because we can't restrict it purely to water jet skis and once we start dealing in that issue then we need to look at how we are going to use and occupy the whole area as a recreational area

MR NOBBS Thank you Madam Deputy Speaker can I ask a supplementary to that please. Just in relation to the use of the area Minister is it correct that there's been a refusal to allow the Wetls Bus to be parked at Emily Bay

MR I BUFFETT Thank you Madam Deputy Speaker that's the first I've heard of an actual refusal. It certainly hasn't come from me nor have I been asked for recommendations in respect of a refusal or otherwise. I will chase that on behalf of Mr Nobbs and have a definitive answer to him to him for the next meeting

MRS JACK Thank you Madam Deputy Speaker I ask this question of the Minister responsible for the HealthCare fund and I refer to the financial statement for the year ended June 30th 2002 a document that was tabled in the December sitting and ask what steps the Minister has put in place to overcome the fact and this quote comes from a summary within that document "that this fund has the worst debt collection record of all the Administration services especially in light that a levy defaulter retains membership of the healthcare fund and he she is entitled to receive reimbursement for medical claims on the same basis as a financial member". What is being done to stop this rorting of the system

MR D BUFFETT Thank you Madam Deputy Speaker. Those parts have been accurately identified in the Healthcare Report that's been presented. It is a perpetual problem and obviously is a continuing problem. I think however that this factor needs to be understood, that you have a fund that is a compulsory fund that is designed to cover all people within the Island or you don't and if in fact you are going to allow people to drop out because they don't pay then you are not achieving that because there is an option to opt out of it by not being a financial contributor so there is a) compulsion to pay and that means that the scheme is compulsory. The matter of gaining the funds from the participants is then a matter of the normal debt collection process. It is not a matter of canceling them out of the fund. If members want to adopt that attitude then that will be a considerable shift in how that particular institution is administered and it can be examined if that's what you want but that is not how it runs at this moment and therefore people who don't pay fall into the normal debt collection process. We all know that that is a process of difficulty not only in the healthcare area but it certainly is also in the healthcare area. It exists a lot in health related areas. The hospital is another for example. Without a doubt we should try and improve our debt collection processes but I'm not too sure that the answer is to cancel people out of the scheme that is designed to cover everyone

MRS JACK Given that this levy goes towards building a revenue base to pay out people who need payment from the levy and that ..

MR BROWN Point of Order Madam Deputy Speaker this is question time not statement time

MRS JACK Thank you Madam Deputy Speaker I'll rephrase my question. What is the Government doing to make sure that the \$14000 outstanding in 2000/2001 that grew to \$52000 in 2001/2002 doesn't extrapolate even more

MR D BUFFETT Thank you Madam Deputy Speaker there are efforts to endeavour to improve the debt collection process

MR BROWN I direct this question to the Minister for Community Services and Tourism is the Minister able to advise the House and the community of the present plans to recruit a permanent CEO and a permanent Hospital Director

MR D BUFFETT Thank you Madam Deputy Speaker the first one first. The Chief Executive Officer. There are persons acting in both of those two posts. In terms of the first, the Chief Executive Officer of the Public Service I have asked for time frames and benchmarks to be prepared so that I might come forward to members with recommendations as to a) the processes and b) the timeframes to undertake that task. There have been indicative figures given to me to date and we will need to complete that process if I remember correctly by April, towards the end of April and I am almost in a position to come forward with some recommendations as to the timeframes for that and the criteria to be applied. There will be a consultative process with members. It is pretty much the same answer in terms of the Hospital Director. There will be a recruitment process of course for both of those tasks and there are processes now to define the task in the way that we would want it to be so that it might be advertised and filled on an application process

MR BROWN A further question to the Minister for Community Services and Tourism, does the Minister yet have any indication of the likely date on which the decision of the Public Sector Remuneration Tribunal will be handed down in relation to the recent Public Service pay claim

MR D BUFFETT Thank you Madam Deputy Speaker the answer is yes I do have detail about that, a determination has been made and I will be making an announcement later in this sitting and tabling that. It was received yesterday afternoon

MRS JACK Thank you Madam Deputy Speaker I ask this of the Minister for Community Services and Tourism, what are some positive outlooks regarding the future of tourism on Norfolk Island given that to many business people in Burnt Pine in the month of January was one of the worst on record

MR D BUFFETT Thank you Madam Deputy Speaker yes. Mrs Jack I was distracted when you commenced that question could you just repeat the first part of it please

MRS JACK What are some positive outlooks regarding the future of tourism on Norfolk Island given that for many business people in Burnt Pine the month of January was one of the worst on record

MR D BUFFETT Thank you Madam Deputy Speaker there are some positive outlooks. The figures that we have and I will be tabling figures in the normal course as this meeting progresses, the figures that we have today particularly for January have shown a marked improvement on last year, mind you, that's not a good benchmark because last year was not a very good year at all but it is approaching the figures of the year before that which was of quite a respectable year and there are signs that they are continuing into the months that we have in front of us. There have been a number of significant campaigns in conjunction with the Norfolk Island Tourist Bureau and other players and the feedback at this time although some of that is informal, are that bookings have been generated for the months that are approaching

MRS JACK Thank you Madam Deputy Speaker. When tourist numbers are published Minister are day trippers or overnight stays included and if the answer is yes to either, how relevant do the overall tourism figures remain

MR D BUFFETT Thank you Madam Deputy Speaker as I understand the figures that come to me, they do include the day trippers. I have commenced a process to segment them so that it can be clearly seen what component of those figures constitute day trippers and that might be more useful to those who work on the figures and need to make interpretations from them

MRS JACK Thank you Madam Deputy Speaker, with a second airline now in operation is Norfolk Island getting greater market share or do we still have the same market share but now divided between two airlines

MR D BUFFETT Thank you Madam Deputy Speaker the indicator from the second airline, the more recent that is commenced indicated to us when they commenced the route that they would want to grow the market, not share the cake. I think in fairness it needs to be given a reasonable period of time to see whether that is fact or fiction. The figures that have been extracted to date show that there has been a growth in the market but I think it must be acknowledged that it is not huge at this moment but there has been an element of growth and the plan of course is that that growth be improved upon

MRS JACK Just a final supplementary if I may. In what position does this place the airline, and is the Government going to once again have to step in with provisional funding for advertising campaigns

MR D BUFFETT Thank you Madam Deputy Speaker the funds that the Legislative Assembly provides to the tourist Bureau are in the main for marketing campaigns. There are a variety of means that are used. Some are in conjunction with wholesalers which then flows on to airlines, but there are a range of advertising and marketing methods used so yes, some of them do entail co-operative arrangements that include airlines, and includes both airlines that travel from the Australian sector and the New Zealand airline

MR NOBBS Thank you Madam Deputy Speaker I ask the Chief Minister, at the December meeting I asked a question in relation to a cybercentre proposal for Norfolk Island and from your answer it appears that it has been reactivated. Are you prepared to provide details of the proposal

MR GARDNER Thank you Madam Deputy Speaker, yes I certainly am but that is of course subject to agreement by members Monday next when we will be talking through the terms of the proposal with one of the persons involved in that. It's gone from a situation of a consultants proposal to a joint proposal based on the assistance of a consultant combined with our own in house expertise but as soon as the details subject to agreement by this House are available then I will publicise them

MR NOBBS Thank you I ask the Minister for Lands and the Environment, what progress has been made on the Cascade cliff project investigation and legal action

MR I BUFFETT Thank you Madam Deputy Speaker that particular piece of litigation is still ongoing. In respect of that and in light of the fact that there are a number of issues that are contingent on it for example access to rock stockpiles and that, I have had a meeting with the Legal Service Unit and have asked them to see if we can reach some finality prior to the end of the month of February

MR NOBBS Thank you Madam Deputy Speaker I ask the Minister for Community Services and Tourism, is the Minister prepared, given that public funds are involved, is he prepared to provide details of the recent termination of the Chief Executive Officer and the Hospital Director as well as the pending early departure of a doctor currently at the hospital

MR D BUFFETT Thank you Madam Deputy Speaker I have in terms of the first matter that is, the former Chief Executive Officer, consulted with members about the process and the amounts when that happened. That of course was last year and that matter is now settled, although difficult at the time, and it is a matter that is now behind us. Whilst I shared all of that information with the members at the time including the amounts, I don't see a real reason to be revisiting the matter at this time. In terms of the other two matters yes there have been varying amount in terms of the other two posts that have been mentioned. I really don't think that there is great benefit in revisiting first and the other is about to conclude in light of all the difficulties that surround him. They have been satisfactorily drawn to a close. We have all been aware that there was some difficulties indulging financial difficulties that had to be walked through, they have been amicably settled and I think we should concentrate on the way forward in lieu of trying to rake the situation, a situation that in most cases is behind us now and in one case is about to be concluded this week

MR SMITH Thank you Madam Deputy Speaker mine is a supplementary question along the lines that the answer that was given, I understand what the Minister is saying, we don't want to rake over things that have happened in the past but I think there is a fair amount of public concern, even though we achieved what

we set out to achieve, but about the amount of money that was spent and I don't see any reason why the Minister say what it costs, so could the Minister please attempt to give us an answer, even if it is a round figure, of what it cost for the departure of three people

MR D BUFFETT Yes. Well none of those figures are immediately in my mind. If you want a round figure, in respect of the first, members know what these figures are so don't kid yourselves that you are trying to get it out of me. Members know the figures in respect of the Chief Executive Officer, I shared all of that with them so...

MR NOBBS Point of Order. That is an accusation being leveled at me, an imputation at me. I don't agree with it because I don't know. I know the first figure that was brought out was \$150,000 odd...

DEPUTY SPEKAER NICHOLAS Your Point of Order Mr Nobbs

MR NOBBS An imputation against me by the Minister

MR D BUFFETT Thank you Madam Deputy Speaker the member will have to make his own interpretation from that. Let me repeat, that in terms of the Chief Executive Officer I discussed...

MR BROWN Point of Order Madam Deputy Speaker. This is an attempt to be helpful. If we are going to talk of precise figures in relation to individual people we need to give thought to our standing orders. I wonder whether it would be helpful for the Minister to simply give a gross figure so that there is no breakdown between individual people

MR D BUFFETT Yes, I can do that and let me do some sums and come back and advise you about that

MR NOBBS Thank you Madam Deputy Speaker I ask the Minister for Health, funding for a telemedicine project has been provided, equipment has been purchased. I understand that nothing is happening with this particular project. Is it proposed that we will be initiating this most important project and getting it up and running

MR D BUFFETT Thank you Madam Deputy Speaker I reported to the House at another time that we had purchased equipment, we had set aside a room and equipment had been installed. We had, had some exploratory testing of the equipment. We found that the band in terms of the information band to work the equipment needed to be expanded and that there was some work being done to achieve that, in other words it was achieved as I understood it. I've got to say that before coming to the House today I have not checked whether that has been concluded but my understanding was that it would be possible to achieve that. I may be able to give you some response before we conclude today but the answer in terms of do we plan to use is, the answer is yes

MRS JACK Thank you Madam Deputy Speaker I direct this question to the Minister for Tourism and it relates to the Bicentennial and Integrated Museum. In the current climate of policies where we tend to reflect increased productivity and or greater efficiency can the Minister please detail just what measures are being undertaken to ensure the loss that the café made last year, a loss of \$7500 does not occur again this year

MR D BUFFETT Thank you Madam Deputy Speaker I can talk with the Director of the Museum to see what the plans are in terms of either lifting that out of a loss situation or maybe to discontinue it, or whatever the options are in terms of it

MR NOBBS To the Minister for Finance in relation to the airport fire service. Is it true that there is a proposal that the airport fire service attend all landings and takeoffs of rpt aircraft, that is, those from Air New Zealand Norfolk Jet and Alliance and if this is true, is it correct that the Air New Zealand service currently costs us an average of nearly \$500 per week and thus new services could cost as much as \$3000 per week and possibly more, and will the Government continue its significant subsidy of the service

MR DONALDSON Thank you Madam Deputy Speaker that is true. There have been changes to the Australian Civil Aviation Regulations and the new subregulation 139h will commence on the 1st May 2003. that subregulation requires all airports that have international services provide an international category fire service to that airport. It also applies to airports where more than 350000 passengers passed in the previous financial year but obviously that's not Norfolk Island. The Norfolk Island airport rescue and fire fighting service currently does provide 139h compliance service to Air New Zealand as an international carrier and that's I think category five fire service. There are two schools of thought at the moment as to whether we'll have to have them for the domestic flights and they both come out of Australia. The fire service in Australia has told us we have to meet all regular passenger transport planes or rpt flights to Norfolk Island and another sources which is Air New Zealand and the Department of Transport, that's possibly not true. We still haven't got a ruling on it, we are seeking a ruling as to whether we have to provide this for all RPT's on Norfolk Island be them Australian sourced or overseas sourced. As for costings on it, I've called for costings to be done on what it would cost to meet all flights into Norfolk Island and that's currently being constructed. I haven't been given the details yet but several weeks ago I did ask the Service for costings, but clearly there is implications there, increased costings of running the Fire Service at the Airport should we have to meet all flights, but there would also have to be administered on a cost recovery basis.

MR NOBBS Minister responsible for the Public Service. Is it correct that reporting arrangements within the Administration have been revised to provide for a reduction in the Corporate Management Group from 4 members to 3, why was this change made and are there significant savings.

MR D. BUFFETT Madame Deputy Speaker yes those adjustments that have been referred to have been made. They were the result, after consultation with Members and with major players within the Service who have responsibility for its organisation. The reasons were to have a greater participation by Manager's in the reporting processes and a greater degree of hands on arrangement by those who are involved in the various spheres and not be isolated from the management group and this was an effort to bring that closer, and the reports to date are that that is successful. There are financial savings in terms of reduction in personnel, however there are also some costs in terms of some duties may have additional responsibilities and that needs to be recognised. The result, although it has only been in place for a brief period of time, seems to be working well and there is a willingness on the part of the Service to endeavour to give this matter a good go to see if it will improve both efficiencies and the structures that are within the Service. Members have said to me when I brought it to them that they thought it was worth a go and that's what's happening.

MRS JACK Thank you Madame Deputy Speaker. I ask this of the Minister for Finance. Concerning Focus 2002, when will the draft copy of this paper be presented and has this exercise shown any areas where major savings can be made.

MR DONALDSON Thank you. Stage 1 of Focus 2002, which deals mainly with expenditure items, expenditure review is just about finalised. In fact I've completed my part on it, it's back in the Service for them to read and check out my statements that I've made, it will then go to the working group for them to have a final say on it. All that could happen by the end of the week, it is just about ready for delivery. As to emerging conclusions, I also don't want to preannounce what's in the report, except to say that it has identified areas where savings can be made but not major areas, there's no areas of savings that will actually be the salvation of the budget deficit that we're facing at the moment, but they are ongoing savings that will be made through organisation review and staff procedures.

MRS JACK Has this exercise dealt at all with ways of increasing our revenue base and if not and considering the island's precarious financial state when will you Minister be putting forward different suggestions for this Assembly to consider such new revenue bases and considering that several rather large unbudgeted outgoings that has arisen during this financial year just how is the financial state of the island looking.

MR DONALDSON Thank you. That's about a 3 part question but the Focus 2002 report has mentioned revenue and has recognised the need for additional revenue and has recognised some principles in collecting that revenue. I'm talking about fairness of taxation and equity of taxation. As for the current budget deficit which moves a little bit away from Focus 2002 there's already been 2 very brief draft papers prepared by myself as alternatives for fundraising or revenue raising for the Revenue Fund over the next 6 months continuing on for the life of the Norfolk Island self government. Those proposals have been discussed briefly and are currently being discussed and hopefully something will come out of it that will result in new revenue raising options being adopted in the near future.

MR BROWN I direct this question to the Minister with responsibility for the Road Traffic Act. Is the Minister aware of community disquiet about motorbikes and motor vehicles sound systems which are less than quiet and in particular motorbikes such as a green trail bike, the owner of which appears to enjoy damaging the hearing of anyone within 50 metres as he races by. If the Minister is aware of those concerns can he advise what action is being taken to overcome them.

MR GARDNER Thank you Madame Deputy Speaker. I had proposed to make a Statement in regard to compulsory third party and still do intend to do that and the implementation of compulsory third party legislation on Norfolk Island, and in that Statement that discusses my involvement in the rewrite of the current Road Traffic Act which currently does address those issues, in other words there are provisions within the current Road Traffic Act which can address matters of noise and mufflers and things like that. I guess the difficulty is in policing compliance with those things at the moment. In the proposed new legislation or rewrite of the Road Traffic Act which will be termed the Motor Traffic Act 2003, at this stage in the draft that's been circulated to Members it doesn't go into any greater detail in those provisions than currently exists in the Road Traffic Act but it is something that we need to consider when we are drafting and when we are looking to the passage of that legislation through the House in the next few months Madame Deputy Speaker but really to answer the question clearly and concisely there are provisions there now within the Road Traffic Act clearly my understanding to be able to police those matters.

MR SMITH Thank you Madame Deputy Speaker. A question to the Minister for Community Services and Tourism. Minister I earlier asked your colleagues, Executive colleagues a question which I will ask you as well. Minister can you outline what you see as your goals within areas of your responsibility for the rest of the year 2003. Part of the reason behind the question that I asked before is the community likes to know just what the Assembly is wanting to achieve and it gives them direction. I realise that this may be a difficult question to answer just off the floor but I'd be quite happy if you could undertake to come back like the other Ministers have to the next sitting with an outline of the goals that you see are most important in your areas of responsibility for this year.

MR D. BUFFETT Madame Deputy Speaker I'm happy to give an overview forthwith. That doesn't mean that some detail might not widen this but in terms of an outline can I just respond by saying in terms of the principal industry of tourism there is certainly a goal on my part to endeavour to return the tourist figures to an economic number that we have experienced at earlier times and we are gradually building to do that, but not only is it a numerical situation but we need to also ensure that we are attracting visitors who will offer a yield in a wider spectrum of tourist activities within the island. In other words to attract visitors who have a disposable income, once they have bought their fare, paid for their accommodation, that they have funds to spend in the wider context of the tourist industry within Norfolk Island. Also within the industry there is a need which is being equally worked upon to improve our statistical information so that we have benchmarks on which to judge as to whether the funds that we allocate for marketing and promotion do in fact yield the number and the category of people of which I have just spoken. The Tourist Bureau is equally of that mind and so I mention that as an outline of one goal. In terms of, that's the principal industry. In terms of some key services that exist in the island that I have responsibility for there is some major goals to be achieved. One is the Hospital and Public Health area and I will be introducing some legislation later in this sitting and some other aspects in an announcement later on but that is an area that requires some significant oversight and goals need to be achieved in providing the services in that particular area. Another is education, particularly in the area of vocational training, apprenticeships and training and the transition from formal school education into jobs. Members will know that we have had recent discussions from Department of Education and Training in NSW to facilitate some of those processes and I see that as an important goal. So those are just mentions from 2 services that I think are essential and key to our wellbeing in the community. In terms of some of the key people who undertake these tasks and I'm now talking about the Public Service, there is a need to conclude a number of outstanding arrangements including a lot to do with human resources and how we martial our workforce. Some of this is advancing and indeed again today I will be placing on the table an amendment to the Human Resources Policy which might bring it up to date in terms of a particular area but there are a lot of other areas to be talked through and walked through and brought to a successful conclusion after discussion between employer and employee. I'm very confident that all of this can happen. The environment is much improved in the last number of months and so I think there can be goals achieved with mutual satisfaction in that particular area. That is just an outline Madame Deputy Speaker of some areas that I consider to be important in my portfolio and to be addressed and to be achieved in the year 2003.

MR SMITH Thank you. Could you also undertake to outline at the next meeting like the other Ministers are going to do a more in depth report I suppose on what you think your goals would be in addition to what you have mentioned there and to add to what you've already spelt out this morning.

MR D. BUFFETT
Speaker.

I'll undertake to do that Madame Deputy

MRS JACK

Minister you mentioned apprenticeships. Can you tell me how the work is progressing on getting our apprentices able to fit into the block system in Australia, there was trouble and it was being looked at. Has there been any advancement.

MR D. BUFFETT

Madame Deputy Speaker we identified this difficulty in a number of areas and in December we had a visit from the Director of Vocational Training in NSW and that person had discussions with us here in this room, discussions in the school environment and discussions in the employer environment so that we could come to grips with the difficulties that were presenting themselves. He was to go away and have further discussions in his own department with a positive attitude to providing solutions to the difficulties that we have identified. I had a telephone conversation yesterday in terms of that matter, we should have a report shortly but the indicators are whilst it has probably travelled more slowly than we would have liked, the indicators are that there is a positive attitude in his department and his senior directorate to be able to find solutions to the difficulties that we have identified so that our youngsters will not be disadvantaged and can participate with block releases in the way that we have in mind that would be useful to us. It is not totally achieved yet but the signs are genuinely positive, and when I have the Report of course I will share it with you.

MR SMITH

Thank you. A question to the Minister for Community Services and Tourism in relation to broadcasting. Minister a piece of legislation was put together over the last 2 or 3 years that related to broadcasting and in fact created a broadcasting authority. There was some difficulty in getting all of the legislation finalised but which we did eventually some time mid year last year. It is important under the Act that the broadcasting authority does meet and they haven't been able to up until that particular time. If you haven't already done so could you undertake to arrange to have this broadcasting authority brought to bare I suppose so that they can deal with some of the outstanding applications for television and radio licences.

MR D. BUFFETT

I will do that.

MR SMITH

Thank you. To the Minister for Community and Tourism again. Minister you mentioned about the Administration's debt as far as the healthcare is concerned this morning but the Hospital debt as I understand has now reached something like \$500,000 which is extremely high for the amount of revenue that the Hospital does bring in, I think it's about 25% of its earnings. I know it is a difficult issue of reigning in that debt, although an attempt was made last year to commence a program where people would who attend the Hospital who are not drastically sick could actually pay for their medicines or their treatment while they are there and I think that is the policy but as I understand it that has been fairly lax for quite some years. If you haven't already attempted to do something with that can you undertake to give us some sort of report on where you would like to see that resolved please.

MR D. BUFFETT

Madame Deputy Speaker this was raised with Members when we were going through the budget review process. Firstly the size of the debtors at the Hospital and the methods that might be utilised to reduce that figure. One of the difficulties that we need to recognise is of course that people don't go to the Hospital when they can afford it, they go to the Hospital when they are sick, and sometimes when you are sick you don't necessarily have an affordability at the time,

that is a difficulty. It's not the only difficulty but it nevertheless is a big factor. It isn't a figure that we've never been there before in terms of the figure but it is an unacceptably high figure at this moment and we should make an effort to significantly reduce it. There is an effort to have on the spot payment when people do present at the Hospital but for one of the reasons I've just alluded to a moment ago means that that's not always possible or practical, but there are efforts to achieve that if that is possible or practical. The other of course is to have a more pro-active follow up process in terms of debt collection and the Acting Director at the Hospital has had discussions with me and I have shared this and the Chairman of the Board has also shared this that he is undertaking some pro-active face to face follow up arrangements in terms of especially some of the larger amounts and longstanding amounts, so that we might endeavour to also have another method to reduce the figure.

MADAME DEPUTY SPEAKER Honourable Members time for Questions Without Notice has expired, is there a Motion for extension.

MRS JACK yes, 10 minutes.

MADAME DEPUTY SPEAKER Time for Questions be extended by 10 minutes, I put the question.

QUESTION PUT

MR BROWN No

MADAME DEPUTY SPEAKER Do you seek the calling of the House on the issue Mr Brown.

MR BROWN Yes, we need to get on with the meeting
Madame Deputy Speaker.

MR D. BUFFETT No

MR GARDNER Aye

MR DONALDSON Aye

MRS JACK Yes

MR I. BUFFETT No

MR NOBBS Aye

MS NICHOLAS Aye
MR SMITH Aye

MR BROWN No

MADAME DEPUTY SPEAKER The result of the vote, the Ayes 6, the No's 3, time is extended by 10 minutes.

MR NOBBS A question to the Minister for Environment.
What procedures are currently in place for the disposal of car bodies.

Minister give consideration to his own pecuniary interest in the question. Does the Minister propose to seek the views of the Members of the Legislative Assembly before he proceeds to try to introduce yet another bond for payment by tenants in Norfolk Island and in the event that the Minister does seek to introduce such a bond will he ensure that the bonds already paid to landlords will be reduced as a result.

MR DONALDSON Thank you. I'm quite happy to answer that one. Yes I am a landlord of two properties on the island and I'll go a bit further than that, yes I have been a victim of a TEP leaving the island and not paying the electricity and having to suffer the payment of that electricity myself. I do undertake to progress this matter, I didn't say how I would progress this matter but it would be progressed by discussing it with MLA's, getting their view on it and not enforcing my views on the matter.

MR BROWN If you do decide to endeavour to introduce an additional bond for payment by tenants, will you ensure that the bonds already paid to landlords will be reduced as a result.

MR DONALDSON Thank you. The bonds between the landlord and the tenant is a private matter, there's no legislation controlling it as far as I'm aware. I don't see how we can and I wouldn't intend interfering in that private arrangement between landlord and tenant.

MRS JACK Yes a supplementary thank you. With regards to the Minister for Community Services and Tourism over the Hospital and as stated by other Members the Hospital has sought some extra \$400,000 to carry it through to the end of the financial year. Minister can you give any details as to how you see the Hospital lowering it's dependence on the general Revenue Fund and is this in fact possible.

MR D. BUFFETT It's difficult Madame Deputy Speaker to give a definitive answer to that at this moment. Obviously, hopefully we would think that the Hospital would not draw to the same extent every year that it has needed to do on this occasion. I will talk later about the Hospital moving forward in terms of the Hospital arrangement, both in terms of a piece of legislation and in terms of a report and obviously part of the forward thinking arrangement with the Hospital is to do it better than we've done it before. As to how that will be reflected and to what extent in the financial arrangements I am not able to quantify in terms of monetary dollar terms, except to say that if we do it well, we will be able to make financial savings. However the Hospital is a essential service in the community and it is an expensive one, and somebody has got to meet the cost and it will need to be some element of public purse and some element of those who have the capacity to meet it when they use the service.

MADAME DEPUTY SPEAKER Time for Questions has expired. Do you seek an extension.

MR SMITH Five minutes I move that we do. It's just an important question.

MADAME DEPUTY SPEAKER Is there support for an extension of 5 minutes.

QUESTION PUT
QUESTION AGREED

MR SMITH Thank you Madame Deputy Speaker and Members for allowing this. I think this is a fairly important question. It was an issue that

was raised at the last sitting when there was a Motion to remove one of the Minister's and at the time Minister for the Land and Environment said that one option would be or a good option

MR GARDNER Point of Order Madame Deputy Speaker. This is not Statement time, could the Member please ask the question.

MR SMITH Madame Deputy Speaker there is a question coming at the end of this and I'm quite within my rights to give a little bit of background before I ask the question.

MR BROWN Point of Order. Question time is Question time and it is restricted to that Madame Deputy Speaker.

MADAME DEPUTY SPEAKER Indeed, please put your question Mr Smith.

MR SMITH O.k. Can I ask the Minister for Land and Environment if he has instigated the review of the portfolios of the current Executive as he promoted at the last sitting and as he said he would do and if not, when will he be doing that.

MR I. BUFFETT Madame Deputy Speaker, 2 issues. First I don't think it's unilateral to review the Executive portfolios of Executive Members. My recollection of the matter that I raised was that if the Executive Members needed to look at reallocating amongst themselves Executive responsibilities to allow a bit of distribution of work then I would be more than happy to participate.

QUESTIONS ON NOTICE

MR D. BUFFETT Yes Madame Deputy Speaker there are 2 matters that are listed in my name on Questions On Notice. They are Questions No. 38 and 39, firstly No. 38. It's a question which asks the Minister for Community Services and Tourism will the Minister please advise what action has been taken to compensate patients of the Norfolk Island Hospital who are forced to travel to Australia or New Zealand for medical attention as a result of turmoil at the Norfolk Island Hospital Enterprise during the last year regarding the employment of Medical Practitioners. Madame Deputy Speaker we have experienced a difficult period at the Hospital and our present strategies are progressively recovering these difficulties. I do recognise that some may choose to seek medical services elsewhere and that would be whether in the climate of the past 12 months or otherwise, this does happen from time to time no matter how the medical services are structured. Notwithstanding this situation the Hospital and related public health facilities continued at the Hospital and they continue now. We continue to have a GP service with ancillary services of visiting Specialist programs and other related services. Norfolk Island does have a healthcare scheme which includes overseas referral where required. It must be acknowledged that this services is limited in meeting travel costs but significant in terms of approved overseas medical services. Where people meet the healthcare criteria they will receive financial assistance. Madame Deputy Speaker there are no plans to cover costs outside the existing schemes. If I might turn to Question No. 39

MR NOBBS Can I have a supplementary to that please. I asked the Minister is he referring to people who are forced to go off of their own volition or were referred off by the island because they were unable to, during that processes that we were going through at that time were unable to be treated here on the island because of the kafuffle with the Doctors. In your answer there are you referring to

be recipients of the improved model, when the improved model comes on stream and that as I understand it is still part of the arrangement, if in fact we achieve the first bit.

PRESENTATION OF PAPERS

MR GARDNER Thank you Madame Deputy Speaker. I table the Rules of Procedure in accordance with Subsection 12 (2) of the Public Sector Remuneration Tribunal Act 1992. Madame Deputy Speaker notification of the making of those rules of procedure for the Public Sector Remuneration Tribunal appeared in the Gazette No. 55 dated 13 December 2002. This is the first opportunity Madame Deputy Speaker as the Executive Member responsible for that to table those Rules of Procedure in accordance with that Section of the Act and therefore I table those Rules of Procedure.

MR DONALDSON Thank you Madame Deputy Speaker. I table the Financial Indicators for the 6 months ending December 2002. Just speaking to those papers, it's noted that the Revenue Fund has improved its performance a little bit over the six months and is catching up on some of the delay it had earlier on. It's overall income is 104% of budget, that's \$222,000 surplus on the income side of the ledger. Customs Duty is \$34,000 ahead of budget. Regrettably FIL is \$28,000 behind budget, income from the category Other Charges is \$53,000 in surplus, income from Other Taxes is \$66,000 in surplus. A further pleasing thing is that the Liquor Bond, although the Liquor Bond is an undertaking its been policy at the end of each year that the Liquor Bond profit is divided across to the Revenue Fund it is \$81,000 ahead of budget, so that is good news. Expenditure, Administrative Expenditure which is one of the categories in expenditure is 102% of budget and that's due to a staff termination payout and other costs, Capital Works and purchases, if calculated on a pro rata basis are 118% of budget but as can be explained Capital Works doesn't accrue evenly over the months and that 118% of budget will diminish over the months remaining in this year. Overall expenditure which includes creditors and outstanding orders and outstanding orders at the end of December 02 is on a pro rata basis, \$68,000 under budget. At the 31st of December 2002 the overall budget is in surplus \$244,000 which is an increase of \$163,000 over the November 2002 results. Thank you.

MR GARDNER Thank you Madame Deputy Speaker. Subsection 34 (2) of the Immigration Act 1980 requires that the Executive Member report to the legislative Assembly not later than the 31st of March the number of declarations of residency granted under Section 33 during the year ended on the previous 31 December. I know accordingly report that there were 37 declarations of residency granted during the year ended 31 December 2002 and Madame Deputy Speaker that figure is made up of 8 declarations for spouses of residents who received their General Entry Permits under the special relationship provisions, 4 declarations were for children of residents who received their General Entry Permits under the special relationship provisions and 25 declarations were for persons who obtained their General Entry Permits through the quota. I table that report Madame Deputy Speaker.

MR DONALDSON Thank you Madame Deputy Speaker. Section 2 B (2) of the Customs Act 1913 makes provisions for the Executive Member to exempt goods from duty where duty payable is less than \$200. Section 2 B (5) of the same Act provides that where the Executive Member has exercised this power he shall lay a copy of the exemption on the table to the Legislative Assembly and I so table those exemptions, and for the period of time since the last exemptions were tabled there has been 3 items exempted from duty. \$191-16 was exempted from the Lions Club on the importation of Christmas cakes, \$45 on the importation of Annapack rescue set by the Norfolk Island Rescue Squad and the sum of \$55-28 on the importation of training equipment for St Johns Ambulance and I table that paper.

MR DONALDSON Thank you Madame Deputy Speaker. In accordance with Section 41 of the Interpretation Act 1979 I table the Postal Services Rates Amendment Regulations 2003 and the Postal Service Rates Amendment No. 2 Regulations of 2003.

MR DONALDSON Thank you Madame Deputy Speaker. Once again in accordance with the Telecommunications Act 1992 I signed an Instrument that was Gazetted in the Gazette about 2 weeks ago on a new series of tariffs for operating charges within the Telecom service and I table that paper. Just talking to that paper the charges I'm, talking about are line charges for private phones, business phones, accommodation phones, facsimiles, costs of additional handsets, costs of connections fees, costs of removal and location of lines, plant and equipment hire, labour rates and internet charges. The Schedule that I've signed has 37 items on it, there were no major changes to it, there was only 3 amendments to it that required it to be resubmitted or re-Gazetted and those ones were, 2 new ones and an amendment. There was a new cost attached to the use of the under road borer and that was \$65 per hour after the first 3 hours have been incurred and the first 3 hours remain at \$200. There was a new charge put in for the trencher, when its used on the installation of a phone, that's now \$70 per hour, it was \$60 an hour and there's a new charge for an internet service and this is a new charge for a temporary account establishment fee. For instance if someone comes to the island with their portable computer, wants to connect up to the internet, there is not a \$10 charge to connect up to the internet. All other charges remain the same so out of the 37 charges there are only 3 adjustment and I table that Paper.

MR DONALDSON Thank you Madame Deputy Speaker. At the last meeting of the House in December I spoke about the Annual Aerodrome Technical Safety Inspection 2002 and I undertook to table the report at this meeting and I here so table that report.

MR DONALDSON Thank you Madame Deputy Speaker. This next one I'm tabling relates to expenditure on overseas travel by Administration and Government staff over the period 1st of November to the 31st of January and this just gives a breakdown of the members of the Government or the members of the staff who have travelled, what their travelling allowance was, what the airfare was and what the total was and the reason for the travel and I table that Paper.

MR DONALDSON Thank you Madame Deputy Speaker. I wish to table a Paper detailing virements that have been made between the 13th December 2002 and the 14th of January 2003. Section 32 B of the Public Monies Act require that I table in the House any virements made between votes and I table such virements.

MR D. BUFFETT Thank you Madame Deputy speaker. Firstly can I table the Inbound Passenger statistics for December 2002. This bundle of papers was earlier circulated to Members so that they will be aware of those figures and also the Inbound Passenger Statistics for January 2003. That may not have been circulated, there are sufficient numbers for that to be available to Members now. Could I just look at the January 2003 figures and just report that our figure for that particular month is significantly better than last year but I did mention earlier I think Mrs Jack raised the question to me that that year wasn't the best year that we have had so that is not necessarily a good comparison to make but in comparing to the year before that that is 2001 which was a very respectable year in terms of number the figure equates to that so it has meant that in that particular month of January 2003 there has been a monthly total that is respectable. These figures also show the area visitors have come from and that continues to be a high figure for NSW and it also shows a breakdown in terms of

to help us by just leaving town. In those respects the Report is a failure, but as to the remainder of the Report it is certainly a worthwhile document. Thank you.

MR NOBBS

Thank you. I made some notes when I first read this document and whilst there are some worthwhile issues in here which is fair enough as Mr Brown said the Report I thought was in response to a Motion which was passed by this Assembly and it went nowhere near addressing those particular issues and looking precisely at where things were going as far as the issues which had been of great upset within the community over the last 12 months. I find it quite abhorrent that on page 37 of the Report that some issues that I put down notes beside which I thought showed a little bit of political bias. In relation to this was the resignation of Dr Foong should not be rescinded and I found that quite difficult as the Minister had already made statements in relation to that prior to us or this report coming out and I understood it came out and was given to Members virtually straight away. The other thing that I'm concerned about was that whilst there was no, in fact I think they actually sheeted a considerable amount of blame indirectly to Dr Foong and as Mr Brown had said there was no mention whatsoever of the Court cases, the results, why they were brought on, what the cost was to the community, why they were lost. There was nothing in there to suggest that but then it mentions in here that and I'll read it. To ensure an environment conducive to improving the health system on the island the resignation of Dr Foong should not be rescinded. Now that is to me an atrocious statement and it reflects on the medical expertise I believe amongst other things of the Doctor. It goes on it says, to appease the extremely strong views held by various groups within the community and despite the fact that neither person can be held responsible for this situation Dr Kennedy and Mr Connell be assisted to find employment off the island. We weren't looking at a witch hunt, there was no thought of that but what we needed I believe and the community needed was to actually find out what the cost of the whole exercise, what the reasons were, how it was conducted and why it was such a mess-up and why a particular Doctor was virtually castigated. Those are the questions that we needed answered from the community and I'm particularly concerned having taken the time to provide quite a deal of documentation to the inquiry that none of these issues were really looked at. They turn around and they've attempted to blame I believe on the Nurses which, and there was no mention, all the Doctors apart from Dr Foong seemed to be as clean as a whistle, so I have difficulty with the Report as it is and I'd just like to finally say that it's unfortunate that NSW has one of the worst medical systems in the whole of Australia, so to be critical of ours is a bit difficult. I thought that in my notes here that the Nursing staff appear to have taken the blame as well as Dr Foong for the running of the Hospital, they talk about a Hospital at \$15m unyet the management at the Hospital at the time during this process put up a stand alone unit for the Dentist which seemed rather stupid instead of a staging and new developments of a new Hospital. There's no mention of other issues in there such as drug and alcohol. I believe that the report covers a lot of ground but it's unfortunately is based on political bias and I believe that the information was provided and there was little contact with the actual facility during the, how you can, 3 days and that was largely sitting around a table at Greenwich University is rather a difficult then to come up with a report. I thought they would have actually come back and checked the report before they released it. I'm disappointed in it, as has been said there are a number of issues in here but as far as the two major issues, the one on relation to Dr Foong and also the recommendations in relation to a new Act for the Hospital is virtually what the Minister had already said. So I just really wonder who wrote the Report. Thank you Madame Deputy Speaker.

MR BROWN

Madame Deputy Speaker I'd like to support much of what Mr Nobbs has said. I recall giving a submission to the Committee, I recall being told that the Committee was not interested in discussing the issues surrounding Dr Foong and if that was the case it's totally inappropriate that Dr Foong be mentioned in the way he has in the Committee's Report. Indeed the report has words to the affect

that neither the former Director nor one of the Doctors who's about to leave can be held responsible for the present situation, well I don't know how the committee could have come to that conclusion. The Committee certainly in my presentation to them made it clear to me that they blamed the Nurses for most of the trouble at the Hospital, I felt that was quite inappropriate, particularly in an environment where I've yet to see a single thing that could possibly support it. I was told there are too many Nurses at the Hospital and the Report talks of this, it says the Hospital should be benchmarked against similar sized Hospitals in rural Australia. What must be recognised is that these 3 gentlemen work in the city in big Hospitals, Concord in particular is a huge Hospital, Royal Prince Alfred is a huge Hospital. My understanding of what is happening in rural Australia is that Hospitals are in effect closing. Perhaps a Nurse stays behind and looks after grazed fingers and sore thumbs and takes care of people until they can be moved to a major regional centre but the fact of life is that I think it would be very difficult to find a Hospital in rural Australia that is comparable with the Norfolk Island Hospital. If it's really suggested that you can reduce the number of Nursing staff, let's have a look at how that could be achieved. We have a matron, now called the Director of Nursing, perhaps she could work a normal shift as well as doing her matron's role, so perhaps that's one person could be cut out. If my recollection is correct early in the morning there is an extra person on shift in order to make sure that our senior citizens living at the Hospital have all their morning requirements attended to quickly and efficiently and to make sure that the Hospital can go about its normal routine at the same time. So if we wanted to take that away from our senior citizens we could take one Nurse away there. What would we do next, send the patients home of a night because we'd do away with the night shift, would we do that, because unless we get down to doing that I've identified the only 2 Nurses that you could cut out at the Hospital. How did these gentlemen come to that conclusion, who got in their ear before anyone else. What was involved in the briefing that they had before they came here, I don't know, but in so far as it is suggested that there are too many Nurses I would say that apart from the possibility of the Matron filling more of a normal shift as well there simply is little scope without closing parts of the Hospital down. As I said I support much of what Mr Nobbs has said and my particular disappointment is that the Report has been used for a purpose different to that which was envisaged by this House when it passed a Motion calling for an inquiry into the management of the Hospital. Thank you.

MR D. BUFFETT

Madame Deputy Speaker the environment which generated the need for a report was extremely difficult, it was obviously why it all happened and whilst there have been efforts to solve many of the difficulties it can't be expected that they will all go away in just a month or two, they will require some time for solutions to be finalised and indeed for attitudes to be understanding of some of the difficulties too, and we all know that there have been various views amongst us here and in the Norfolk Island community in its widest sense and some of those views have been very strongly held and very strongly exhibited. It's in that environment there is no real likelihood that a report, when it does come will have universal acclaim. It's understood that there will be people who will still have views no matter which way they were reflected in the report and so I understand, I understand people's attitudes in terms of how they might view it but I do need to say this and I need to say it I think with some a much strength as I am able to muster. That we asked professional people to come and undertake this review, a Medico, a senior Hospital Administrator and another person who has significant experience in project management, much of it associated with Hospitals, and other skills attached to those 3 people, and it is certainly my interpretation that they tackled their task professionally. Some may not like the result. Indeed some may not have liked their methods but I am wanting to emphasise that from my perspective and my observations they handled the task professionally, notwithstanding its difficulties. Yes they do come from a very cosmopolitan, a metropolitan place and the Hospitals there are large ones, but they are also people who

have experience in more rural establishments and know how things happen in rural establishments and rural community's which doesn't always mirror Norfolk Island but nevertheless it gives some understanding of more remote community's and I need to say that I as the Minister certainly value the professional tasks that they undertook notwithstanding that it might not be acceptable to all, and I need to and want to put that on record.

MADAME DEPUTY SPEAKER The question is that the Paper be noted. Further debate. Then I put the question.

QUESTION PUT
QUESTION AGREED

MR D. BUFFETT It is the final one I have Madame Deputy Speaker. Madame Deputy Speaker I have the Public Sector Remuneration Tribunal Determination No. 1 of 2003 and I wish to table this document. It was a document which results from the Public Service Association making a approach to the Tribunal, the Tribunal met in Norfolk Island on Monday the 13th and Wednesday the 15th of January 2003 and yesterday the report was formally delivered and in terms of the legislation I have done 2 things, I have ensured that the Determination is brought to notice of the employer, that is the CEO in this particular instance and the second part is, which I do know, I lay a copy of the Determination before the Legislative Assembly. Can I just make 2 comments about it. One is to just give you the 2 essential pieces in respect of it. It makes a Determination that there be an increase of 5% to wages payable and it be effective from the 1st of January 2003. That is the substance of that particular Determination. There are a number of pages which elaborate reasons for the decisions in terms of it. One other point that I may mention and that's the monetary value of that in terms of impact upon the budget. I'm not claiming to be the Finance Minister but I just want to give this indicator as I have received it in terms of what that means in terms of impact on the budget for the balance of this financial year. It is likely that in terms of the Revenue Fund there may be a figure of something like \$80,000 required and in terms of the GBE's \$62,000 which means an approximate total for the balance of this financial year of \$142,000.

STATEMENTS

MR GARDNER Thank you Madame Deputy Speaker. I wish to briefly report on the current status regarding the review of the Norfolk Island Legal Aid Scheme. A response to the Staniforth review of the Scheme Madame Deputy Speaker was sought from the Norfolk Island Government during the life of the 9th Legislative Assembly. Due to a number of factors the Norfolk Island Legal Aid Advisory Committee were at that time unable to consider the Staniforth Report and provide a draft response for consideration by the then Norfolk Island Government. A number of vacancies existed within the legal Aid Advisory Committee and shortly after the commencement of the 19th Legislative Assembly those vacancies were filled and a priority established by the newly constituted Legal Aid Advisory Committee to address that report. As a result a number of identified deficiencies in the Scheme including reporting requirements Madame Deputy Speaker have already been addressed. In addition a draft response to the Staniforth Report was provided to me in late October 2002 for my consideration. Members of the Norfolk Island Government have been circulated with copies of that response to enable an opportunity for comment prior to preparation of a final response for formal submission to the Commonwealth. As a number of initiatives and recommendations identified in the Staniforth Review rely upon the provision of services by an continuing access to the providing agency being the Legal Aid Commission of the Australian Capital Territory I have as part of the overall review process explored with the ACT Government their willingness or otherwise to continue and expand on the

already established relationship between our relevant jurisdictions. My preliminary discussions with the ACT Chief Minister the Honourable Johns Stanhope MLA in early November 2002 were positive with regard to the continuing support of the ACT Government and their Legal Aid Commission and I am hopeful of receiving written confirmation of that in the near future. Madame Deputy Speaker upon the receipt of a supporting formal response from the ACT Government I then propose to respond formally to the Commonwealth on the Staniforth Report and to include recommendations for the steps required to revise the Memorandum of Understanding and the necessary amendments to the Legal Aid Act 1995 which will better reflect the main findings, thereby delivering a legal aid scheme for Norfolk Island that appropriately meets the needs of persons in the community that are in need of legal aid. Madame Deputy Speaker I made mention earlier that a copy of that draft response to the Staniforth Report had been circulated to Executive Members. It is not my intention that I will leave the other Members of the Assembly out of that and hopefully as soon as I've received the response from the ACT Government it would be considered by the full membership of the Assembly prior to the lodgement of a formal response to the Commonwealth. Madame Deputy Speaker it is appropriate that I extend to the members of the current Legal Aid Advisory Committee my gratitude for their assistance to date in that review process. Thank you.

MR I. BUFFETT

Thank you Madame Deputy Speaker. I have 3 or 4 Statements but I'll deal with one first and see how we travel with time. A short Statement regarding the land initiatives. The revision of the Norfolk Island Plan has been completed and this Assembly has agreed that Plan. The commencement of the Plan awaits assent to the package of legislation. As a majority of that package relates to land which is at this time a non scheduled item they have been reserved for Commonwealth assent. I anticipate and my best guess is this will take place in March or April of this year and that there will be a commencement of implementation phase for those Acts. To ensure that there is minimum delay I am working with the Administration to do the following matters. We are currently preparing the forms to accompany the Acts, we're preparing the zone maps to accompany the Plan, putting together information packages, updating the Administration website to include latest planning and land management information. Along with that we're developing a scale of fees to accompany the package. Madame Deputy Speaker we're also finalising the preparation of the Water and Roads Development Control Plans for public release and comment and of course for decision making by this Assembly. In conjunction with that the final preparations are being done for the Norfolk Island Heritage Register and we are developing documentation and procedures for the establishment of the Planning and Environment Board. Madame Deputy Speaker this Assembly is still to complete its views, comments on the Plans of Management in respect of the Reserves prior to submitting them to the Administrator for making. I would hope that this Assembly will complete their comments and recommendations prior to the end of this month or early in March. Madame Deputy Speaker in respect of those plans for the Reserves I've been advised by the Administrator's Office that the Minister for Regional Services, Territories and Local Government the Honourable Wilson Tuckey has directed pursuant to Subsection 7 1 (e) of the Norfolk Island Act that the plans should be directed to his office for inspection prior to them being made by the Administrator. The Administrator is advised that the reason for such a direction ensures that all concerns in respect of the plans are considered by the Commonwealth and the Norfolk Island representatives prior to them being made and is seen as a means of avoiding the ?? joint land initiative. Officers of the Administration have held discussions with the Commonwealth Officers of the Land Initiative Team and I will keep the members of the community informed of final outcomes. I anticipate that this process should not delay this Assembly's considering and making recommendations in respect of the Plans of Management for Reserves. Madame Deputy Speaker I have held discussions with Officers of the Administration and there is currently being prepared an implementation program for each of the Plans

and this process should allay some fears for the sudden need for capital expenditure and resources once those plans are made. It will set time frames for implementation of the matters contained in the Plans and I am sure that they will be achievable. Madame Deputy Speaker in respect of the land initiative issues that is where we currently stand, awaiting assent of the legislation, finalisation of the consideration of the Plans of Management and then there are other issues associated with that which we will as an Assembly will need to consider. Madame Deputy Speaker that's the short Statement on the land initiatives.

MR NOBBS I move that the Statement be noted. Thank you Madame Deputy Speaker. I appreciate what's happening with the Plans and the legislation and the likes but I thought there was a Joint Task Force being involved in this and I thought that all those issues that could come up as far as the Plan and the legislation would have been dealt with by the Commonwealth at this stage. What are we going through another look at it for. The other thing is really as far as the Plans of Management for the Reserves. If the Reserves are now not to be transferred to Norfolk Island why are we messing around, spending money and the likes on these Plans which really are for areas that we won't control and I would suggest that we pull back from it and in fact I'd go as far as to say that we should charge the Commonwealth for the time that the Conservator has been putting into these Plans which is quite considerable. That's where I stand. I can't believe why this Plan which we had passed has not gone through as is and why we are continually going to look at and finalise the Plans of Management for Reserves which have now been withdrawn from the transfer of land process.

MADAME DEPUTY SPEAKER Thank you. Is there further debate. I put the question that the Statement be noted.

QUESTION PUT
QUESTION AGREED

MR I. BUFFETT Madame Deputy Speaker a short Statement on waste management. This short Statement is to assist the community in understanding in where we are at with waste management and it's my intention with the co-operation of Greenways Press to publish a copy of the final report that was submitted to the Norfolk Island Coasts and Clean Seas Project towards the end of January. Madame Deputy Speaker that report consists of some 24/5 pages. This report acquits the funding that we received from the Commonwealth under the Coasts and Clean Seas Grant Agreement and details of funding that has been provided by the Norfolk Island to this project. I must acknowledge the assistance that we have had from Environment Australia in accommodating the extension of time for completion of the report and securing the funding to progress the project. Madame Deputy Speaker most importantly in this report the set out, the considerable amount of work, input and investigation has been expended and intended to be expended in obtaining for the island an acceptable waste management strategy. Madame Deputy Speaker as far as the Focus 2002 project there was a sub-committee that dealt with and made certain recommendations to the Focus team as part of the major Focus report. They have made some 10 recommendations in respect of waste management issues. At this point the final report of the Focus has not been complete and therefore I am not in a position at this time to know if all or some of the recommendations have been accepted or refused. When that position is clear I will publish the results and the recommendations made by that particular group. Finally in respect of this short Statement and in anticipation I thank Greenways for again undertaking to publish this material and urge the community to read the report and I expect that the first part of that report will be published in edition of the 22nd of February, 2003. It's comprehensive and I think most

of the questions that could arise in respect of waste management will be addressed in that particular report.

MR NOBBS Can I move that the Statement be noted. Thank you. I had some questions actually and left it until the Statement but the Statement doesn't really get down to the nitty gritty. We were told that the contractor would cease at the end of January and I wonder what's happening now as we're into February and nothing has happened, and will the process actually start. I understood that it was going to start in February and I don't know, I really don't know and I think the community needs to know what's happening. Why is it taking so long for the shed to be constructed. It will be rusty next before you get the cladding on it. Those sorts of issues are the ones the community really want to know right now. Is this process continuing under the current contract, is the contractor aware of that. I mean I understood the last time that he wasn't aware until the last day or so, is he aware and when is this going to start.

MR I. BUFFETT Madame Deputy Speaker perhaps amongst all of what Mr Nobbs said then there was a series of questions, some of which related back to last year and some of which I thought I had answered but what I will undertake to do for the community is put those into logical sequence and along with the publication of the actual report in the press I will address those questions in that format, either in the format through the Norfolk Islander or I will actually go onto radio at an appropriate time to address those specific questions.

MADAME DEPUTY SPEAKER Thank you. Is there further debate. The question is that the Statement be noted.

QUESTION PUT
QUESTION AGREED

MR GARDNER Thank you Madame Deputy Speaker. I have a Statement concerning the status of the introduction of third party insurance scheme for Norfolk Island as I alluded to earlier in the Questions Without Notice this morning I had intended to make a Statement. Madame Deputy Speaker recently I viewed an Agenda prepared for a meeting of the Norfolk Island Council for Wednesday 3rd of December 1975. Included in the Agenda items was the item titled Motor Vehicle Third Party Legal Liability Property Insurance. Madame Deputy Speaker that's indicative of just how long this matter has been of concern to not only past Councils but indeed to most if not of all previous Legislative Assembly's. Madame Deputy Speaker on the 31st of January I circulated to Members the first draft of the Motor Traffic Act 2003 and the attached proposed Regulations. That draft is in effect a rewrite of the current Road Traffic Act 1982 which incorporates provisions for the establishment and administration of a requirement to hold a third party motor vehicle insurance policy as a prerequisite to the registration of a motor vehicle. Electronic copies of the draft will if they have not already been made available to prospective insurance providers to ensure that the legislative requirements proposed in the amendments and the arrangements for the provision of third party cover can be met. The draft also seeks, Madame Deputy Speaker to reintroduce registration labels for registered motor vehicles which will assist in the policing of compliance with registration requirements under the Act. Madame Deputy Speaker the Registrar Mr Allen Bataille will be preparing a paper in due course that will clearly set out the effect of the proposed new provisions compared to those existing under the current Road Traffic Act. I am already conscious of some Members of the Legislative Assembly's concerns having not been addressed in this draft and I am proposing further discussion with MLA's on the Bill prior to finalising the Bill for introduction as an exposure draft which we seek comment from the community as part and parcel of the consultation process. Madame Deputy Speaker although this initiative

effectively spans different Ministerial portfolio's the driver and pardon the play on words Madame Deputy Speaker for the rewriting of the Road Traffic Act has been the development of compulsory third party legislation, a responsibility that I have been charged with hence why I have primary carriage of this legislation. Madame Deputy Speaker I will endeavour to keep this House and the community informed on the continuing development of compulsory third party insurance and the other provisions contained in the draft as those matters are progressed. Thank you.

MR I. BUFFETT Thank you Madame Deputy Speaker I have a short Statement regarding Fisheries. This matter has been ongoing for some considerable time and the aim of this Statement today is to reactivate consideration of a number of issues related to the implementation finalisation or otherwise of the proposed transfer to the Norfolk Island Government the area know as The Box. As part of the considerations in respect of this matter the study was funded by the Australian Fisheries Management Authority AFMA to provide the Norfolk Island Government with baseline information on the marine environment and domestic fisheries for the proposed Plans of Management for the reserved area. At the request of the Norfolk Island Fishing Club this study also examined a range of issues affecting the Fisheries and various options for consideration in the proposed Plan of Management. The Report made 3 major recommendations and they were 1) develop a Norfolk Island Fisheries Bill under Schedule 3 of the Norfolk Island Act to replace the legislation contained within the Fisheries Management Act of 1991 which is a Commonwealth piece of legislation. 2) develop a Plan of Management to outline management objectives and provide the management framework to control activities in the Norfolk Island Box and 3) to employ qualified personnel to develop the Plans of Management and daily management of the Norfolk Island Box. This baseline report has been previously published and comments received. The report and those comments are now in the final stages of collation, review and in costing by the Administration. When that is completed I will itemise those matters requiring Assembly decision on policy, resourcing and of course sources of funding. It would be my intention to place this matter on the list of matters to resolve in conjunction with this Assembly and the community over the next few months. Thank you.

MADAME DEPUTY SPEAKER Thank you. Do you have a further Statement.

MR I. BUFFETT Madame Deputy Speaker I have short Statement in respect of army worms and I waited a little bit for Mr Nobbs to ask questions but it didn't arise so I might beat him to the punch. Madame Deputy Speaker on the comments made by Mr Nobbs perhaps this may help. I wish to make a short Statement in respect of army worms in response to comments similar to what Mr Nobbs has made received by me from both Members of this Assembly and persons in the community, and of course the visual impact they are currently having on the island. In short the army worm project ran into the problems of budgetary constraints some 2 to 3 years ago. The budgetary constraints were to a great degree on advice at that time that on the then evidence there was no certainty in achieving long term solutions to the problems, and that the cure may be worse than the disease. Madame Deputy Speaker what I mean by this is that it was a biological control that was being considered and at that time the costs progressed to the next stage carried no real guarantees. The best quote that was obtained at the time to go to the next stage or the next range of studies was between \$40,000 and \$50,000. Madame Deputy Speaker those costs were Consultant costs only and did not include the resourcing of the project locally. The importation of biological controls into Norfolk Island needs to comply with AQUIS requirement and to comply with those protocols Quarantine being a Schedule 3 matter under the Norfolk Island Act of '79. Madame Deputy Speaker if it is the desire to pursue this project further then funding and sources of funding will need to be identified to ensure specificity of the control and compliance with protocols and they are critical. I

must also mention that there are more than one sort of grub that attacks the grass in Norfolk Island and if we're looking at more than one biological control then we can probably double the sorts of monies that we're talking about. Finally in respect of this issue and on this matter the presence of army worm was recorded, or worms. I might drop army because it might be too specific was recorded on the island almost from the 1st European settlement and I also must say Madame Deputy Speaker that illegal import of any biological agents may carry severe penalties under the Environment Protection Bio-diversity Control Act. That Statement was in response to a number of comments I have received on the island and to place the matter in some context.

MR NOBBS Can I move that the Statement be noted. I didn't want to cast any aspersions at Mr Buffett personally because he's obviously copping it too but the situation is a joke because I just put 2 things to you Madame Deputy Speaker. The first one is we are closer to New Zealand than we are to Australia not only in distance but also biologically. Australia we're under AQUIS arrangements to Australia yet if you were to, in bringing a ram which I'll say or a bull or whatever you like or any other animals from Australia of that nature not cats and dogs you require an export permit. So for one thing we're outside the Australian quarantine arrangements and what have you and we need an export permit to do that and I've been to Canberra and wherever I can to get over that because in reality it costs hundreds of dollars actually to gain access to a person with a permit. If you want a full time one which the Admin should have anyhow it costs several thousands of dollars. So in one hand we're saying that we are in the quarantine and AQUIS needs to do all these things and on the other hand they are saying that your outside it and you've got to get an export permit for animals. I mean I find, that's why I've just given up on this. I've started it all about 5 years ago because New Zealand ? that I contacted advised me that they had no problems for the last 10 years and that was in '97 or something with army worm in New Zealand other than in areas where this particular insect was wiped out due to floods in the Waikato or somewhere or other and they had an outbreak after that but it was soon rectified. This testing and all that is the original furphy I can tell you that now, having been in the game I know that there are people who will put up these sort of proposals to get funding for their own research and I find that quite abhorrent and I believe that's what's happening now. I don't believe that we need to go through all the, there's need for some consideration of particular aspects of it but not to the extent that's proposed under this arrangement that we've been subjected to for the last 2 or 3 years and it's held things up. I mean it's not just the visual affect on the island, it's the cost. We've got to reduce our carrying capacity to cater for this thing which is happening every year. I mean February, March I was going to say it, but I'll say it now, 2 things you can expect in February is 1) that I'm going to vote against the Immigration quota and the second one is that I'm going to have a whinge about army worm because it's at this time of the year that it really belts us, from now on and we end up with we've got no feed for winter unless something abnormal happens and it's a dreadful arrangement but it's also, there's spraying going on now. I warned of this before, I'm doing it myself, that's a cost not only to the community in dollar terms but also from a possibility of knocking out the other insects and what have you in the environment. So there are a huge number of costs that we're not really looking at and I believe that if the Kiwi's have done it successfully this place is pretty close, it's just an extension of New Zealand much as some people may not wish to think of it that way but we are on the ridge north of New Zealand and I mean if it works there I mean why this can't work here, but I think we're being conned. Thank you.

MR. I. BUFFETTT Madame Deputy Speaker Mr Smith asked a question earlier on of what some of the Minister's were intending to do over the next 12 months or so and on the list of issues that were within my portfolio is clearly the question of trying to come to grips with some of the quarantine issues that affect Norfolk. Like Mr Nobbs I've had it both personally and within the Public Service and

now within the political arena and there are some matters in respect of quarantine that probably need a clearer definition, but one thing that is happening in the sphere of quarantine as a protocol between Australia and New Zealand a bit like the sale of food and building and those sorts of issues are coming closer together. So as part of the matters under my responsibility that is one of the issues that's on the list of things to look at and to see where we go with quarantine issues to try and alleviate some of the problems which I am fully aware of like Mr Nobbs now applies in respect of quarantine issues in Norfolk.

MADAME DEPUTY SPEAKER

Thank you. The question is that the Statement

be noted.

QUESTION PUT

QUESTION AGREED

MR GARDNER

Thank you Madame Deputy Speaker. My final one and it relates to the current status of the Immigration Review. Madame Deputy Speaker as Members are aware a complete review of our immigration system has been on the Agenda for a time spanning some 3 Legislative Assembly's. A significant amount of time and resources have been invested in the review to date and the number of options and recommendations have been put forward, some considered and adopted, some rejected and many still to be progressed. A proposal Madame Deputy Speaker including a joint Norfolk Island Government Commonwealth Task Force was developed last year to advance the Review with the target for finalisation set for the last month or so of last year. That proposal relied upon the involvement of the Commonwealth as part of the Task Force as I've already alluded to and due to the Immigration falling under Schedule 3 of the Norfolk Island Act, and the processes were set in train to co-operatively address the issues identified. That was in April 2002, and then in September 2002 a formal response to the Task Force proposal was received from Minister Tuckey's office which rules out the joint Task Force proposal and instead proposed dealing with the issues on a case by case basis at Officer level. Members will recall that the issues scheduled that was proposed for the Task Force included a number of matters relating to internal administration and policy. I circulated to MLA's in January of this year the completed review of the Immigration Department's Work Practices and Procedures which goes a good distance in my mind towards addressing those particular matters and implementation of recommendations will follow the relocation of the Immigration Department to the Customs Building in Burnt Pine. Some outstanding issues Madame Deputy Speaker including the matter of unauthorised boat arrivals are currently before the Federal Minister for Immigration seeking Ministerial endorsement for the position agreed upon between the Norfolk Island and Administration and the then Department of Immigration and Multicultural Affairs in September of 199. That deals with the response to and handling of unauthorised person arriving by boat. Consideration is being given to the preparation of a proposal to provide for immigration appeals to be heard on island through the Administrative Review Tribunal. It is becoming increasingly important that appropriate time frames are established for the appeals process as experience to date Madame Deputy Speaker shows that the time frames for finalisation of appeals through the Federal Territories Minister's Office currently to extend to periods approaching and in some cases exceeding 18 months. This is no longer an acceptable arrangement. Still other issues need only be resolved through relatively minor legislative amendment. These include matters such as maximum periods for tenure of permits. Advice on record from the Commonwealth support such amendment Madame Deputy Speaker. It is therefore my proposal to introduce a number of amendments on a single issue basis rather than a substantial Bill contain a raft of amendment that could, due to the requirement for Commonwealth assent end up not being assented to because of a difficulty with a single proposed provision contained within that Bill. Madame Deputy Speaker it would

be remiss of me not acknowledge in this process the tireless efforts of members of the Immigration Committee of which you are part who have assessed and supported the work of the Review to date. Many others including our Legal Branch, Immigration Officers, Customs and Quarantine Officials are currently reviewing the adequacy of our entry documentation and is hoped that drafts of those will soon be available for consideration by Members of the Assembly prior to seeking to have those forms prescribed in regulation. These initiatives may seem of little overall significance Madame Deputy Speaker but efficiencies and data collection, border protection and early detection of potential problems will be achieved. Madame Deputy Speaker I hope that this Statement provides an overview of what at times has been for me particularly a frustratingly review process. Progress is being made and will continue to be made. I'm hopeful that the process of legislative amendment will begin in April with, as I alluded to earlier legislation providing maximum terms for Temporary Entry Permits and other matters. Thank you Madame Deputy Speaker.

MADAME DEPUTY SPEAKER.

I put that we suspend until 2.00pm for lunch.

QUESTION PUT
QUESTION AGREED

REPORTS FROM STANDING AND SELECT COMMITTEES

MR NOBBS

Thank you Madame Deputy Speaker. I just wish to report on the progress so far with the Select Committee which is to consider certain issues including electoral and governance issues. Following the Motion to establish a Select Committee and a second Motion to establish a selection process passed at the December Legislative Assembly meeting a Committee of 5 members was established. A Select Committee has subsequently met regularly, among other things the Committee has established its work program and developed a fairly comprehensive list of reference material. Early in its life the Committee formerly advised the Commonwealth Government through the Minister for Territories of its existence detailing specific reasons behind its creation and sought the participation of the Commonwealth as appropriate. The Committee is currently at the stage where it's calling for written or verbal submissions. In the last few days response has been received from the Commonwealth via the Minister for Territories. Response made specific reference to the fact that there was no doubt as to the constitutional status of Norfolk Island. It also made comment that the existing legislation provides an adequate framework for governance and that a review of the Norfolk Island Act was not necessary. The Commonwealth also advised that it would not be participating in the Committee's process precluding Commonwealth Officers providing either written or oral submissions. A response to the Commonwealth has been made which in essence takes disappointment and concern at the Commonwealth's attitude. The response also reminds the Commonwealth of a number of opinions and community acceptance since 1896 which is contrary to the Commonwealth's stated view of Norfolk Island stayers in that the Norfolk Island Act specifically provides for review. At this stage the Committee seeks submissions from the community. It is important that the Committee receives instructions from the community on the issues. Submissions may be either written or verbal and the Committee has requested a form circulated in last weekends Norfolk Islander be completed to allow for a program of hearings to be developed. As a result of an earlier meeting Madame Deputy Speaker of the Committee I seek leave to move a Motion in respect of publishing evidence by the Committee so appointed.

MADAME DEPUTY SPEAKER

Is leave granted Honourable Members.

AYE

MR NOBBS Thank you. I move that this House in accordance with Standing Orders 2 (1) 5 authorises the Selection Committee appointed to inquire into certain issues including electoral and governance issues to publish from time to time evidence provided to the Committee.

MADAME DEPUTY SPEAKER Thank you.

MR NOBBS I think the Motion is fairly straight forward Madame Deputy Speaker, the idea is to keep the community informed and that should be done on a fairly regular basis.

MADAME DEPUTY SPEAKER Thank you. Is there any debate.

MR BROWN Madame Deputy Speaker I'm a member of that Select Committee. I've written to all Members in recent times expressing a concern about confidential submissions to various Committee's. I was speaking in particular at the time of confidential submissions to Commonwealth Committee's where time and time again we find that Commonwealth Committee's of various kinds come to conclusions about Norfolk Island on the basis of confidential submissions, submissions as to which we have no knowledge of the content and submissions as to which we are given no opportunity to comment. In terms of natural justice that is an outrageous situation for the Commonwealth to be perpetrating and I really think that in terms of any inquiry by the Commonwealth in terms of Norfolk Island the problem needs to be resolved. At the very least of the Commonwealth is going to come to some adverse conclusion against Norfolk Island on the basis of the confidential submission that we know nothing about and the details of that submission, even if it's done by making the submission anonymous in that names are removed the contents of each of those submissions should be conveyed to us so that we have an opportunity to comment. Now there is a similar question in relation to the present Motion. I'm not aware of any person wanting to make a confidential submission to the present inquiry but we possibly need to give thought to whether by this Motion we are considering the making public of a confidential submission that might be made to us. There may be some people wanting to make submissions who don't want what they are saying to be known and that's understandable in some cases, but on the other hand is it appropriate. Is it appropriate that a person be able to come along and say something, perhaps make particular allegations and have them in no way subject to challenge and have them more importantly made in a way that a person who might be the subject of those allegations can't comment. I'm not sure what Mr Nobbs has in mind in relation to that particular aspect. In terms of submissions which are not confidential I have no difficulty in supporting the Motion, I'd be interested to hear what Mr Nobbs has in mind in the event that someone comes along to the Committee and says look I'd like to make a submission on a confidential basis. One answer is to say, look sorry if you want to make a submission to this Committee it's got to be a public submission, but if it was desired to accept confidential submissions we need to think about firstly how we deal with what in other environments would be the wheels of natural justice and secondly whether those confidential submissions should be published. Thank you.

MR NOBBS Thank you. I was under the impression that we'd discussed the confidential aspect of submissions and I was under the impressions and please correct me if I'm wrong, there's 3 others here that were at that meeting that we were looking at dealing with each one individually and then a decision would be made. I mean if the Committee doesn't wish to accept confidential matters well that's the decision of the Committee at that particular time, I was looking at Standing Orders 215 really just to give us some authority into allowing the publication of material by the Committee. I didn't think that all the material would be published but if there is a

contrary view and we wish to bring in and specify definitively what can be published and what can't well I'd like to hear it.

MR BROWN Madame Deputy Speaker I wonder if Mr Nobbs might like to consider amending his Motion such that it excludes any submission made on a confidential basis after the Committee agrees to accept such submission on a confidential basis. If we were to do that that would solve the problem and then we could leave for another day the question of whether we should be accepting or not accepting confidential submissions.

MR NOBBS If you wish to go down that road I've got no problem. Do you wish to move it as an amendment.

MADAME DEPUTY SPEAKER Excludes any submission made on a

MR BROWN Made and accepted on a confidential basis

MADAME DEPUTY SPEAKER Made and accepted

MR BROWN Madame Deputy Speaker I would not be wanting to be seen as doing anything other than supporting the Chairman of my Committee.

MADAME DEPUTY SPEAKER Do you wish to put the Amendment Mr Brown to Mr Nobbs' Motion.

MR BROWN Yes please Madame Deputy Speaker. I seek leave.

MADAME DEPUTY SPEAKER Thank you. Leave is granted.

MR BROWN I so move.

MADAME DEPUTY SPEAKER Thank you. So where do you actually envisage that insertion to go.

MR BROWN By changing the full stop to a comma at the end Madame Deputy Speaker and adding those words may be the simplest way.

MADAME DEPUTY SPEAKER excluding perhaps rather than excludes. So it now reads that this House in accordance with Standing Order 215 authorises the Select Committee appointed to inquiry into certain issues including electoral and governance issues to publish from time to time evidence provided to the Committee excluding any submission made and accepted on a confidential basis. Is there debate. Then I put the Amendment.

QUESTION PUT
QUESTION AGREED

MADAME DEPUTY SPEAKER Is there any debate on the Motion as amended. Then I put the Motion as amended be agreed to.

QUESTION PUT
QUESTION AGREED

NOTICES

that's it but I understand why we have to have people come in here but I'm also really concerned about the, and have been for some time about what I believe is an outdated Immigration Act, I believe that there is need for amendment to that, considerable amendment, probably a rewrite. We've spent quite a considerable sum on getting advice about 5 years ago in relation to a new Act. I thought that the Act that was brought out, whilst it may appear complex was in effect quite simple because it specified a variety of permits that were permitted which would simply things I believe from the present arrangements. Anyhow we are still awaiting the ongoing, we know that there's been some funding problems, there's been some problems with the Commonwealth in relation to this but I still believe that we need to go ahead with it and I won't be supporting the motion today. If I were supporting it I would only support it on the grounds that it was catering for the persons who are actually subsisting and a couple more who may come along in the next time. I don't believe that we need to hold our the flag for additional residents which these sort of permits become so I maintain the line that we need a major revamp of the Immigration Act and we should get on with that. It's most important that we do it and all these issues such as whether the population should have a 2% increase and I don't believe in that myself but that's a point that's been put up and accepted and it keeps coming up all the time. The population thing, we could go back to 1980, I think it was Butland who put out the first one and there were some goes at it before that I can tell you in the 60's but Butland I understand was about the first one who looked at it scientifically I guess, but at this stage I can't support the motion for the reason that I believe we should get on with the review of the Immigration Act which I say every year as it comes in not with the cows but with the army worm as I said earlier. So that's my position thank you

MR SMITH

Thank you Madam Deputy Speaker I don't know whether this procedure that we use every year or perhaps twice per year as Mr Brown so claimed a little while ago, perhaps the whole thing has become redundant. I remember some Assembly's where a quota of more than zero was very much opposed, even to get a number of five was very much opposed and in my experience in my time ten was almost an unheard of number but in the last couple of years we've got up to 30, 35 I think we even went to 40 in one year. I wonder if Mr Nobbs isn't right with this particular section of the Immigration Act. Are we doing this just as a procedure. If people can now move here and subsist and have a subsisting application, they are still here. All they have to wait for is us to make a decision of what the number will be. If we don't make the number enough it means they have to wait another six or twelve months but in the end, what difference does it really make. What I've based that on is the research that was done over the last two or three years and I think Mr Gardner may have been involved in it, where it was discovered that most of the General Entry Permit holders disappear except for the section 18's who generally stay on, but a lot of the people who apply for the General Entry Permits and get them appear after three to five years, don't stay. On top of that we have the permanent population or the residents who move away which gives us a net result in the end where our population doesn't increase from year to year and I think it goes back to the early 80's and maybe even earlier but the permanent population hasn't changed and it's not that when a the General Entry Permit holder becomes a resident the permanent population keeps going up, it doesn't so we are getting more residents every year but what's happening to them as they are also disappearing. Is the quota system really doing what it was intended to do in the first place. I suppose if we had an extreme boom in tourism or something there may need to be some control but as I said last year and probably the year before, we have these discussions at quota time, we always say the same things, we end up approving the quota anyway. Maybe it's become redundant. I don't have any difficulty supporting this 35

MR BROWN

Madam Deputy Speaker I'm disappointed to hear my colleague talk of this having become redundant not because I think he's wrong

but because it is a tragedy that it has in some respect become redundant. My understanding is that we have numerous people here who have no form of immigration status, and because of the fact that the Commonwealth has continued to be inactive in terms of dealing with appeals or have come down with decisions which have been somewhat astounding and then taken as precedents, I understand that we have people on the island with many many children building brand new houses with no form of immigration status and able to just stick their fingers in the air insofar as the immigration authorities are concerned. I don't know whether my colleague is correct in suggesting that there are others here who have been allowed to stay here whilst they subsist on the gep list but if that has occurred it is a misunderstanding of what our system is. This particular system was designed as what was called for a period, a front door system. When you arrived you said I'm here short term and you went through one door. But if you said I am here long term you went through a different door. The long term door and the two weren't mixed. There was always the room to make an exception if that was absolutely essential and I can recall an exception having been made quite some years ago by a former Minister in the case of some people who were buying a small market garden and that particular Minister felt that there was a need at the time for fresh vegetables and that it was justifiable for him to look at granting a temporary entry permit while the General Entry Permit subsisted but in those days it was only in those exceptional circumstances that this was done. Now we have people able to come apparently for any length of time, to dangle crystals in front of people, to help them with tattoos, to help them with piercing all parts of their bodies, were even encouraged by VL2NI to ring in quickly if we want some body piercing so that the particular person can bring someone to the Island to do it for us and it would be irrelevant for me to harp on VL2NI but I do hope that relevant Minister will respond to some of my recent correspondence in that regard, but we do seem to have lost track of where we were heading with immigration. I can understand why. The present Minister has taken a view that he doesn't want to lose appeals. Now I think I would take a different view. I think I would try to uphold the system and put up with the fact that now and again I would lose an appeal and I would jump up and down when I did but that's not to say that the Minister is wrong in the approach that he is adopting, it's just different to the one that I would adopt. But the whole point to what I've just said is that my colleague, Mr Smith has said that a lot of this has become irrelevant and sadly it would seem that it has. Sadly we now have many people suggesting that we should lift all the immigration restrictions and market forces will balance the number of people who are here. I'm not sure that that's right. If we look at the figures that have been supplied to us privately this week, we will see that there has been a substantial decline in recent times in various parts of our population, and in fact the only parts which seem to have increased is the senior citizen component of our population and I'm not saying that that's a bad thing, it's a wonderful thing that our senior citizens are coming back to the Island. It's a fact of life that we are all living a bit longer so fortunately we will all remain senior citizens longer than we once would have, but if the only growth in our population is amongst those of us who are over 65 and I'm not quite there yet but I daresay after Mr Nobbs and my colleague across the way, I'll probably come next, but if the only growth in our population is in that area, then we need to be doing some of the things that Mr Nobbs has talked about for many years. We need to be settling down and saying well, how the hell are we going to pay for this over time. Do we need an island wide superannuation scheme. Do we need some form of compulsory saving but to just allow the growth to occur in the senior part of the population to not recognise that fact or to ignore it and to think that we are all going fairly well because the population isn't really dropping or isn't really dropping by much is to ignore the sorts of problems the Minister for Finance is confronted by each day. How he has any hair left has me somewhat amazed because he has an extremely difficult if not impossible task, under our present system. He's already had to bring in a bill which we will have to deal with later today and I don't want to pre-empt debate on that but that bill indicates that he's got difficulties that he's got to work his way through. If that part of our population which pays the taxes

is reducing in size then the size of the Minister's difficulty will increase and increase and increase. I would prefer to see us adopt a different approach to immigration. I would prefer to see us go back fifteen years, and take a view that our policies are our policies, and that it is only in the most exceptional circumstance that we divert from them. If you look at what I've just said, there are a few things that have to come to mind. The first is, if you have a policy and it is accepted that it is a reasonable thing to have regard to, and if you basically apply the policy all the time, consistently, it's not very often that it's going to be overruled. But if you have a policy that you constantly ignore, and then at some stage you seek to rely on that policy to make a decision you can bet that you've got an 80% chance that that policy will be tipped upside down because it is not a policy that has been consistently relied on so I do encourage our Government not just the Minister with responsibility for Immigration but the whole of the Government to get back to enforcing our published policies. It doesn't greatly matter to me at the moment that we sought to stick those policies into the legation and the Commonwealth for some reason hasn't yet assented to it. We've at least sought to do so. Had I been doing it I would have done it a slightly different way. I'd have done it by putting the whole lot in an Act instead of attached to one. Maybe that's a suggestion that can be adopted but for heaven's sake, grab hold of the policy booklet, the present Minister understands it from cover to cover, it's not a case of him needing to read it but enforce it. If we lose the odd appeal, bad luck, but give people confidence that our immigration system is going to be consistently applied

MR I BUFFETT

Thank you Madam Deputy Speaker earlier on in this debate, or the first thing I must say is that for the purpose of the quota this February I intend to support the suggested quota of 35 places. I think we need some sort of dynamism within our community and if this is the way we are getting it well so be it. I don't fully agree with it but there are a number of issues that we need to address. One of the issues that's quite clear is that Norfolk Island in relation to all the other states and territories has an immigration regime and whatever we do we've got to ensure that we maintain that immigration regime. I think that's the number one principal. Mr Brown has mentioned on a number of occasions during the discussion we've had this afternoon, the fact that some decisions have been made in other places and that we may not have liked that decision but I must remind members of this Legislative Assembly and this community that for some considerable time now, we have been the Norfolk Island Government and this community have been invited to take that particular role on and I think that is quite critical that we proceed with that aspect then we would not be in the position where we continually say aah, well the decision was made by somebody else, we can use it as a precedent etc, because if we are making those sorts of decisions here and get the situation up and running then I'm sure the Minister 's doing this to the best speed possible under the present conditions. With those sorts of appeals and those sorts of decisions will be ones made locally within the framework of acceptability and the arrangements we've got between us and the Commonwealth at the present time. The Chief Minister mentioned earlier that I had had some discussion with him regarding my views on some immigration matters and their relationship to environmental issues and planning. Well I certainly have. I think Mr Nobbs mentioned that the last sort of progressive attempt we had at looking at what might be an economic base for a population to survive within a finite land space was the one done by Professor Gilbert Butland and I thought it was even before the 1980's, that's how long ago it was and one of the issues that I had been discussing with the Chief Minister in his role as Immigration Minister is perhaps when we get to a situation under the planning regime that we are putting in place and we have a Land and Environment Board which have a range of issues to deal with, as part and parcel of some of the issues that they may need to look at, there's this question of what is the mix, what is the capacity we can handle in terms of infrastructure re Norfolk Island, the land mass in Norfolk allowing a mixture of arable land, a mixture of the planning regime we put in place in respect of residential issues and that sort of thing but I totally agree

with Mr Brown in a number of issues that we seem to have gone for the easy way. That we wait until February, Ron's favourite month, and we all jump up and down and yell about immigration when it comes to fixing the quota. I think we should be jumping up and down continuously on immigration and I'm not criticising the Chief Minister at all because I understand the constraints that have been place on the system of the immigration review and where we find ourselves at the moment but certainly referring back to Mr Smith's request earlier, the things we intend to do in our executive portfolios and listening to the conversations that have been had this afternoon, I would strongly support that we as a Government and when I say that I think we as an Legislative Assembly, need to take this question of Immigration quite clearly as an issue and deal with it because we cannot keep on one hand saying that well it's not our fault because the Minister upheld the appeal because it is our fault because we've all the material, the time, we've had the ability to take the thing on board put our own appeal mechanism in and do it and we just haven't done it yet. The other aspects on immigration and touching on quota is that we issue residency's and we issue the 35 and the Minister told us that the average the General Entry Permits have been 40 per annum over the last five years, I'm not too certain of how many of those actually proceed to residency and how long after they become residents they disappear because later on in this meeting we are going to hear some reasonable discussion in respect of absentees and the difference between residents who are not living here and people who own land here and the breaks that they have in respect of what they pay for absentees and these are all interrelated issues. My recollection is that also in the Immigration Act the executive Member has the ability where a person is a resident and has been absent from Norfolk Island for I think five consecutive years, has the right to cancel residency so that are things in there that we may need to look at on what basis that the Minister make such decisions. Do we continue to give residency and the General Entry Permits to the people who progress to that stage and we get back to Mr Brown's question of what is a special relationship to Norfolk Island. Are we having a group of people who will become residents in respect of special relationships to use Norfolk Island to satisfy their means for a specific time or do they have a special relationship with Norfolk Island and they always will carry the tag of a resident. Whilst that may be broad brushed I think these are all issues we need to look at when we discuss question about allocating quota that lead us to the next step of becoming a residence, whether a the General Entry Permit holder and the wider issue of immigration in Norfolk Island and it's got to be related to a finite land mass, finite resources but also we have to understand that somewhere along that line we have to find that tricky balance of having a population that will be dynamic for the reasons Mr Brown mentioned that my colleague the Minister for Finance has to deal with at the moment

DEPUTY SPEAKER NICHOLAS

Chief Minister would you like to conclude

MR GARDNER

Thank you Madam Deputy Speaker just a couple of points. I note Mr Brown's reference to the preference that I don't want to lose an appeal I can assure Mr Brown that I'm conscious of at least two appeals that I have sitting in place or have been responsible for. I certainly know that I've issued instructions for three deportation orders in the recent weeks which by their nature are open to appeal and I don't know if they have been appealed but there are a number of other deportation orders that are in place. Just to certainly clarify the situation as I took to do when we adopted the Policy and Guidelines back in July last year, I will uphold those Policy and Guidelines and that's exactly what I am doing and will continue to do so, so just to clarify that I'm not afraid of those appeals going against me

MR BROWN

I am pleased to hear the Chief Minister give us that advise but could I ask whether as part of those Policies that will be upheld will the one where one cannot bring in staff as TEP's for a new business until the business has

run for five years, and the rule that a business that has not run for five years is not eligible to be sold for gep purposes will those also be upheld

MR GARDNER Thank you Madam Deputy Speaker certainly within the parameters of the Policy and Guidelines it does allow some flexibility in the application of that in that it does allow for a certain amount of discretion to be applied as to whether there is a demonstrable need in those cases as Mr Brown has certainly indicated to me clearly on many occasions and certainly in this forum that the Legislative Assembly as a whole have looked at those discretionary elements, especially in cases such as requirements for chefs and things like that for businesses established on the Island but certainly when it comes to temporary entry permits you will appreciate that I have issued instruction to the Immigration Officer to be mindful of those Policy and Guidelines and from time to time those issues do come before us and are dealt with in accordance with the Policy and Guidelines

DEPUTY SPEAKER NICHOLAS Before I put the question Chief Minister perhaps you would care to read the motion again please

MR GARDNER Thank you Madam Deputy Speaker I move that for the purposes of subsection 21(1) of the Immigration Act 1980 this House resolves that it be determined by instrument in writing that 35 the General Entry Permits be granted during the period 17 February 2003 to 16 February 2004

DEPUTY SPEAKER NICHOLAS Thank you Mr Gardner. 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.

NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ACT 1980 – INTENTION TO APPOINT AUDITOR TO TOURIST BUREAU

MR D BUFFETT Thank you Madam Deputy Speaker for the purposes of subsection 18(1) of the Norfolk Island Government Tourist Bureau Act 1980 this House resolves that the Auditor General of Queensland be appointed as the Norfolk Island Government auditor under section 51a of the Norfolk Island Act 1979 be the auditor of the Norfolk Island Government Tourist Bureau during the term of appointment ending 30th June 2005. Members will recall that by another motion the appointment of the Auditor General of Queensland was made for a number of instrumentalities that are associated with the administration of Norfolk Island. That was done as a package and all of those are interlinked by their respective pieces of legislation. The Norfolk Island Government Tourist Bureau legislation requires that there be a specific motion on its own account and so that is what this motion is and it is in company with the others because obviously as I've just said it is making the same appointment as the others have made and I commend this motion

DEPUTY SPEAKER Thank you Mr Buffett. Is there 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

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

MR D BUFFETT Thank you Madam Deputy Speaker I move that this House having considered the written comments of the Public Service Association in respect of the draft Chapter 13 of the Human Resources Policy in accordance with and pursuant to sections 26 and 28 of the Public Sector Management Act 2000 hereby makes the determination in respect of this Chapter 13 of the Human Resources Policy dated the 6th February 2003 and produced by the Acting Chief Executive Officer which amends the Human Resources Policy dated 20th February 2001 by replacing chapter 13 and declares that a copy of this motion signed by the responsible executive member and appearing in the gazette shall be the instrument in writing of the Legislative Assembly for the purposes of paragraph 26(1)(d) of the said Act and I table that Madam Deputy Speaker. The Public Sector Management Act 2000 was a new piece of legislation when introduced. It was part of the public sector reform arrangements and one of its components was the production of a separate but accompanying document known as the Human Resources Policy. It was made separate to the legislation but once made by the provisions of the legislation became an accompanying statutory instrument. Now there is a chapter 13 now but as time has gone on, there is now a need to address in more detail and with adjustments some of its provisions. This Chapter provides information on issues such as how much notice an employee must give to the Administration when resigning, the consultation processes that management must follow if they are to significantly restructure one or more positions and the types of redundancy payments in the event that staff numbers are reduced. That's an overview and if you will look at the document itself it goes from 13.1 to 13.9. Termination of employment; restructuring arrangements; excessive employees; redeployment and retention; income maintenance payments; involuntary redundancy; reengagement and transitional provisions; long term temporary employment and grievances and appeals. This amending document has gone through a number of processes. It has been developed and discussed amongst the management group of the public service. It has needed to be part of the process with the Staff Consultative Committee, I have of course brought it to members for their participation and I have a statutory responsibility which I have undertaken to refer it to both the Public Service Association and the Public Service Board so you see I have done that and the Public Service Association has come back with an endorsement of these proposals. Today I intend that it be tabled and be left for a month so that it might then be tackled as we come together on the next occasion. When I last exhibited this with members which was last Monday, there have been other times when we've talked about it, but I last discussed this with members last Monday I did say that I would respond to some queries about some transitional provisions and would provide some additional information to members. That is now available for me to circulate that so that by the time it comes around again at the next sitting members will have the opportunity to have seen that document. It gives some overall indicators in terms of location and numbers about some of the categories addressed in this document but that's what it is about and I propose it to members and when the time comes at your call I will move that we adjourn this matter so that it can be listed for substantive conclusion at our next Sitting

DEPUTY SPEAKER NICHOLAS
Then I ask you to move Mr Buffett

Any further debate Honourable Members. No.

MR D BUFFETT
There being no further debate I move that this matter be adjourned and made an Order of the Day for a subsequent day of sitting

Thank you Madam Deputy Speaker.

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

QUESTION PUT
AGREED

The motion to adjourn is carried

EMPLOYMENT ACT 1988 – AMENDMENT TO OVERTIME PROVISIONS

MR BROWN Madam Deputy Speaker I seek leave to move the motion standing in my name on the Notice Paper in the amended form foreshadowed to the Clerk on 10th February and circulated to members and with one other amendment and I don't know whether members have it in front of them at the moment but on the third last line that amendment is the deletion of the words minimum wage and insertion instead of employees normal hourly rate. If leave is granted I'll read through the amendment

DPEUTY SPEAKER NICHOLAS Mr Brown. I believe your amendments have been circulated, certainly the major one but not this one. Is it the wish of the House to grant leave. Leave is granted Mr Brown

MR BROWN Madam Deputy Speaker I move that this House requests the responsible executive member to cause a Bill to be drafted and introduced into the House in order to amend the Employment Act so as to exclude employees in receipt of salaries from the operation of the overtime provisions of the Act and so as to allow any employee who so agrees in writing, retaining the right to withdraw such agreement on seven days notice at any time, to be paid a flat hourly rate without provision for overtime provided only that such hourly rate shall not be less then the employees normal hourly rate and to amend section 20 subsection 1 of the Act so that the notice period shall be the greater of seven clear days or such period as is stated in the employment contract. This motion seeks to address two issues which I regard as difficulties in the present Employment Act. The first relates to the question of overtime. I suggest to members that it should be the right of any employee to work as many hours as he wishes provided that he has his one day off per week and so forth and so this motion calls for a bill to make it clear that people who are in receipt of salaries are excluded from the operation of the overtime provisions and those who are in receipt of wages should have the right to agree to work additional hours as such rate as may be agreed on provided that it is not less then their normal hourly rate and provided that they have the right to withdraw that agreement at any time on seven days notice and the second part of the motion relates to the question of giving notice of termination. In that situation members may recall that the Act provides that seven days notice shall be given but the contracted employment which is prescribed under the regulations has a blank space and in that blank space you insert the number of days notice that has to be given. There seems to have been a general view that the Act must prevail and that that particular part of the contract can bind only the employer and not the employee. Now I'm not saying that that's the correct view but some people have expressed that view and my suggestion to members is that it is wise that we make it clear either that everybody gives seven days notice which removes some of the protection for employees because an employee that has come to the Island from elsewhere and who can be terminated on seven days notice without cause doesn't have a lot of security but at the same time it is unfair that the suggestion be made that the employer be stuck with whatever is written in the blank space be it seven days, twenty-one days, three months, but the employee perhaps having had his fare paid by the employer perhaps in the knowledge that it would be very difficult to replace him

within less than a month, can say up your nose I'm off Jake and so I seek the support of members to make these amendments to the Act so that these amendments are able to come into effect at the same time as the other amendments which are presently waiting assent thank you. Madam Deputy Speaker could I add one thing, I omitted to declare that I have a pecuniary interest as I am I suspect one of the larger employers on the Island

MR SMITH Thank you Madam Deputy Speaker I understand where Mr Brown is coming from with this motion when we were adjusting the Employment Act a couple of years ago this was discussed at that time the overtime provision and I think it was just that we ran out of time in the end and what it would actually be that prevented something happening. My concern has always been that you don't want an employee to be put into a position who can be said to be on a salary but that salary might be \$7 per hour and 100 per week. If you can avoid that, if you can make it so somebody who is on a reasonable salary, which is in my view above the average weekly wage, then giving away their right to overtime I support that but if it is meant to do away, and I'm sure that is not what Mr Brown is intending to do here, but if it is just to give an employer the opportunity to pay somebody what they call a salary purely to bypass the overtime provisions of the Act I think that's a bad idea and I look forward to further comment

MR DONALDSON Thank you Madam Deputy Speaker as the Minister with carriage of the Employment Act matters I will seek some clarification from Mr Brown of his intent of this motion. Firstly he talks about employees in receipt of a salary and Mr Smith mentioned the same problem, when does a wage become a salary and I think if I'm to proceed with this I would like to make some defining, probably a quantified amount where if you receive more than so many dollars an hour or so many dollars a week or a year, then you are on a salary and that should provide a bit of a safety net to stop people being forced back down to the minimum rate of pay which is \$7 per hour and its been sitting on that rate of pay and having that being called a salary and not getting time and a half for it. There is another issue that will have to be resolved at the same time and that is that there are currently three amendments to the previous Employment Act waiting commencement. There is the Employment Act 2000, the Employment Amendment Act 2000 which dealt with employees terms and conditions and the Employment Amendment Act No 2, 2000 which deals with minimum rates of pay for underage workers, under 16, 16 and 17 years and gives a percentage of the minimum pay that they are meant to be paid but the difficult one is the Employment Amendment Act No 3, 2001. It set out a new minimum rate in the Act of \$8.50. It had an overtime provision in it that overtime shall be paid at 150% not of the minimum wage but of the normal hourly rate and that's in contrast of what is being proposed here but I can see that conflict rather being resolved provided salaries can be paid at a specific level so that there won't be any uncertainty as to where a salary starts and where a wage finishes. I'm happy to bring it to the House for members to decide on and I would be interested to hear other members comments on the motion

MR I BUFFETT Thank you Madam Deputy Speaker purely some clarification. I hear what the Minister says and I hear what Mr Brown said earlier him being one of the larger employers in the Island and perhaps Mr Brown would like to clarify this. Does this particular motion intend to allow those persons who you see working in one establishment up until say Saturday or whatever it is it might be a Thursday, and then the next time you see them they might be working in another establishment and I'm sure they are not getting double the wages at the other establishment they are simply moving around in order to accumulate funds whilst they are in Norfolk Island. I think we all know the scenario I am trying to illustrate. How does this effect our Immigration regime and how does it affect the Employment Act

MR BROWN

Madam Deputy Speaker without the slightest doubt if this motion is passed it will make the system easier. The Minister is hitting the nail on the head. Many of the people who come to Norfolk Island to work as short term workers might be here for three months or three years but many of them come here in order to accumulate some savings and many of them are very successful at that. They are hard working people and many couples have left here with enough money for a decent deposit for a home when they've gone back and they will always have pleasant memories of their time on Norfolk Island but the way the amendments are framed which will be assented to in due course is not conducive to that. It will in effect require an employer to say sorry, you can only work for 40 hours. Some employers have already been moving back to that position in readiness for the newly anticipated legislation and I can tell you what's been happening. They have either had staff leaving to get two part time jobs so that they can get their hours and I can tell you I've had that happen, or the staff will work for their 40 hours and then go and get a part time job and it may mean that they work seven days but for two employers so that each employer has provided the days off but the whole purpose of the Act has been circumvented because the people have not had a day off each week. My suggestion to members is that this is a very appropriate way to deal with those issues in the Norfolk Island context. It's not unique. Special legislation was passed for the tourist industry in Queensland for example to allow this sort of thing to happen because the tourist industry in Queensland was able to demonstrate to the Government that it was very counter productive to continue down the line of saying well work more than so many hours in a day, it doesn't matter if you are working them because the plane's late, it doesn't matter if you are working them because it's a busy day and the next day's quiet, it's a strict rule of the book, more than so many hours in a week and the employer is up for so much money that it is frequently cheaper for the employer to choose not to provide the service so I'm glad the Minister made mention of that. I fully agree with what he has said and I think that our role is to provide a system which is fair to both employer and employee and which has safeguards and the safeguard here is, if the employee doesn't want to work additional hours, they can say so and then if they are rostered for extra hours they are entitled to overtime

MR SMITH

Thank you Madam Deputy Speaker. Mr Brown and I could probably debate this type of motion all afternoon and I don't think that's a good idea but we've got to be really really careful when we are dealing with the Employment Act. It does two things. Well more than two things, but two things in my mind, is one, it protects the people who come here to work and it also protects our local workers. We've got to be really careful when we are playing with it, and I'm not suggesting that Mr Brown is playing with it. I can see where he is coming from but we must be careful that we don't make it so that you can disadvantage local workers by trying to make it more suitable for someone who has been brought in to do a job. To clarify what I'm saying there. If an employer can bring somebody in at the current rate of \$7 per hour and expect them to work as many hours as they want, and the employee may have no difficulty with that, but what does that do to a local who is not working but wants to be employed, possibly in the same job. They are not going to do that because that's not the way it needs to be. There is a certain standard and I think it is called the market rate for wages that are paid here. People don't want to work for less than the market rate so we've got to be careful that we don't make the market rate so low that it doesn't make it economical for anybody who is looking for good employment on the Island to look at other places for them to go and work. That can happen when we do change things like the Employment Act. If Mr Donaldson is to bring in a salary cap which is what he's talking about I think, when a salary is called a salary subject to a certain amount of earnings per week or per year so it's not going to be at the very minimum of the hourly rate. I think when we looked at it before, that was the only way it could work where you could have something like Mr Brown is proposing here. I sympathise with what Mr Brown is saying and what he is intending to do and support

the concept as long as it doesn't disadvantage people who are resident workers, in whatever we do with the Employment Act

MR NOBBS Thank you Madam Deputy Speaker aren't we really wasting our time on this. I can recall going back the last few years where we've had the Employment Act coming through backwards and forwards, toing and froing with it and here we are now they're still being paid \$7 an hour minimum, that's the minimum wage and \$8.10 for casual. I mean surely, what's holding up the change. I mean if it's the Federal Government they should have their ears chewed on this sort of thing. As far as the overtime and that in other areas, if you are on a contract and you've got a salary then usually it's a lot higher than the ordinary day wage earners. That's different and I think that if we are going down this road you have to specify some sort of minimum. That's my bag on it so I just can't believe that here we are. I think the other one, I don't know what time it was George that you put the thing through but it's about three or four years ago but it's still seven bucks and hour, minimum hourly rate. Where is it Minister. What's happening with it

MR DONALDSON Thank you Madam Deputy Speaker I can throw some light on that. The Employment Act 1988 was amended in 2000 and amended again in 2000 and amended again in 2001. the subsequent amendments in 2001 actually effect the rates that were established in earlier two amendments so what we are waiting for is the 2001 or the number three amendment as it is commonly called, to be assented to by the Commonwealth so that we can bring them all in together and give effect to the intentions of the Legislative Assembly in total. The amendment number three, the 2001 one, is currently held up because the Commonwealth has sought further details on contracts and the methods of certifying contracts. That is being provided at the moment, and that is what I'm saying, any day now or any week maybe a better way of saying it, the Employment Act No 3 will commence and that will mean that the Employment Act No 1 and 2 that are also standing, will also commence and it will change the complexion of the Act slightly but it changes the complexion of the Act into a minimum rate of \$8.50 per hour and it allows it to be RPI adjusted each I think six months and it provides for overtime of 150% of the normal hourly rate. There have been difficulties within the Administration with the resignation of the officer in charge of the Employment Act and a new officer being appointed and getting up to speed. There's been difficulties with Legislative Draftspeople, we've had one resign just when it was all ready to go and another temporary one came and she is now finished and the new one is about to start next week but once all that settles down and the resources are available to attend to this it will be attended to. Just going on a little bit, maybe I've misinterpreted the actual motion that Mr Brown has put up. Just reading a part of that motion it says to exclude employees in receipt of salaries from the operation of the overtime provisions of the Act. Well I've read that to be that a salaried person, a manager or a higher level employee is excluded but the base level people on the minimum wage are not excluded. I'm not sure if that is the intuition of the motion or not and I seek Mr Brown's clarification on that matter

MR NOBBS Can it be clarified, what the Minister said I think and correct me if I'm wrong, your motion doesn't talk about the \$7 basic rate, what you are talking about is the salary which will be above that rate. Is that right

MR BROWN Madam Deputy Speaker my motion talks of two types of payments. Salary which exists now and a salary is a fixed sum per week no matter how many hours per week. It also talks about people on wages which is generally so much per hour such that they are able to work additional hours over and above their 40 hour week at their normal hourly rate. I had noted the Minister's comment that someone might be told he's on a salary when he's on sweet bugger all, but if that's the case he doesn't have to accept the position. Similarly Mr Smith talked

of local people being prejudiced. Well no-one has to accept a position that's the first thing. But the second thing is, if the Immigration policies are being consistently applied, you can't just say well I'm going to go and bring people in. You are obliged if there is a suitable local applicant who is reasonably suited to the job, to try and employ him and I just cannot imagine the problem the Minister is talking about can actually occur in an environment where you have the existing minimum wage. One of the difficulties with the minimum wage is that various Ministers and certainly numerous members over the years haven't understood what a minimum wage is. They've thought it was some form of basic wage. A minimum wage has always been a safety net type provision and it has not been what the average person earns. It hasn't been a basic wage, it hasn't been an average wage, the minimum wage has always been intended to be a minimum wage but successive Ministers and members have wanted to bring that minimum wage up to be some form of average wage and in doing so they have changed the whole concept of the legislation. Sure, you need to protect people against exploitation and in earlier years there were a few local employers who didn't have a good reputation in that regard. Of them, perhaps only one is still in business and I have not heard complaints for a long long while about the wages paid to that employer. I've heard complaints that some people have decided that they weren't treated like the Queen of Sheba and they've left but everyone is entitled to leave if they decide they don't like the employment but it seems to me that the days of employers not doing the right thing have actually long gone, but sure, like the RSL eternal vigilance is important in that regard, thank you

MR NOBBS This minimum wage business, I thought that was designed originally as some sort of a living wage, that's what you require to live. How you live on \$7 per hour I'm not too sure but anyhow I suppose pretty meagerly but the thing is, why can't we establish a living wage? I think that's what the previous Minister was trying to do, not just to establish an average wage but a wage in which the basic wage was such and such which is your minimum wage or your living wage and then you go up from there so I don't know how we come by the \$5 and then the \$7 and now it's to be \$8.90

MR BROWN Madam Deputy Speaker I don't like to hog the conversation but if my friend Mr Nobbs was to look at the minimum wage in other countries I think he might be amazed. There's a minimum wage in Australia. I'm pretty sure there's a minimum wage in New Zealand, there's a minimum wage in the US and they are not necessarily high because they are not intended to be an average wage. They are intended to be only what they say. A minimum wage. If we want to change all of that then we need to change the whole concept. You can't change one bit and leave all the rest as it is. I have no difficulty if members want to change the whole concept but let's get the present concept right before we spend two years trying to change it, thank you

MR SMITH Thank you Madam Deputy Speaker. I'm glad Mr Brown's raised that because it's just occurred to me too that yes, throughout the debate of the Employment Act over the last few years, that always comes up. It's not always from Mr Brown, that we look at the Employment Act as the minimum wage, but it specifies the minimum hourly rate and whatever we make that rate is the safety net as Mr Brown has said, but if you look at the record of the Employment Act I think it was 1991 when it became \$5 as the minimum hourly rate, then I think Mr Brown changed it to \$5.10 in about 1992. I don't think it changed again until 1995 when Mr Adams made it \$7 and it's been that ever since. Now that was why I just needed to pursue that little angle, because as Mr Nobbs' has said, this thing has been around for two or three years and the \$8.50 is what we decided on as a minimum hourly rate. There was never any confusion about it being a minimum wage but Mr Brown may be right which may be something that will be helpful to his motion where if we set something and I don't know

how we do that, but if we set a minimum wage as the safety net and we can adjust the hourly rate as we see the economic conditions of the Island improve or otherwise

DEPUTY SPEAKER NICHOLAS Mr Brown, what is your wish in respect of the motion

MR BROWN Madam Deputy Speaker this is just a motion calling for a Bill to be drafted so it doesn't bring anything to a conclusion other than giving the Minister the confidence that it's worth spending some time on drafting the Bill so that it can be considered in the usual method by the House so my wish is that the motion be dealt with but then the fate of the Bill at a later date is a different thing

DEPUTY SPEAKER NICHOLAS In that case would you care to read the motion to us please

MR NOBBS Isn't it your intention to leave it on the table. I would like some advise on this

MR BROWN I have no objection to that and in that event I move the debate be adjourned and made an Order of the Day for a subsequent day of sitting

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

QUESTION PUT
AGREED

The motion is carried, that matter is so adjourned

Mr Donaldson, you seek to put a motion by leave

MR DONALDSON Thank you Madam Deputy Speaker I seek leave to present a motion in the form of a resolution by this House on the matter of absentee landowners levy

DEPUTY SPEAKER NICHOLAS Is leave granted members. Leave is granted Mr Donaldson

MR DONALDSON Thank you Madam Deputy Speaker I move the following motion that this House notes the following, that the value of properties on which absentee levy is payable rose by an average of 400% when revalued in August 2002, that such an increase; that such an increase flows through to the amount of levy payable; that such an increase causes financial hardship to the absentee landowners concerned; that where financial hardship is experienced section 21 of the Absentee Landowners Act 1976 allows the executive member to waive all or part of the levy. After noting the above this House resolves to recommend to the executive member that, for this current year only, the levy be reduced by 50% to an effective rate of 1% and that such action be justified and administered on the grounds of alleviating hardship as envisaged by section 21 of the Act. Thank you. In speaking to the resolution I've made a few comments about it. Just abit of history on the absentee landowners levy the Act came into being in 1976 and it requires a person who owns land on Norfolk Island and resides somewhere other than Norfolk Island to pay an absentee landowners levy. The rate of absentee landowners levy payable is residents, that is people who have residency under the Immigration Act pay a quarter of two percent, in

other words half a percent of unimproved value of the land and have the levy capped at \$350. Not residents, that is anyone other than a Norfolk Island resident who owns land and lives off the Island pay 2% of the unimproved value of the land and there's no capping. Prior to August 2002 the value of land on which the levy was based was in the main based on valuations done in 1994 although there were some valuations earlier than that. In August 2002 there was a valuation done of all absentee landowners. The result of that valuation was that there has been an increase of approximately 400% in the unimproved value of all the properties, in all 216 properties owned by the landowners. Valuations were done by the Queensland Department of Mines and were based on actual sales that have taken place over the last three years of 53 properties that are unimproved or very lightly improved. Of the 216 properties 113 were owned by people who have residency under our Immigration Act who are living off the Island and 86 are owned by non residents. A substantial number of absentee landowners have appealed to the increase in the levy attached to their properties on the basis that the payment is causing financial distress and in many instances are stating that they would not be able to keep the property at the current rates of the levy. What this resolution effectively does is to stage the introduction of the levy increase by reducing it to 1% for this year and giving the landowners time to make a considered decision as to whether or not they wish to continue with the ownership of the land. The fourfold increase on the levy was not planned or envisaged and came through under unforeseen circumstances when a revaluation was done. Regrettably this first year adjustment will have a negative effect otherwise collectable however that will be for this year only. In the interests of administering a fair and equitable taxation system it is considered that the reduction is both justifiable and desirable thank you

MR I BUFFETT

Thank you Madam Deputy Speaker I raised this issue with the Minister prior to coming to the meeting and perhaps he may satisfy me and I will get to that shortly, but I would like to make a couple of comments in respect to the Absentee Landowners Act. I think it's verging on discriminatory. I think it's a pain in the proverbial administratively and in the fine work of those two comments, and like some earlier discussions we had in respect of immigration if we pass this motion and I was one of the persons who had gone through the General Entry Permit process got my residency with no special relationship to Norfolk Island popped off back to Australia holding a piece of land that's appreciated 400% in value and then have the Minister for Finance half my levy I would try and sell tomorrow. So there's that issue. The issue I raised with the Minister is to clarify for me that those persons who are eligible for a capped amount of the levy, are we reducing that capped amount or are we reducing the \$350 that it's capped at because I had intended and he assured me that they are not doing that, because I had envisaged perhaps moving an amendment that would say after the effective rate of 1% that for all those persons who are not resident, do not have their levy capped at \$350 and then go on to read that such action be justified and administered on the grounds of alleviating hardship as envisaged by section 21 of the Act. I'm not too sure when it can be absolutely justified when you have a capped amount that you are going to pay and your land is increasing by 400% that you can legitimately run the grounds of hardship. I just need that clarified in my mind otherwise, if the Minister assures me that we are not giving them the same sort of hardship considerations as we are giving all the others or there is equity in this issue then I won't move the amendment but I had intended to do so this morning. If there is a genuine person who is paying on the 400% increase I believe there may be grounds for hardship but somebody who was paying \$350 last year, the simple fact that their land has appreciated 400% this year and are still paying \$350 I need convincing that they suffer hardship

MRS JACK

Thank you Madam Deputy Speaker I would like to ask the Minister why this was introduced in the first place. Is it still in place today to that same reason or is it seen to be as a revenue raiser today. This money is

absorbed into consolidated revenue fund and if that option is the answer then why are we even debating this. People finding hardship in paying the levy, well the Island is finding it hard to stay afloat. We are being asked to provide relief to those people finding it hard to pay this levy and no doubt there may be some with difficulty but how do we assess them. What would be the rule for assessing their claim. There is a limit as to what we can confirm financially due to privacy laws and do we believe on blind faith and what of those who have paid their levy in full. What consideration has been given to those people. Nothing is mentioned regarding their good faith. I see this presentation from the Finance Minister as a kneejerk reaction to a problem. To me it raises more questions than it answers. It does not answer how this Legislative Assembly or any others in the future are to tackle the hardship aspect. It states that for this year we have been asked to consider a 1% levy instead of the 2% stated in the Act. We are told that 216 properties were involved and 113 were owned by residents living off shore and 86 by non resident. Residents off shore have their levy capped at \$350. Well I find this discriminatory and wonder if this piece of legislation retains any validity. The Minister mentions a four fold increase in the levy was not planned or envisaged. Well what steps has he undertaken to ensure that the valuations required for the levy are from now on to be undertaken on a regular basis and that the actual amendments will show this. We are also told by the Minister that many of the absentee landowners stated that they would not be able to keep the property at the current rates of the levy. Well the Minister is asking us to drop the rates for this year alone and not for the following years. The same problem will still be around when the next lot of levy accounts go out and the Assembly will still be sitting around this table trying to come to terms with this same problem. We have to face up to this problem and not shy away from it. At no point in this proposal has the Minister asked us to look at a reduction in the levy and making all absentee landowners equal. That is to lower the percentage levy and remove the capping aspect. 113 people pay \$350 or less and that is the problem as I see it. This part of the Act has not kept pace with reality and as I mentioned before I find it discriminatory. 86 people are left to pay 2% with no capping. Some have paid this and there is no mention of how they are to be dealt with. Do they have a credit operating within this Act or is it their bad luck that they pay in full. I find the lack of consideration for these people goes against the Minister's claim that this proposal is in the interests of administering a fair and equitable taxation system. I also have a problem with just what the 50% is 50% of. Is it 50% of the total to be paid, in other words the original amount or old levy amount plus the approximate 400% increase or is it 50% of the approximate 400% increase and I find the lack of clarity in the making of this point. I have seen letters by various people, some who are non residents, saying that they own land here on Norfolk Island. Land which they hoped to pass on to their children or other relatives and some of these people have strong cultural ties with the Island. Then there are residents who live off the Island wishing to do the same with their land who also have strong cultural ties and I ask where is the equality. There is no level playing field here and as much as I can try to relate to the angst that this may be causing I cannot see any real assistance in the proposal before me and I can't support this motion thank you

MR BROWN

Madam Deputy Speaker Mrs Jack has raised these questions only a matter of a few days ago and virtually every one was answered. Virtually every one. I don't know if she has alziemers or what her difficulty is but it amazes me that she's come up yet again to try and embarrass the Minister who is trying to do the right thing with questions that have already been answered to her. The Minister made it clear that there are reasons why you just can't say well they can pay half of the increase and that reason is that not every block is at all times owned by an absentee and if a block is purchased by an absentee and at a time since the last valuations were done then there may be no existing valuation so the Minister has said that the simplest and fairest way to deal with this is to treat it as 1% for the levy last September and 2% for the levy this coming September. Now that doesn't seem to be

unreasonable. I can understand Mrs Jack's view that \$350 is a fairly significant discount in some cases but by Jove I wouldn't like to be Mrs Jack if she was heard by the various not resident residents, that is, residents who are presently overseas if she was saying to them, well it's best you sell your family land. Now maybe that \$350 should be looked at in terms of increases in the valuation but to suggest that there shouldn't be a discount at all would be a very significant change unless at least twelve months notice of the change was given. We are in a situation where there are various types of landowners. There are some who are not residents but would love to eventually find a way to move to this Island. There are others who are not residents but their children and grandchildren may be. I'm certainly aware of some who have intended for a long period of time to leave the land to their grandchildren and those people are now I expect without exception in a situation where they have to seriously look at selling the land and all that the Minister is suggesting is that in respect of the September levy last year a levy which was not budgeted for and I certainly don't recall that in last years budget there'll be a 400% increase in the absentee landowners levy this year. In respect of last year he wants to treat it as 1%. In respect of the coming year it will go to the full 2% but it will give those people the time to decide precisely what they want to do with the land. They can keep it and pay, they can transfer it now to their grandchildren and run the risks that it will be spent on cars or whatever or they can take such other action that they might decide upon. I think that there is a second question and that second question is, whether having regard to the fairly massive increase in the unimproved capital value of land in the Island, whether we should be leaving this levy at 2% or whether it should be treated as council rates are treated in most places and fix the levy each year and the levy would vary and at the same time revisit the question of just how residents should be treated. Let's look at a few tiers of residents. There are many people who have not been to the Island for years and years and years. But they are resident. Our legislation provides that many of them may be asked to show cause as to why residency should not be revoked. Not on one occasion has that been done. I can recall a former Minister Bill Sanders time and time again, saying I'm prepared to support x when you blokes are prepared to do something about revoking the residency of perhaps 1000's of people who have residency. Now it was a simple task. If we passed a piece of legislation that said an advertisement run four times in the Norfolk Islander, once in the Australian and once in the New Zealand something or other, shall be deemed to be notice for the purpose of this section, in the event that a current address for the person is not held, that's all we would have to do. It would then soon sort out who is a real resident and who isn't because that notice would only be given to someone who hadn't bothered to come back to the Island for a long period of time. You've got others who have moved back to the mainland because that's where they intend to stay. They might have moved back because they've got on in years, they've come from the mainland, their kids and their grandkids are on the mainland and they want to move back, they've enjoyed their years in Norfolk Island, contributed to the community and intend to come back once every year or few years. You can form a particular view about that sort of person but you've got another person who may have moved from the Island to the mainland to do a trade, complete tertiary education, met a partner, married, had children, locked into a mainland system where it really wasn't possible to come back. Suitable employment not available on the Island for example. They've got a property perhaps come down from the great grandfather, the grandfather or the father to that resident and that resident might at all times intend to come home when he retires. Now we'll leave aside the fact that he might not have contributed to the community in the whole of the time he was away and he might come back just in time to spend ten years before he goes on a local pension. That's a different problem, but that person, is a resident, old island family, always intended to come back. Then you might have a person who is away for three or four years because the family all went away so that the kids can complete their education on the mainland. Intend to come back as soon as they possibly can but can't do so before the education is complete, so to just say oh there's \$350 is a bit raw. Doesn't really think through the

problems. I think it needs to be thought through and I think that you might be surprised if you look at the number out of that 130 out of 216 who are residents living off shore and paying at the most the \$350. So the whole of the burden or rather something like 80% or more, probably 90% of the burden of the absentee landowners levy is shared across the other 86 and many of that 86 might be quite deserving so it's not a simple problem. It's not a problem that can be sorted out in five minutes. It's a problem that the Minister can sort out between now and September but he needs to be given the time to do it fairly and that's why I'm going to support his motion

MR DONALDSON

Thank you Madam Deputy Speaker Toon asked a couple of questions and Vicky raised a few more. I'll try to answer them to the extent that I haven't been answered by Mr Brown. The first one was why was the levy introduced. Well there's conflicting stories as to why it was introduced, whether it was a revenue raising measure or something to discourage foreign ownership of Norfolk Island land. I still don't know the answer I haven't got to it but I've heard from people who were on the Island at the time, different stories but really that's very much behind us now and is probably not relevant to the current philosophy of the current discussion. I was asked what is the basis of financial distress or hardship. Well all the Act says on that issue is where the executive member is in any case satisfied that owing to death, financial distress etc, where extraction of the full amount of the levy or interest will cause hardship he may waive the levy. There is no guidelines set down whatsoever to define financial hardship. I really think it would be unfair to use say the pension guidelines if you qualify for a pension and you are suffering from financial hardship because even a lot of people on the Island and people who have left the island, and there's young families who have left the Island but have maintained their property here and their property might suddenly be valued at \$200,000 for unimproved value so they've got to find \$4000. Although they have probably two breadwinners in that family they have their commitments, they have their work, they have their expenses and to actually find \$4000 within sixty days is quite a burden to them. That in my opinion causes financial hardship or financial distress although there are no guidelines to quantify it. The \$350 is a bit of an anomaly in that it hasn't risen with the value of land. There has been a suggestion that it should have been indexed but it hasn't been and this motion or resolution that I'm putting to the House at the moment in no way addresses that \$350. What it will address is the people who have to pay the \$350 because their land is valued above x number of dollars where the threshold cuts in. it will take twice as long to get to that threshold so it does give some relief to those residents under that provision. The 1% this year and 2% next year story. I'm not sure what is going to happen in the future, whether the 2% is deemed to be too high and we reduce it to 1% but at least by reducing it to 1% it gives people time to make an organised decision as to what they want to do with land rather than a kneejerk or panic decision. Included in that group of non resident residents that we've spoken about who have to pay the full amount of the levy and don't have the benefit of a capping on it, quite a few people who have a relationship with Norfolk Island because they have family members here but don't have residency under the Immigration Act a lot of those people have inherited land here and consider it almost an obligation on their part to hold that land in trust for their family members and not to sell it and they've been one of the strongest and lot larger groups than I anticipated and one of the strongest groups who have complained about the levy. I've had other people compare the levy as it is now set to the \$4000 as an average sort of levy for an uncapped levy to council rates paid in suburban Australia and they all say they don't pay anything like that for council rates in Australia and yet they get services of public libraries, public swimming pools, garbage collections, kerb and guttering, better streets and a whole lot of other things and it's a comparison they can't help but make whether its valid or not is up to the individual person to decide. I'm still supportive of reducing it to 1% for this first levy only and I'm once again interested in what other members have to contribute

MR GARDNER Thank you Madam Deputy Speaker I have a quick query. I've heard the Minister and others around the table say that this will give people the opportunity of a year to consider what they will do with their land before the imposition of the full 2%. I've also heard September being the date so I understand that this levy was from September last year and the next levy period where the full levy will have effect from will be September this year so seven months down the track is what we are talking about is that right. Yes.

MR NOBBS Thank you Madam Deputy Speaker. It is really interesting sitting here and listening to the debate considering that I had to contribute to this sort of thing for a few years although I was fortunate in that I was able to lease some land, but what was said and I agree with what the Treasurer said, to some people land is the most important thing or has been in the past although I don't know if that is changing now amongst the Island people, but land is pretty important and the thought of retaining your family land is something that should be encouraged and I just feel a bit sad when this word discrimination is used. I don't think people have really seen discrimination as I probably have seen it but I don't want to go down that road because it's in a civilised country like Australia but the situation really is, that discrimination here is fine. If you own a business here, you stop somebody coming in and starting up in opposition to you that's good, that's fine, there's no worries about that, but that's discrimination too and that's part of the system and I agree with that and as far as this is concerned I agree that there should be for residents of this Island, the rights to retain their land. If you feel that there is the need – and it's come up twice today and I brought it up about three or four years ago and nobody seemed to worry too much about it, but the section in the Immigration Act which as Mr Brown pointed out, let somebody move the motion, let somebody do it that way because there are thousands of people who have their residency of this place and have no real interest in the place but maybe when they do turn sixty or get up around that they want to come back and they want to jump on the health scheme they want to jump on everything else that goes with it and I don't totally agree with that so I believe that there should be, if it says three years in this Act, if you're away for three years without reasonable reason I think it says, well then we should do something about it but don't let's talk about it, let's do something but as far as this proposal is concerned I'll support the Minister. If you want to chop it back and cut it out, nobody want to pay I guess, nobody want s to pay FIL so just chop it out, there's \$800,000 gone then you've got this cut out \$200,000. A million bucks gone just like that so then we have to find that money somewhere else and as far as the absentee landowners are concerned we find the money of whatever the price is for this year, I think we got \$300,000 we would be looking to raising those funds from within the community. That's fine if you want to do it that way but I think absentee landowners should be required to pay a certain amount but I think this last increase was huge. I don't know how they came to get the figures as they were but I assume that being professional people they do it that way but it seems an awful lot to go up 400% and in some places more than that in the five or six years since the last figures were put through so I support the motion

MR SMITH Thank you Madam Deputy Speaker my opinion is that the way that the Minister is dealing with this is reasonable considering that the valuations have increased the levy by so much so quickly and I guess we'll make it back if the levy is to remain at 2% at next September or whenever it is, because I think we are at the end of a cycle aren't we where land values and other things will start to drop down a bit so we'll pick it up on the roundabout unless we revalue everybody's land again in the following levy period. As for the residents a \$350 cap I think that's reasonable or maybe we need to increase it a little bit itself but I don't see any need for changing that to a percentage like everybody else has to pay but I'll support what Graeme is trying to do

MR I BUFFETT Thank you Madam Deputy Speaker I wasn't trying to oppose the Minister when I suggested that I was seeking clarification. I'm not too sure that I'm clarified but perhaps another concept we could look at is all those residents living here, when they sell their land if it's also gone up by 400% we only pay 1% on the registration fee

DEPUTY SPEAKER NICHOLAS Mr Buffett did you wish to pursue the concept of an amendment

MR I BUFFETT No, No I don't intend to pursue it Madam Deputy Speaker

DEPUTY SPEAKER NICHOLAS Thank you. Is there any further debate. No further debate. Perhaps Mr Donaldson you would be kind enough to read the motion then move the appropriate motion

MR DONALDSON Thank you Madam Deputy Speaker I move that this House notes the following, that the valuation of properties on which absentee levy is payable rose by an average of 400% when valued in August 2002. That such an increase flows through to the amount of levy payable, that such an increase causes financial hardship to the absentee landowners concerned, that where financial hardship is experienced section 21 of the Absentee Landowners Act 1976 allows the executive member to waive all or part of the levy. After noting the above this House resolves to recommend to the executive member that for this current year only the levy be reduced by 50% to an effective rate of 1% and that such action be justified and administered on the grounds of alleviating hardship as envisaged by section 21 of the Act

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

QUESTION PUT
AGREED

MRS JACK NO

The motion is agreed thank you.

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

Honourable Members we are about to deal with the Supplementary Appropriation Bill but before calling on the Minister for Finance Honourable Members I advise that I have received the following message from the Office of the Administrator, Message No. 9. The Supplementary Appropriation Bill 2003. In accordance with the requirements of section 25 of the Norfolk Island Act 1979 I recommend to the Legislative Assembly the enactment of a proposed law entitled "A Bill for an Act to authorise supplementary expenditure from the Public Account for the year ending 30th June 2003". That message is dated the 10th February 2003 and signed by A J Messner, Administrator

NOTICES

SUPPLEMENTARY APPROPRIATION BILL 2003

MR DONALDSON Thank you Madam Deputy Speaker I present the Supplementary Appropriation Bill 2003 and move that the Bill be agreed to in principle. In speaking to this Bill it allows for the long established practice of reviewing the Revenue Fund budget after six months of trading and amending the Supply to

reflect changes that have emerged since the original Supply Bill was passed in the previous June. Members will recall that last June we passed the Appropriation Bill that provided a minimum level of funds for the Revenue Fund expenditure. In fact the total of budget bids were about \$4.5m more than eventually supplied. The amount supplied was \$11.2m and that provided for a balanced budget at that stage. The half yearly review has now been completed and involved Administration officers, executive members and other members of the Legislative Assembly. There have been changes to both the predicted income and the predicted expenditure within the Revenue Fund and the Appropriation Bill addresses the expenditure changes by seeking additional expenditure of \$912,350. This amount is partially offset by the predicted rise in revenue of \$303,600. The revised budget result is a deficit of \$700,850 which also takes into account expenditure approvals transferred from the previous year of \$92,100 being building additions for the school which were approved in the previous financial year but carried forward to this year. The main items of expenditure making up the \$912,350 are as follows. We've provided an additional \$110,000 for the road rebuilding and maintenance programme bringing it up to a total of \$305,000. We've provided an additional \$400,000 to the Hospital subsidy, bringing their total budget subsidy up to \$970,000. We've increased the tourist bureau subsidy by \$150,000 bringing their total bid up to \$750,000. There's been a predicted increase in welfare spending for the year of \$85,000 and that actually brings the welfare expenditure which covers pensions that we pay to our elderly and the medical expenses we provide for them to a sum of \$1.6m for the year. There were additional expenses in the CEO's office. CEO and executive directors salaries to cover I think payout and a mistake in the original budget where one Executive Director was left out of the budget with an additional \$114,000 and that brings the cost of the CEO's office and the Executive Director and also associated expenses up to \$529,600. Those five items account for \$859,000 of the \$912,000 additional expenditure. There's other smaller changes to the original budget, both plus and minus and these make up the difference. Mr Speaker there still remains one item to be included in the budget and that relates to Administration salaries and wages and the determination, which when I prepared this it was to be handed down by the Remuneration Tribunal. We've since heard that the Remuneration Tribunal has handed down a determination and the effect will be another \$80,000 on revenue fund salaries for the remainder of this half year and that is retrospective to 1st January 2003. The Revenue Fund commenced with year with approximately \$2.1m in the bank and that will be reduced to about \$1.4m by the end of this financial year if the budget predictions prove to be correct. Clearly this is not a sustainable situation and as a matter of priority further expenditure reductions and reduction strategies have to be put in place along with a review of increased revenue options. It is not my intention that this Bill pass through all stages at this sitting and I intend moving that it be made an Order of the Day for a subsequent day of sitting but before I do that I would like to give other members the opportunity to contribute thank you

MR SMITH Thank you Madam Deputy Speaker I've actually been away for about four weeks so I've missed a lot of the discussions about the budget over the last period and obviously members have discussed this fairly fully. I've got to say that I'm amazed that we have the cash and thankfully we do, to cover this \$700,000 odd deficit that we are going to create in the middle of the financial year. Does this mean that at the beginning of the financial year we weren't told the real facts. Does it mean that we already had the money then. Did we scrimp and save with everything to cut out the things we did do at that time but we really did have the money to do it anyway. I was of the understanding, possibly wrongly, that we didn't have the money or the spare cash to do it and talking to the Minister a couple of years ago it appears that we have \$2m in the bank. Good on him if we have but how we came to that position I really just don't know. Maybe, and it doesn't have to be now, that the Minister can help me out with that. Six months ago we didn't have the money to provide a lot of things. Now we're just pulling \$700,000 out of the bank because we

have this money in the bank. Have we made that much in the last six or seven months that we are able to do that. I realise that what's in the Supplementary Appropriation Bill in the big item stuff is stuff that is needed. The funds are needed, like the Tourist Bureau and with the Hospital. I'm not too fussed about that but I'm just surprised that in a budget review and six or seven months into a financial year we are passing something when such a large deficit as this but are able to fund it

MR DONALDSON Thank you Madam Deputy Speaker I'll do my best to respond to Mr Smith's enquiry. Two issues have contributed to this. One was when the predictions were made as to how much would have to be in at the end of last year that was before the end of last year and it was a rather gloomy prediction. Things didn't pan out quite as bad as we thought they would and they often don't because it's impossible to spend every cent that's allocated in the budget review or in the Appropriation Bill. There's always unspent funds that contribute to the surplus carried forward. The other factor that I don't think was factored into at the time was at the end of each year we get a dividend from the Liquor Bond, we get a dividend from Telecom of about \$2m and I think those dividends were a little bit higher than we actually were anticipating so once again things weren't as gloomy or as bad as we thought they would be last year although that's not a reason to celebrate but we still have a deficit budgeting problem

MR SMITH Thank you Madam Deputy Speaker I suppose that's at the back of what I'm talking about here. For the last two or three years we've ended with these deficit budgets and you had to do one at the beginning of this year although it was very minimal I think but you are now put in the position where you have to have a deficit budget for the whole year because we didn't realise that we had all this money in the bank. I suppose that's the question in my mind. How come we've got all this money in the bank. I hear what you're saying about things weren't as bad as we thought they were going to be and we have made more in the revenue fund as you pointed out earlier this morning but I'm really surprised that we are in the situation that we suddenly have \$2m in the bank – though I'm not knocking that – which I don't think I can recall us having that much spare cash that we can fund a \$700-800,000 deficit.

MR DONALDSON Thank you Madam Deputy Speaker. I don't want to paint a picture of optimism too brightly because the twelve months before that, at the equivalent time twelve months earlier, we had \$2.9m in the revenue fund bank account. At the end of last year we had \$2m in the revenue fund bank account and at the end of next year we'll have \$1.4m in the revenue fund bank account. There is an erosion of our reserves, an erosion of funds that has to be curtailed

MR NOBBS Thank you Madam Deputy Speaker just from a historical perspective Mr Smith, the last financial year we suffered a loss of \$362,000. In the two previous years we had an excess of revenue over expenditure to a total of \$1.5m. that's what the story is. That's where it's coming from. We were criticized because we said we had \$960,000 under expended. Well I'm pleased we've got it now because that's what we are living on, thank you

MRS JACK Thank you Madam Deputy Speaker I see that the Select Committee here is a new committee and there is a budget there for it to operate at \$30,000 and at the MLA's the other day there was a proposal that may need some more money put forward in the continuance of a Cybercentre. I'm just wondering after what the Financial Minister said that he is worried and is trying to curtail our expenditure, I was just wondering does the Select Committee need all that \$30,000 and do we need the Cybercentre. Is there any return guaranteed for that proposal to continue

MR GARDNER Thank you Madam Deputy Speaker maybe I could respond on the Cybercentre issue. There is a proposal as we talked about earlier this morning that members will discuss and decide upon Monday next. Hopefully will decide upon Monday next. There is not envisaged certainly at this time a need to seek supplementary appropriation if that proposal were to go ahead. There are already sufficient funds within the current years budget to cover that and I understand and have been advised from the Service in the last seven days or so that there are sufficient funds within the Government Business Undertakings that was established for the Cybercentre to cover that proposal if it were to go ahead anyway so that just clarifies that, that there isn't a supplementary bid expected for funds for the development of a Cybercentre if that proposal were to proceed in this financial year

MR NOBBS Thank you Madam Deputy Speaker I think people have to understand that the expenditure over the last five years has gone from \$9.7m, \$10.2m, \$10.5, \$10.7, and then in the last financial year just completed it went up to \$11.8m. Now that's an increase of \$2.1m over those five years. Now the revenue has gone up nearly the same, maybe a little bit less so what we've done now is that we are expending more than we are getting in, in this financial year and the same as the last financial year and that's where we need to curb it. We need some curbing on the expenditure. That's the way it goes. You can only live within your means. You can only keep dipping into the Bank for so long and I think the Island operated reasonably well over those four year previous to the figures that I quoted and we were well under revenue for most of those year but all of a sudden it's blown and that's the concern that I have, thank you

DEPUTY SPEAKER Any further debate Honourable Members on the Appropriation Bill

MR I BUFFETT Thank you Madam Deputy Speaker. There being no further debate I move the debate be adjourned and made an Order of the Day for a subsequent day of sitting

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

QUESTION PUT
AGREED

Thank you, your motion is carried, that matter is so adjourned

PUBLIC SECTOR MANAGEMENT AMENDMENT BILL 2003

MR D BUFFETT Thank you Madam Deputy Speaker. I present the Public Sector Management Amendment Bill 2003 and I move that the Bill be agreed to in principle. This is a Bill to effect really a minor amendment to the Public Sector Management Act 2000. It seeks to clarify the election of the presiding member of the Staff Consultative Committee. There's a particular paragraph of that Act that states that four employees of the Service are to be elected by employees of the Service to be on the Staff Consultative Committee. This particular amendment seeks to make it very clear that the presiding member of that group is to be elected from among the four employees elected to be members. It also has an additional bit about definition of the presiding members. It is a five clause Bill which aims to do those things that I have briefly described. I commend it to members. It will be within your consent of course, be on the table until the next sitting. This is its introduction

DEPUTY SPEAKER Thank you Mr Buffett. Any further debate Honourable Members. There being no further debate then I seek a motion of adjournment

MR D BUFFETT Thank you Madam Deputy Speaker if there is no further debate I will move that the matter be adjourned and made an Order of the Day for a subsequent day of sitting

DEPUTY SPEAKER I put the question that the motion be agreed to

QUESTION PUT
AGREED

The ayes have it, the debate is so adjourned

LEGISLATIVE ASSEMBLY AMENDMENT BILL 2003

MR GARDNER Thank you Madam Deputy Speaker I present the Legislative Assembly Amendment Bill 2003 and move that the Bill be agreed to in principle. I'll deal with part of the explanatory memorandum firstly and then give you an overview of exactly where we are and why we are sitting with this on the table today. The purpose of this Bill is to restore qualification requirements for enrollment in Norfolk Island. The Legislative Assembly Ordinance 1979 provided in section 6 and subject to subsection 2, a person is entitled to enrollment if he resides in Norfolk Island and is an Australian citizen or otherwise has the status of a British subject; has attained the age of eighteen years; is a resident or the holder of an entry permit other than a temporary entry permit; and has been ordinarily resident in Norfolk Island during the period of six months immediately preceding his application for enrollment or being a person whose name has been removed from the electoral roll under paragraph 7(1)(b), has again lived in Norfolk Island within two years after the removal of his name. The Immigration Consequential Amendment Act 1983 which was Act No 3 of 1984 amended paragraph 6(1)(c). That amendment read (c) is a resident or the holder of a the General Entry Permit. Under the Legislative Assembly Amendment Act 1984 which was No 3 of 1985 subsection 6(1) was repealed and replaced with the following. A person is entitled to enrollment if he lives in Norfolk Island and (a) is an Australian citizen or otherwise has a status of a British Subject; (b) has attained the age of 18 years and (c) has resided in Norfolk Island for a continuous period of three years or for periods totaling two years and six months during the period of three years immediately preceding his application for enrollment and satisfies the Administrator that he proposes to live in Norfolk Island indefinitely. Madam Deputy Speaker the Statute Law Revision No 3 Act of 1986 repeals paragraph 6(1)(a). The section was again amendment by the Legislative Assembly Amendment Act 1991 under which subsection 6(1) was omitted and replaced as follows, subject to subsection 3 which deals with the imprisonment of the person, a person is entitled to enrollment if the person has attained the age of eighteen years and has been present in Norfolk Island for a total of 900 days during the period of four years immediately preceding the persons application for enrollment. The proposed Act, the Legislative Assembly Amendment Act 2003 is intended to revive the requirement for Australian citizenship as a qualification for enrollment which was present in the 1979 legislation, albeit in tandem with the British Subject requirement at the time of Norfolk Island attaining the status of self government. At the same time it preserved the rights of persons who are members of the Legislative Assembly to remain qualified for enrollment and thereby for nomination as members until the end of their present term of office and the rights of those persons whose names are already on the electoral roll. The Bill before us was conceived as a result of considerable discussion and the over-riding desire and need for Norfolk Island to retain control of its own electoral processes.

In good faith I have moved in this direction to bring what I considered a reasonable position to this House in an effort to ensure that the Commonwealth would finally go away and leave us alone on this subject. And in good faith that's what I've done. I gave notice of it. I put it on the Notice Paper last week and then events were overtaken by a response firstly to a letter that I had written to Mr Tuckey in December and that response I received late last week followed by a Press Release from the Minister's office that all members I'm sure and the listening public are fully aware of, was included in the Norfolk Islander this last Saturday. My initial response to that was to withdraw this Bill from the Notice Paper but it is important I believe that the last time these things were openly debated and discussed in this forum was some twelve years ago and that it is appropriate in light of the Minister's response to have a clear and concise debate regarding the Commonwealth's proposals in regard to this item that they consider to be electoral reform on Norfolk Island. It is still my intention to leave this legislation to lay on the table and at an appropriate time move to adjourn the matter to a subsequent day of sitting. I am certain that other members will wish to comment. As I said, it's been some twelve years since in this forum these matters have been debated and discussed in relation to legislative change in Norfolk Island's area of responsibility, not the Commonwealth. I grant that that over a number of years has been debated widely in this forum as far as responses are concerned, but this as I said, was an attempt at legislative change in our own right on Norfolk Island. I will return I'm sure there will be a number of matters that will raise themselves during debate on this matter. I have significant comment maybe later on in this meeting, but certainly at the next Sitting of the House, once I've been better able to establish the intent of Minister Tuckey's press release though I think at this stage it is fairly clear that it is intended to totally ignore the wishes of the Norfolk Island Government and community as far as retaining proprietorship of our electoral process but certainly I will have significant debate either later on in this session or at a subsequent sitting regarding some of the claims and the justifications that have been put forward by the Commonwealth in regard to this matter, thank you Madam Deputy Speaker

MR BROWN Madam Deputy Speaker Minister Tuckey is well aware that this House has appointed a Select Committee to look into these issues. With the greatest of respect it can only be described as total ignorance to not wait a reasonable time for that Committee to complete its task so that yet again the view of the Norfolk Island community can be put to the Commonwealth. The letter that was sent to the Chief Minister was in poor enough taste. But to place a press release in the Norfolk Islander within a matter of days and long before the Chief Minister had the time to prepare a reasoned response can only be regarded as thuggery. Absolute thuggery from the man that prides himself in his nickname. Many in the community have differing views about these issues. Those views will be able to be presented to the Select Committee, a Committee of five members of this House. Very varying views amongst them. Two of them are executives, three of them are backbenchers but I would have to say that just because Minister Tuckey tells me to put my head in an oven doesn't mean I'm about to do it and unless I come to the conclusion that what he is suggesting is the proper answer for the Norfolk Island community I will vote against it and if the Commonwealth attempts to over-ride the will of the people of Norfolk Island and to ignore its responsibilities to Norfolk Island because no matter what the Commonwealth wants to say, Norfolk Island is not an integral part of the Commonwealth it is an external territory under the authority of the Commonwealth and they are very different things, I will happily complain til the day I die about the thuggery that is proposed, but I will not bow to it, thank you

MR NOBBS Thank you Madam Deputy Speaker. The community has said over the years that they wish to retain the electoral situation as their prerogative. I think that that's fair enough. If we could just go back to this whole business., My understanding is this was the original electoral issue, well not the original

one, but the 1998 version, the 1997 version, came as a result of a loan application or a suggestion that we could get funds to repair the cliff at Cascade to make it safe and then the Commonwealth would then have no responsibility for safety down there. My understanding is, as part of a Cabinet submission this particular issue was brought forward and now it's become a big issue and the Cabinet decision was made on that at the time which was for a loan, not really to run our own electoral system but the Commonwealth now believe that they have the right to over-ride our particular wishes, the wishes of the community here and like Mr Brown I'll be fighting it until the time that I'm either up the road here in the ground of this whole thing is finished up and it becomes an amicable arrangement which I believe could occur with this Select Committee once it completes its task because there are definitely differing views in the community but the over-riding view is that the community should deal with the electoral issues as it desires. That to me is the answer. I've got my own views on things. I mightn't get them through. I might get some through but not all of them and that's fair enough but the community has to be the one that says. They're the people who live in this particular facility. I don't think we need some people coming over here on their trips from Canberra and just telling us what to do and that's what's happened. As I look through this report on the Joint Standing Committee you will see the continual reference to the Department of Territories and other Commonwealth instrumentalities who've got their own views. I see Ms Chloe Nicholas is mentioned in dispatches as well but there are the odd resident who gets a write up but the basis of it all is the Department of Transport and Regional Services. That is Yes Minister stuff. But I would accept that in Canberra because that's how they work. They can't think on their own. They've got to be told what to do by these particular people who sit there in suits. Now that's fine. If that's the way they want to do it well that's it. But as far as Norfolk Island is concerned I still believe that the community wishes to deal with the electoral issues themselves and that's what we'll be fighting for. I understand what the Chief Minister has attempted to do here and I understand where Minister Tuckey's position is in relation to this because he has extreme difficulties being outside the Cabinet and a Cabinet decision has been made. I have great difficulties when other Ministers who know nothing about Norfolk Island has suddenly come in on the gratis side of things and telling us what to do. I have great difficulty in reading a letter which I actually quoted from it during the Standing Committee Report which says that the Norfolk Island constitutional arrangements is no problem with them at all and there is no problem with the Act as such. I mean that's fine from a Departmental bloke. I've been dealing with these Commonwealth Departmental blokes for years. It's all so simple to them. Unfortunately when you get out on the ground and you have to work these things they find it extremely difficulty and I believe that this situation, unless the community stands up at this point in time, we'll just be ridden over the top of. I'm an Australian taxpayer so it doesn't matter to me. I make nothing here so I mean to pay Australian tax is fine but it goes against the grain because it's like the land situation. You inherit the land. It's going to be passed on. I inherited an Island which I believed at the time was reasonable. It would look after itself and I still believe it can and there were certain things that made it different and one of them was this not paying tax. The other one was that we have our own language. We have our own culture. Those are great things and we shouldn't lose sight of those facts and we shouldn't lose them and indirect taxation for want of a better word is what Norfolk Island has survived on really if you look at it. Australia is just waking up to the fact now that that's probably the way to go so I mean I'm totally against this business and I won't be going to Government House to have dinner with these people next Monday night that's for sure because as an Australian taxpayer I don't like my funds being used by people who know nothing about what they are trying to put across to us so I won't be there. I'm sorry about that. I will be here on Monday to speak with them as the Chief Minister says we have to be there. I'll be putting in a written submission, a person one to this Committee on their next effort but I'm really cheesed off, I'm really sad that it's come to this because we don't need it. It's been difficult enough for Norfolk Island to survive over the years without once we

get some sort of self Government which the people have been after I believe or so I'm told by my parents and other members of the community older than that, who are dead and gone years ago, that that's what they've wanted since 1896 and I believed it and I was brought up with it and I still believe that's it and for those who may feel that they need to be more like the Australian system, well go and live there. I did it. It's fine if you want to put up with some of the things that you do but this is always home and it always has been and it always will be and I don't like it being wrecked by a group of outsiders. I can tell you that now and I'll be fighting this thing as long as there's breath in me or until they come to their sense and realise that there are other ways of doing things. The Norfolk Island Act provides in there for a review. It was never done and maybe a lot of it was our fault. I don't want to get into that but it is time for review of the Act and we need to do it and we need to get away from this situation where at the drop of a hat the Commonwealth Government can come in and push for something. We have an Administrator come over he's got a pet theory on something. Well you cop it. The Islanders were copping that for years before. These guys coming in. I won't hold you up. As I say, I'll be fighting it. I disagree with the Bill as the Chief Minister knows and I won't be having much to do with these particular people on the Joint Standing Committee thank you very much

MR SMITH

Thank you Madam Deputy Speaker. I think the Chief Minister has done the right thing in introducing this Bill as he did tell the Minister for Regional Services, Territories and Local Government, Mr Tuckey that he would take action as quick as he could and he's done that. The Chief Minister has done the first part of his role in this matter. I'm assuming that it's going to sit on the table for a month anyway. Yes, the Chief Minister says it will. It's funny you know, Ron just mentioned before about when we were offered some funds to do the Cascade Cliff which turned out to be a loan anyway and it kicked off this issue again. The first one was back in the early 90's and I was just thinking, you know I think we've just made an application to the Commonwealth for another bit of money haven't we. The Minister for Finance says yes. And this is funny because this has come up again. It's all sort of coincidental. But I think the funniest thing is, in the original letter from Somlyay in his office at the time when this all blew out of all proportion when they didn't ask us anything about this before they did it, the letter then suggested that they had to change the system here because you couldn't have subversive elements in the Legislative Assembly and there were various other cases. But today, Daryl Williams is saying that now, we don't fit within the obligations that Australia has to the ICCPR. Is this another argument they happily use for this. He also says here in his letter, this is a letter from Wilson Tuckey to the Chief Minister early in February. He says "...I'm also concerned based on well established precedent that a view that Norfolk Island's electoral system is not democratic and it could have implications for the Norfolk Island Legislative Assembly's right to membership of the CPA". What we said to the Minister when he was here and as we've been saying to the Commonwealth for the last three or four years is that we should deal with these matters, we should be looking at what they want us to do as well as the other changes that need to be made to the Legislative Assembly Act. The Chief Minister said that he will introduce what has been proposed and it's his version of the what the Federal Minister wants us to do and he's done the right thing but from here on in we have a Select Committee that is looking into the community's thoughts about this issue. Now we've done that in the broadest sense with referenda in the past which has given us a good idea of what people really think of what the issues are but we are going even further this time with the Select Committee to let people tell us exactly what they think on every bit of the issue that has been proposed. And that's the democratic process that we are going through now and if it takes three, four, five months, so be it. But we are going through a democratic process. How can the Commonwealth say what we are doing already is undemocratic but they don't want us to go through this full process of going through the Select Committee over the next period of time which I take there is a bit of an objection to in here because the Minister

says he's written to the Prime Minister advising he'll take action to introduce a Bill to amend the Norfolk Island Act in the near future. That's like saying well Norfolk Island we're not going to wait til you've checked with your community, we're just going to do it and that's happened over the last few years and it makes me angry with that type of attitude when we say we are going to do a certain thing and we set out to do it. I just don't understand the reason behind that but the Chief Minister is going to adjourn this matter so it will give us time for the Select Committee to do a bit more work before the next sitting when we may have a better idea from the community of what their thoughts are

MR GARDNER Thank you Madam Deputy Speaker. Mr Smith made some reference to the Commonwealth Parliamentary Association and Minister Tuckey makes reference to it. Some consider it a veiled threat, others just an issue of concern about our continuing involvement in bodies such as the Commonwealth Parliamentary Association and it is interesting to note and I'm sure that Mr Evans, the author of the letter that will appear in the Norfolk Islander would have no difficulty with me using the content of his letter to the Norfolk Islander in this debate. Primarily because his reference in his letter that will appear in the Norfolk Islander on Saturday talks about the 48th Commonwealth Parliamentary Association Conference of September 2002 and the unanimous support for Small Countries at that and it just so happens that I was Norfolk Island's delegate at that CPA Conference but he does take an extract from the Commonwealth Parliamentary Association Newsletter that says members from the 22nd Session of Small Countries representing thirty-one branches insisted "... that the voice – and before I go on Madam Deputy Speaker, Small Countries for those that are listening are deemed to be those countries with a population of under 400,000 persons living within them so it's reflective of all the small places around the world that occasionally get beaten around the head by big brothers – that the thirty-one branches insisted "...that the voice of democratically elected representatives of all small Commonwealth jurisdictions should be heard more clearly by governments and international organisations." The Small Countries Delegates, - quoting from David's letter - including those from dependent territories, complained "... that their views are not given sufficient recognition by large countries and agencies which make decisions critical to their societies." And certainly we are evidencing that at the moment. At the same CPA Conference the delegates to the main conference which occurs after the Small Countries Conference were provided with a report by a spokesperson for the Small Countries and that was received with acclamation if my memory serves me well and I know that the Speaker was in attendance at that Conference and the Parliamentarians who were in attendance at that time unanimously endorsed the view that the right to self-determination should be paramount and should be applied without qualification so all jurisdictions are secure. Now those words albeit slightly difference were echoed by the leader of the Australian delegation to that same Commonwealth Parliamentary Association Conference the Honourable Paul Calvert, President of the Senate of Australia and so too were they in my private discussions with Senator Julian McGorran echoed to me and his words which I will use were ...that he likes Norfolk Island. He will defend our right to maintain our electoral system the way we choose it and he will oppose it in the Senate. Well I know that he's a good party man and I know that he'll do as he's told. So that's not going to occur. And I guess really at the end of the day the some of the problems that we are experiencing come down to the difference between the systems that exist in Australia and the States and Territories in Australia and those that exist in Norfolk Island . One of them is, is that we as independent thinkers on Norfolk Island can say what we want and vote which way we wish to vote depending on what people out there are telling us. Not what the party leadership tell us even though like Julian McGorran for example, he holds reservations about the way that he should vote but he's got to be secure in his job and of course he's going to take note of what he's told to do and that's one of the arguments that I pointed out, certainly to Minister Tuckey, to Julian McGorran and to others in the Australian Parliament that

I've spoken to. They need to be conscious of the fact that it's not rocket science when you are choosing elected representatives in the States and Territories. Nine times out of ten you have a party allegiance whether it's to Liberals, to Labour, to Democrats to the Greens and whether you move from Tasmania to Western Australia or from Tasmania to the Northern Territory or to the ACT or New South Wales or Queensland the chances are, you are going to carry your party allegiances across those borders with you and when you rock up to the polling booth you are looking for the red, the blue, the green. Looking for the banner that you can go along to and pick up your how to vote card and if you follow the how to vote card you can't really get it wrong. It's pretty easy. And so in that sort of circumstance I would probably argue that one month is more than long enough. It probably take you ten minutes to read your how to vote card. But Norfolk Island 's difference and that's encapsulated in the Preamble to the Norfolk Island Act and recognised as being different. What Mr Tuckey should be doing with all due respect, should be rather than telling us what to do should be turning his vitriol and venom around on those persons in Australia that think that we should be the same and saying well hang on, bugger off you people. We've recognised, the Commonwealth Parliament have recognised very clearly in our own legislation that Norfolk Island is different. Read the Preamble to the Norfolk Island Act. I know Mr Nobbs sent that to Mr Tuckey not too long ago. Ron you might be able to let me know exactly when that was, but it wasn't too long ago because Minister Tuckey was not aware of it...

MR NOBBS

30 December

MR GARDNER

Thank you. Mr Tuckey wasn't aware of it. Goodness gracious me. I've searched all other pieces of legislation whether it's for the ACT or the Northern Territory. Where-ever it makes provision for self government in other areas and that same recognition is not afforded to them. It was afforded to Norfolk Island because there was justification to afford that to Norfolk Island and he may well make reference to the ICCPR. The ICCPR is one of three documents that makes up the International Bill of Human Rights. And you cannot look at the ICCPR in exclusion of the other two parts of that triad for want of a better word. You can't look at it like that because the other parts of that triad deals with the rights of minorities. Their indigenous rights. I mean the history of this is interesting and when it comes to breaches of those sorts of international agreements I tell you what, the Federal Australian system doesn't come up smelling of roses. They haven't smelt of roses in the past and they continue to lack that smell of roses and it's something they need to consider. It's something that the CPA, the CPA should consider about Human Rights and whether in fact Australia, the Federal branch should continue, when it's trying to use, I think the word were "thuggery" that Mr Brown used, thuggery is not an appropriate way to deal with a very proud member branch of the Commonwealth Parliamentary Association. It is not for big brother to go and knock us around the head. It is for them to listen to what we are saying and for CPA which is representative of I would imagine at least a third of the population of the world, recognised our situation as being unique and different. Various bodies within the United Nations are also aware of our situation and interesting, somebody talked about the Cabinet before. I think it was Mr Nobbs who was talking about the Cabinet. These people don't know what Norfolk Island is all about. Well again with all due respect, a document in February 1978 put out by the United Nations Association of Australia has a whole lot of different opinions provided by Ellicott, McClelland QC., and the opinions of the United Nations Association of Australia and lo and behold, guess who was the then President of that Association? The Honourable Richard Alston who is a member of Cabinet in the Federal Parliament of Australia. He knows the situation. And there's a lot more of them who do know the situation. Back in those days he was the President of the United Nations Association of Australia and at that time so I understand not a member of the Australian parliament. But to cut a long story short, I think it's about time that the Minister for Territories, demonstrated that that's what he is about. And as I said earlier, he stands up and he

defends our position in accord with the Norfolk Island Act and the Preamble to the Norfolk Island Act and says to people, I'm sick and tired of you raising this issue. We have recognised them as being different. That is our justification and that is the justification that that State, the State of Australia as a signatory party to that triad of United Nations or the International Declaration of Human Rights, they retain the flexibility within that system to recognise us and they have recognised us as being different and basically, leave us alone. I'm not going to say too much more about this. As I said before I wasn't intending to say a great deal and certainly I have a lot more that I would like to add to this but I need to satisfy myself that the press release that the Minister put out is what he is bound to. That's all I've got to contribute at the moment, thank you

MR I BUFFETT

Thank you Madam Deputy Speaker I would have hoped and I would have liked to have supported the fact that we were going to make these amendments, and that we could discuss the substance of the amendments that we were going to make instead of some of these wider sort of issues that we are now dealing with. They are all relevant but I would have hoped and am mildly disappointed that we are not going to do that. I clearly remember that during the November visit of the Minister for Territories in the meeting that he had with members when, I think, this issue was touched on and the concept of us making amendments to our legislation or considering these issues, there were words said to the effect "you have a short period" and I thought we mentioned words to the effect "well would February or some time around that sort of date, early in the New Year, be time enough". My clearly recollection and my diary seems to recall that I also asked whether if he was a betting man whether that would be time, and he said well not being a betting man, yes, he believed that if we did something concrete that the Commonwealth parliament may take note of the actions that we intended to do. I was rather disappointed when the Chief Minister brought me the letter of recent days saying that we may have missed that window of opportunity because I thought it was clearly open at that particular time and I was all prepared to support this Bill and to go one further at today's February Sitting, to say that if that window of opportunity was still sitting there that we would do more than that and we would seek or I would seek the leave of this House to ask the Chief Minister to treat this as an urgent Bill if we were in the position to discuss some of those issues and to deal with it today so we would not miss it. Obviously we've missed it, reading the letters that have been sent back to us, and I'm a little disappointed in that. In respect of the Select Committee that has been formed from this Tenth Parliament and at all material times we knew this electoral issue was on the table, and I guess Blind Freddy would know that when we once again raised those issues, it may well have been seen as a delaying tactic from the Commonwealth's point of view in coming to grip with the issue but I maybe naively, but I thought that if we had been allowed to use the window of opportunity that was indicated in November to deal with the issues to make the amendments to our own piece of legislation called the Legislative Assembly Act 1979, that we would have shown some faith in coming some way to discussing and making some mature consideration of these issues. Now I was going to support that, simply on the basis that I think for the Commonwealth to amend the Norfolk Island Act in a Commonwealth Parliament is a lesser position for us to be in and that once that happened, it appeared to me that the horse had bolted. It seems to me the horse may well have in the light of the recent correspondence and I'm a little disappointed in that. In terms of this piece of legislation and in reference to some of the issues that the Chief Minister mentioned earlier in respect to the comments made in the most recent letter and the publication of that letter I too am having some discussions and will contribute more to this debate at the March sitting, but let me reiterate that prior to receiving that I was clearly of the view and would have urged all members to treat this as an urgent bill today to take advantage of that situation I've just explained. Unfortunately I think it's gone a month on the table and may not mean one iota in the long run except that it will galvanize those people who continue or will

DEPUTY SPEAKER Thank you Mr Buffett. Any further debate Honourable Members. There being no further debate then I seek a motion of adjournment

MR GARDNER Thank you Madam Deputy Speaker if there is no further debate I will move that the matter be adjourned and made an Order of the Day for a subsequent day of sitting

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

QUESTION PUT
AGREED

That matter is so adjourned

NORFOLK ISLAND HOSPITAL AMENDMENT BILL 2003

MR D BUFFETT Thank you Madam Deputy Speaker. I present the Norfolk Island Hospital Amendment 2003 and move that this Bill be agreed to in principle. The purpose of this Bill is to amend the Norfolk Island Hospital Act 1985 and to amend it in line with some recommendations of the Norfolk Island Hospital Enterprise Inquiry. I tabled this report at the earlier part of this Sitting and at quite an earlier time I have circulated that particular report amongst members. The Report made a number of recommendations but in the context of this particular piece of legislation it recommended that we do have a Board to administer the Norfolk Island Hospital and that we do have a Director. It recommended that the Board have strategic direction in terms of the Enterprise and is involved in the policy determinations. It also recommended that the Director have responsibility for the day to day management of the Hospital. The Report also went into some significant detail in terms of saying that there should be established Codes of Conduct, Confidentiality Arrangements; Accountability Arrangements and a range of protocols and procedures. It recommended that there should be a Board that does not include the Director; the Medical Superintendent and the Director of Nursing. However it is also quite clear in saying that those persons should have facility to be present at Board meetings so that their expertise in the day to day management could be available to the Board in terms of its deliberations. This piece of legislation is designed to cover those range of things and it is an amendment to an existing piece of legislation. Let me just give an overview of some of the clauses. It of course establishes the new concept under the Hospital Act 1985. It introduces the concept of annual performance agreements so that there is an element of accountability in the legislation. It specifies the functions and powers of the Board, the Director. It indicates the membership of the Board. It mentions about certain members in terms of the Board arrangement and it provides for those people who are principle officers in the Hospital Enterprise to be present at appropriate occasions. It gives definition to the Medical Superintendent and Deputy Medical Superintendent. It provides for annual performance reporting. It provides for Codes of Conduct to be prepared and it provides of the transition of the present and existing arrangement to flow to the proposed arrangement. That's an overview in respect of this piece of legislation. Members will know that I talked with them about the legislation last Monday and members made a number of comments to me and I want to try and pick up some of the key ones. I can't claim that it will be everyone of them, in which I indicated that I am happy to work upon those suggestions with a view to incorporating some of them in the piece of legislation when we give it final consideration which I plan

to have brought forward at the next Sitting of this Legislative Assembly. So this is introduction, explanation, acknowledgement of some points which I will elaborate in a moment. Acknowledgement of some points with a view to then moving on to try and finalise it when we come together next month. Let me now just turn to those matters which were raised when we talked about this Bill on the last occasions, we amongst the membership. There was the thought that there was a real need to strengthen the clauses that talked about the levels of confidentiality to be kept amongst Board members. One particular section in this legislation talks about the method of appointing the Medical Superintendent to the Hospital and there was the opinion that that person might be appointed from the existing, that is, the existing general practitioners at the hospital itself or medical practitioners who may not be employed in that situation. There is that flexibility in the Bill. It is thought that maybe that might not be appropriate and that it might be best to consider only medical practitioners who are engaged already in the Hospital Enterprise and I said I would be happy to consider that. There is another clause in this legislation which withdraws someone of the clauses under the existing Act and it talks about some of the responsibilities of the Medical Superintendent. It rephrases them and puts some of them in another part but it does appear that maybe one particular part which relates to some of the director of Nursing responsibilities if I remember correctly may have been omitted in terms of being rearranged and I said that I would look at that to ensure that it is not lost in the process. In terms of Codes of Conduct there are proposals that there are Codes of Conduct for those who are employed in the Hospital Enterprise. It is proposed to me from individual members of yourselves that this compliance, that is Codes of Conduct, might also extend to members of the Board itself. There is arrangements for in certain difficult circumstances for suspension of employees. It was requested that that be specified to be with or without pay, in other words some clarity as to what could happen there. Once final comment that was made was that whilst it is not necessarily an issue of today, but it may be in other times to come that there might be an amendment to the present legislation which says that you can't make direct payment of salaries in terms of banking arrangements, that that might be amended to allow that to happen should it be so desired. That's an overview in terms of the legislation. It is also an acknowledgment of some points that have been raised with me, and documented to me that I am willing to consider and bring forward in terms of amendments so that this matter might receive final consideration when we come together in March.

MR NOBBS Thank you Madam Deputy Speaker there is just one that the Minister didn't mention and that was in relation to the duties of the Director. It was suggested the other day that these words were a bit difficult. "The Director is responsible for the management of the Enterprise subject to and accordance with the advice of the Advisory Board". I mean, doesn't that allow the Advisory Board to direct the Director? So they no longer become an Advisory board. I think that's one of the problems that we had before there actually in the actual role and I think with the Board that was and still is and the Director and I think that has to be clarified. I don't think those words – or they create confusion in my mind and I think they should be clear to everybody not to the most intelligent but also to the less intelligent as well

MR D BUFFETT Yes. Thank you. If I might must make an interim response to that. I'm not trying to totally respond at this moment but an interim response. The role of the board is equally described in the proposal in which it gives a strategic policy making role and therefore they are the areas that it is interpreted to be the ones on which they can give advise. Not on day to day matters. However, if there is a need shared by the view of all members that it needs to be further clarified I am willing to walk through some words to ensure that there is not confusion because this particular piece of legislation is an effort to try and remove areas of conflict or confusion should they have arisen in the past and I don't want to try and perpetuate them into the future

MR SMITH Thank you Madam Deputy Speaker just a few small queries. One is under the powers of the Director in 13(2)(b). the Bill suggests that in the exercise of powers conferred in section 22(2)(a) the executive member and Director shall have regard to the Public Sector Management principles. I remember where that came up this time last year where that was a bit of an issue where the Hospital Enterprise doesn't fall under the Public Sector Management Act but the principles should be regarded. What does that really mean is the question in my mind. Does it mean that they should think about it but if they don't want to use them they don't have to or if they do want to use them they use them in that context. I'm wondering if it is actually an excess piece to the Bill. The other thing I'm trying to find is where the confidentiality or Codes of Conduct of the Board members maybe the Minister could point me to where that is. This has been talked about for probably two years now, about chaining the structure of the legislation in relation to the board and the Hospital Enterprise and it's good to see it turn up. It may or may not solve the problems surrounding the Hospital. There's been various forms of boards over the last ten years until I think at one point there was no Board at all. The legislation doesn't necessarily make everything work but I certainly commend the Minister for bringing this forward and I hope that it does help with the Hospital Enterprise and the health care that is covered by the Hospital Board

MR I BUFFETT Thank you Madam Deputy Speaker I had some slight concerns in the interpretation that Mr Nobbs referred to but getting back to the section that Mr Smith referred to, it appears to me that some of the difficulties that we've experienced in recent times at the Hospital was doing what this thing is suggestion. That is that the Hospital Enterprise is not part of the Public Sector Management Act, its not part of the Human Resource Policy but during that particular time officers when they went of and used principles under the Human Resource Policy the principles contained in the Public Sector Management Act to do things in respect of the Hospital Enterprise. I would have thought that a far cleaner way would be to delete all references to that and if the Hospital Enterprise were of a view that they should develop their own Human Resource Policy so that it is specific to that particular Enterprise and deal with it because certainly my own personal view were that some of the difficulties were the transposition of some of the policies and concepts that were in the then probably not even fully completed Human Resource Policy and its application to some of the instrumentalities. We either include the Government instrumentalities wholly within it and then the principles run or we keep them out of it and urge that the Minister and the employment authority at the Hospital Enterprise develop their own set of Human Resource Policies

MR D BUFFETT Thank you Madam Deputy Speaker. The point made about that particular area, the Public Sector Management Act and the principles that might apply there, they are quite valid points that are made. The Public Sector Management arrangements are not necessarily designed for the Hospital Enterprise and there well could be circumstances where they don't transpose neatly but nevertheless, it was thought that maybe some benchmarks might be useful. But if in reality the benchmarks are more difficult then it might be offered then that might be worth a revisit and I accept the point that's been made there. I thank Mr Buffett for that comment

DEPUTY SPEAKER Honourable Members no further debate then I call for a motion of adjournment

MR D BUFFETT Thank you Madam Deputy Speaker. There being no further debate I move the debate be adjourned and made an Order of the Day for a subsequent day of sitting

QUESTION PUT
AGREED

Is it the wish of the House to dispense with the detail stage

AGREED

MR I BUFFETT
that the Bill be agreed to

Thank you Madam Deputy Speaker I move

DEPUTY SPEAKER
that the bill be agreed to

Any further debate. No, then I put the question

QUESTION PUT
AGREED

The Bill is agreed to

FIXING OF THE NEXT SITTING DATE

MRS JACK
that the House at its rising adjourn until Wednesday, 19th march 2003 at 10.00 am

Thank you Madam Deputy Speaker I move

DEPUTY SPEAKER
Members. The question is that the Motion be agreed to.

Thank you Is there any debate Honourable

QUESTION PUT
AGREED

ADJOURNMENT

MR SMITH
that the House do now adjourn

Thank you Madam Deputy Speaker, I move

DEPUTY SPEAKER

Is there any debate Honourable Members?

MR GARDNER
brief but I thought it appropriate that we formally recognise in the business of this House the retirement of Senator Margaret Reid from the Senate in Australia as representative of the ACT in the Senate. As members and the listening public would be aware, there was a notice in the Norfolk Islander recently regarding her retirement. She has been a frequent visitor to Norfolk Island in a number of roles. I certainly am aware of her participation in CPA activities on Norfolk Island as members of Parliamentary delegations and on private visits and she has been a good friend of the Parliament of Norfolk Island and she will be missed in the varying roles that she has held in the Senate, not just by people on Norfolk Island but I'm sure by the people of Australia and certainly I wish her and her husband Tom well for the future and hope that she will continue her visits to Norfolk Island, thank you

Thank you Madam Deputy Speaker I'll just be

MR NOBBS
wanted to inform the community that the subcommittee of the DAA Working Group has provided a draft Smoking Policy to members of the Legislative Assembly including the Minister for consideration. As they will be aware there was a motion in place last year that passed through the Legislative Assembly which provided this be put in place. I just wanted to say that the smoking side of the DAA Working Group is being progressed even further because a Quit Smoking course is being undertaken towards the end of

Thank you Madam Deputy Speaker I just

