

**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

**CONDOLENCES**

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

MS NICHOLAS Mr Speaker, it is with regret that this House records that Peter Francis Kerrish's ashes were interred at the Norfolk Island Cemetery on Monday 12<sup>th</sup> April 2004. Peter arrived on Norfolk with his wife Judy in 1965 to fulfil duties as Travel and Airline Manager with Burns Philp, with Judy as secretary. They were pioneering days in tourism for Norfolk Island and Peter, by virtue of his enthusiasm for Norfolk and writing articles for travel publications, helped put the Island on the map of places to visit. His sons Matthew and Paul were born on Norfolk and, in due course, the family left in 1969 moving on to work with various agencies and airlines in Tamworth, Mt. Isa, Darwin, Adelaide and Sydney. In Adelaide he worked for Thomas Cook and was instrumental in promoting Norfolk Island and bringing many groups from South Australia and West Australia to enjoy this - his special destination. Peter came back to Norfolk Island in 1999 but illness necessitated his return to Adelaide in 2001 where he passed away, aged 68, on the 27<sup>th</sup> August 2003. To Biggles friends on Norfolk Island and to his family this House extends it's sympathy.

MR SPEAKER Thank you Ms Nicholas. Honourable members as a mark of respect to the memory of the deceased, I invite you to stand for a period of silence please. Thank you Honourable members.

**PETITIONS**

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

**GIVING OF NOTICES**

Are there any Notices?

**QUESTIONS WITHOUT NOTICE**

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

MR NOBBS  
be extended by ten minutes

I move that time for Questions Without Notice

DEPUTY SPEAKER  
extended by ten minutes

I put the question that question time be

**QUESTION PUT**

Would the Clerk please call the House

Mr D Buffett  
Mr Gardner

AYE  
AYE

Mr Donaldson	AYE
Mrs Jack	AYE
Mr I Buffett	AYE
Mr Nobbs	AYE
Ms Nicholas	AYE
Mr Robinson	NO
Mr Brown	NO

Result of voting Honourable Members, the ayes seven, the noes two, the Motion is agreed

### **PRESENTATION OF PAPERS**

The following papers were tabled:

- 1) Mr Gardner, Chief Minister, - Norfolk Island Annual Report and moved –

### **THAT the House take note of the paper**

I am pleased to submit the 2002/2003 Annual Report for the Administration of Norfolk Island. During the period covered by this Annual Report the Administration was headed by Robyn Murdoch as Chief Executive Officer until 28 October 2002 and myself as Acting Chief Executive Officer for the balance of the year. In January 2003 the organisational structure was reviewed in close detail and revised reporting arrangements were developed. This change was seen as an important step towards an organisational structure with two rather than three Directors and a clearly identified range of Manager positions with a view to clarifying accountabilities and improving communication. As the financial year drew to a close, a large number of Administration positions were held on a temporary basis, and preparations were well underway to address this matter with the proposed implementation of a revised organisational structure and its implementation. As indicated in the Annual Report, the Administration of Norfolk Island continues to manage a broad range of diverse activities that, with few exceptions, cover the services provided by all three tiers of government on the Australian mainland. I would like to take this opportunity to thank the staff of the Administration for their dedication and work throughout the year. I present the report for tabling in the Legislative Assembly, following which it will be made available to the public./

Debate ensued

Question put and agreed to on the voices

MR DONALDSON

Thank you Madam Deputy I table the financial indicators for the nine months ended 31 March 2004. These indicators are based on the revised budget and I'm pleased to report that they reveal a favourable financial position for the Revenue Fund when compared with the pro rata budget. Income is running at 100% of budget with FIL. Other taxes and GBE earnings above budget by around 2% and only interest and customs duty marginally below budget at 97 and 96% respectively. Expenditure is 13% below budget with savings being made in all areas. The overall budgeted position after nine months was predicted to be a deficit of \$135,000 however the actual result is a surplus of \$1,200,000.

Speaker

- 2) Mr Donaldson, Minister for Finance –  
 a) Financial Indicators for March 2004  
 Mr Brown moved –

**THAT the House take note of the papers**

Debate ensued

Question put and agreed to on the voices

- 3) Mr I Buffett, Minister for Land and the Environment – s.41 *Interpretation Act 1979 – Planning Amendment Regulations 2004*
- 4) Mr Donaldson, Minister for Finance – s.41 *Interpretation Act 1979 – Airport Amendment Regulations 2004*, and moved –

**THAT the House take note of the papers**

Debate ensued

Question put and agreed to on the voices

**Mr Brown left the Chamber at 11.25 am**

**5 STATEMENTS**

- 1) Mr I Buffett, Minister for Land and the Environment , by way of response to a question without notice at an earlier sitting of the House, gave details on the operation of the Waste Management Centre
- 2) Mr D Buffett, Minister for Community Services and Tourism, reported briefly on the Island's roads - conditions, maintenance and the budget process
- 3) Mr I Buffett, Minister for Land and the Environment , spoke to a question without notice at an earlier sitting of the House, on avoidance of the levy imposed for the Waste Management Centre

**6 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR**

The Deputy Speaker reported Message No. 27 from His Honour the Administrator advising that on 26 March 2004 he declared his assent to the *Supplementary Appropriation Act 2003-2004 (Act No. 3 of 2004)*, *Airport Amendment Act 2004 (Act No. 4 of 2004)*, and *Powers of Attorney Amendment Act 2004 (Act No. 5 of 2004)*,

**7 TOURIST ACCOMMODATION ACT 1984 – QUOTA FOR TOURIST ACCOMMODATION HOUSES**

Mr D. Buffett, Minister for Community Services and Tourism, pursuant to notice tabled (5), in accordance with the requirements of Section 8B(4)(d) of the *Tourist Accommodation Act 1984*, the report of the Gatekeepers Working Group dated 31 December 2003 and entitled *2003 Review of the Tourist Accommodation Quota*; and moved –

That this House, having considered the Gatekeepers Working Group *2003 Review of the Tourist Accommodation Quota*, in accordance with and pursuant to section 8B(4)(f) of the *Tourist Accommodation Act 1984*, approves the recommendation of the Gatekeepers Working Group “that it is not desirable, nor is there a need, to increase the current Tourist Accommodation Quota”

Debate ensued

Question – That debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting – put and negatived

Mr Nobbs moved –

**THAT the motion be agreed to**

Question put and agreed to on the voices - Mr Robinson dissenting and Mr I Buffett abstaining

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

Mr D. Buffett, Minister for Community Services and Tourism, pursuant to notice tabled (6), a new draft version of Chapter 10 of the Human Resources Policy – Occupational Health and Safety; and moved –

**THAT this House, having considered the written comments of the Norfolk Island Public Service Board and the Norfolk Island Public Service Association in respect of the draft Chapter 10 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 10 of the Human Resources Policy dated 21 August 2003, and produced by the Chief Executive Officer which amends the Human Resources Policy dated 21 February 2001 by replacing Chapter 10, and declares that a copy of this motion, signed by the responsible Executive Member and appearing in the Norfolk Island Government Gazette, shall be the instrument in writing of the Legislative Assembly for the purposes of paragraph 26(1)(d) of the said Act**

Debate ensued

Question put and agreed to on the voices

**SALE OF TOBACCO BILL 2004**

DEPUTY SPEAKER Honourable Members, we resume debate from 17 March 2004 on the question that the Bill be agreed to in principle, and Mr David Buffett, you have the call to resume

MR D BUFFETT Thank you Madam Deputy Speaker **SALE OF TOBACCO BILL 2004**

Debate resumed (Mr D. Buffett, Minister for Community Services and Tourism) from 17 March 2004 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle on the voices – Mrs Jack abstaining

**Detail stage:**

Mr D Buffett moved that following amendments be taken as read and agreed to as a whole:

**Bill Title and Clause 1**

**All references to “2003” to be deleted and replaced by “2004”**

**Clause 1**

**Sub-clause 3(1) is amended by inserting the following definition after “smoking product” –**

**“Supply” when not falling within the definition of “sell” means to supply or offer to supply gratuitously in a non-commercial situation.”.**

**Clause 15**

**In sub-clause (1) replaced “in a specified manner” by “in a prescribed manner” and “within a specified period” by “within the prescribed period”**

**Clause 18**

**Paragraph 18(3)(b) to be replaced by**

**“(b) in the smoke free area, such that the number of signs displayed are sufficient that every person in the area can reasonably be expected to see a sign.”**

Debate ensued

Question – That the amendments be agreed to – put and agreed to, Mrs Jack abstaining

Question – That the remainder of the Bill be agreed to - put and agreed to, Mrs Jack abstaining

Mr D Buffett moved –

**THAT the Bill as amended be agreed to**

Debate ensued

Question put

Bill as amended agreed to on the voices, Mrs Jack abstaining

**10 HEALTHCARE REFERRALS**

Mr D Buffett on behalf of Mr Brown, sought leave –

**THAT the motion be withdrawn**

Question put and agreed to on the voices

**11 ADMINISTRATION POLICY RE. COMPETITION WITH NORFOLK ISLAND PRIVATE SECTOR**

Mr D Buffett on behalf of Mr Brown, sought leave –

**THAT the motion be withdrawn**

**FIXING OF THE NEXT SITTING DATE**

MR BROWN Madam Deputy Speaker I seek support for the following motion, namely move that the House at its rising adjourn until Wednesday 17 September 2003, at 10.00 am.

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

QUESTION PUT  
AGREED

The ayes have it, that motion is agreed to

**ADJOURNMENT**

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

DEPUTY SPEAKER Is there any debate Honourable Members?

MR ROBINSON Just to give you an indication of the type of people we are dealing with, Australia is the only Common Law country that does not have a Bill of Rights for its citizens. At the moment the Australian Federal Government is in the process of quashing the Australian Capital Territory's Human Rights legislation. There are six countries that refuse to ratify the United Nation's Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. China, Cuba, Israel, United States, Nigeria and Australia. The reason Australia foisted this, so called, "self-Government" on us in 1979 was so that Australia could ratify the International Covenant on civil and Political Rights in 1980, without seeming to be such big hypocrites. What no-one in the International Community or here bothered to ask at the time was: "How could Norfolk Island possibly be "self-governing" when every single piece of legislation the legally elected Legislative Assembly passes can be overturned by the Colonial Overlords in Canberra?" Think about it. Have a look at NISDV. Thank you Mr Speaker

Adjournment:

Mr Speaker earlier today Mr Brown withdrew his motion in respect of Healthcare Referrals and I respect that decision.

Mr Brown had been kind enough, on a number of occasions, to postpone debate of his motion to enable work to be done on the potential impacts should the motion have the support of Members. Once I'd begun to research the issue it became very obvious that the current difference in scale of charges between NSW and Queensland hospitals was a significant factor. Dr Colleen McCullough, as then Chair of the Hospital Board encouraged the Director at the time, Marcus Tilley, to commence negotiating the current arrangements in place with NSW hospitals which allow patients from Norfolk Island to be treated at concessional rates. This is an arrangement which should, if possible, be

duplicated in Queensland and my proposed Clause 5 amendment to Mr Brown's motion dealt with that.

Despite the fact that Mr Brown has withdrawn the motion – there is no reason why those discussions should not be pursued and I certainly intend to do that. Dr McCullough has indicated her willingness to assist us in pursuing that goal. The Acting Medical Superintendent, Dr Fletcher, The Director of the Hospital Enterprise David McCowan and Debbie Simpson the Administration's Healthcare manager are also supportive.

The Queensland Premier, Peter Beattie has been to Norfolk Island and I know is considered a friend of Norfolk Island. We hope that he too will be supportive of the aim.

Mr Speaker it's a matter of press on regardless – but I'd like to thank Mr Brown for bringing forward his motion and stimulating action on the issue.

MR I BUFFETT  
DEPUTY SPEAKER

Thank you Madam Deputy Speaker  
Thank you Mr Buffett, is there any further adjournment debate Honourable Members? There being no further debate I put the question that the House do now adjourn

QUESTION PUT  
AGREED

Therefore Honourable Members this House stands adjourned until Wednesday 17 September 2003, at 10.00 am.

