

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 the passing on the 27th July 2003 of Thornton George Ellis Quintal, known as "boy" in his younger days and later as "Boof". "Boof" was born on Norfolk Island on the 20th June 1932 leaving in his late teens to settle in Sydney where he spent time with Margie and Mabel Quintal. It was here that he met and married Barbara Bond on the 14th June 1952. Immediately prior to his marriage "Boof" had enlisted with the Australian Army, serving in Korea, where he was wounded in action. After immediate care in Japan, he was transferred to Concord Hospital in Sydney and once well again was posted to the Heavy Anti-Aircraft Battery of the Citizens Military Forces stationed on North Head in Sydney. Boof and Barbara settled in Sydney where six children were born to them. Boof worked in the transport industry until he and his family returned to Norfolk in 1970 where he drove for Gerry Aafjes at Island Industries. Barbara deceased Boof by some ten years. To their children, Matt, Shane, Michael, Nicky and Timmy, to their families and to Boof's friends 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?

MR NOBBS Thank you Mr Speaker. I wish to give Notice that I will at the next meeting be providing three motions. I spoke to Members earlier about the first one, in the last week or so but unfortunately they weren't ready for this meeting. The first one relates to immigration and the need for controls from an environmental perspective. The proposal is that we provide for a maximum population figure, that whilst we maintain the permit system we delete references TEP and GEP and provide other permit categories and whilst we maintain conditions there will be some additional ones.

The second one is also from an environmental perspective and relates and its tied in with immigration and it is for the Improvement of local primary production and I'll leave it at that.

The third one also relates to difficulties which people at the moment are having in assessing the island's future and it relates to speculation in land on Norfolk Island and I will leave that in abeyance at this point in time but I just wanted to give notice of those three motions and I hope to have them with Members in the next few days Mr Speaker so that time can be given for Members to asses them

SPEAKER

Thank you Mr Nobbs. Any other Notices?

QUESTIONS WITHOUT NOTICE

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

MR SMITH

Thank you Mr Speaker and a question firstly to the Chief Minister. Has the Commonwealth indicated to you Chief Minister whether they are going to replace the Administrator and if they are, do we have a name for that person

MR GARDNER

Thank you Mr Speaker. Thank you Mr Smith for that question. Yes the Commonwealth have indicated to me that they are going to provide a replacement obviously, to the Hon Tony Messner. They have not been able to provide me as yet with a date for that appointment however my most recent discussions with officers from Canberra late last week were that they hoped that they would be in a position to provide me with some insight into exactly who that was and an expected date of appointment. I haven't heard anything as yet but I'm keeping a close ear to the ground on that matter

MR SMITH

Thank you Mr Speaker another question to the Chief Minister. Would the Government consider investigating a concept where as is done in other places and other towns, that they tender their road programme for a period of say, ten years in which the roads are upgraded as quickly as possible, perhaps in the first year or so and the roads are maintained for that ten year period and the Government just pays each year for that concept. Would that be something the Government would consider

MR GARDNER

Thank you Mr Speaker. I'm sorry, exactly what was the question

MR SMITH

The question is, would the Government be prepared to investigate this concept of roading where it is let out for a ten year period say, where a contractor may be a local contractor, upgrades all the roads as quickly as possible, that might not sound quite right there, but if they do all the roads in the first year or so then the roads are just maintained for the rest of that period which may be ten years, and funding is paid each year rather than having to pay say \$10m up front. Is it a concept that the Government might be willing to investigate

MR GARDNER

I think in regard to the improvement of any infrastructure on the island Mr Speaker the Government will give consideration to any options but I think the direction that Mr Smith is coming from seems to suggest an initial loan type arrangement for the funds to be paid off over a period of time if I'm correct in my understanding of Mr Smith's question. Certainly the whole success or otherwise of such a programme is linked to funding for the upgrade of roads, not just roads but any other infrastructure as I said, on the Island and certainly I think that that would spark an area of interest and the Minister responsible, being yourself Mr Speaker and Mr Smith I think the quickest answer to that is that I'm not adverse to exploring any option

MR SMITH

Thank you Mr Speaker a question to the Minister for Land and the Environment, and I ask Mr Buffett and he may not know the answer to this but when Minister Kemp was here he mentioned during some stage of his visit, about world heritage. He didn't actually say listing but he was talking of some

context of world heritage, whether the Minister might be able to advise whether he had any discussion along those lines while the Minister was here

MR I BUFFETT Thank you Mr Speaker certainly the question of listing parts of Norfolk Island as world heritage were touched on. Mainly on the basis that Members in the community will recall that the Kingston and Arthurs Vale Historic Area were to be part of a serial listing for convict sites within Australia. The Minister did express some disappointment that that didn't proceed and of course we are aware that a referendum was taken at that time and the community rejected the listing of the KAVHA area as part of a serial listing within Australia. If Mr Smith is asking that on the basis that the matter may wish to be discussed again within the community certainly I have no difficulty with that but I emphasise that this time, if this is to be contemplated it would be from a community point of view and a community driven issue rather than something that is suggested to us by another place to be just included as part of another listing that we haven't had an opportunity to participate from a community point of view

MR NOBBS Thank you Mr Speaker can I just ask a supplementary to that. Will the Minister be making a statement in relation to his discussions with Minister Kemp

MR I BUFFETT Thank you Mr Speaker the answer is no because I had no official one on one discussions with Minister Kemp during his visit here. There is to be hopefully some further discussions later on with Minister Kemp. There was a proposal earlier in the agenda of Dr Kemp's visit that he would wish to have a one on one formal meeting but that was changed sometime during the period before he arrived. We met purely in a social arrangement and Mr Speaker there was absolutely nothing formally put on the agenda and discussed between the two Ministers so I have no real statement to make following that visit of Dr Kemp's

MR NOBBS A supplementary to that, was the Land Package discussed

MR I BUFFETT Thank you Mr Speaker the land package was not discussed in any depth

MR NOBBS Was the transfer of reserves discussed

MR I BUFFETT There was no in depth discussion on the transfer of reserves

MR NOBBS Was the Cascade Cliff discussed

MR I BUFFETT The answer is no Mr Speaker

MS NICHOLAS Thank you Mr Speaker. A question to the Chief Minister Mr Speaker. Chief Minister may I refer you to the recent dedication of the Mount Pitt Road and in particular the words about the success of the project. Without wishing to detract from your words of praise would you be kind enough to elaborate on the current situation with respect to monies due to various parties involved in the project. I understand that the Norfolk Island government commissioned the work which was undertaken via Parks Australia by Redstone Contractors and thence to subcontractors and I understand that certain sub contractors have not been fully paid out and ask you to advise the House what monies are due to the Administration specifically as one of those sub contractors

MR GARDNER

Thank you Mr Speaker in regard to that question may I correct a part of the question that Ms Nicholas asked in relation to the commissioning of the work. It certainly wasn't the Administration or the Government of Norfolk Island that commissioned the project on Mt Pitt. That was entirely in the hands of the Commonwealth Government and its entities, in this instance, Environment Australia or Parks Australia as part of Environment Australia is my understanding. Yes there were a number of very kind words expressed about the success of the project and I in my speech, during the commissioning of the road the other day, had referred to the unfortunate incidence where there still remained disputes about payment to some of the subcontractors on the island and the remaining outstanding claims by some of the subcontractors on the island. I've in recent days been provided with a list from a firm in New Zealand who have been able to identify the extent of those outstanding claims. I understand in discussions with some of those, including the Administration of Norfolk Island that those figures in that paper are understated in some instances, and massively understated in other instances and that is a very clear cause of concern. It is a matter that I took up with Minister Kemp during his recent visit to Norfolk Island and a request from me to ensure that whatever arrangements could be made that local contractors on Norfolk Island were not going to miss out as far as their payments and to the extent that I requested of him for want of a better word, a guarantee that he would ensure that Norfolk Island contractors were going to be paid the monies due to them and to which they are entitled. I find it intolerable Mr Speaker and Ms Nicholas that local contractors again for the second major Commonwealth project that's been staged on the island in recent years, are the ones that are suffering as far as payments are concerned. This was brought to my attention yesterday. I am in the throes at present of preparing letters to both Minister Tuckey and Minister Kemp again, seeking the Commonwealths undertaking that they will, again for want of a better word, guarantee, the outstanding payments to the local contractors and that the Commonwealth itself accept its responsibilities as being the safety net for the provision of services on Norfolk Island. I want to add there that it's important to recognise that without the local expertise that has been involved in both the Mt Pitt road project and the Cascade Cliff project that neither of those projects would have been finalised and that its intolerable that the Commonwealth will continue to rest on its laurels so to speak as far as the provision and the guarantee of sums outstanding to local contractors on Norfolk Island. Just to finalise that, in the documentation that I've received the other part of the question from Ms Nicholas, was the extent of the Administrations exposure. This is the only documentation I have and please accept that, but I understand that there are still some further sums that may be outstanding but the exposure of the Administration of Norfolk Island according to this documentation is \$5,763

MS NICHOLAS

Thank you Mr Speaker. May I address a stream of question to the Minister for Finance who has responsibility to the airport particular in regard to the airport upgrade. Is he able to give us a schedule for the upgrade of the airport; the date of commencement and anticipated completion; what is the largest seat capacity plane that will take off and land in Norfolk Island after the upgrade and if the airport is under the safety standards of CASA will Norfolk Island Airport meet those requirements

MR DONALDSON

Thank you Mr Speaker and thank you Ms Nicolas for giving me those questions. I did get a copy of them yesterday so I've been able to do a little research on them. The first two questions which was a schedule for the upgrade of the airport and the date of commencement are really rolled into one. The commencement date is a bit hard to pin down but I think the best date we can choose for is the date this Legislative Assembly appointed Gutheridge, Haskins and Davy as Project Manager for the project and that was 1st July 2002 so it's been going over a year now with them at the helm of the project. In that time there's been an application to the

Commonwealth for a loan, there's been in recent days, the receipt of our copy of the loan back again signed by Mr Tuckey, it's an interest free loan to Norfolk Island for \$5.8m for the reseal of the runway. Also in that time the tender documents have been materially drawn up; tenders will be advertised next month, that's in September calling for contractors to become the principle contractors for the resealing of the runway and from that point on it's a bit of an unknown quantity as to exactly when the task will be completed but we are certainly looking at some time prior to the 30th June 2004 but hopefully sometime around April or May it should be completed. The third question on the list, what is the largest seat capacity plane that will take off and land on Norfolk Island after the upgrade, the original upgrade specifications were that the reseal would be done to the pavement classification standard that would take a 737-800 series plane and that's all the information that I can provide on that at the moment. The length of the runway doesn't seem to be an issue for planes to land here but the strength of the runway is an issue. At the moment its given what's called a pavement classification number and that is currently 29 and the Air New Zealand have indicated that they might be moving to A320 Airbuses. They have an aircraft classification number of 46. 46 is the aircraft classification, 29 is the pavement. For those two to be compatible, the numbers have to be either the same or the pavement classification number grater than the aircraft classification number. This has only become apparent to us in the last couple of months that Air New Zealand were moving away from the 737 fleet and moving to A320 Airbuses. I've undertaken to make sure that the specifications for the tender of the upgrading of the airport will achieve the pavement classification number for an A320 airbus but I can't give a definitive or final answer on that at the moment. The fourth question is, is the airport under the safety standards of CASA and will the Norfolk Island Airport meet those requirements. The answer to that is yes, it has been under the safety standards promulgated by CASA, they come over here once a year and appoint a safety inspector who is a qualified person for that task. The last order was done in September 2002 and came up with a favourable report for the Norfolk Island airport

MS NICHOLAS Thank you Mr Speaker. With regard to the A320 can we be assured that discussion is taking place with Air New Zealand in that regard because I've been around the place long enough to remember the original upgrading of the airport which was intended for occasional use by 737's and if I remember correctly it was Air New Zealand who pushed the boundaries in that regard which probably eventually led to a need for an earlier maintenance then was originally anticipated. Is discussion taking place with Air New Zealand

MR DONALDSON Thank you Mr Speaker I believe discussion is taking place. If it hasn't taken place in any material content at the moment it certainly will between now and the release of the tender documents for the airport upgrade. I mean, we simply can't close the door on Air New Zealand simply because our pavement classification standards don't come up to their aircraft standard

MS NICHOLAS Thank you Mr Speaker. Leaving the airport for the moment and I think this question needs to be addressed to the Minister for Land and the Environment, the Plans of Management for the Airport, has it been completed

MR I BUFFETT No.

MRS JACK Minister for the Airport, you were saying you had agreed to look at a change in the pavement number, is that correct

MR DONALDSON Pavement classification number, yes

MRS JACK If you are going to upgrade this, does this affect the cost of the runway. Is that cost within the budgeted amount, shouldn't this have come before the Assembly to be discussed on whether we can afford this. How much is it going to cost

MR DONALDSON Thank you Mr Speaker like I said it's something that's only recently come to our attention that Air New Zealand was phasing out the 737's and bringing in the A320 airbuses. I really am a little behind the eight ball here, I'm not sure if the upgrade specifications for a 737-800 series plane also meet the specifications required by an A320 airbus. If it doesn't, well we would need to do something about it. Obviously if it needs to be built to a higher specification or a stronger runway there will be a cost associated with it.

MRS JACK Mr Speaker, another supplementary, would the Commonwealth be agreeable to that change that seems to be foreshadowed without any consultation

MR DONALDSON Thank you Mr Speaker. One of the clauses in the agreement for the loan of the money from the Commonwealth is that variations may be negotiated. That would have to go through that channel. It would have to be negotiated as a variation to the agreement but I'll have more on this in a week's time when I found out more information about it

MR BROWN Address to the Minister for Finance can the Minister advise what action the Norfolk Island Government has taken in relation to the proposed requirement for additional safety areas at the end of each runway

MR DONALDSON Thank you Mr Speaker. The additional safety areas became an issue when CASA changed the safety regulations and required a runway end safety area of 90 metres at the end of each runway. There is however provision for exemption on the 6th May I wrote to the Director of Aviation, Civil Aviation Safety Authority seeking details about an exemption and he's responded to me. He notes that the Authority does not grant a permanent full time exemption. The exemptions are subject to a review. I asked him about the exemption application process in the same letter and his response to me on that one was the exemption application process requires the aerodrome operator to complete a safety case in the form of an aeronautical study to demonstrate to the Authority that safety will not be compromised if an exemption is granted. The safety code should include risk analysis, evidence of stakeholder consultation, and a benefit cost analysis. That aeronautical study has commenced as an in-house project. If we need to go offshore to bring in some consultants and some expertise, approvals have been given to do that, but the process of applying for an exemption from the runway and safety areas has commenced

MR BROWN A further question to the Minister for Finance, can the Minister confirm that the Government's plans for the resealing of the airport presently rely on an exemption against safety regulations. Can the Minister further confirm that whether or not it is desirable to seek an exemption from a safety regulation the Government has not yet made that application and finally, can the Minister confirm that in the event that an exemption is sought and is granted the exemption will not be indefinite in its nature and if at some future time it is necessary to provide the additional safety area, it will be necessary to actually shift the thresholds of the runway after the runway has been sealed

MR DONALDSON Thank you Mr Speaker. First of all it's not an upgrade of the runway we are talking about, it's a resealing of the existing runway. We

haven't been given an opportunity in the resealing of the runway to extend it out at all and that was never part of the plan. This RISA thing came well and truly after we had called for specifications and a resealing Project Manager had been appointed and determined the resealing qualifications. So it's not as a result of this reseal that this RISA issue has happened. They are separate issues and it would have had to be dealt with whether the runway needed a reseal or not. There has been no application made at the moment for an exemption from the runway end safety area requirement. As I said before, that application is being developed at the moment with an aeronautical study detailing the safety aspects of the Norfolk Island airport. The worst scenario is that we will be told that we have to have the runway end safety areas and Mr Brown is right, if that is the case and we can't extend the runways in either direction, which would be a major project and to give it some scale to that project it would be bigger than the Cascade Cliff project in the amount of cubic metres of earth that would have to be moved, the simple answer and probably the most economic answer by a long way would be to move the thresholds, to shorten the existing runway and use the 90 metres existing at the end of each runway at the moment as the runway end safety area

MR BROWN A further question to the Minister for Finance, can the Minister confirm that if the option which he's just referred to of in effect, shortening the runway rather than extending the runway, is taken, existing Boeing 737 aircraft would become totally uneconomic in operating from the Norfolk Island strip and the proposed Air New Zealand A320 airbus will simply remain parked in Auckland

MR DONALDSON Thank you Mr Speaker, yes, that is my understanding that if the runway is shortened the load carrying capacity of the 737's will be reduced to such an extent that they will be uneconomic. As for the A320's being parked in Auckland I think the answer is that they won't be able to come to Norfolk Island but clearly that is not the direction we are heading in. We are heading for a runway end safety area exemption. Indications are favourable that we will get a favourable response due mainly to the low incidence or the low usage of our airport and the fact that safety is not compromised

MR BROWN Thank you Mr Speaker. I direct this further question to the Minister with responsibility for Finance. Can the Minister please explain to us how it is that safety is not compromised by seeking an exemption against a safety requirement. That's my first question. My second question is, can the Minister please explain why the Norfolk Island Government is not doing all things necessary to ascertain whether or not it is possible to provide the additional safety area and to ascertain the cost of doing so, particularly in an environment whether the Minister says that during September, just weeks away, the Norfolk Island Government proposes to seek tenders for the resealing of the runway at a cost in terms of borrowed money at \$5.8m plus whatever funds are being provided by the Norfolk Island Government

MR DONALDSON Thank you Mr Speaker. The safety issue is one of the considerations they look at, and its been told to me in correspondence, is the low number of flights. Obviously the busier the airport the more chance there is of a runway overshoot by a plane and the more justification there is in having a runway end safety area. The lower the number of flights the less possibility of the incident occurring and that is the basis of the safety exemption that we are seeking. That doesn't mean, for instance, that it's not going to happen it just means that the likelihood of it happening is a lot less. The second part of the question was related to not doing all things necessary at the moment to provide for whatever upgrade is necessary at the airport to accommodate these planes. If there is a necessity for us to have a runway end safety area there is a five year lead in time before we have to comply with this regulation and in that five year lead in time we are trying for the best most achievable options first. The best and most

achievable options are for an exemption. If that exemption is not obtained or if that exemption is not obtained to the full extent that we are requiring it, then sure, we'll have to look at the other options and one of the other options is either shortening the runway so that it accommodates the runway end safety areas or extending the runways out by rebuilding them and as I said before, that would take more dirt than was used in the Cascade Cliff Project. It is a major exercise and it's an exercise that I hope we don't have to go through

MS NICHOLAS Thank you Mr Speaker. A question addressed to Minister for Land and the environment. Some months ago the Minister initiated an enquiry into the practice of broad-scale spraying of herbicides and insecticides. Will the Minister advise what progress that enquiry has made and is he able to estimate how long it will be before the risks are identified and possible controls discussed

MR I BUFFETT Thank you Mr Speaker. It travels very slowly at the moment. One of the issues that I've been informed, the officers are trying to come to grips with is the fact that at the moment there is no official register of what really is imported into Norfolk Island in terms of insecticides, herbicides and that people bring them in of their own volition. One of the issues that is being looked at, at the moment is to put the necessary regulations in place to make it absolutely necessary that all pesticides, insecticides etc that are brought into Norfolk Island we do have some control over it and put into place necessary safety issues in respect of the use of those. Now that is a fairly substantial piece of regulatory work that needs to be done. In respect of the specific incident that raised this, certainly there have been discussions held with the particular association because they had been broadscale spraying and its one of the few areas that do broadscale spraying and I had been advised that measures were being put in place to minimise any effect of broadscale spraying by that particular association. At the moment, as I said, it's one of those matters that are currently being worked on. It will take some time to complete

MR NOBBS Would the Minister please provide information as to what alternatives are proposed to broadscale spraying. Are we at last looking at some biological control against the quite minimal number of pests that are required to be sprayed on the island

MR I BUFFETT Thank you Mr Speaker I guess the short answer to that is that biological control in a place as fragile as Norfolk Island is almost as dangerous as broadscale spraying. So the quick answer to Mr Nobbs is, at the moment there is no general investigation into biological control for matters within Norfolk Island that once again will take us on another tangent that would need substantial input in terms of funding, substantial input in terms of both human action and as I've said, funding to carry out that particular survey. If the Legislative Assembly as an organisation wish me to do that as part of an ongoing thing that we need to look at adjusting the budget in order to do such a survey and to go through the protocols of biological control. It is almost, as I've already said, in a finite area like Norfolk Island, as dangerous as broadscale spraying

MR NOBBS A supplementary to that, I would like to know on what basis does the Minister make such an outlandish statement because the fact is, that it is not correct and I would like to know the basis of the...

SPEAKER Could we have the substance of your question
Mr Nobbs

MR NOBBS I would like to know the basis of the outlandish statement that the Minister has just made in relation to biological control being as equally dangerous as broadscale spraying

MR I BUFFETT I say it on this basis Mr Speaker that for somebody who hasn't done the necessary investigation to look at a biological agent that's working somewhere and say well it will work on Norfolk Island it's not that simple. It's simply not that easy. To do that without going through the necessary investigatory work that needs to be put in place is just as dangerous so what I'm really saying is that before I, and I would suggest anybody on Norfolk Island, willy nilly bring biological controls into Norfolk Island we have to go through the more expensive process of making sure that we are not effecting any endemic species that we might upset the balance with bringing in biological controls

MR NOBBS Thank you Mr Speaker a supplementary. May I ask the Minister if he would please go back and look at the costs involved in bringing in certain biological control insects, in the past on Norfolk Island. What the costs were really involved in those

MR I BUFFETT Thank you Mr Speaker I will certainly take that on notice and carry out Mr Nobbs wishes and provide the Legislative Assembly with some advise in respect of the one that I think he is referring to

MRS JACK Mr Speaker I ask this of the Chief Minister. I refer to comments made during recent Joint Standing Committee hearings on the island as late as last month stating the presence of fear and intimidation, fear and apprehension that is said to be held by Members within this community should their activities reflect differing views to that of say the Legislative Assembly or others. Minister do you see this as a valid view and even if you do not, the fact that it has been voiced by a Members of this community and picked up by the Joint Standing Committee what measures do you see being employed to deal with the issues raised

MR GARDNER Thank you Mr Speaker that's a very wide ranging question I guess and will require a deal of thought so if you just bear with my while I deal with my introductory remarks. There are concerns obviously held by the Government and certainly I gave evidence to the JSC in Canberra recently, to the Government's concerns, I'm sure the Legislative Assembly's concerns and the community's concerns, regarding those fears that people harbour on the Island. I need to make it quite clear Mr Speaker that this community is made up of individuals and individuals harbour different fears, different concerns, different desires, wants, wishes, whatever the case may be and so there is no clear cut method of eradicating those fears or concerns and neither do I propose that we should eradicate those fears and concerns because those are an individual's choice. However, what we can do as far as the provision of good governance is concerned is look at mechanisms that are employed elsewhere, not necessarily just in Australia or New Zealand or through the Pacific but elsewhere around the world to ensure that people are provided with the necessary confidence that they can harbour in the Administration and the Legislative Assembly of Norfolk Island the Government and all the other entities that fall off those two major areas. As far as those matters are concerned and the desire for people to I guess allay their fears and also their desire to want to go in camera and give evidence in confidence, it is interesting to note, I don't know whether it's a good comparison or not, but I note that the JSC was saying that there were a large percentage of submissions given to them, were given in confidence or in camera because I assume, people's fears over retribution etc. Now some of those concerns were raised because of some of the serious allegations that some of those persons may have raised, that's understandable. You

allege something of somebody it's only natural that it goes into a process where there is claim and counter claim and everything else and at times there are fears that are associated with that. However in comparison, the Norfolk Island Select Committee of Enquiry hasn't had a single in camera request for the provision of evidence over similar issues, governance issues, that is an interesting matter that we should consider in this. As far as what the Norfolk Island Government are doing to try and allay fears and concerns, I've written to the Joint Standing Committee and I have expressed to them the Norfolk Island Government's desire to ensure that where people have raised serious allegations and may be fearful for their own safety that the Norfolk Island Government would support the Joint Standing Committee, subject to appropriate consideration of the facts that have been presented, the referral of those matters and those allegations to a police authority. I have received correspondence back from the Joint Standing Committee in regard to that and they have indicated that if there were any hint of any criminal activity being associated with any of those allegations that is exactly what they would do. Further to that Mr Speaker, I am also pleased to report that not only did the Commonwealth ombudsman give a fairly comprehensive submission to the Joint Standing Committee on the provision of ombudsman services to Norfolk Island or the potential for the provision of ombudsman services I have followed that up with a letter directly to Professor John McMillan who is the Commonwealth ombudsman seeking some costings and further detail in relation to the provision of ombudsman services for Norfolk Island in accord with the motion of not only this house but the previous Legislative Assembly to investigate and bring back for consideration by Members the introduction of an ombudsman for Norfolk Island. It is interesting that this morning I received on my desk a letter from the Commonwealth ombudsman obviously our communications have crossed in the middle. I've asked him for information and he's willingly provided it without any reference to my letter so we are both thinking along the same lines so we are moving in that direction and of course as I've given in evidence before the JSC on our legislative programme sits a requirement for Freedom of Information. I understand that legislation is being progressed within the service and also a desire which has been evidenced by the provision of my draft legislation last month in the House regarding the expansion of the tribunal type arrangements on Norfolk Island so all of that I guess Mr Speaker, in a package suggest that we are dealing with the open and transparent type of Government and hopefully at the end of the day that is going to significantly reduce people's fears and desires to want to give in camera evidence and that if they do have serious allegations and concerns about the operations within the Legislative Assembly and within the Administration of Norfolk Island that they will have adequate opportunity to have their concerns, allegations and fears addressed by competent bodies, thank you

MR NOBBS

Thank you Mr Speaker could I address a question to the Chief Minister. This is virtually on the same subject he's just covered. Chief Minister will you be making a statement in statement time in relation to the visit by yourself and the Minister for Tourism to Canberra to address the Australian parliaments Joint Standing Committee

MR GARDNER

Thank you Mr Speaker, no I hadn't planned to. As has been the practice in the past every word that is spoken by not only this Government but previous Governments and previous Legislative Assembly's in the past have been widely and openly reported in the Hansard transcripts of those proceedings and those speak for themselves and they are freely available. If anybody is interested in those I have a copy myself and am happy to provide that to Members obviously subject to any restriction that may be placed on that by the Joint Standing Committee and the Senate Standing Orders

MR NOBBS Is the Minister aware that not everybody on the island has access to Internet and knows how to operate it and that we are responsible at this area here, not the internet

MR GARDNER Thank you Mr Speaker look I've made an offer that if anybody is interested in accessing a copy of that transcript of the hearings in Canberra they are freely available and I'm happy to provide them

MR NOBBS Thank you Mr Speaker, Chief Minister why didn't you on behalf of the Norfolk Island Government take the opportunity to address the said committee during their visit to Norfolk Island I think about a week before your visit to Canberra

MR GARDNER Unfortunately Mr Speaker time didn't permit that to happen. There had been a degree of discussion with the secretariat of the committee in an endeavour to find a slot to present that as was evidenced by the length of our submission that was given in Canberra, it just simply would not have been possible for that to have occurred. As it was, the Joint Standing Committee were in this Chamber Mr speaker undertaking their hearings right up to the time of their departure, it just simply wasn't possible

MR NOBBS Just a further question on that, did the Minister take the opportunity to ask other Members of the Legislative Assembly and I think there were three or four that actually made submissions on that day, whether the Norfolk Island Government could take their spot

TAPE 2

MR GARDNER Thank you Mr Speaker I don't believe that's appropriate. Individual Members of the Legislative Assembly have just as much right as anybody else to appear before the committee and I'm not going to go and muscle in on their time

MR NOBBS I assume the answer to that is no

SPEAKER Do you have a question Mr Nobbs

MR NOBBS Is the answer to that question then Minister, no

MR GARDNER I hadn't even considered that for the reasons that I've given Mr Speaker

MRS JACK Mr Speaker I ask the Minister for Finance and it refers to financial indicators, and as I'm aware that the last indicators tabled in this House were those for March April and those were done in the June sitting, I'm wondering when can we expect the May, June, July to be tabled in the House or to be given to Members to study

MR DONALDSON Thank you Mr Speaker thanks for that question. It's been the practice in the past not to table financial indicators as of June because it's got to the stage where they are no longer financial indicators as the preparation of financial statements is underway. I was under the impression that the May ones had been tabled but I could be corrected on that one. I don't have any financial indicators to table today because it's the first month of the financial year and the Administration has been deeply involved in doing year end accounts. Additionally, financial indicators based on one month's activity over a twelve month period are not indicative of the way the year is going to unfold, but I will have some indication at the next meeting which is

the 17th September as to the financial indications of the results for the year ending 30th June 2003

MRS JACK A supplementary. Minister they may not be indicative of the way the year is going to unfold but surely you can understand or do you see that they could be used as a comparison to the year before and give that indication to Members and the general public just how the Administration has performed for that month

MR DONALDSON Thank you Madam Deputy Speaker there is some benefit in there but I think the benefit is rather slight. Variations can happen in one year, in one month from one year to another, for instance the amount of duty received depends on the arrival of ships on the island. If we get two or three ships in the one month we have indications in one month that it's been a good customs revenue, if we don't get any ships at all, there's very low customs revenue. That's what I'm saying, the truth or the accuracy of the financial indicators increases as the months go on throughout the year. I don't think we can make any meaningful comparison between the first month of this financial year and the first month of the previous financial year although it would have been nice to have had them

MR NOBBS Thank you Madam Deputy Speaker I ask a question of the Chief Minister, I understand its in his area of KAVHA. Is it correct that the KAVHA Board received an application to construct a simple memorial within the KAVHA area to commemorate the landing of the Pitcairn people in 1856. this commemoration was designed by a descendant of the Pitcairn people and the commemoration was also to be fully funded by the descendent of the same Pitcairn people. Is it true that there was an application lodged and what was the fate of that application

MR GARDNER Thank you Madam Deputy Speaker I think this was quite some time ago and I do recall such an application coming before the KAVHA Board for consideration. It was given due consideration. It was given consideration in accord with the Conservation Management Plan that is in existence. It was given consideration in accord with the advise from I believe the Conservation Services Co-ordinator who works closely with our local Project Manager in regards to the maintenance and installation of memorial seats and other memorials within the area and it was believed that, I understand, though I stand to be corrected on this, I understand that it was believed that there was not warranted any further proliferation of memorials and particularly of the type that had been proposed. There hasn't been any further communication on that matter that I'm aware of

MR NOBBS So if I understand what you are saying, it's been refused is that correct

MR GARDNER Thank you Madam Deputy Speaker I don't know whether it's quite right to say that it was refused. It was given consideration and then it didn't comply or fit in accord with the Conservation Plans of Management and the positioning of memorials and other such structures within KAVHA and therefore any recommendation was not supported. I don't think it was a case of being refused. The KAVHA Board is an Advisory Board

MR NOBBS A supplementary. I ask the Minister why within the two years I guess a type of memorial has been constructed within the area from material that comes from England or some such place and relates to a ship which didn't even, well it finished up I suppose on part of Norfolk Island, but we have other memorials

to that same ship elsewhere, why was that allowed and this one seems to have been dismissed out of hand

MR GARDNER I think the memorial to the Sirius that this one Mr Nobbs is referring to was prior to the first mentioned memorial and I can't speak for other Members of the Board in regard to that but I would imagine that with the installation of that memorial there was a need to really consider the proliferation of such memorials within the Kingston area so it's not a case of letting that one proceed and the other not, it's certainly an ongoing consideration of just how many and exactly to what extent those memorials will impact upon the KAVHA environment

MR BROWN Thank you Madam Deputy Speaker, I direct this question to the Minister for Land and the Environment could the Minister please advise what policies exist to assist young Norfolk Island people to acquire their first home or land

MR I BUFFETT Thank you Madam Deputy Speaker at the moment I'm not aware that this Legislative Assembly has any specific policies that address that issue

MRS JACK Thank you Madam Deputy Speaker I ask this of the Minister with responsibility for Education and I ask, Minister in regards to certain actions taken by teaching staff in New South Wales over pay increases, will this have a flow on effect for the island's teachers and if yes, are you as yet in a position to know what the costs could be and when this payrise would start, and would this increase begin a push towards localising teachers salaries

MR D BUFFETT Thank you Madam Deputy Speaker I am aware that there have been adjustments in the New South Wales arrangements and how teachers are fielded in terms of class numbers and related aspects. It doesn't necessarily mean that there is a rise in their particular salaries individually, but it may mean a particular cost in terms of maybe some additional teaching depending upon the number of students. I have talked to the Headmaster here about those aspects and he is assessing as to how that will affect us in the next academic year and if I remember correctly that's the starting point, or there is a graduation and if there is to be an effect it will probably be in that time frame and may have a flow on effect to us at the Norfolk Island school. Again I say that doesn't, as I understand it, mean an individual payrise for teachers, but it may have some flow on effect in terms of class numbers. There are some projections available but they are merely projections at this moment and it will take some further time before they become firm about some significant class numbers especially in the more junior classes and they will need to be addressed. How that will flow on in terms of money I will have to advise you at a later time

MRS JACK Not a supplementary, it's regarding wages within another area of the Minister's portfolio. I refer to wages paid at the hospital and in particular nurses wages. Can the Minister see that any difference between the island rate and so called mainland rate in Australia posing any problems for the future staffing at the hospital and if so will the Minister be actively seeking solutions before it becomes a problem

MR D BUFFETT Thank you Madam Deputy Speaker it would not be appropriate for me at this time to try and initiate or enter into a debate about which might be a preferred rate. Obviously there is a rate that exists there at this moment and there are rates that are paid elsewhere. I haven't developed a view as to whether what we've got is appropriate or inappropriate but I do know from time to time there is

some dissatisfaction expressed but also I am aware that there are calls from time to time within the community to not go into the direction which I think that you are inviting me to go at this time in other words, change from a Norfolk Island rate to a rate that might apply somewhere else but indeed, there are calls for the reverse to happen. There are calls that have been made in terms of teachers for example and people probably would have an attitude as to whether that should or should not apply in the hospital arena. I wouldn't want to make a view at this moment except to say that if that is to be a subject of debate then there should be room for that and I would want to hear and obviously participate in that debate before one comes to a conclusion about how that should travel

MR NOBBS Thank you Madam Deputy Speaker a couple of questions for the Minister responsible for telephones. Is it correct that the trunking mobile phone system is currently at its maximum usage and that no additional phones may be connected and if so, what are the future plans for the system

MR DONALDSON Thank you Madam Deputy Speaker I believe the trunking phone system is close to its maximum at the moment but the reason that hasn't been expanded is as a result of that referendum we had on mobile phones that finding the results of the referendum was that the public did not want a mobile phone system on Norfolk Island. That at the time was expanded to also restrict any growth in the existing trunking system and that is the controlling factor at the moment

MR NOBBS Minister at the time of the mobile phone system referendum a charging regime was suggested for this mobile phone trunking. Why has the Government not progressed this, charging for the mobile phone system

MR DONALDSON I believe the question is why are we not charging for the trunking system. We don't have a mobile phone system as such, it's a trunking system. Consideration of that matter has been postponed subject to the installation of the new billing system which was done with networking the nation funds. That can be readdressed at any time you like but a lot of the mobile phones on the trunking system are actually operated by Administration staff or emergency type operations

MR NOBBS The next question actually relates to the new billing system. I understand and please correct me if I'm wrong, but I understand that this is to be introduced, for Telecom

MR DONALDSON Thank you Madam Deputy Speaker yes the new billing system was part of what we spent the money on from Networking the Nation and .. I'm sorry I've lost the question

MR NOBBS That was an additional one. This is really the one I want answered. Is it correct that the new system will necessitate the requirement for an additional position at Telecom and if so, are Telecom introducing an electronic system or reverting to a manual system

MR DONALDSON Thank you Madam Deputy Speaker I've no knowledge about a new position at Telecom being proposed whatsoever. It's probably best that I take that question on notice and report back on that. I've no further information to offer

MR NOBBS Will the new billing system be any use at all in the provision which has been promised for several years of one bill from Administration and not ninety-nine Administration bills

MR DONALDSON I believe this is one of the steps towards this, yes

MR BROWN I direct this question to the Minister for Finance, could the Minister advise whether any of the Networking the Nation funded projects have yet been completed

MR DONALDSON Thank you Madam Deputy Speaker completed and commissioned, I take it that that question is have they been completed and are they commissioned and working. I would have to take that question on notice to find out the exact status of for instance the fibre optics cable that went out to the Anson Bay satellite dish, or the hospital or the airport and in regard to other aspects of the Networking the Nation money that was spent

MR BROWN can the Minister advise when Norfolk Telecom's wireless internet service will be available to consumers

MR DONALDSON Thank you Madam Deputy Speaker there is a move at the moment to introduce a wireless internet service for Norfolk Telecom for the computer internet. It is in progress at the moment. I haven't got a completion date but I would expect within sixty days we should have it up and running. There have already been moves about the cost to subscribers for subscribing to a wireless internet

MR BROWN Further question along the same lines. Can the Minister please advise the reasons for the apparently lengthy delays in completing the various Networking the Nation funded projects

MR DONALDSON Thank you Madam Deputy Speaker we did have a deadline for the Networking the Nation projects to be completed where purchases were to be made and expenditure incurred. We have tried to do it within our own resources as much as possible. Those resources have not been able to be applied in five or six different areas and the lengthy delays were part of the original plan. I'm, sorry I'll word that again. We didn't plan the delays but the timetable that's being adhered to at the moment is as originally set. They are not unusual or unexpected delays.

MRS JACK Thank you Madam Deputy Speaker. Chief Minister you were unable to give a report on the proposal regarding the Cyber Centre last month. Are you in a position to do so this month

MR GARDNER No I'm not in a position to do that, simply because the status report that I was looking for was only delivered to my desk this morning, having had an opportunity to circulate to Members for discussion however I propose to have that matter agended for discussion by Members on Monday and bring Mr McAlpine down to discuss those issues. I see from my brief reading of the paper that he has provided this morning that it has been recommended that the progress of the investigation of the Cyber Centre continue. That is a matter that Members had a concern with, that they wanted further information before any further consideration would be given to expend any more funds on that matter and so it will be brought back to Members for discussion on Monday

DEPUTY SPEAKER Thank you. The time for Questions Without Notice has expired

MR NOBBS I move that it be extended by thirty minutes

DEPUTY SPEAKER The question is that time be extended by thirty minutes

QUESTION PUT

MR D BUFFETT I'm happy for fifteen minutes to make some further opportunity to Members but thirty minutes might be a bit

DEPUTY SPEAKER Fifteen minutes Mr Nobbs

MR NOBBS And then extend it again if you want to. That would be fine. Fifteen minutes thank you

AGREED

DEPUTY SPEAKER Thank you. Question time is extended by fifteen minutes

MR SMITH Thank you Madam Deputy Speaker a question to the Minister for Community Services and Tourism, recently as I recall there was to be a report done on transport on Norfolk Island specifically in the bus area. Has that report been completed and if it has, could you advise the status please

MR D BUFFETT Thank you Madam Deputy Speaker there is a report being prepared principally for buses, and that's a request that was made in terms of mainly the large buses, that was where the difficulty had been identified. I have had a number of discussions with officers who are working through a number of issues. I certainly have had representation from Members of the community who have an interest in the bus question. My colleague the Minister for Finance and myself had one such meeting just on Monday last. The report is not completed but I would hope that it would be available by our next sitting

MR SMITH Thank you Madam Deputy Speaker a further question to Minister for Community Services and Tourism, in relation to tourist accommodation under the Tourist Accommodation Act there is a requirement after two years to review tourist accommodation quota I think it is and I understand that he Minister has been working on that. Is the Minister able to give us a report on what the result of the Gatekeeper's Group and himself have produced in relation to that requirement

MR D BUFFETT Thank you Madam Deputy Speaker Mr Smith is correct in that we have a study under way in respect of this matter. It's in terms of the legislation. There is a legislative requirement that this be done in a two year cycle and we are at the two year cycle in June/July of this year which is when we commenced the process. There is statutory participation and that is being progressed and there is opportunity for community input and I have earlier announced that I have asked Mr Gary Richards to be a Member of that group and he is about that task. The parameters are being pursued by the group and I have asked them to let me have a report by the 30th September. That's where we are at with that. Could I just elaborate some components. There are some things that are set down that they must consider within the legislation but there is also the context of a public consultation process and so they can be expected before the 30th September that this group will be seeking some input from the

public about whatever they would like to say to them about the matter of quota and of course we are talking about the tourist accommodation quota

MR SMITH Thank you, a supplementary, is there a time frame that is a requirement under the Act, that it must be done within a certain time, I can't remember. There isn't

MR D BUFFETT Not that I've been able to see

MRS JACK Thank you Madam Deputy Speaker I ask the Minister for Finance, was there enough money put aside in this years budget to cater for two Waste Management Centres and will it be enough to see the old one out and the new one in

MR DONALDSON Thank you Madam Deputy Speaker there was certainly money in the budget this year for the Waste Management Centre although an integral part of the running of the Waste Management Centre is that it has to generate its own revenue and I believe the Minister for the Environment has some ideas on that which will be coming to the House very shortly about raising revenue for the purpose of funding waste disposal. At the moment it's been rolled into the Water Assurance Scheme. A grant has been given to the Waste Management Centre or a subsidy of I think \$100,000. The justification for that was that the money would no longer be needed for the Headstone Tip contract ors. At the moment we are running two parallel, we are running the Waste Management Centre and the Headstone Contractors so there is a double expenditure being incurred for the first few months, but as soon as the Waste Management Centre is up and running one of those will fall out of the system

MRS JACK Does that propose that the supposed funding for the new Waste Management Centre is agreed to and gets up and running in time

MR DONALDSON Thank you Madam Deputy Speaker yes that answer was on the basis that a proposal to fund a Waste Management Centre will be approved by this House, simply we can't stretch our existing consolidated revenue sources to fund Waste Management at the new levels

MR BROWN I direct this question to the Chief Minister. Having regard to the comments made by the Chief Minister earlier in today's meeting, about criticisms of the Norfolk Island Government by the Commonwealth's Joint Standing Committee which visited Norfolk Island recently, can the Chief Minister confirm that the person who provided the references to that committee is the Minister for Territories, Minister Tuckey and can the Minister advise whether the committee is investigating its own Minister in terms of matters revealed on television last night alleging that the Minister had abused his position by seeking to obtain benefit for one of his family to wit, the withdrawal of a fine in South Australia

MR GARDNER Thank you Madam Deputy Speaker. Yes that's right. There has been obviously a lot of discussion regarding the reference of the matter by Minister Tuckey to the Joint Standing Committee investigating questions of good Government on Norfolk Island. As I said earlier today, there's been significant discussion, significant debate about accountability and transparency and everything else, it just seems unusual that now the spotlight has been turned on the Minister himself by the Shadow Minister for Regional Services, Mr Gavin O'Connor who reportedly said in the Australian and I believe the Age of yesterday, that when it comes to Mr Tuckey and other cronies of the Prime Minister the code of conduct was ditched long ago. It just seems a bit unusual that the Joint Standing Committee are wanting to foist upon us a

regime that they don't respect themselves in their own territory. It is interesting whilst dealing with this question Madam Deputy Speaker, that it may go a little further than certainly Mr Tuckey being desirous of us ensuring that we provide a level of good governance on Norfolk Island, and maybe it would be of assistance to Members and the listening public that the Foreign Affairs, Defence and Trade References Committee, a Committee of the Senate recently engaged in significant discussions with most sovereign nations within the Pacific about good governance and my discussions with Members of the Joint Standing Committee particularly, Senator Hogg and Senator Lightfoot who were both Members of that Senate Committee were keen to see exactly the same types of arrangements in place on Norfolk Island as they had suggested in this report for the rest of the Pacific. Now I would imagine that part of the reason for the reference from Tuckey was on advice of those Members of the Joint Standing Committee and their roll in that Senate Committee that looked at the Pacific to ensure that Australia's own backyard was squeaky clean before they went venturing off into some area and started to criticise others but certainly with the recent press coverage the Commonwealth have a significant amount of work that they need to do before they can start pointing the finger elsewhere

MR BROWN I wonder if the Chief Minister would be enough to table the transcript which he's just been reading from

MR GARDNER Thank you Madam Deputy Speaker I'm happy to table the transcript from the Melbourne Age and the Australian I believe both of today's date

MR NOBBS Thank you I ask the Minister for the Public Service, Minister have you had the opportunity following the last meeting to be briefed on what has been described as the Norfolk Island Administration taking the Public Service to court and what is the basis of this court case and what was the result

MR D BUFFETT Thank you Madam Deputy Speaker I've had no discussions since the time frame that Mr Nobbs mentioned, however, I have had delivered to me a copy of the judgement in terms of that matter and I can make a copy of that judgement available to Mr Nobbs if that would be useful

MR NOBBS Are there any concerns that Members of the public should be made aware of in this document, and I would appreciate a copy of it because I haven't seen it

MR D BUFFETT I don't think there were matters of concern. There were some legal questions that obviously were sought to be answered and it was thought that the court would be the best forum to make that determination and that has happened

MRS JACK Thank you Madam Deputy Speaker I ask this of the Minister with responsibility for the Waste Management Centre. With the problem the island faces with the correct or environmental way of disposing of vehicles still not fully solved and the large number of vehicles being imported on just about every ship has he thought that a moratorium on the importation of all types of vehicles is a possibility for the community

MR I BUFFETT Thank you Madam Deputy Speaker I certainly haven't given that particular concept a thought and I would wish to discuss that issue with my fellow Members of this Legislative Assembly before I even utter such a thing but certainly it's a matter that can be discussed amongst the Membership. Certainly the

question of vehicle disposal is a major issue in terms of waste management in Norfolk Island and what I'll be presenting to Members shortly is perhaps a regime that we may need to look at to recoup the costs of the disposal of vehicles from the island and I will be bringing that to the Membership and to the community for discussion within terms of days, perhaps by next Monday I hope

MR BROWN I direct this to the Minister for Community Services and Tourism, it relates to education and to the Minister comments a few moments ago to the effect that additional teachers might be required at the Norfolk Island Central School as a result of changes in policies by the New South Wales Government as to which Norfolk Island has not been consulted. If it is necessary to engage additional teachers, will the Minister undertake to ensure that the cost to the Norfolk Island community is no higher than the present cost and will the Minister undertake to ensure that all necessary efforts are taken to localise teacher's salaries

MR D BUFFETT Thank you Madam Deputy Speaker there were two aspects to that question that I think I'm able to make a comment about at this moment. One is the matter of will salaries be localised. Now I'm not able to make a commitment one way or the other about that. It is as it is at this moment and if there is to be a change then there needs to be some significant processes that we would need to go through before that happened. The other is, can I make an assurance that the cost of education, given this new factor would not rise. I'm not able to make a commitment at this moment. I recognise the thrust of the question however and I recognise the thrust that there is a want to keep the costs within limits, however, if there are proper needs that need to be properly met and that means proper increase in funds then we might need to consider that and I would prefer that we go through that process before you ask me for any commitment one way or another about it

MR BROWN a further question in relation to education. Has the Minister taken action to evaluate the viability or otherwise of continuing with Years 11 and 12 at the Norfolk Island Central School and is the Minister able to advise the House of the savings which would be achieved by discontinuing those years

MR D BUFFETT No I'm not able to do that at this moment. Mr Brown I think wrote to me about that and I have an examination under way to make that evaluation but it's a fairly complex examination but if you want a time frame on it, I would hope that I could respond at our next sitting if that's the context that you would like it

MR NOBBS Could I ask a supplementary to that

DEPUTY SPEAKER Thank you. The time for Questions Without Notice has expired Mr Nobbs

MR BROWN I move that Question time be extended by five minutes

DEPUTY SPEAKER Thank you Mr Brown. The question is that time be extended by five minutes

QUESTION PUT
AGREED

Thank you. Five minutes

MR NOBBS Thank you Madam Deputy Speaker if I could just ask the Minister for Education, is there a designated position, and I don't want to know what position it is, but is there a designated position within the Norfolk Island Administration at this point in time which deals specifically with education. There has been a position in the past which has dealt with education and is there a position at the present time

MR D BUFFETT Thank you Madam Deputy Speaker in terms of my dealings through the Service on these matters, I have been able to have the services of one of the Executive Directors

MR BROWN I direct this question to the Minister for Community Services and Tourism. It relates to the monthly Inbound Passenger Statistics which are tabled in the House. Has the Minister been able to ascertain whether the reference to visitor days in those statistics is a reference to visitor nights or a reference to the total number of days during which our visitors spend part of the day on Norfolk Island \

MR D BUFFETT Are you referring to day trippers?

MR BROWN To clarify it, I am asking whether the figure, to look at the July figure which will be tabled later in the meeting, the top figure for New South Wales for 2003 of 7.2 days, can the Minister advise whether that figure is days or nights

MR D BUFFETT Thank you Madam Deputy Speaker I have understood that they were days as marked, but if in fact there is some technicality that maybe should make an adjustment on that I'm happy to examine that, but Mr Brown may be getting at another matter and maybe if I give him an opportunity to come to that

MR BROWN Madam Deputy Speaker, I wonder if the Minister may be able to have that checked during the meeting and if he tables the July statistics I wonder if he will be able to explain to us when and why the calculation was changed from bed nights to days

MR D BUFFETT Thank you Madam Deputy Speaker I will be tabling the figures in a moment. No I won't have the information for clarification in the time frame that I table that but I certainly can make some clarification

MR NOBBS I ask the Minister for the Public Service is it correct that what some see as recent advertising of jobs within the Administration as a proliferation of jobs within the Public Service in fact correct

MR D BUFFETT Thank you Madam Deputy Speaker if Mr Nobbs is asking me whether there has been a proliferation of jobs within the Public Service I wouldn't necessarily make that interpretation. The reports that have been given to me in more generic terms obviously are not consulted in terms of individual jobs. The jobs that have been advertised are ones that are needed to provide work that the Legislative Assembly in its overall policies wish to have achieved

MR NOBBS So there's been no increase you are saying in actual positions

MR D BUFFETT No. You didn't ask me that

- MR NOBBS Well proliferation to me is an increase
- MR D BUFFETT I suggest you check the dictionary
- MR NOBBS Can I ask a question of the Minister responsible for electricity. I have several questions for him. Has the soundproofing of the power station been completed as yet and if so, are the noise readings taken after the job was completed, acceptable
- MR DONALDSON Thank you Madam Deputy Speaker. No the soundproofing of the power house is not complete. It is incomplete only to a very small extent. What's being done at the moment is most of the walls and the ceiling, there's some areas around doorways where radiator connections go out to the main wall of the building where the fuel comes in, they've had to build brackets and they've had a bit of delay there however, I'm reliably informed that the effect of the soundproofing is satisfactory and the results have been achieved already. I'm not aware of any actual sound readings that have been done
- DEPUTY SPEAKER Thank you. Mr Nobbs I regret to advise that the time for Questions Without Notice has expired Mr Nobbs
- MR BROWN I move that Question time be extended by two minutes
- MR NOBBS Five
- MR D BUFFETT Two
- DEPUTY SPEAKER I put the question is that time be extended by five minutes
- MR BROWN Point of Order Madam Deputy Speaker. Point of Order. The motion was two minutes
- DEPUTY SPEAKER The motion was five minutes followed by two minutes I believe Mr Brown
- MR BROWN No. I moved the motion, that it be extended by two minutes. Another Member suggested five minutes but my motion was two
- DEPUTY SPEAKER Forgive me. You are correct. I put the question that time be extended by two minutes
- QUESTION PUT
AGREED
- Thank you. Two minutes
- MR NOBBS Thank you Madam Deputy Speaker. Just continuing with electricity. Will the undergrounding from say Puloos's Corner to the bottom of Longridge Hill be completed as yet, and if not, why not
- MR DONALDSON Thank you Madam Deputy Speaker I understand that the undergrounding part has been completed. Whether it's been hooked up into the grid is another issue and I don't know the answer to that

MR NOBBS Will the Minister be making a statement in relation to the cost of electricity

MR DONALDSON Thank you Madam Deputy Speaker no I hadn't planned to make a statement on the cost of electricity

MR NOBBS On lighterage, is it correct that the lighterage workers who are employed by the Administration when not employed by lighterage, were provided with training on issues relevant to the lighterage operation, and that lighterage workers from the private sector were not afforded the same opportunity for training; that's the first part, and if this training occurred and I understand it did, who paid for the training, was it lighterage or did it come out of the general Administration fund for training

MR DONALDSON Thank you Madam Deputy Speaker I don't have the answer to that question and I ask that Mr Nobbs place it on Notice

MR NOBBS Can I place that on Notice. Now. Right now so they don't come back and say that it wasn't put on notice

DEPUTY SPEAKER Perhaps you would care to put it on notice Mr Nobbs.

DEPUTY SPEAKER Thank you. The time for Questions Without Notice has expired Honourable Members, we move on

ANSWERS TO QUESTIONS ON NOTICE

Are there any answers to questions on notice:

MR DONALDSON Thank you Madam Deputy Speaker, I've received a question on notice from Mr Brown and the question was Will the Minister please advise whether power factor correction equipment has been installed at the Norfolk Island power shed and whether that equipment is functioning properly? In the event that the equipment is not functioning properly, will the Minister please advise what action has been taken to rectify that situation. I made some research into that over the last week or so and my answer is power factor equipment was installed in the power house in 1989. the system that was installed in 1989 was actually a manually operated power factor correction system. In 1998 an automated power factor correction system was installed however the equipment that was installed was designed to operate when two generators were operating in unison, it was not designed to operate when only one generator was working at very light loads. When this happens the correction steps are too large and the auto power factor cuts in and out giving voltage spikes and if over correction occurs there is the risk of a generator shutting down so basically the automated equipment at the power house works very well when two generators are working under reasonable load but doesn't cater for the situation where only one generator is working under light load. For this reason the manual system for the power correct factor has been reverted to. This manual correction is done in normal working hours, and there may be periods of up to eight weeks between having to reset the power factor correction process. I'm further informed that the existing power factor equipment cannot be easily modified to adapt to one or two operating generators and will require replacement if the automatic power correction factor is proceeded with

MR BROWN A supplementary if I may. Can the Minister advise whether the power factor correction equipment which is not working, has been paid for and if so, what was the cost

MR DONALDSON Thank you Madam Deputy Speaker I understand it has been paid for although I also understand from my recollection at the time that the reason it was installed was some people from an organisation called Energy First came over here and recommended a lot of power saving devices for the island and the payment of their account at the time was somehow linked to the savings that were identified within the system. I understand from Dem Tal I suppose, that the savings weren't identified but they were paid at the time. I could probably add a bit more to that answer in that the power factor correction equipment that was installed at the powerhouse was not done after consulting with the Electricity Manager, it was more done at a political level, or the decision was made at a political level to proceed with it. The Electricity Manager was not consulted with and would not have assented to it happening

MR NOBBS Could I ask that that be repeated please. Can you just say again what you just said

MR DONALDSON Not in its entirety. I think the part you are asking about is the very last part where I said apparently the Manager at the Electricity Undertaking was not consulted on the fitting of the automatic power factor correction equipment and would have advised against it if he had been asked

MR NOBBS I have great doubts that you should be making statements like that

MR GARDNER Thank you Madam Deputy Speaker a supplementary question to the Minister responsible. Could you indicate what year that was paid

MR DONALDSON No I certainly don't have that information in front of me but I think it was 1998/99. There were several issues raised by the visitors to the Island and I understand that their account had been cleared or paid and to the extent that I can find out, I will

MR NOBBS Could I just say that it was paid two Assembly's ago which was the Ninth, which would have been before 1999

MR D BUFFETT Thank you Madam Deputy Speaker a couple of questions that have been asked of me. First of all, question on notice number 42. Mr brown asks me to please advise by what amount the Health Care Levy would need to increase in order to allow the Health Care Scheme to cover the cost of theatre fees when fund members are forced to use private hospitals in Australia or New Zealand. Madam Deputy Speaker, this is not really an easy question to answer but I have some factors to bring forward. Firstly, theatre fees do vary. Different theatre fees are charged for each type of medical operation performed and there can also be a difference between each hospital as to the amount charged. For example, in Queensland the theatre fees for cataract surgery range from \$700 to \$950 and in New Zealand its approximately \$1500 so you can see that there is a range. The second point is that many Members of the healthcare scheme are aware that the scheme does not cover theatre fees charged in private hospitals and therefore they don't submit them when they make a claim for reimbursement. Also some Healthcare Scheme Members have private medial insurance with another insurer to cover other medical costs that the local scheme may not cover. However, having said all those things, I do have some information that relates to the last

financial year that might be useful to try and put this into perspective. In the last financial year, that is July 02 to June 03, there have been some 82 families who have claimed from the Healthcare Scheme and 54 of these families have received offshore medical treatment. Just under \$30000 in theatre fees have been declined for reimbursement from the Healthcare Scheme and that's an assumption that they may fall in the category earlier described. The Healthcare Scheme has approximately 1500 financial Members and the levy would need to be increased by say \$20 per year per Member to cover theatre fees of \$30000 that I have given in the figures that are available but I do make this rider that theatre fees may vary and they may not be the same each financial year and it is also fair to point out that the amount that has been mentioned in the financial year just passed, may increase because there are still some amounts that need to be claimed in respect of that year so I just provide that information which is an endeavour to respond to what you might have to pay if you wanted to cover that. They are some indicative figures in terms of the values that are known at this moment

I have another if I may. Mr Brown asks me will the Minister please table the details of all payments of special duties allowances to Members of the Norfolk Island Public Service from the 1st July 2002 to date. A couple of things to be said Madam Deputy Speaker, first of all the special duties allowance policy was approved by the Minister and has been in place for a number of months now but I do mention that its an interim arrangement because it will be overtaken when we finalise some other aspects of our human resources polices. The Minister doesn't actually approve the allowances themselves, that's the policy that has been approved. It is the head of the Public Service that in fact implements the policy and looks at individual cases. In terms of individual arrangements, I have got some broad headings to try and respond to this particular matter and the headings in terms of categories of people are in six categories. The first category relates to director and managers. Under the interim reporting arrangements that came into effect on 7th January of this year there are two Executive Director positions as opposed to three Executive Director positions on the formal organisational structure and from the 7th January to the 13th August an additional duties allowance of \$11177.66 has been paid in lieu of the third Executive Director's position. This has been paid to persons acting as Executive Director's and some managers who have been given additional responsibilities. I additionally mention that had the additional Executive Director been employed based on a salary of \$52000 per annum it would have cost \$31,299.68 for the same period so that \$31,299.68 is to be compared with \$11,177.66. the second category I mention is KAVHA tradesman. In recognition of the hazardous nature of the work along with the discomfort of protective clothing and additional care required in the removal of asbestos an additional duties allowance has been paid at a rate of \$2,004 per hour. This commenced on the 2 January 2003 and to date has cost \$1621.80. in terms of the first matter I mentioned, directors and managers, that arrangement continues at this moment. In respect of this one that I've mentioned the KAVHA tradesman it is not running at present but it may run, if in fact people have to undertake this sort of work. The third category relates o the airport. A situation arose at the airport where the manager was on extended sick leave and there was no-one appointed to the position of deputy. In order for this area to maintain operations an existing employee was assigned to act in the role in addition to his normal responsibilities and between the 18th July 2002 and 6th October 2002 an amount of \$1140 was paid. I might say that had a person been employed to act in this position the cost would have included a loading which would have been \$8,981.79. in terms of that matter that has concluded so that is not continuing. The Human Resources area is the fourth area. Following the recruitment of the Human Resources Officers and the part time Human Resources assistant an additional duties allowance of \$3 per hour was provided for the responsibility of assisting the training of new staff and special projects. The period was from the 5th May to the 30th June 2003 and the total cost was \$409.05. That area too has concluded so it is not continuing Madam Deputy Speaker. The fifth area is the airport upgrade. The manager was given the additional responsibilities of the airport upgrade for

the period 6 June to 8 September 2003. the total cost as at the 13 August is \$940. This area is continuing but concludes on the 8th September, in other words, next month. And the final area relates to the Chief Executive Officer during a two weeks absence of the Acting Chief Executive Officer an additional duties allowance was paid based on \$100 per week for attendance to procedural matters on behalf of the Acting Chief Executive Officer but that was a brief period of time and it too has now concluded. That's a response to question on notice number 43.

If I might now turn to question on notice number 45. Mr Brown asks this question of me as the Minister. In relation to staff training recently undertaken by Administration staff with Hunter Plant Operator Training School, can the Minister please advise and there are four points. 1. How many staff were involved; 2. Without mentioning the names of the individual staff members (for convenience, can you refer to them as employee 1, employee 2, etc) which courses were undertaken by each staff member; 3. The basis on which staff members were selected for training, and the basis on which it was decided that each particular staff member should undertake each particular course; and 4. Whether it is anticipated that each staff member who undertook training will operate each of the pieces of plant and equipment for which he was trained? Madam Deputy Speaker, I try to respond as follows. How many staff were involved, there were 41. Question 2. Without mentioning the names of the individual staff members and I won't read it all through again. The answer to that is I would like to table a schedule which sets out the number of persons including each course for each section of the Administration. It's reasonably detailed and its best that I table it and people see the document itself in lieu of me trying to walk through the words with it but I'm sure it is helpful and I table that. Question 3. The basis on which staff members were selected for training, and the basis on which it was decided that each course staff member should undertake each particular course. In developing the training schedule the Human Resources Manager sought advise from Administration Section heads and Managers in identifying staff in their work areas who would benefit from such training. Some section heads and managers nominated greater staff Members than available course positions. In finalising who would attend the various courses, preferences were given to those personnel who used the piece of machinery regularly. Course attendance where possible were spread over a range of work sections to prevent one work area dominating the training courses in a particular piece of plant, for example, the ten crane trainees came from five different work areas whereas the seven excavators trainees came from three different work areas. Question 4. Is it anticipated that each staff member who undertook training will operate each of the pieces of plant and equipment for which he was trained? Each course contained a maximum number of trainees. First preference of each course was given to staff who used the plant regularly and the balance of the positions were filled by those who used the plant from time to time and or would benefit from the training. During the development of the training courses it was identified that it was essential to include a training course for the operation of the crane. Crane operators for the lighterage Undertaking and the Administration generally had received no formal training. The crane course was extended from a maximum of eight trainees to ten trainees. The course positions were filled firstly from the main Administration operator back up Administration operators, and lighterage operators. From time to time both the electricity and forestry section use the crane and it was considered appropriate to train staff within these areas. Both the Electricity and Lighterage managers undertook training on the correct operation of the crane so that they could ensure that staff within their areas use the equipment appropriately particularly in terms of occupational health and safety. The staff that undertook training courses and the use of a bobcat and fork lift all operate to varying degrees the plant that they receive training in and training courses for use of the front end loader and the grader were restricted to include only those staff that actually operate the plant

If I could now turn to number 46 which is the final question that I have. I just might pause for a moment and refresh my memory in terms of the document that I have in front of me. This is a question from Mr Brown to me which reads this, will the responsible executive member please advise what studies have been carried out in the safety danger or otherwise of allowing motor vehicle drivers in Norfolk Island to use hand held mobile trunk radios while driving motor vehicles on public roads in Norfolk Island. If no such studies have been carried out, will the responsible executive member please undertake to carry out such a study without delay. Madam Deputy Speaker, there have been no studies to my knowledge carried out in Norfolk Island however I can tell you that there have been a number of studies carried out elsewhere. There has been a study published in the New England journal of medicine which concluded that the distraction caused by the phone use in motor vehicles quadrupled the risk of a collision during the brief period of the call. The report found no distinction in safety between handheld cell devices and hands free devices. In addition the British Journal of Psychology recently published a study that provided additional evidence that speaking on mobile phones even if they are hands free can make drivers more dangerous. The research conducted at the University of Reading found that drivers who were distracted by cellular telephones were significantly worse at judging safe stopping distances and anticipating hazards and choosing when to turn into a line of traffic. A report by the United States National Highway Traffic Safety Administration similarly concluded that cellular phones used whilst driving increased the risk of a crash. The results of those studies which are really just an overview and very selective at this moment, does strongly suggest Madam Deputy Speaker, that Norfolk Island could consider discouraging the usage of hand held mobile trunk radios from using them whilst in control of a vehicle of the Legislative Assembly could seek to make some amendments to our traffic legislation which is also to similarly address those factors and some of those that I have alluded to in those other reports. Could I just mention also that there are at least seven countries, including England, Switzerland, Spain, Australia, Israel, Italy, and the Republic of Singapore who restrict or prohibit cell phone use whilst driving a motor vehicle

DEPUTY SPEAKER Thank you Minister. I believe all questions on notice have been answered. We move on

PRESENTATION OF PAPERS

And if I may Mr Brown, if you would be kind enough as Acting Deputy Speaker to take the chair and I call upon the Chief Minister thank you

MR GARDNER Thank you Mr Acting Deputy Speaker. In accordance with section 14 of the Bookmakers Act 1998 I am required as the Executive Member responsible for gaming to table in the Legislative Assembly licences issued under the Act. On the last occasion that the Norfolk Island Gaming Authority considered applications for the issue of licences the authority approved and issued a Bookmakers Licence to Austote Proprietary Limited being a company duly incorporated in law in Norfolk Island on the 10th December 2002. the term of the licence is for eight years. A licence issued is subject to the conditions of licence that are determined by the Authority in respect of regulating the conduct, operation and supervision of gaming and sports betting activities. The attached conditions detail the scope of the licence, the Administrative financial and operations conditions to apply, the rate of duties to apply and the usual definitional and miscellaneous provisions concerning notices and dispute settlement procedures. I therefore table the licence issues to Austote Pty Ltd and the conditions of licence and all schedules attached hereto that form part of the conditions of licence, thank you

MR I BUFFETT Thank you Mr Acting Deputy Speaker in accordance with section 41 of the Interpretation Act 1979 I table the Heritage Regulations 2003

MR GARDNER Thank you Mr Acting Deputy Speaker in response to a question you asked me at the last sitting of the House I have an interim report on the expenditure for the costs associated with the development of an Offshore Finance Centre, a Cyber Centre, a Banking Centre. When I say it is an interim response the costs associated with the pursuit of the development of such a centre on Norfolk Island only refer back as far as 1999/2000 and I am aware that there was significant work done in earlier years in relation to the development of such a centre for Norfolk Island so hence my reference to it as being an interim report. For the benefit of Members that has totalled over that five year period some \$93,500 with the bulk of that expenditure having taken place in the year 1999/2000. I will have a fuller report on the costs associated with that at the next sitting and I table that document

MR DONALDSON Thank you Mr Acting Deputy Speaker in accordance with established practice I table the details for travel made between the 1st May and 31st July by the Administration staff and Legislative Assembly Members

MR D BUFFETT Thank you Mr Acting Deputy Speaker I table the inbound passenger statistics for July 2003. In doing so I do acknowledge that I am not at present equipped to respond as I mentioned earlier to clarify whether the bed days should be bed nights but I will respond to that and give clarify to that. The figure for the month in question, July 2003 is 2808 it compares with 2251 of last year and 2225 of the year before. We continue to have our major visitor numbers from New South Wales 36.89% and that's followed in this particular year by New Zealand 19.44 then followed by Queensland, 18.34 and Victoria 16.63. I table those documents

MR GARDNER Thank you Mr Acting Deputy Speaker I table the draft Pasturage Rights Policy that has been developed following consultation with the community, Members of the Legislative Assembly and officers within the Administration, for discussion within the community over the next period. We are looking forward as I said at the last sitting of the House to making that Policy so that it is in place before the end of September which would allow the three clear months for people to be fully aware of the requirements under the policy when they come to making application and also for the grant of rights for the next twelve months. I move that the paper be noted

ACTING DEPUTY SPEAKER Thank you Chief Minister is there any debate?

MR GARDNER Thank you Mr Acting Deputy Speaker on the 11th April the public were invited to make submissions on criteria that might be used to determine the allocation of pasturage rights. Seven possible criteria were published in the Gazette on that date. They were that only individuals may apply not corporations; 2. an applicant must be at least eighteen years old 3. maximum of ten pasturage rights per applicant 4. maximum of ten pasturage rights per household 5. applicants must be ordinarily resident on Norfolk Island 6. each applicant is entitled to a minimum of two grazing rights if so requested 7. the pasturage rights and tags cannot be traded. Three written submissions and two verbal submissions were made as a result of that request and call for submissions from the public. Three of the submissions were not in favour of large landholders being granted pasturage rights, two of these expressed the view that persons with no land or only a small land holding should be favoured in the granting of pasturage rights. One person commented that new applicants are granted pasturage rights but that their pasturage rights had not been increased in spite of holding rights for many years and seeking of increase in rights. One person considered restricting eligibility to residency unfair and preferred preserving local customs and traditions. This

person was also concerned that any restrictions on trading tags or pasturage rights. One person suggested that calves should be allowed to remain on the commons for longer. One person also commented on potential detrimental impacts of cattle on the roadsides on the environment, government funding and traffic safety. As a result of that and the consideration of those submissions, the draft policy that I have tabled today has considered those submissions and is on the table for comment and discussion by the Legislative Assembly prior to making that policy for the next financial year and I table that document

ACTING DEPUTY SPEAKER Thank you Chief Minister is there any debate Honourable Members. If there is no further debate then I put the question that the Paper be noted

QUESTION PUT
AGREED

That Paper is noted

MR DONALDSON Thank you Mr Acting Deputy Speaker I table the transfer of appropriation Direction I've given under subsection 32A(2) of the Public Moneys Act 1979. This was given in accordance with section 32(a)(7) of the Public Moneys Act 1979 and it relates to the transfer forward of appropriation from the financial year ended 30 June 2003 to the financial year ending 30 June 2004. The purpose of carrying forward this amount of appropriation is to enable payments in the current financial year of liabilities incurred in the financial year ended 30 June 2003

STATEMENTS

MS NICHOLAS Thank you Mr Acting Deputy Speaker I seek to make a statement on behalf of the outgoing Norfolk Island Hospital Board. In November last year, during a turbulent period, Mrs Jack and myself were appointed to The Norfolk Island Hospital Enterprise Board of Management to join serving member Sheila Grimshaw and the then Director. Fairly quickly both John Christian and David McCowan were appointed to the Board and their intimate knowledge of the working of the Enterprise was welcomed by both the Board and the staff. The Minister for Health The Honourable David Buffett commissioned an Enquiry which was conducted by Dr Peter Kennedy, Mr Michael Wallace and Mr Stephen Haldane. Their report was received promptly and the Board asked the, by then newly appointed Acting Director, David McCowan, to begin immediate implementation of the Report Recommendations. They ranged over such basic issues as documentation of service agreements with suppliers in the community ensuring provision of emergency light and power supply for the hospital a planned maintenance programme for plant and equipment, complete with service agreements. That bundle of requirements has already been met and others are in progress. There were Recommendations in respect of management of patients at varying levels from casualty to aged care. Those recommendations have been put in place and include a Patient Care Review Committee. Recommendations about dental care and community health. We are all well aware of the state-of-the-art dental clinic which a generous donation from Toni Redstone has made possible. Service clubs and our own hospital staff have worked tirelessly on Community health care and awareness issues. Food service at the Hospital received high praise in the Enquiry Report and that praise continues to come from the patients and they are the ones whose opinions truly matter! There were numerous recommendations in respect of the bureaucratic workings at the hospital. The Hospital Amendment Act, recently passed in this House addressed some of those. There is an Advisory Board rather than one of Management and there are improvements to the way things happen in terms of overall management and

consultation. Thelma Lynch, who is resident on Norfolk and former Norfolk Hospital Director Neville Boyce are assisting with formulation of Human Resource Policies and Procedures. They are almost complete. The hospital physiotherapist John Graham is working on development of Occupational Health and Safety Guidelines. They too are nearing completion. The Director, David McCowan, who is a triple certificated nurse himself, and who has a track record of, and training in, hospital Administration is finalising a number of codes, handbooks and pamphlets, such as Patient's Rights, Codes of Conduct for Staff and Board Members, a Statement of Vision, Mission and Values for the Hospital itself. Documented processes for resolution of grievances or conflict. A Medical Handbook which will help locum doctors know what is done and what is possible at the Norfolk Island Hospital. A Patient Information Sheet. It's a significant mass of documentation which will establish the processes necessary for a hospital, any hospital, to run efficiently and responsibly. In terms of financial management there have been recommendations put forward by past auditors Curran, Sole & Tuck, and the present auditors, The Queensland Audit Office.... and those too, as much as the present computer systems allow, have been put in place. I anticipate that the incoming Board will take the recommendations further and ensure open and transparent public accountability. It is appropriate at this time to thank members of the community who have recognised the hospital's need to maintain cash flow and are paying their bills at the time of receiving service. It is making a significant difference and, on behalf of the Board, I'd like to say thank you. Recently the hospital came in for a bout of criticism from certain members of the Commonwealth Joint Standing Committee during their inquiry into Norfolk Island Governance. Reference was made to Norfolk Island's health services being of third world standard. It was with a sense of great pride that we were able to provide the Chief Minister with a stream of supportive and in some instances positively glowing references from our team of visiting specialists and they were duly read into the public record of proceedings. Perhaps the moment should not be allowed to pass without making more specific reference to those documents. From Dr William Glasson visiting specialist and recently appointed President of the Australian Medical Association. He says "I would suggest this is a very ill-informed statement and would like to register my support for what I feel, is an excellent system of health delivery on Norfolk Island and that the standards of medicine are equivalent to anywhere in Australia. You have a breadth of visiting specialists who are committed to providing high levels of care to standards equivalent to what they provide within Australia. As an Ophthalmologist who visits the island, providing both consultative and surgical services, I find it insulting to have an ill-informed Senator suggesting that I provide a third-world standard of medicine."

From Mr Bryan Yeo visiting specialist surgeon. "I have obtained some appreciation of the surgical and other specialist medical services, which have been provided to the residents of and visitors to the Island. In my opinion these services have been provided with a high standard of care. Furthermore, the services to residents and visitors by the Hospital's medical and Nursing Staff are comprehensive and cover a wide range of general medical practice, obstetrics, gynaecology, paediatrics, anaesthesia, trauma, orthopaedics, psychiatry and basic emergency surgery. Over the past 10 years or more I have observed this practice to be of a high standard. Not only are the Senator's comments superficial, they are misleading, inaccurate and uninformed. As a surgeon at the Prince Henry and Prince of Wales Hospitals for 34 years, I can offer some comparisons about the two hospitals. The waiting list for a cholecystectomy at the Prince of Wales Hospital is over two years for many patients. On Norfolk Island routine specialist general surgery is available within six months. Senator Ross Lightfoot should re-examine the precise health needs of the Norfolk Island population, and more accurately look at what has been and is presently taking place."

From Dr Mervyn Thomas. "I would certainly agree that there are some aspects of the Norfolk Island Health System which certainly share attributes of Third World Health and these would include very personal care of patients which is sadly losing its place in the

hospital system in Australia. My experience of your system in gastroenterology is that it is possible to give quite a good service to your community particularly as we have achieved many goals not achieved in comparable areas in Australia. Although specialist emergency care could not be available in Norfolk Island under any system I think the service provided by visiting specialists in conjunction with your government medical officers is remarkably good and fairly timely. Whilst many improvements can be made in all systems it is not entirely clear to me how a better system of health care delivery would be better achieved under Medicare..."

From Rural Queensland visitor Dr John Lock. "I heard harsh criticism of the Island's health system by a Federal Parliamentary enquiry on the radio recently. I found this quite puzzling as your current facility was of a much higher standard than our current facility, and facilities in many comparable sized communities in rural Australia."

And finally and just recently, the recent locum medical laboratory scientist Russell Lowry said in his report. "The service provided here in such a remote location is something the community should not take for granted. I am confident it is equal to any location in the world outside a major population base. Add to this the friendly and dedicated staff and the island really has something they should be very proud of."

The Minister for Health and the Assembly are currently working to establish a satisfactory system for Medical evacuations from Norfolk Island. There is work yet to be done, but it is happening albeit behind the scenes. Difficulties are and have been experienced in recruitment of doctors and nursing staff. The fact of the matter is that more experienced, or dare I say it, senior, medical practitioners...

ACTING DEPUTY SPEAKER Ms Nicholas could I guide you to the provisions of Standing Order 53 which provide that a statement of this nature should be limited to fifteen minutes

MS NICHOLAS I believe you'll find it will be fifteen minutes

MR NOBBS I move that the time limited be extended by five minutes

ACTING DEPUTY SPEAKER I'm not sure that there is provision to extend the time. That's why I've raised it now

MS NICHOLAS Mr Acting Deputy Speaker I think you'll find that without interruption this speech would have taken thirteen minutes. The fact of the matter is that more experienced, or dare I say it, senior, medical practitioners who have the broad base of competency in the fields of General Practice, Anaesthesia and Surgery, which Norfolk Island's hospital needs, are becoming harder to come by as time passes. Simultaneously, community expectations of a level of care are rising. Those of us getting on in years are presented with all sorts of replacement options and of course, we would like to have the procedures carried out at home, here. Somewhere in between the wish list and the reasonably available infrastructure lies the path which is appropriate for Norfolk Island. Both Dr Fletcher and the Director have been involved in locating medical staff with the appropriate skills to cover our future needs. In consultation with the Minister for Health there were four major goals which the Norfolk Island Hospital Enterprise set:

Firstly - The adoption of Human Resource Policy and Procedures Manuals, today very close to accomplishment. It is the Board's belief that, had these guidelines been in place, a number of issues which proved so difficult recently, may have been avoided.

Secondly - The attainment of skills and qualifications by staff, as well as a bringing up to date of equipments and processes which will lead to the Norfolk Island Hospital being able to call for Accreditation, hopefully in about six months time.

Thirdly - The Accreditation process itself. The measure of our Hospital's capabilities and processes against a set of requirements established by the Australian Council of Healthcare Standards.

The fourth goal is a new hospital for Norfolk Island. Once we have the internal procedures and processes up and running as well as possible and able to be matched against the Australian Accreditation processes there is reason to believe that the Commonwealth may be willing to come to our aid. The Norfolk Island Hospital would not exist without the people who really hold it together. The staff. We thank Dr Fletcher, who was here when this Board commenced, and was appointed Deputy Medical Superintendent in January. The locum doctors, and we are grateful for their willingness to come to Norfolk Island; the team of visiting specialists who enable many of us to receive top notch procedures and advice at home here on Norfolk. The Director David McCowan, a local appointee who is doing a good job and deserves praise for his accomplishments and assistance to this Board and through us to the community. The Office staff. The Nursing Staff, the laboratory scientists, physiotherapy and x-ray staff. The locum dentists and Dr Colin White, The Aged Care nurses, the baby clinic and child care nurses, the Emily Channer District nurse, the kitchen, cleaning, laundry and ground staff members – to each and every one the Members of the Board offer thanks for the services given to the Norfolk Island community. The Board wishes also to thank - the Ladies Auxiliary; the group of people dedicated to care of the aged; the Ambulance service and all volunteers who, one way and another, give their time freely to benefit us all. And finally, Mr Acting Deputy Speaker, on a personal note, as outgoing chairman of the hospital board I wish to thank fellow Members of the Board for their support during my term, and, on their behalf wish the incoming board a positive and rewarding term of office. Thank you for your indulgence.

MR D BUFFETT Thank you Mr Acting Deputy Speaker. I would like to move that that statement be noted

ACTING DEPUTY SPEAKER The question is that the statement be noted, is there any debate

MR D BUFFETT Thank you Mr Acting Deputy Speaker. Later in this sitting there will be a motion in terms of a Board at the Hospital and I don't want to pre-empt any of that debate but I just wanted to point out that with the progressions of that situation it will mean the conclusion of the present Board and Ms Nicholas in her presentation which I applaud has obviously given a report of the board upon its conclusion and that being the case I wanted to just add these words of appreciation to both the Chairman Ms Nicholas, and to those other Members of the board who have recently been there and active. For example Mrs Jack, Mrs Sheila Grimshaw, John Christian, the present Director also was a Member of the board before he took up the post that he now has and I would want to acknowledge those and others who have been active in the administration of the Hospital. I do want to say that I particularly appreciated the role of the chairman of the board which has been a difficult role, and whilst she will not be a substantive Member proposed to be on the incoming board although I have tried to be persuasive about that, there has been agreement that she will assist me with hospital and health related matters whilst I am the Minister with those responsibilities and I'm very pleased that she is prepared to do that but I particularly at this time wanted to emphasis either good work that the board has done and thank them for the work and the dedication that they have applied and I mentioned that at the conclusion time which is the context of this report and I thank you Mr Acting Deputy Speaker

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

QUESTION PUT
AGREED

That Statement is noted

MR I BUFFETT Thank you Mr Acting Deputy Speaker. A short statement in respect of rock crushing issues. The current situation in respect to rock crushing is that two orders were made at the Administrative Review Tribunal in May of this year to allow the two contractors who are capable of performing rock crushing operations on Norfolk Island to crush 1000 tonnes each of gabion rock. Mr Richard Cottle is entitled to crush 1000 tonnes at the airport site portion 183 and Island Industries were entitled to crush 1000 tonnes of gabion rock at the current site at Ball Bay, despite the rock crushing plant not being fully completed. There were conditions with respect to those matters and one of the conditions was that the Administration employ a scientist to report on the dust monitoring and also to prepare a management plan for the Norfolk Island Administration to ensure that a robust complaints procedure is in place with respect to issues of rock crushing by Members of the public. I think that the complaints procedure and also to implement a training programme for on island monitors. The appellants with respect to the crushing operations of Island Industries appealed to the Supreme Court of Norfolk Island and to have the order with respect to island Industries stayed. That appeal was successful. In the meantime a lease agreement has been entered into with Mr Cottle and the Administration of Norfolk Island and Mr Cottle's machinery is situated at the airport site in preparation for crushing. The Managing Director of Island Industries has advised the Administration that they will have their crushing site completed and ready for crushing towards the end of August. The Administration has engaged a scientist from a firm of Richard Hetty and Associates in accordance with the Administrative Review Tribunal orders. Some further information. As part of the need to clean and tidy the Cascade Reserve area and in an effort also to provide crushed material, a site of rock to be crushed commonly known as Aunt Lil's was submitted to the two corporations capable of crushing in Norfolk Island and tenders went out to the two contractors early in August and tenders closed on the 15th August 2003. No tender was received back. That's in respect of the Aunt Lil's site and cleaning up the reserve. I am advised that the Administration has extended the date for those tenders to be returned to the 29th August 2003. An actual date for the crushing of rock cannot be given due to legal proceedings and matters being raised by outside parties which have resulted in further enquiries having to be made and some resulting delays. That's all I can say about rock crushing at this time

MR GARDNER Thank you Madam Deputy Speaker at the July sitting of this House Mr Brown asked of me the following question. Is the Chief Minister able to provide an outline of the achievements to date of the current Gardner Government and an outline of its plans for the next year. I would wish this paper to be seen as an interim answer or statement in relation to that matter because I am too very conscious of the time restrictions of Standing Orders when it comes to matters such as these but I will do my best to contain myself within that time frame. Madam Deputy Speaker, the achievements of the current Government are varied and numerous but it must be said at the outset that those achievements are achievements of the whole of the Tenth Legislative Assembly. I also would like to add Madam Deputy Speaker, that any of the major projects that I might discuss today are often projects that span a number of Legislative Assembly's and through that process there is some continuity in the attention that is given to matters and somewhere along the track one hopes and wishes that there will be finalisation to it and I'm pleased that we have been able to finalise some of those

matters in this Tenth Legislative Assembly. Whilst I and my Ministerial colleagues have responsibility for Executive portfolios, it is the whole of the Legislative Assembly which determines whether legislation is passed or amended or whether a particular policy is adopted generally through Motions of this House. I am loathe to use the number of pieces of legislation as a gauge as to the achievements or the success of a particular Government, my own person view is that I would prefer to go the other way and repeal legislation so that we could get back to the basics of life, however that is not how the system works unfortunately. Aside from the significant workload of the daily processing of matters associated with executive members statutory functions, dealing with applications and processes, approval mechanisms and things like that there are a number of significant matters that have been dealt with by the executive Members and I will deal with them if I can and touch on each of those as I go. The most significant achievement would undoubtedly be in the portfolio of the Minister for the Land and the Environment the Hon Ivens Buffett MLA, and that is the Land Package initiative. There are a number of pieces of legislation which have been passed and assented to in conjunction with the review of 1996 Norfolk Island Plan and these include: the Planning Act; Planning and Environment Board Act; Roads Act; Heritage Act; Subdivision Act; Land Titles Amendment Act; Trees Act; the eighteen 18 Plans of Management for Public Reserves including six within the KAVHA area and the ongoing Development control plans. Parts of the Planning Act, Norfolk Island Planning and Environment Board Act, Heritage Act and Heritage Regulations have been recently commenced to allow official display for comment in regards the Development Control Plans or DCPs as they are referred to in respect of Signs, Multi-Unit Development, Water and Subdivision, Roads. Following on from the Land Package initiate the Minister for Land and the Environment has commenced a review of the Environmental Health matters previously contained in the Environment Act. These cover the areas of Sanitation, garbage, nuisance, keeping of animals and other areas that fall within Environmental Health, and recently as Members would be aware we've had discussion in regards to the Environmental Health matters in relation to the importation of microlights, noisy vehicles, motor bikes and the like and the aim is to complete these over the next six months. The development of the Waste Management Centre is nearing completion and has been a significant achievement of this Assembly with all due homage being paid to the efforts of Members of previous Legislative Assembly's in delivering that service to this community over the last seven years or so. It is anticipated that the Centre will commence operations in mid-September. In respect of Fisheries this Assembly has included in its Budget a significant amount to support the aims of the local community to manage its own fishery and I am advised by the Minister for Land and the Environment to manage its own fishery, and I am advised by the Minister that drafting instructions for legislation in respect of this area is well advanced and when drafted will be available for community comment. There is to be a meeting of the Norfolk Island Fisheries Consultative Committee on 8 September at which this matter will be further discussed with the Commonwealth. In respect to the Stock Health Program, the Minister has held discussions with officers and the resident Vet and will make a separate statement on this matter so I understand. An associated aspect of this is the question of de-pasturage of stock on common lands and there is a draft policy which I tabled earlier this morning which is now out for comment and it is anticipated that this will be finalised at the September sittings or prior to the September sittings, which is well in advance of the time when applications for pasturage close in December. This will give persons ample opportunity to make arrangements to comply with that policy. The Minister for Land and the Environment is currently working on a submission that will be discussed with the Commonwealth to endeavour to achieve a Quarantine Audit of the Island and the aim is to have this done early next year. Within the Minister for Finance's Portfolio we have achieved a balanced Budget. We have taken the difficult decisions of raising revenue to meet our expected outgoings. Advances and improvements in communications will be evidenced for the finalisations of the Networking the National Programme which was the subject of some earlier

questioning of the Minister this morning. We have negotiated as the Minister said earlier, an interest free loan with the Commonwealth for the upgrade of the Norfolk Island runway and pavements and that has now been finalised. We have commenced negotiations with the Commonwealth Department of The Treasury to assist with options for future raising of revenue to meet infrastructure and associated needs. There is obviously tied with the Minister for Finance's portfolio a need to look at the continuing upgrade of significant pieces of equipment which are within the Administration's works arsenal and recent decisions have been taken to replace the front end volvo loader to secure a up to date piece of equipment that meets current standards, in relation to an elevated work platform for use by electricity and other Government Business Enterprise's and also for replacement of some of the forklifts that over the years have caused concern and there are also in place other equipment replacement programs which are recognising now and improving occupational health and safety environment within the Administration and on the Island. Within the portfolio of the Minister for Community Services and Tourism, in particular regard to Tourism, the Minister seeks to return tourism figures to an economic number and increase our yield from these visitors. We successfully hosted a Tourism Symposium out of which there are proposed changes to the Airport carpark to improve the entry and exit and parking; the speed of the baggage conveyor belt in the Arrivals Hall has been reduced which was a particular concern to visitors and staff at the airport and we have re-established the meet and greet person by the Norfolk Island Government Tourist Bureau and are installing a new speaker system in the terminal building. Continuing debate over tourism and how best to ensure that our major industry meets Norfolk Island's ongoing needs will be a matter for further discussion obviously. It is a matter which will need continuing assessment and the Minister is particularly aware of that and I understand has basically entered into open lines of communication with most of the players and I believe invites stakeholders in the industry to discuss freely and openly with him, any concerns that they may have as far as our major industry is concerned. Also within the Minister's area of portfolio responsibilities there has been a Review of the Social Services Scheme again a matter that has spilt over from previous Legislative Assembly's. That has been undertaken and I have been made aware that draft legislation is in the process of preparation to support that review and that draft legislation will be made available shortly for consideration by the Social Services Boards, its members and Members of the Legislative Assembly. A review of the Norfolk Island Hospital Enterprise was commissioned and undertaken and as a result of that review this House has passed amendments to the Hospital Act to provide for an Advisory Board and clearer lines of management and accountability. Additional information has recently been provided to update the Norfolk Island Government's response to the Joint Standing Committee's Report "In the Pink or In the Red". In terms of vocational education and training, arrangements are being negotiated with the Director of Vocational Training in NSW with a view to enabling Norfolk Island apprentices to undertake theory block releases in New South Wales. The Human Resources policies within the public service has been improved and continue to be the subject of ongoing assessment for further improvement. Within my own portfolio, that is as Chief Minister and Minister for Intergovernmental Relations we have undertaken a review of the Legal Aid Scheme for Norfolk Island. We have draft legislation and draft Memorandum of Understanding for consideration by both the Commonwealth and ACT Governments and I have spoken in recent days with the ACT in regard to that and they are particularly supportive of that initiative and the continuing arrangements between Norfolk Island and the ACT Governments. The Legal Aid asset and income thresholds will be altered to be more appropriate to Norfolk Island's situation. I have circulated to Members and tabled a new Motor Traffic Bill which will include, amongst other things, the introduction Compulsory Third Party insurance. There is ongoing review of the Immigration regime and I gave a lengthy statement on that a couple of months ago, to ensure that we have an efficient and robust regime which provides early detection of potential problems and border protection and the long term goal is to have appeals

heard in Norfolk Island with appropriate timeframes to reduce the inordinate length of time immigration appeals currently take through the Federal system and as Members listening public would be aware I tabled an exposure draft of that particular piece of legislation to allow for those appeals to be heard on Island at the last monthly sittings of the House. There is ongoing development of the Justice Package. I have recently received a draft Evidence Bill which is one step in a lengthy process to complete review our judicial system. That also has to go hand in hand with discussions and considerations that the Assembly has had in relation to the sourcing of external assistance in some drafting matters and the success that has been evidenced, particularly with the land initiative package and whether we should be giving serious consideration to those packages being dealt with by external sources. As far as my responsibilities for Gaming, whilst we only have one active licensee and following on from this mornings table of a licence, a second licence in the bookmaking area I can report that Gaming is paying its way and this year it is proposed that it will pay a dividend to the revenue fund. It is certainly not the dollars and cents that we expected in the early days, back in 1997/8 but certainly it has been successful and to date it has not been a burden on the public purse and in fact the future looks good as far as the bookmaking activities and the return to the Norfolk Island Government are concerned. Further Development in Intergovernment relations we have hosted and Members of the Norfolk Island Government have visited a number of senior and prominent Federal Ministers and Members of the Federal parliament in relation to the specific matters that are dealt with jointly by the Commonwealth and Norfolk Island Governments. In that role I have also had the honour and the privilege of participating in the delimitation of maritime boundary negotiations between Australia and New Zealand and there has been regular and ongoing contact and discussion with officers from the Department of Territories and Regional Services and similar arrangements are in place and working very well so I understand between that department and Members of the Administration, Public Service. There is further progress on the assessment of the Ombudsman/good Government Package including Freedom of Information as I made a statement earlier this morning in relation to a number of questions in regard to that matter. We have had to respond to a number of Joint Standing Committee Inquiries and have appeared before them to give evidence again. As I expressed this morning to the future or the next year and Mr Brown asked, there will be the finalisation and implementation of the Planning regime under the guidance of Ivens Buffett; the finalisation of the Legal Aid Review in the not too distant future the Social Services Review as I've referred to, the completion of the Assembly's Select Committee of Inquiry into Governments issues and its report to the community and the effects that will flow from that whether it will be amendments to our own legislation in regard to a number of the issues that are subject to the Terms of Reference of that Select Committee; I can see that the difficulties that we've experienced with Apprenticeships, there will now be God willing the establishment of agreements with States for an affordable and accessible scheme for local apprentices to participate in; further hopefully finalisation of our Immigration Review in a piecemeal fashion, unfortunately the Commonwealth have preferred us to pursue the finalisation of that on a case by case basis rather than a Joint Task Force arrangement but certainly I'm prepared to again take up that matter with the Commonwealth about the re-establishment of that because it has proved its worth in the past not only with immigration but also with planning. We look forward to the finalisation of the Airport upgrade and included in that the resolution of the problem of ongoing crushed rock product being available to the island which is a priority and the Minister has made a statement earlier in regard to that, that in turn will lead to attention to the roads and the ability to plan in that area with some certainty which has not been available in recent years. To finish up I would also refer Members to the statements of the respective executive Members in this House earlier this year to each of those executive Members programmes and their thoughts and aspirations for the remainder of this Assembly's term. The result at the end of the day will hinge on the support and input from all

Members of the Legislative Assembly and I guess to finish up, the achievements and progress are a measure of the Legislative Assembly as a whole, thank you Madam Deputy Speaker

MR I BUFFETT

Thank you Madam Deputy Speaker a short statement on the stock health programme. As part of the responsibilities in my portfolio and in conjunction with the need to put in place those aspects of environmental health that were previously contained in the Environment Act, I have in conjunction with officers within the Administration and Doctor Brian Gartrell, the local veterinarian, examined what is the most effective way of ensuring the health of the local livestock in Norfolk Island on the clear understanding that animal and human health and welfare are inter-related. As a remote island we would naturally expect to have less diseases and pests than elsewhere and what we need to do is to ensure that we maintain that status. It has come to my attention that there is an increased movement of animals between the Island and both Australia and New Zealand and this in itself suggests that we must be more pro-active in this area for incoming animals and conversely, we must be able to satisfy the reasonable import requirements of those other countries, not only Australia and New Zealand. Having discussed this matter as advised earlier it is my proposal along with of course my colleagues, to implement the following plan. Firstly to identify what if any diseases and problems we have in our animals and as a result, prepare a schedule of diseases known to exist in Norfolk Island, 2. to establish a schedule of disease not known on Norfolk Island and that we wish to screen for and make those notifiable if symptoms are expected and also along with that to prepare a schedule of known control measures that can be implemented. The third aspect of the first part of the plan is to update requirements for drug residue for slaughtered animals as this relates directly to human welfare issues. The second part of the plan would be to modify the regulations and conditions for the importation of animals to have minimum requirements of at least standards equal to those of Australia and New Zealand. As part of this we will need to include the following. Provision to ensure that if an imported animal dies within 30 days of importation it must be notified to the Administration; secondly a post mortem must be carried out by veterinarian approved by the Administration to establish cause of death and the cost of such to be the responsibility of the person importing. Also a 30 day restricted period for each animal imported to avoid the possible spread of incubating diseases not identified and also a requirement that any disease within an imported animal within the restricted period be notified to the Administration. I have discussed and examined the most efficient and cost effective method of putting the strategy plan into place and it is suggested that the best place to start is with a post mortem examination of animals slaughtered for human consumption. As these animals go directly into the human food chain, it is essential to know what we are dealing with. This method provides other benefits. It will allow condition scoring which will in turn allow assisting of feeding programmes and productivity of animals, also while giving good information to farmers and other owners. I believe this is a far more effective way of dealing with animal health as opposed to an island wide campaign directed at one specific or potential disease and it gives us a long term and a far more comprehensive picture of what the animal welfare and health of Norfolk Island is.

MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

Honourable Members I have received the following messages from the Office of the Administrator and I shall read Message No. 20. On 29 July 2003, acting in accordance with the Federal Minister's instructions and with section 21 of the Norfolk Island Act 1979, and with the advice of the Executive Council, the Administrator revoked his purported assent to the Employment Amendment (No. 3) Bill 2001. The Bill purported to have been assented to by the Administrator on 1 February 2002 did not include amendments to the Bill as passed by the Legislative Assembly. Commencement of the Bill was conditional on

notification of the assent in the Gazette. Notification has not taken place. On 29 July 2003, the Administrator declared his assent to the Employment Amendment (No. 2) Bill 2001 that included the amendments passed by the Legislative Assembly. The Employment Amendment (No. 2) Act 2001 commenced on Gazettal on 8 August 2003.

I will now read Message No. 19 from the Office of the Administrator. On 29 July 2003 pursuant to section 21 of the Norfolk Island Act 1979 I declared my assent to the following, the Employment Amendment (No. 2) Act 2001, Customs Amendment Act 2003, Customs Amendment (Fuel) Act 2003, Telecommunications Amendment Act 2003, Norfolk Island Hospital Amendment Act 2003 and the Customs Amendment (No. 2) Act 2003. That message is dated the 29th July 2003 and is signed by the Administrator, A J Messner. My apology. The former message was signed by the Deputy Administrator, Michael Stevens.

REPORTS OF STANDING AND SELECT COMMITTEES

Are there any reports

INTERIM REPORT OF SELECT COMMITTEE ON GOVERNANCE AND ELECTORAL ISSUES

MR BROWN Thank you Madam Deputy Speaker, on the 18th December 2002 this House resolved to establish a Select Committee to enquire into Electoral and Governance issues. The Select Committee to date has met on a considerable number of occasions. It has held public hearings, it has accepted public submissions and it has submitted a questionnaire to the Norfolk Island community for completion. There have been fourteen submissions received to date and some 297 questionnaire forms have been completed and returned to the Select Committee. Although not all respondents to the questionnaire's took the option of adding their names, 195 respondents did so broken within the meaning of the Immigration Act into 164 residents, 24 the General Entry Permit holders, five temporary entry permit holders and two persons who are not residents but own land in Norfolk Island. Madam Deputy Speaker, the response to the questionnaire has been very pleasing. I am informed that it is perhaps the best response that has been received to any questionnaire on the Island in at least recent years. However, some one thousand copies of the questionnaires were distributed and the Select Committee would certainly like to hear the views of more Members of the community if at all possible. Members of the community who have not yet completed questionnaire forms are invited to do so urgently, and forms will continue to be accepted until close of business on Monday of next week. It might be of interest for me to summarise some of the responses to the questionnaire to date. 148 respondents were female, 149 were male. 115 respondents were aged between 36 and 55; 160 were older than 55; one was between 14 and 17. 19 were between 18 and 35. Ten had lived in Norfolk Island for less than a year; 31 had lived in Norfolk Island between one and five years; 257 had lived in Norfolk Island longer than five years. 218 were married, 74 were single. Had children in their care 18 years of age or younger; 199 did not. In terms of that part of my report Madam Deputy Speaker, could I note that it appears clear that very few the General Entry Permit holders and temporary entry permit holders have completed questionnaires and to those segments of the community I particular extend an invitation to do so., the purpose of the Select Committee submitting the questionnaire to the community was to obtain views from as many people as possible and from as wide a representation within the community as possible. 191 agreed with the Legislative Assembly's decision that Australian, New Zealand or British citizenship be required in order to be eligible to vote in Norfolk Island. 94 were of a contrary view and 8 were undecided. 182 were of a view that Australia, New Zealand or British citizenship should be required in order to stand for

election to the Legislative Assembly, 97 were of a contrary view, 14 were undecided. When asked for what period of time should a person reside in Norfolk Island before enrolling to vote, 25 responded six months, 56 responded 12 months, 53 responded two years, 133 supported the present system of 900 days, 26 had other views and 40 of those people provided comments. When asked if respondents were satisfied with the current voting system 95 said yes, 180 said no, 17 were undecided. When asked for suggestions if change was thought worthwhile, 174 comments were received, of whom 91 suggested one vote per person and 56 suggested first past the post. At this stage I am of the assumption that the reference to one vote one person, is identical to first past the post. If any respondents to the questionnaire in fact wish to draw a distinction between those two then it would certainly be of interest to hear the distinction which is suggested. When asked what is your view about the adequacy, efficiency and integrity of the way we conduct our elections and referenda, 230 said it was satisfactory, 55 said it was unsatisfactory. When asked if it is desirable to render the principles of self Government on which the Norfolk Island is based less able to be altered 133 said they would prefer it to be less able to be altered by the Commonwealth, 101 were of the contrary view and 34 were undecided so in terms of that question there is not a resounding view expressed to us by the questionnaire at this stage, one way or the other. Whether or not those same principles of self Government should be able to be altered by Norfolk Island, 108 said yes, 98 no, 48 were undecided and again that was a reasonably balanced response between the two possibilities. When asked is it desirable to introduce a constitution or charter or similar document, 85 said yes, 107 said no. 84 were undecided. When asked if there should be fixed terms for the Legislative Assembly and we added in that question, at present the Legislative Assembly is elected for three years but there can be an early election, 215 said yes, 73 said no. When asked what should that fixed term be, 23 said two years, 144 said three years, 52 said four years, nine said five years, ten said other. Some 17 comments were received and I should add that I won't be repeating all of the comments today Madam Deputy Speaker, but they do make interesting reading in some cases. When asked should the present system continue where the Chief Minister is elected by the nine Members of the Legislative Assembly 176 said yes, 113 said no. Of those who said no, when asked should the Chief Minister be elected by the community in a separate election 86 said yes, 61 said no, 15 said other. When asked should the Chief Minister be the sole person to appoint Ministers, 74 said yes, 193 said no, 11 were undecided. In statistical terms the results of the questionnaire are of substantial assistance to us. The questionnaire was not professionally designed or administered, but despite that the committee believes that the responses received, together with the various submissions which have been provided to the committee, provide a sound indication of community views. Should it be desired a professionally designed questionnaire could be prepared and administered or a referendum could be held in relation to those questions which might be regarded as being of significance or any other questions which might arise as a result of the Select Committee final report. If having heard these figures any Members of the community would like to make their views known to us, please respond to a questionnaire by close of business next Monday or contact the secretary to the committee Mrs Gaye Evans at the Legislative Assembly if you wish to provide a submission to the Select Committee. At this stage the Select Committee has commenced the preparation of its draft report with the intention that, it will be circulated to the community for further comment. The committee wishes to publish its final report in October 2003 and time is starting to run by so to such extent as anyone is interested in providing additional comment to us, we certainly will welcome that, but please do so as quickly as possible, thank you

SUSPENSION OF SITTING

DEPUTY SPEAKER Any further Reports. No. Then I would suggest Honourable Members that it is approaching five to one. It might be an appropriate time to suspend the sitting for a lunch break. Shall we resume at 2.15. Thank you. The House stands suspended until 2.15

RESUMPTION OF SITTING

We resume after lunch Honourable Members and we are at the stage of calling on Notices. Notice No 1 and Mr Brown is absent from the Chamber. We move to Notice No 5 if you would please

PUBLIC SECTOR MANAGEMENT ACT 2000 – MEMBERSHIP OF PUBLIC SERVICE BOARD

MR D BUFFETT Thank you Madam Deputy Speaker , I move that this House, in accordance with paragraph 10(1)(a) of the Public Sector Management Act 2000, recommends that the responsible executive member re-appoint John Edgar Christian to be the presiding member of the Public Service Board for the period 15 August 2003 to 14 August 2005; and, under subsection 11(1) of the Act, recommends that the responsible executive member appoint Leanne Schmitz to be the deputy of the member of the Public Service Board for the period 20 August 2003 to 19 August 2005. Madam Deputy Speaker, this is a self explanatory motion. It seeks to reappoint Mr Christian to a residing Members post to the Public Service Board. He has been there in a just concluded capacity and I commend him in the task that he has undertaken and this motion seeks to continue his appointment. The second part of the motion seeks to fill a vacancy in the public service Board and at present the Member of the Public Service Board in the processes that pertain to that is Mrs Gigi Huxley and there is provision for a Deputy. This motion addresses the Deputy component and so it is proposed that Mrs Leanne Schmitz perform the post as Deputy in that context. I commend this motion

MR NOBBS I move that the motion be put

DEPUTY SPEAKER Then I put the motion

QUESTION PUT
AGREED

That is agreed thank you. I put the question that the motion be agreed

QUESTION PUT
AGREED

That is agreed thank you. In Mr Brown's continued absence we move to Notice No 6 if you would please Mr Buffett

NORFOLK ISLAND HOSPITAL ACT 1985 – APPOINTMENT OF MEMBERS OF THE NORFOLK ISLAND HOSPITAL ADVISORY BOARD

MR D BUFFETT Thank you Madam Deputy Speaker I move that this House, in accordance with subsection 12(1) of the Norfolk Island Hospital Act 1984, resolves that John Edgar Christian; David James Magri; and Rees David Walden be appointed by the executive member as members of the Norfolk Island Hospital Advisory Board for the period ending 19 August 2006. Madam Deputy Speaker, we recently passed in this House significant amendments to the Norfolk Island Hospital Act 1985 with a number of matters including a revision of the Board. The

names that we are proposing here are to meet the requirements of the new legislation. I also mentioned earlier at this sitting when you gave a report as the outgoing Chairman of the Hospital board, I mentioned appreciation of those who had performed in that earlier task and I repeat that appreciation in this context and thank those people who are outgoing Members of the Board for their sterling effort and work in bringing the hospital situation to a much renewed and reinvigorated situation that we are now in. This is a proposal to start the new Board with Mr John Christian, Mr David Magri, Mr Rees Walden and you will see that there is a part continuity act in that Mr Christian was a former Member of the board, there are two new Members who will come in to play in terms of this motion. These people will bring a mix of skills and I know they will all bring dedication and I commend those names in that context but I would like to say a bit more. The Norfolk Island legislation for the Hospital also provides for what it calls temporary Members which really are back up Members to those three people and I would just like to share with the Madam Deputy Speaker, that I have consulted with Members in terms of three people to be back up Members and they would be Chloe Nicholas, Belinda Grube and Mike Zande and I have consulted with those people and there is a willingness on their part to perform that role. I want to foreshadow at this time that whilst I have mentioned those people's names and the temporary capacity, there is not a requirement for that to be a motion of the House, in other words the executive Member may make those appointments,. That is why there isn't a motion because the capacity is held in another sphere but I want to share with you how it is travelling, but I do want to say this, that I would prefer and Members have equally put this view to me, that there be some consistency in how we have back up Members whether you call them temporary Members or deputy Members or something similar. I would prefer that we have a machinery that is maybe similar to the Public Service Board and if that is the case it probably would provide some more meaningful input by these people and I foreshadow there, that whilst I will be progressing as the legislation stands at this moment, there is every likelihood that I will bring forward an amendment which will give that additional substance to those people in terms of their deputy role. I commend this motion Madam Deputy Speaker

MR GARDNER

Thank you Madam Deputy Speaker I just would like to pay some tribute to the outgoing Members of the hospital board and all those who have served on the hospital Board of Management over the years as it was in that arrangement. We've come to the end of an era as far as the board of Management is concerned and that is now being replaced with the Advisory Board. There are some lingering concerns and doubts in people's minds about whether an Advisory Board is better than a Management Board. I certainly would be keen to have discussion with the Members of the incoming Advisory Board at any time about their assessment of the arrangements that have been put in place and the success or otherwise or indeed whether they think that there is any fine tuning to the legislative arrangements and the Board arrangements that have been put in place as a result of the amendments to the Norfolk Island Hospital Act that went through last month. That's all I have to say and certainly I wish them well in their deliberations and progress of matters for the benefit of the whole community

MR BROWN

Thank you Madam Deputy Speaker, in the interests of proper accountability I would have preferred the Board to continue as a Management rather than an Advisory Board and that is particularly because of the danger that one can have a minister who doesn't have a full understanding of the situation; a director who doesn't have a full understanding of the situation and Board Members who don't have a full understanding of the situation and we've had that very situation in recent years. We've tried to put that behind us in a fashion which was perhaps less than admirable but nevertheless, we've tried to put that behind us. I hope that the present Minister and the new Advisory Board will endeavour to right the wrongs

of the past, to compensate those who have been unjustly harmed by previous incompetence and that they will give that every bit as much priority as they give their overall advise to the hospital Director. Having said that, I wish them all well thank you

MR SMITH Thank you Madam Deputy Speaker like other Members I commend these people for taking on this role as Members of the Advisory board and wish them well with it but echo the Chief Minister's words, that if there is any deficiency that they find through being an Advisory board compared to a management Board as before I would certainly like to hear about it and I would like to see us fix up anything that needs fixing up under this new Advisory Board. Otherwise I support the appointments

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

QUESTION PUT
AGREED

The motion is agreed thank you

COLLECTION OF DEPARTURE FEE

MR BROWN Madam Deputy Speaker, I move that this House requests the responsible executive member to investigate and report back to the House at its next meeting as to the financial and other consequences of causing the Norfolk Island departure tax to be collected, in the case of passengers travelling on scheduled air services, by the airlines rather than the Norfolk Island Government Tourist Bureau. Madam Deputy Speaker, the present mechanism for the collection of the Departure Tax can perhaps be looked at in terms of a number of headings. Image; efficiency, confusion and cost. In terms of image the last thing that a visitor does before leaving Norfolk Island is gets stung for a \$30 Departure Tax. In an environment where a large part of the departure terminal was taken by a desk which until at least recently, frequently had a sign on it that said, Back in Ten Minutes, confusion comes about from the very moment the aircraft door opens and the Tourist Bureau representative boards the aircraft. I realise that has either just stopped or about to stop but its still going to be shown on the video where people who believe that the \$90-100 of various taxes that they've paid as part of their ticket must surely cover all the taxes they are going to be covered on their journey, where they are told, there's an extra one, the Norfolk Island Departure Tax and you can almost hear the murmurs through the aircraft as everyone confidently assures each other that that's something they've already paid. The Bureau staff know the need to emphasise that it hasn't been paid because they know this very problem and so the major focus of ones arrival in Norfolk Island is reinforcing the need to pay a \$30 Departure Tax when you go. You're told you can pay it at the Tourist Bureau or you can pay it here at the airport when you leave. In terms of efficiency the present collection method is not efficient. The Bureau seems to pride itself in collecting a 5% commission on the Departure Taxes but in order to do that it needs to have staff at the airport an hour and a half before departure, perhaps they don't turn up until an hour before but you've got passengers checking in an hour and a half before. The Bureau needs to have a system within its own office to be able to collect it as people call at the office to pay, the Bureau needs a system to record the revenue to account for it and to pay the check to the Administration. A comparison is simply to add it into the tickets as yet another of the taxes. Very simple, no work for the Bureau, no work for the Administration apart from perhaps sending out a bill every so often and that brings us to cost. One of the greatest arguments that gets thrown up about this is oh but we collect

the Departure Tax as cash, if we ask the airline to collect it we won't see the money for some time. Well that's fixable and I understand that in part it may have been fixed in recent times. That's fixable by sending the airline a bill each fourteen days instead of once a month and by shortening the payment time for the airlines from the present however many months to fourteen days, bearing in mind that the airlines have already collected the cash at that stage, that is fourteen days after departure they should have collected the cash. Some of their agents and wholesalers might pay them on thirty days but on average I think you'll find the airline would be content with a bill at fourteen days which required payment after a further fourteen. And what I say to you is, that in terms of the overall collection of taxes from the airline the extent to which the airport movement charge income is brought forward will more than compensate for any slight delay in terms of the Departure Tax. The purpose of this motion is to request the responsible Executive Member investigate this and report back as to the financial and other consequences of making that change. There certainly are benefits outside of those I've just mentioned. If the Departure Tax counter could be removed from the airport and if we have at last begun to show videos on the flights to give people their arrival information rather than have the aircraft land, everybody stand up, clamour to get their bags out of the overhead locker, the Tourist Bureau staff Member rush efficiently up the stairs and attempt to make a pa address in an environment where no-one's listening, no-one wants to listen they all just want to get off the aircraft. If we've done away with the need for the Bureau representative to get onto the plane and done away with the need for the Bureau representative to be at the departure desk and as has been the case if that Bureau Member closes the Departure Tax desk in order to board the aircraft to welcome everybody and there's a period during which the sign says Back in Ten Minutes, the overall thing must be much more efficient and that will enable the Bureau much more efficiently to handle the role of meet and greet at the airport which it has apparently recently begun to undertake in an environment where it seems that if one person makes a comment at a Tourism Symposium or if ten people make a comment the Bureau feels it must act on every one of those comments and that's the reason why the Bureau has started its meet and greet role, it's the reason why its advertising for I think it's window dresser rather than cross dresser, a window dresser. There are big question marks about the extent to which the Bureau has thought that it needs to react to each and every comment that is made about tourism in Norfolk Island. On the downside the Bureau would lose its 5% commission. But it would save the cost of collection. It would save the cost of accounting. Chances are, it would actually be in front. The airport would gain much needed space for additional seating. It is seen time and time again that in an environment where for whatever reason the security area does not open until the aeroplane is actually on the ground, the inside of the terminal particularly if there happen to be two aircraft to depart at the same time is actually bedlam, so some additional space would be gained for that. I urge Members to support the motion. It seeks an investigation and a report. Members can take account of the investigation and report in due course to decide whether they then support the change, thank you

MR GARDNER

Thank you Madam Deputy Speaker I support the motion as it stands. As Mr Brown has said it seeks a report and a look at the consequences of causing those things to happen. It doesn't ask that those things do happen. I'm quite happy to give consideration to that. I think Mr Brown has given a fair appraisal of the difficulties that are associated with the collection and delivery of the service and it warrants a closer look at it. No problem at all.

MR SMITH

Thank you Madam Deputy Speaker I too support the motion in the context that it has been moved. That is, that the Executive Member investigate this concept. It's not new. The airlines used to collect the Departure Tax years ago which was a problem in those days because it was collected

at the check in counter which meant that the person processing the passengers had to collect it. Mr Brown's concept is that the airline would pay the Departure Tax. It would have to be the airline because obviously some people pay months in advance for their airline ticket, they would probably pay that tax at that time so it would be important that the airline is the one who pays the tax because there might be people who slip through the net and we don't want to be spending time to check every passenger to see if they've paid the Departure Tax so as long as the airlines agree that they would pay the Departure Tax for every passenger that they carry it's probably not that dangerous. It would be interesting to see what comes out of the investigation. It may or may not be worth it. When you talk about the Departure Tax there's a fair amount of money involved, if we get 40,000 I think that's around \$800,000 or \$900,000 that three or four airlines might be handling. Whether that's efficient I'm not sure. Whether the airlines want to do it. I don't know if any discussions have been held but I go back to what I said at the beginning. I support the motion to have a look at it anyway

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

QUESTION PUT
AGREED

The motion is agreed thank you

HEALTHCARE REFERRALS

MR BROWN Thank you Madam Deputy Speaker, I move that this House requests the responsible executive member to take such action as may be required in relation to the Healthcare Fund to ensure that-

1. Healthcare Referrals to overseas providers not be made in circumstances where the treatment can reasonably be provided at the Norfolk Island Hospital
2. When a Healthcare Referral to an overseas provider is deemed to be necessary, such referral be made, in a case requiring hospitalisation, to a public hospital on a shared ward basis
3. If a Healthcare Referral to an overseas hospital is deemed necessary, such referral be to a hospital with which the Healthcare Scheme has reasonable arrangements in terms of cost
4. If a Healthcare Referral is required to an overseas hospital, and is deemed to be of such urgency that the long term health of the patient will be put at risk (as distinct from suffering temporary pain or discomfort) by waiting for a bed to come available in a public hospital on a shared ward basis, then an endeavour be made to obtain treatment as a private patient in a public hospital, failing which it shall be appropriate to refer the patient to a private hospital, in each case on the basis that the patient be solely responsible for bed costs to such extent as they exceed the shared ward public hospital bed rate in the particular State or Territory, but on the basis that theatre fees and similar fees be recognized as fees which can be claimed from the Healthcare Fund

Madam Deputy Speaker, in reading that motion I've made two slight changes from the motion which I originally circulated and those changes Members will see are in italics on the Notice Paper. This does not represent revolutionary change. The bulk of this is in fact a restatement of the existing policies but they are policies which are simply not being adhered to. Perhaps because of the massive turnover of medical staff at the hospital. Perhaps because manuals which used to exist to assist staff overtime might have just disappeared. Perhaps because locum doctors might not have had things explained to them. Perhaps because new doctors might not have had things explained to them. But this is the basis on which, in the case of paragraphs 1, 2 and 3, this is the

basis on which the Healthcare Scheme was in fact put together. No 4 represents a change. And the basic change there is simply that if treatment is absolutely urgent, and a patient cannot be gotten into shared ward public hospital then a private hospital if it has to be used, should have two consequences. One is that as at present, to such extent that the bed rate does not exceed the shared ward public hospital bed rate the fund will pay that and the patient will pay the remainder but the change is if there is a theatre fee being charged, then that theatre fee will be claimable from the Healthcare Scheme but only in that situation. The responsible Minister has told us today that on the basis of figures presently available to him the change I have mentioned could cost as much as \$30,000 but he has said that subject to the rider that it is possible that some people have had treatment in private hospitals, have known that they can't claim theatre fees and therefore have not claimed. However if the whole of this package is actually adhered to, I expect that the Healthcare Scheme will suffer no adverse consequence. If it does suffer an adverse consequence, I suggest that having regard to the doubling of the levy several years ago it will be able to afford that, and further I suggest that having regard to the doubling of the levy several years ago the Healthcare Scheme properly run will be a source of funding towards the cost of construction of a new hospital. Now I'm not expecting Members to vote on this today. I will be happy to move an adjournment at an appropriate time so that in the event that there is community comment, either in favour or adverse to the proposal or if there is community comment suggesting additional changes, it can be received, listened to and if appropriate, acted upon thank you

MR NOBBS

Thank you Madam Deputy Speaker I don't propose to go into lengths on this. I think there are parts of the Healthcare Scheme and Aged Care system that needs some attention here and this is only part of it. But I listen with interest because when I look around the table I find that in my time on the Legislative Assembly Mr Brown has been a Minister for Health, Mr Smith has been a Minister for Health, Ms Nicholas has been Chairman of the Hospital Board, Mr Buffett has been a Chief Executive Officer in the Administration, a senior role as far as the hospital is concerned, Mrs Jack has been on the Hospital Board in the health situation, the next one along probably knows more about the hospital and health than the lot of us actually because he's married to a person in that area, so I mean I would suggest that Mr Donaldson would be well up to date with it, Mr Gardner has been a Minister for Health, and the current Minister is Mr David Buffett so I listen with interest to the debate on this issue and that's all I wish to say at this point in time but I'm pleased that it has been left on the table because I think there will be comment from the community both favourable and probably some unfavourable

MR SMITH

Thank you Madam Deputy Speaker I have a query I guess. Maybe I'm not reading it right, but maybe Mr Brown or the Executive Member can clarify this for me, even though it's referring to the Healthcare Scheme or the Healthcare Fund, would this still apply to somebody who hasn't come anywhere near their threshold of \$2,500 and they would be paying for it themselves, would they be prevented from using a private hospital system or other such things that would be contrary to the motion here. I can't work it out in my mind just at the moment whether it would work, but it would be interesting to know that if a person wants to be referred or a doctor would like to refer them, and they are paying for the first \$2,500 as a Members of the Healthcare Scheme shouldn't they have a choice on where they go

MR BROWN

Thank you Madam Deputy Speaker, if a healthcare referral is not sought, there is no problem with someone being given a referral to where-ever they would like to go. If they wish to go to London, they are welcome to. This only deals with healthcare referrals which relate to the Healthcare Scheme and in the case of a healthcare referral, one puts in a claim which details all of

ones expenses but the Healthcare Scheme only kicks in after \$2,500 of eligible expense or whatever the terminology is

DEPUTY SPEAKER
Honourable Members

Thank you Mr Brown. Any further debate

MR SMITH

Thank you Madam Deputy Speaker. I might not have explained myself very well which is quite likely, but what it's saying here is that somebody can't be referred offshore unless certain things take place. What I'm saying is sure, if somebody is a Member of the Healthcare Scheme... yes Mr Brown has pointed out that it does say if a healthcare referral is required. It may be a healthcare referral which doesn't cost the Healthcare Scheme anything because the person hasn't got anywhere near their threshold so they would be paying themselves anyway. I'm getting some surprised looks. Maybe I'm way off track with this. The way I understood it, the last time I was sent away on a referral I paid the whole lot myself and I was able to choose where I went on that referral but what we are saying here is that I wouldn't be able to do that or the doctor wouldn't be able to send me to a private hospital for example even though I'm paying for it myself until I get to the level of \$2,500 or more, dollars

DEPUTY SPEAKER

I think the operative word is healthcare, but then I think Mr Brown would seek to make some further comment

MR BROWN

Thank you Madam Deputy Speaker, the Minister in waiting is quite correct in suggesting that a person should be able to retain a referral to where-ever they like if they are going to pay the bill. There's absolutely no problem in that but that's not a healthcare referral. It is similarly the case that if a particular referral is going to cost less than \$2,500 then the Healthcare Scheme won't be paying if that is the sole expense of that nuclear family for the year. But the misunderstanding that Mr Smith has is that something will only count towards that nuclear family's \$2,500 limit if it has had a healthcare referral in the context of treatment overseas, so someone can say I would like to go where-ever I wish to go please and by all means go and do that, but that won't be done under a healthcare referral just as it shouldn't be done under a healthcare referral now.

MR NOBBS

It's interesting what Mr Smith's brought up because it comes back to the \$2,500 mark so that what it means is that you can seek a referral there and they know the exact cost of the treatment otherwise it could push you over the \$2,500 and then you become a claimant on the Healthcare Scheme and I think that's what Mr Smith may be getting at, and is that a loophole. I don't know. I leave it to all the experts

DEPUTY SPEAKER

Thank you Mr Nobbs. Is there further debate. Mr Brown I seek a motion of adjournment

MR BROWN
move

Thank you Madam Deputy Speaker, I so

DEPUTY SPEAKER

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

QUESTION PUT
AGREED

That matter is so adjourned

TOURIST BUREAU GENERAL WAGE ADJUSTMENTS

MR BROWN Thank you Madam Deputy Speaker, I move that this House requests the executive member with responsibility for the Norfolk Island Government Tourist Bureau to cause a Bill to be drafted and tabled in the Legislative Assembly as soon as possible in order to make it clear that general wage adjustments for staff employed by the Norfolk Island Government Tourist Bureau, including its manager, must be dealt with by way of application to the Public Sector Remuneration Tribunal. Madam Deputy Speaker, many of us had understood that a general wage adjustment within the Tourist Bureau would be dealt with by the Remuneration Tribunal but recently by whatever fashion the board has been convinced to pay a very substantial increase to one of its employees without referral to the Public Sector Remuneration Tribunal. This motion is in line with a section of the hospital's legislation which makes it clear that general wage adjustments for staff at the hospital must go to the Public Sector Remuneration Tribunal in terms of public accountability, it is time that a similar requirement was placed on the Tourist Bureau and it is regrettable that it has been necessary to even bring this motion forward, thank you

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

QUESTION PUT
AGREED

The motion is agreed thank you

NORFOLK ISLAND ECONOMY

We move to motion No 4 which also stands in your name Mr Brown

MR BROWN Thank you Madam Deputy Speaker, I move that this House recognizes the importance of a buoyant and profitable private sector. Madam Deputy Speaker, I have taken the opportunity to bring this motion forward. Because of perhaps misunderstandings within the Norfolk Island community as to the views of the Norfolk Island Legislative Assembly about the private sector, some within the community have formed a view that the Norfolk Island Government and the Administration have become somewhat socialist in the views and they believe that the only way a service can be provided is for the Public Sector to provide it. Alternatively, there is a view that the Government and the Administration feel that their role is to so organise the private sector that it is incapable of earning profits. I'm not suggesting for one moment that that is the position of the Government or of the Administration but this is an opportunity for us to make it clear that it is not our position. It's an opportunity to make it clear that we recognise that overall, taxes can only be paid if there is a buoyant and profitable private sector. Overall parts of our economy such as the tourist industry will only continue to exist if they are profitable. Parts of our community such as our building industry could have similar comments made. Parts of our community such as the admittedly limited primary production area, certainly would be subject to the same comment. In fact, even more so because the primary industry segment of the community can only achieve sufficient economies of scale to be profitable if other parts of the community are buoyant and profitable at the same time. We are all aware I am sure, that if segments of the community are going

through difficult periods, they need to curtail their spending, they need to be slow in paying their bills and all of that rapidly reflects through the whole of the community. Insofar as I am concerned I recognise the importance of a buoyant and profitable private sector, I will be interested to hear the views of other Members although I'm confident that all Members will support my proposition thank you

MRS JACK Thank you Madam Deputy Speaker I would agree with Mr Brown, and also to add the view that it is a perception, a lack of communication if you will between the so called Golden Mile who cannot stand that phrase because I can assure you that it is no longer a Golden Mile, and Down Town, the Administration and the way things operate down here. They've had recently a sharp tightening of belts, and are amazed that the new jobs being offered, and the money being paid and wonder where this money is going to come from. If they in turn see themselves as importing less, paying less duty, where does this money come from, and its to jobs that perhaps are being formed and money being paid because of what happens in similar constituency's overseas. These constituency's have a fixed rate system if they are from councils, they have income tax to draw from and all means and manner to assure them of an income base to pay these wages and I don't feel that we have that at all. I'm sure we don't. So there goes the need for the community, for the retail sector, the accommodation sector, to be assured that there is that consideration being made to them by Down Town, the responsibility of the way money is being spent and where it's going and at times, I agree with them that I am concerned in the way money is being spent and feel that the money that is being brought in by these shops or business houses or whatever, is at times being unwisely spent. That's it for the moment. I'm sure I'll come in again later as other people have other things to say

MR NOBBS Thank you Madam Deputy Speaker I support the concept in here but I also support that this House should recognise the need for an efficient active Public Service as well. That's fine to say these sorts of things. It's wonderful. It's good words and thanks Mr Brown for these words, but what are we going to do about it. That's the thing. It's alright saying these things but doing something about it, is what should be done to coin a phrase and that's where I believe that this sort of issue if we agree to this motion, that something should come forward from the Minister responsible in that particular area and this house, that's how it should be undertaken. I mean, there are issues that Mr Brown brought up in relation to the building industry and the likes. We've had a really good building boom for a few years, but what's going to happen, and I'll say it again though I've said it before, you're going to end up with an island under roofs if the building industry keeps that buoyant pace going and it won't take long for that to happen. You're going to have roofs everywhere. You're going to have people everywhere. You're going to end up with an economy, and I don't know what it will be because it won't be people coming here for the beauty of the place or for the pristine conditions that are going to be created by this Waste Management Centre and the wonderful water that we've got. They'll be here for what. To walk along between rows of houses like you've got in Redfern or somewhere like that without the mighty Rabbits being here, so I mean this is the sort of situation that we have now that you have to really look at where this Island is going and to make it a buoyant and a profitable private sector, some leadership needs to be taken by us in this group here, and also from the community as well as having their input, as to where we are actually going. I mean, at the present time now, they tell me there's a downturn in the economy and that's to be expected as other people have told me, at this time of the year. That's find. We've just had the best July for inbound passenger statistics for three years and a significantly better July then the last two years. Unless I'm reading these figures wrong, so I thank Mr Brown for bringing this forward because I believe we have to address these issues and we need to address these very soon, or as soon as possible and come up with some reasonable policies on how you can help the private sector. How you can

get this buoyant and profitable private sector going. I mean there have been attempts made on the Public Service, it's still progressing I understand. What about the private sector and that's been brought up. What are we going to do about it.

MR DONALDSON Thank you Madam Deputy Speaker I read this with interest and I must agree with it, I can't find any one single argument against this particular one. It is most important that we do have a buoyant and profitable private sector. It's important for the private sector but it's also important for the public sector. The public sector base, is just about all our revenue streams on what you might call economic activity in the private sector, our customs is related to economic activity, the amount of imports to the island, our departure tax, our bond profits are all related to economic activity. Without economic activity there will be a significant reduction of income in the public sector. We don't have what our counterparts or what the local councils in Australia have and that is really a tax on wealth or a tax on land ownership. The local councils in Australia if they go through an economic downturn within the private sector isn't affected a great deal because they raise their money from land rates, and they stay significantly the same regardless of economic activity. We are very much tied to economic activity and profitability in the private sector with a flow on affect to the public sector so I support it and would be interested in hearing discussions as to where to from here. What do we do. What are we doing wrong. What ways can we improve the lot of the private sector, thank you

MR SMITH Thank you Madam Deputy Speaker. There was a motion like this around a few years ago. Its something that naturally, you feel you should support and I don't have any difficulty with the motion but what does it mean. Does it mean that we have to do more than what we are doing to stimulate the private sector as it is, or does it mean that we suppress wages or costs in that sense to make sure that those in the commercial sector are working without a profit, does it mean that we pass over some of the things that we already do to the private sector. I don't know. These are some of the issues that just flow through my thinking. I don't have any difficulty with saying that we recognise the importance of a buoyant and profitable private sector. It is something that we need to be reminded of every now and then if it refers to our taxation regime there's not a lot we can change with that. We can't not collect taxes. Does it mean that we need to spend more money on tourism promotions. Maybe that's something that we should always be looking to be doing. I don't have any problem with the motion

MR I BUFFETT Thank you Madam Deputy Speaker well the best way on this if you are a Member of the Legislative Assembly or a local council is to put up a motion that nobody can disagree with. And that's exactly what this does but it doesn't address the problem, it just puts it in the ethers and everybody comes up with the idea of who and how we are going to address it. Let me make a proposition to you. That this motion is probably putting squarely on the board what the previous Legislative Assembly should have done and what I'll be urging this Legislative Assembly to do and it's this. That one of the most definitive reports and it's referred to by the Commonwealth as the most definitive report into Norfolk Island and it was at the request of the then Norfolk Island Government and the Legislative Assembly support and a whole lot of people who are far more skilled in economic and other issues than I am, went to town and gave evidence of how we should do things and our capacity to do things, and that's exactly what this is all about. Talking about how equitable we should do things, or how administratively smart we should do things, but we still haven't done them. I refer to the Commonwealth Grant's Commission's report because that's what this is all about. It's made a whole number of recommendations both as to our administrative capacity and our financial capacity and it was reasonably fair. It criticised both the public sector and I take as much objection to Dem Down Town as Mrs Jack takes to the Golden Mile, and

of course that doesn't do anything to put us together as supposedly two opposing groups to try and address an issue like this, so let me just mention that one, but my personal belief is that if we were adult enough as an Assembly to sit down and look at what we asked for, look at the recommendations that were made, to address each and every one of them, then I think we would have gone a long way to addressing some of the issues that I believe are contained in this motion

MR BROWN
question be put

Madam Deputy Speaker, I move that the

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

Thank you Mr Brown. Is there any further

QUESTION PUT
AGREED

The motion is agreed thank you

We have dealt with Notice No 5 and No 6. We move then to Notice No 7

ABSENTEE LANDOWNERS LEVY AMENDMENT BILL 2003

MR DONALDSON

Thank you Madam Deputy Speaker I present the Absentee landowners Levy Amendment Bill and move that the bill be agreed to in principle. Madam Deputy Speaker, this Bill seeks to amend section 5 of the Absentee landowners Levy Act 1976 by deleting 2% and substituting 1%. It also amends section 5A of the principle Act by deleting \$350 and substituting \$500. The effect of these two amendments is to reduce the rate at which the absentee landowners levy is calculated to 1% of the unimproved value of land and it makes the maximum amount payable by absentee residents to \$500. The first part of the amendment is in response to a recent revaluation of absentee land which on average increased in its unimproved value by around 400%. This meant that a portion of land previously valued at \$25000 and then attracted an absentee levy of \$500 per annum is now revalued at \$100,000 and attracts an absentee levy of \$2000. This amendment will result in a doubling of the levy for non residents who own absentee land rather than the quadrupling effect that's been brought about by the revaluation. The second part of the amendment increases the maximum amount payable by an absentee resident landowner to \$500. This is an increase of \$150 over the previous maximum amount. I'll say no more about it at this stage. I intend to leave this bill on the table for a month for further discussion at the next meeting and discussion in the intervening time, but before I do move that, I'll give the other Members an opportunity to speak on it if they so wish

MRS JACK

Thank you Madam Deputy Speaker I've spoken to Mr Donaldson about his proposal and while I am accepting of it, I feel that it doesn't go far enough. I did mention in earlier debate, I think in February this year of my problems with the way to me of seeing what is discriminatory between residents and non residents and amounts payable. I thought it was his intention to take it back up to 2% this year, this levy, however I see that he has decided to keep it at half the normal leviable amount and so I hope that by doing this proposal he will still be taking in the money that he thought he would be collecting but my problem also lies with the \$350 to a maximum of \$500. I would like to see that actually changed to 50% of the 1% this year. I would like to see the staging in to bring the resident and non resident absentee landowner levies into the same amount bracket so it would be for example, 50% of the 1% this year, 75% of the 1% next year, and the full 1% after three years. I've had

discussions with Mr Smith and he was concerned over residents who may go off shore due to illness and education. I would take into account that there would be a Minister's discretion on this point. Say for a three or five year period depending on the Minister's ability but there would be no levy payable during that time because of the illness or education offshore. During that time people would perhaps rent out their home, they would be able to have a little storage to pay any mortgage repayments or repairs and maintenance that may have to be included and at the end of the three or five year period the levy would start to come in. I realise this is just all new to a lot of Members but I would really like to see a more level playing field be introduced in this area thank you

MR SMITH Thank you Madam Deputy Speaker yes, I did speak with Mrs Jack yesterday about this and her concept. I am of a view that we should leave it as it is which means that I don't support the Bill in its context. We've already reduced the levy down to 1% for last years collection which saved some people a lot of money and they've had another twelve month period to recognise that the value of their land has gone up and they need to pay for it. I think we should retain the rights of people who are resident here, or if the resident is offshore for a period of time, but there is some difference. We can keep eroding things away because I think Mrs Jack used the word discriminatory, but I think it's got to be in a lot of cases. I haven't seen the list of absentee landowners for some two or three years but most of these people who own land don't live here, probably don't intend to live here. If they were anywhere else they would be paying land rates and if they want to own a piece of Norfolk Island why shouldn't they pay the appropriate levy and if the value of their land goes up, so be it. But it can work the other way as well, the value of land and it will probably happen in the next year or so, will go the other way. If we drop the levy to 1%, the value of land drops down to the levels its been in the last few years we will only be collecting half the levy that we expect to collect now, however, there's a compromise as Mrs Jack has said. There are other ways of looking at it but I imagine the Bill is going to sit on the table for a month so maybe I could be persuaded to support the Bill in some form

MR BROWN Thank you Madam Deputy Speaker, George has just provided us with a classic study in absolute discrimination. It is admirable that we wish to ensure that residents don't pay very much and that everyone else pays a lot. But I'm not certain that we have the ability to lawfully do that. That's my first point. My second point is that the overwhelming majority of absentee landowners are in fact residents. Perhaps rates should be paid by everyone because more and more we are at risk these days of being criticised of discriminating in almost whatever we do in order to try to assist people. If land rates were paid on every block on the island, certainly no-one could complain. If there was some sort of a discount on those rates on a type provided for council rates on the mainland so say you would have some special arrangements for senior citizens, you might have a special arrangement for owner/occupiers, I'm not sure. People who rent a property might not get the owner occupier discount so they might end up paying a little bit more. Maybe there are ways that there can be some differentiation but I think the day is rapidly approaching where we can't continue with the present system quite as it is. And the extent of the discrimination God bless his heart and socks because he's a good friend of mine, was shown by George when he just said we've let these people halve what they had to pay. Do you know what the fact is. When last year we decided to phase the increase in, we phased the increase only down to them paying double! Not half. We phased the increase to being double what it had been the previous year. We didn't change the absentee landowners levy payable by a resident living away. We didn't make any attempt to ensure that under the immigration Act we examine the residency of people who haven't lived on the Island for thirty years. And the rationale in not examining that in the past has been, oh well, it's too hard to do because you don't know where they live. But a very minor amendment to the immigration Act could provide that such persons could be given notice by an advertisement placed three or four times

in the Norfolk Islander, once in the Australian and once in the Auckland whatever is published down there and if someone really did have an interest in Norfolk Island after three or four notices published in the Norfolk Islander they would surely find out that their residency was in question and then they would need to satisfy the executive member that they did in fact intend at some stage to return to live on the Island and then their residency goes back into the category of being beyond question again. But we haven't done that neither in terms of immigration nor in terms of the definition of resident for the purpose of the absentee landowners legislation. I have no difficulty in accepting that at a local Government level in most if not all of the Australian states and territories, capital rates are in a fashion capped. When I say capped, they can't increase by more than a certain percentage each year. Now that is not an increase of so many percent on whatever may be the unimproved capital it is an increase in whatever was the rate the previous year as I understand it and if that's the case, we could be validly criticised for allowing what we charged in total as the absentee landowners levy to increase by a disproportionate amount when compared to other taxation increases that we imposed on the island. This is an important issue. I've noted that it's not going to be dealt with to finality today and that's a good thing because it gives the community time to comment and gives absentee land owners time to comment and I hope that many of them will because I suspect that many absentee landowners, be they residents or not, contribute in various ways to our local economy during the course of the year and in some cases contribute a disproportionate amount for example, to looking after local schoolchildren in periods between when they fly from Norfolk Island to when they start at school and at the end of the school term, between when they leave school and come back here. Similarly I'm well aware that substantial assistance is given by some people who are away for medical reasons, or for other family reasons. I would like to commend the Minister for having the fortitude for bring the bill forward. I would like to commend him for having the absolute stamina which must have been involved in getting it advanced sufficiently in our legislative programme to actually have it finished and able to be here today because there's a lot of competition to have a bill drafted on that programme so congratulations to the Minister. I'll be interested to hear any views that are put to me in the absence of any views being put to me, I'll be happy to support the Bill but I really want to stress, this isn't a case of giving someone a cheapie deal. It's a case of restricting their increase to only double what it used to be, thank you

MR SMITH Thank you Madam Deputy Speaker I need to respond to my good friend's comments about land rates. I wasn't promoting the idea of land rates in lieu of this particular bill. I was making the comparison that if somebody owns land somewhere else they probably pay land rates. I hear what Mr Brown is saying and I understand his arguments for changing it. My view is that we don't change from what it is at the moment thank you

MR NOBBS Thank you Madam Deputy Speaker. I would like to say a couple of things. There's concerns around that the sale of land is continuing on and on. I always believed that this absentee landowners Act was brought in specifically to promote the sale of land on Norfolk Island and I know that others have disagreed with that but it's been in for some considerable time now. I would have thought that the issues, and they are some of the issues that I intend in my motion as far as immigration to take account of and that is to take a look at exactly who are residents on Norfolk Island, who are actually residing here, where we are at with that particular aspect. I think it's most important. There's an ability in the Act now to do precisely that as Mr Brown said but we need to actually do it. I would have thought that the second part of course, also my concerns as far as the Island is concerned, in relation to the primary industries is that what is really the value of land here at the present time. I mean, how much can you make off an acre or ten acres or thirty acres or whatever you may have here. What can you really make of it and the go is not a lot under our present

arrangements, but there are intensive type agricultural activities which we could get into here, or more intensive than we are now which could do that but I think people need encouragement and some support to actually get that going and know that they will get the support of the Government and we won't have to come back with a motion recognising the buoyancy and profitability of primary industry. They will know that we are going to do that. I've difficulty in changing the system at this point in time although I understand that the 2% is quite considerable but that's the price of land that's made it quite considerable, so you want to drop it back to 1%. I prefer to leave it at the current \$350 at the present time which goes some way to recognising that people have some sort of status on this island by being a resident and I think that's a most important thing. It's not discrimination. I mean you can discriminate here. I'm sitting here in a suit. Why can't I sit here in a pair of gumboots and shorts. That to me is discrimination. Discrimination's a really funny word. People use it all the time and I don't say that people who have used it today have done so in any other way then to just accept that that's what they believe it is, but I mean if you are a resident of this island it really should mean something to you, that's my belief and it's not discrimination because somebody else is not. So what are we going to do. Is the immigration Act discrimination? It just goes on and on. We've got to set the standards on this Island and work to them. If we need more money from going into a brand new system, land rates, if we need that, first look at where you're spending your money and where the wastage is. I keep coming back to that all the time. 30% increase in two years in expenditure. What are we achieving with it. I mean I know it might be required, it might be wanted but what are we really achieving with it. Those are the sorts of things. I don't know what the estimates would be for 1%. The Minister I guess would know. I think from memory it was less than \$100,000 from this activity, before. I don't know whether it's any more now but it's not a big ticket item and as far as I'm concerned I think for a resident situation absentee landowner, but look at your residents and see what they really are and who should be entitled to retain that residency status. Look at that but retain it at a reasonable figure because the land to the Norfolk Island people here is really important. People don't understand that. Outsiders don't understand it. It's a really important issue as far as we are concerned and sure they've sold it. From time to time they've had to. If you had lived here earlier before this boom that we're in at the present time and I'd say it's a boom at the present time, you will find that people had to sell their land. They were forced into it. I just look at it this way, that we should leave it at \$350. Bring it down to 1% if you want to but look at other issues about finance before you start playing around with this thing. Thank you Madam Deputy Speaker

MR DONALDSON

Thank you Madam Deputy Speaker move the debate be adjourned and that resumption of debate be made an Order of the Day for a subsequent day of sitting

DEPUTY SPEAKER

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

QUESTION PUT
 AGREED

That matter is so adjourned

EMPLOYMENT AMENDMENT BILL 2003

MR DONALDSON

Thank you Madam Deputy Speaker I present the Employment Amendment Bill 2003 and move that the Bill be agreed to in principle. Madam Deputy Speaker, this Bill amends the Employment Act 1988 by changing

the basis on which overtime is calculated from 150% of the normal hourly rate to 150% of the minimum hourly rate. Effectively this means that an employee who works overtime, that is, above eight hours per day or above forty hours per week must be paid at not less than one and a half times the minimum hourly rate of \$8.50 and that calculates out to being \$12.75 per hour. This rate of \$12.75 if this Bill becomes law will become the hourly rate for overtime as required by the Employment Act. Those employees earning more than \$12.75 will not be required by legislation to be paid any overtime penalty rate but they still may enter into private negotiations with their employer regarding their overtime. The current requirements for overtime is that it should be calculated at one and a half times the normal rate and this has only been the case since the 8th August, that's about two weeks ago when the Employment Amendment No 2 Act of 2003. Prior to the 8th August overtime was required to be calculated at one and a half times the minimum rate and at the same time the minimum rate was \$7 per hour giving an overtime rate of \$10.50. What this Bill really does is revert back to the old basis of calculation for overtime that is, overtime was calculated on the minimum hourly rate however, in the intervening time, the minimum hourly rate has gone from \$7 per hour to \$8.50 per hour. It's a simple amendment with only two words being amended and that just replaces the word "normal" with the word "Minimum". Once again this bill will stay on the table until the next sitting day but before I move adjournment of debate I invite others Members to comment

MRS JACK Thank you Madam Deputy Speaker. Up until Monday afternoon I totally supported this amendment however, a conversation I had with a concerned employee came back to me on Sunday evening and I had it clarified at MLA's on Monday and it is such that if I earn say \$14 per hour what can I actually be paid, if this Bill is passed, can I be legally paid \$12.75 for any overtime? The answer is yes. The fellow that came to me was concerned because he was actually an employee on \$12 per hour and for his overtime had been paid at the rate of \$10.50 per hour. Now it is as the Minister for Finance says, for the employer and the employee to negotiate on the level of overtime and that may well be, but I feel that some employees and in particular this fellow with the employer that he had, can use somewhat standover tactics and say if you don't work for me at say \$12.75 then I'll find somebody who will or they may say, you may be worth \$14 for example, an hour but I'm only prepared to pay you \$13.50 per our overtime. Now I agree that some money is better than none, but I can't morally agree that when a person works overtime, that they will be paid less then their normal hourly rate and so I foreshadow a detail stage amendment when debate resumes on the bill next month which I will ask for the words to convey that fact that the overtime provision will be 150% of the minimal hourly rate or the persons normal hourly rate whichever is greater and I'll leave that for people to talk about

MR BROWN Thank you Madam Deputy Speaker, I am an employer and I will not be participating in this debate nor will I be voting thank you

MR SMITH Thank you Madam Deputy Speaker in the last Legislative Assembly we spent some considerable time trying to return the Employment Act to some resemblance of some system where employees couldn't be paid less than a reasonable wage based on the minimum hourly rates, based on rights that aren't covered by unions, or aren't covered by aware rates. Something that was started in 1988 with this Bill. One of the difficulties with the Employment Act is that its been obvious to me through the years that many people don't understand the Employment Act and I talk about employers. For example the employee who not recently, this goes back two years ago, who had rung me and said they had been working for their employer for something like ten years, they were a mature person who had never been paid holiday pay, never got paid sick pay, never got paid overtime, worked on public holidays with no extra money, what could they do. When I said, well we can probably do something

about it, they said no, no, no, don't. I might lose my job. There are other employers who in public places have stood up and said they have never paid their employees extra money for working on public holidays. That's okay it just means that not everybody understands the Employment Act. There's been some mention I think at the last sitting as well as the one before about paying overtime rates. That has never changed. Overtime provisions have been in place for many many years. It appeared that people had thought the that overtime provisions had changed in the year 2000 when Gary Robertson was the Minister and one of his amendments was to take out the provision for overtime. We put it back but its taken three years to get that piece of legislation through and now that its through and gazetted, what it does is it changes overtime from 150% from the minimum hourly rate to now the requirement that the overtime is 150% of an employees normal rate. When we were debating the bill right up to I think it was the last meeting that we had, it must have been in the last Legislative Assembly we were debating whether the minimum hourly rate should be \$10 instead of \$8.50 and the other things that were in that piece of legislation. At the time Mr Brown raised a question about, what about employers who pay well above the minimum hourly rate and could there be some way that we could take account of them so that they could actually do more hours without the overtime requirement and I agreed at that time that it was certainly something that we should look at and at some time this year Mr Brown actually moved a motion which we agreed to that we would look at doing something like that if an employee agrees to not be paid overtime so that they could actually earn extra money without the overtime provision and I thought that was reasonably. What we've done with this bill is we've gone right back to how it was before, that an employee can only get what, they can be paid the minimum hourly rate which is \$8.50 plus the overtime which would bring them up to I think Mrs Jack said \$12.75. I preferred what Mr Brown had proposed some meetings ago and would prefer to see that then what we've got here because what we're doing by bringing it back to 50% of the minimum hourly rate applies to everyone but I think Mr Brown was saying that what he was looking for is if an employer wants to make some arrangement with their staff that they both need to agree on that. It doesn't mean that everybody falls in that category and I prefer that proposal as was put forward in the motion earlier on. But I think I heard the Minister say that he is going to adjourn this so I might put up some amendments at the next sitting myself, thank you

MR DONALDSON

Thank you Madam Deputy Speaker yes if I could just clarify that the reason for this amendment that has come forward, it was pointed out to me that the recent amendment, and I say recent amendment because it only came into force two weeks ago, but it's actually an October 1991 amendment to the Act that applied the overtime rate to the normal rate of pay, actually worked to the detriment of some of their staff. Take for example someone who's on \$12 per hour as a normal rate of pay, they get \$12 per hour for a forty hour week then their employer wants to employ someone to do a job for 50 hours per week, so there's ten hours overtime offered. That employer then has two options, one to pay the existing employee \$18 per hour which is time and a half of the normal rate or bring in a casual person, pay them a casual rate which might only be \$10 per hour. What the effect of the recent amendment was, was that a lot of people would now be denied overtime and would simply be told 40 hours no more. This gives them an option to work overtime at a slightly lower rate then they are getting now but with something to recognise overtime. It gives the employee a chance to negotiate upwards for their overtime rate. If they want to say well I'm already on \$12.50 and I would expect \$14 for overtime they can negotiate that with their employer so there's an upward negotiation. The amendment that was mentioned I think at the February meeting of this House which kicked off all of this discussion was a downward negotiation for the employees benefit where they could opt, provided they were getting 120% of the minimum rate, not to receive overtime and in a negotiation situation normally the employer has the upper hand because normally they are the ones

actually paying the money and employing the person so I don't agree with Mr Smith's proposal that a person is in a position of strength in negotiating an overtime rate of pay in those circumstances. Really that's all I've got to say but its basically put in there, although it appears not to be, it's a bit of a paradox, it's put in there for the protection of people and to give them the opportunity to be offered overtime rather than for people to be denied overtime

MR NOBBS Thank you Madam Deputy Speaker I'm not confused and I'm not a socialist but the go is with this, we are talking about the minimum and when I brought the minimum up in this place in the last few years, it's always been greeted with some disdain that it's really a catch all, it's not the base wage or anything like that where we are now once again saying, well this is the base wage. \$8.50 per hour it is now and it's taken eight or nine years to get to that figure. It's now \$8.50 so what it means is 150% of that in my calculations is \$12.75 so if you are on \$12.80 you lose money to do overtime. That's what the crux of it is isn't it? That's what Mrs Jack says and I agree with her. I would have thought that her proposal to say no less than your current rate would be quite equitable and fair. That's my view and anyhow, I'm pleased that it's been left of the table because we can get some views from outside on it

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

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

QUESTION PUT
AGREED

MR BROWN ABSTAIN
MR GARDNER ABSTAIN

Are there any abstentions. Mr Brown indicated an intention to abstain

MR GARDNER Thank you Madam Deputy Speaker I think that was on the question that the Bill be agreed, I don't know if that extended to the adjournment but if that is the case then I too would abstain if that was the ruling of the Chair

DEPUTY SPEAKER Mr Brown has returned to the Chamber. Mr Brown do we record your abstention at this stage?

MR BROWN Abstention if you will please

MR GARDNER Thank you Madam Deputy Speaker, mine too

DEPUTY SPEAKER Mr Brown has abstained and the Chief Minister also. Thank you. I believe the motion remains carried and the matter becomes an Order of the Day for a subsequent day of sitting

BILLBOARDS REPEAL BILL 2003

MR I BUFFETT Thank you Madam Deputy Speaker this is the repeal of a piece of legislation, the Billboards Repeal Bill that repeals the old Billboards Act that has been in existence since 1996 although it was never commenced, has never been operative and never served its purpose. Billboards and Signs are now being dealt with under the new Planning Act which parts of it has commenced. I have recently put out for comment the new signs code which will take up most of the issues that have been raised over the period since the old Billboards Act was in place and this bill is to repeal that old Bill to allow the other matters to click into place. It would be my intention at the appropriate time to also adjourn this to the next sitting on the basis that by the next sitting most of the comments on the proposed Development Control Plans for Signs would be received and we would be in a position to make those plans and commence the other parts of the Act at that point

DEPUTY SPEAKER Do you seek some debate at this stage Mr Buffett

MR I BUFFETT Thank you Madam Deputy Speaker if any Member wishes to comment on the repeal of this piece of legislation

DEPUTY SPEAKER No debate. Then I ask for a motion of adjournment from you

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

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

QUESTION PUT
AGREED

The motion is carried and that matter is so adjourned

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

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

DEPUTY SPEAKER Is there any debate Honourable Members?

MR I BUFFETT Thank you Madam Deputy Speaker, I just take the opportunity now to congratulate those sporting organisations and the airline that is promoting the current sporting events on Norfolk Island and note the great response to those activities both at the Golf Club and at the Bowling Club next week and I wish to make comment on that on what has previously been known as a fairly slow period on Norfolk Island and the efforts of those organisations in promoting those sports

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.

