

PRAYER

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

CONDOLENCES

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

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

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

PETITIONS

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

GIVING OF NOTICES

Are there any Notices?

MR GARDNER Thank you Mr Speaker. I give notice that at the May sitting of this House I propose to introduce formally into the House the Evidence Bill 2004 and the ART Amendment Bill 2004 which is coupled with the Immigration Amendment Bill 2004 for the purposes of hearing Immigration appeals on Island

SPEAKER Thank you Chief Minister. Any further Notices?

QUESTIONS WITHOUT NOTICE

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

MR ROBINSON Thank you Mr Speaker. My first one, in fact my only one is to the Chief Minister. Chief Minister could you tell us how many pieces of our legislation are the Commonwealth government holding up and how long have they been held up for thus far

MR GARDNER

Thank you Mr Speaker, Mr Robinson rang me yesterday about this question and I was able to provide him them with the information but for the purpose of the listening public and my colleagues, I do understand that there are currently three pieces of legislation that assent has been sought for. The first one of those is Customs Amendment Act passed by this House in March, the second one the Telecommunications Act passed by this House in March so it's been around four weeks that those matters have been awaiting assent and I am aware that in October November of last year shortly before Mr Robinson took up his membership of this House the Legislative Assembly had passed the Employment Amendment Act 2003 which is still awaiting assent. Mr Speaker it's not unusual that legislation is held up. I think the most recent example prior to these three coming on board that were held up was the amendment to the Legislative Assembly Act in March last year which awaited a full twelve months before activities within the Commonwealth sphere overtook that piece of legislation and it hasn't been assented to. I have been notified that assent will not be given to that in light of the recent Commonwealth amendments to the Norfolk Island Act in relation to the electoral matters and certainly before that and I think as I said to Mr Robinson yesterday we were both colleagues in the 8th Legislative Assembly when an Employment Amendment Bill was passed in this House so we are looking back to 1998 1999 or thereabouts, that I understand didn't receive assent for some two years or thereabouts, so it's not unusual so the record at the moment is not so terribly bad in light of those past events

MS NICHOLAS

Thank you Mr Speaker. I have three questions for the Chief Minister please. Given that a public meeting held in the Rawson Hall supper room recently was well attended by those interested in the recommendations presented by the Australian Greenhouse Office and Hydro Tasmania in respect of alternate sources of energy for Norfolk Island. What commitment, if any, is the government prepared to make in further investigating the potential for wind powered generation of electricity for Norfolk Island?

MR GARDNER

Thank you Mr Speaker. In the absence of my colleague, the minister with responsibility for electricity, Mr Graeme Donaldson who was on leave at that time I undertook a number of discussions with the Australian Greenhouse Office and Hydro Tasmania at the time of their presentation to the community. I have also recently written to Minister Kemp who under cover of a letter from himself had provided a copy of the report from the Australian Greenhouse and to renewable energy for Norfolk Island. I remain committed and I believe the government remains committed to pursuing alternative forms of renewable energy for Norfolk Island and there are discussions currently taking place on and officer to officer level on the timeframes required for funding if it is felt that we pursue funding for those options. There is also a very clear need for an assessment to be done of the reports that have been made in both of the options that have been presented to us, firstly and obviously the one supported I believe by Minister Kemp the Federal Environment Minister and the Australian Greenhouse Office in pursuit wind power for Norfolk Island. The other option that has been presented is the bio-mas gasifier. Of course there are a number of matters that we need to explore in relation to both of those. For example the proposal that was placed before us in relation to wind, when you look at the foundations that are required I think that the dollar cost for the foundations alone, just concrete for the wind turbines are somewhere in the region of \$130,000 just for the foundations for those. There are alternatives which the Australian Greenhouse Office did cover and they related to the French Vernet wind turbines which don't require obviously, the costs associated with barging equipment and the very heavy crane equipment that would need to be brought into the island. Obviously it does away with the necessity for the substantial amount of foundations that are required for the other type of generators because they are able to be hoisted and lowered with a series of cables and so if the option were to be pursued for example to pursue the French option, that could potential

refurbishment or stabilisation of the Kingston pier to ensure that local people continue to employ free and unfettered access to the ocean and the ability to unload the ships that come into Norfolk Island. This Mr Speaker, is seen as a so-operative arrangement. Certainly, I've been particularly active as has Mr Puss Anderson, the Project Manager for KAVHA in pursuing the funding for this. There was a realisation that the Legislative Assembly because of the ownership problems were not in a position to fund the upgrade of this and certainly very strong representations were made to the Commonwealth for the Commonwealth to undertake the repairs and they have undertaken to do that in a co-operative fashion with the Norfolk Island government to ensure that all interests and all stakeholders have hands on involvement with the project

MS NICHOLAS

Thank you Mr Speaker In respect of the information published in The Norfolk Islander indicating that there was a willing donor of \$2.6 million dollars towards the creation of a breakwater to facilitate the all weather unloading of freight, providing that such funds be matched by the Commonwealth, will the Chief Minister advise the substance of any communication which has taken place between himself and Minister Ian Campbell in this regard?

MR GARDNER

Thank you Mr Speaker I had a brief discussion with Minister Campbell last Friday in relation to the letter that had been published in the Norfolk Islander the week before which was a letter exactly to this question, a very kind and generous offer of \$2.6 m to be matched by the Commonwealth for funds to be directed to the establishment of a breakwater for Norfolk Island. When we were alerted to the content of that letter I immediately began my own research into the many hundreds of files relating to the establishments of harbours, breakwaters and the like for Norfolk Island over the many years and it has become obvious that from that initial research, that there are a number of sites that have been identified that have potential and you have to bear in mind though, that the \$11.6m I think that was identified by the Commonwealth Grants Commission back in 1997 for the development of exactly such a project bore in mind the fact that there was some 600,000 of specifically selected rock that would be required to undertake that project. That automatically raises one enormous issue and that's about where that sort of resource is to be found on Norfolk Island. Some would argue that it's there in the Cascade Cliff and certainly in my discussions with some of the people who work the ship and lighterage operations the weekend that that letter appeared in the paper, some had a view that it would simply be a matter of tearing down the rest of the Cascade Cliff and maybe taking some land and property at Cascade and maybe just stripping all the rock out and pushing it out into Cascade Bay. I mean those are some of the more extreme views that are around in relation to that project at the moment and those views extended to I think probably more sensible views about the necessary extension, stabilisation and underpinning of the Cascade Pier, the extension and widening of the Cascade Pier as a job that probably could well be accommodated within the figure of \$5.2m in total. Certainly it doesn't appear that the \$11.6m job identified in 1997 by the Commonwealth Grants Commission is going to be accommodated in the \$5.2m job this time of year. The Minister has very clearly indicated to me when he has finalised his discussions with the proposed donor of the funds that he will be writing to the Norfolk Island government seeking their views on the ideal location for such a project and the extent of that project and he has given me a time frame of ten days from last Friday for us to be in receipt of that letter

MS NICHOLAS

Thank you Mr Speaker to continue if I may but address questions to the Minister for Finance in respect of the telecommunications matter. Minister I understand that the Telecommunications Amendment Bill is yet to receive the assent of The Administrator and that legal opinion suggests that the Bill, among other things, crosses into areas which are beyond the specifics of Schedule 2 as well as Schedule 3 to the Norfolk Island Act and, therefore, it must receive close scrutiny

by both the Administrator and the Commonwealth. Will the Minister confirm that this is the case and will he add, to his response, what he understands the situation to be?

MR DONALDSON

Thank you Mr Speaker. What Ms Nicholas has said is correct. The Telecommunications Amendment Bill was presented to this House and passed through this House at the March sitting. It was then sent to the Administrator for the normal process which is assenting to the Bill believing it to be a schedule 2 matter. He believed it to be a schedule 2 matter because item 48 of schedule 2 dealt with Telecommunications and that was the advise we got from the Legal Services Unit that it was a schedule 2 matter. Just to fill you in on the process there, a schedule 2 matter is assented to by the Administrator on advise from Executive Council and there is no option, once the Executive Council advises the Administrator to assent, it happens. Schedule 3 matters are slightly different. They have to be assented to with advise from the Federal Minister. There's a third category of unscheduled matters and they take a different process altogether. The Administrator must reserve a proposed law for the Governor-General's pleasure, that is an unscheduled law. The Governor General may then assent to the law, he may withhold assent, he may assent to it in part, or he may return the Bill with recommended amendments. Now that is all relevant to the Telecommunications Amendment Bill because the Department of Territories sought advise from the Australian government solicitor as to whether the Bill dealt with schedule 2 or schedule 3 or unscheduled matters. The advise is quite long and convoluted but quite clearly says that the Telecommunications Act makes provision for matters other than those specified in schedules 2 and 3 which means if that's the case, the assent process is by the Governor General in Australia and that's a lengthy process. There's still not agreement with that concept that it is an unscheduled matter within the Legal Services Unit and we have sought a legal opinion from a recognised expert in the field who carries with him a lot of good reputation and impact. That legal opinion will be forthcoming by the 28th this month which is next Wednesday, and that will form the basis of argument to the Department of Territories that it is not an unscheduled matter, that is actually a schedule 2 matter and it should be progressed as a schedule 2 matter. I can't say much more than that except that the matter is progressing and awaiting its legal opinion

MS NICHOLAS

Thank you Mr Speaker I'll attempt to run just a couple more past the Minister if I may please Mr Speaker. The Telecommunications Amendment Bill which we are presently discussing may go beyond its scope in attempting to deal with radio communications. How does the Minister respond to that assertion?

MR DONALDSON

Thank you Mr Speaker what the Telecommunications Amendment Bill attempted to do was control the use of satellite linkages for Telecommunications in the belief that it was covered by the Telecommunications Act 1992 which is a Norfolk Island Act and the Telecommunications Act 1989 which is the Australian Act and I think the belief that it was covered by those Acts was based on the fact that the definition of a Telecommunications service within both those Acts talks about communications by means of guided and unguided electromagnetic energy. Obviously guided electromagnetic energy is energy that is transferred along copper wires or optic fibre cables or whatever but it has some solid medium there that transfers the energy. The unguided electromagnetic energy is radio waves so our Telecommunications Act does actually deal with radio waves and its on that belief that I understand that we believe the control of satellite dishes and the control of radio communications as they relate to Telecommunications which is telephones etc and the internet is within the area of schedule 2. there is in Australia a Radio communications Act which deals with radio communications and that Act according to the Legal advise from the Australian government solicitor extends to Norfolk Island. What's happened over the past, historically Telecommunications dealt with telephone

lines and copper wires and later optic fibre cables and even telecommunications between Australia and Norfolk Island was via the ANZCAN cable. Events have overtaken that and now Telecommunications is by radio link and by guided electromagnetic energy along copper wires and conversely the opposite has happened in the Radio communications Act. The Radio communications Act used to control things like transmissions between transmitters and receivers such as televisions and radio sets. Televisions are now crossed over in the province of cable television and telephones which were cable have now crossed over into the province of radio communications. It is my understanding that the legislation has not kept up with the technology in this particular instance and I think that is part of the problem. We're caught up with the definition of radio communications versus the definition of telecommunications and we are all caught up in the indecision as to which Act actually applies. I still support the view of the Legal Services Unit at the Norfolk Island Administration that says it is a schedule 2 matter, it's a Telecommunications matter and it should be dealt with accordingly

MS NICHOLAS Thank you Mr Speaker. I might be a little bit mischievous but I'll try. If satellite telephones fall within the definition of "satellite dishes" how will the current Telecommunications Act as modified by the Telecommunications Amendment Bill affect the use of such facilities on Norfolk Island.

MR BROWN Point of Order. We've been straying for some time into the area of the Minister being asked for a legal opinion which is not appropriate

SPEAKER I uphold Mr Brown's comment in terms of that. Standing Orders specifically address that matter and the Minister should not be asked for a legal opinion nor should he be delving into the processes but you may have some question Ms Nicholas that may not necessarily stray into that arena

MS NICHOLAS Yes. I hear what's been said and I accept the Point of Order Mr Speaker. Really I wanted to refer to the satellite telephones which seem to form an important part of any Commonwealth ministerial visit to Norfolk Island and to ask the Minister how he felt that that could be handled under the legislation

SPEAKER Outside the matter of giving a legal opinion Mr Donaldson, have you anything to respond to that

MR DONALDSON Thank you Mr Speaker the only comment I've got to make there was on the intention of the amendment

MR I. BUFFETT Point of Order Mr Speaker. Haven't we been told that this whole issue is subject to some further complicated further legal advise and this issue is part and parcel of what our attention has been brought to is in respect of that complicated legal advise in respect of the two telecommunications Acts of the Commonwealth and Norfolk Island and this surely must go almost to the core of what we are being asked to provide advice upon

SPEAKER That may well be the case Mr Buffett but members are still at liberty to raise matters provided they don't stray into the area of difficulty that has been identified today

MR I. BUFFETT Well the Point of Order that I ask Mr Speaker, is I think the Minister in attempting to answer this question stray into that area

SPEAKER He may well do. And if that is the case he will be brought to order by the Speaker promptly. Anything further that you would care to say Minister

MR DONALDSON No, just to continue on with what I was saying it was never the intention of the amendments to the Telecommunications Act to control individual satellite phones, the iridium system or whatever system of satellite phones is in place. Now whether that falls under the definition of satellite dish or not I don't know. It was never the intention and if it has fouled up that area of communications then we will have to unfoul that very quickly

MS NICHOLAS Thank you Mr Speaker I think I should retire gracefully I trust

MR NOBBS Thank you Mr Speaker, I ask the Minister for Finance would the Minister provide the community with details of how the 2004/2005 budget will be developed, when it will be debated by the Legislative Assembly and does the Minister have preliminary comment on the contents, outcomes anticipated in the budget

MR DONALDSON Thank you Mr Speaker the 2004/2005 budget is being prepared much on the same basis as previous years budgets. It starts in the Administration where they call each department to make submissions as to expenditure and income that that department is going to either incur or receive and then once in they are all consolidated into one budget paper and I'm talking here in general terms about the revenue fund budget and the Government Business Enterprises budgets. That budget paper is then addressed by members of the Legislative Assembly and it gives them the opportunity to make sure that any projects they wish to progress are properly funded or any projects that they consider not worthwhile are removed from the budget. It also gives an idea to them of what expenditure is being occurred on such things as salaries and wages and recurrent expenditure and the direction that that expenditure is moving. The process is then that the budget is trimmed to reflect a balanced budget. We've adopted a policy that's been adopted throughout the Tenth Legislative Assembly and I think with previous Legislative Assembly's too that the budget should be produced as a balanced budget or near blanked budget so that it doesn't eat into reserves and it doesn't create a deficit situation. That expenditure side of that budget then forms part of an appropriation bill that comes to the House, supply of that money is approved for the following financial year and is controlled by a series of budget votes whereby money is allocated to each area of expenditure individually, and there's about 300,000 or 400,000 budget votes that are selected and it progresses from that point on. It's reviewed as it goes

MR NOBBS I ask the Minister for Environment if he can tell the members what has occurred as the result of a letter that the Minister received from the Block Factory which was copied to members some two months ago and I would like to refresh the Minister's memory in that the letter expressed concern at the lack of a response to applications dated December 2002 and December 2003 to crush at the rock stock pile and at the airport and also the letter claimed that it had demonstrated to the ART and yourself as Minister the operation had met standards and guidelines set down

MR I. BUFFETT Thank you Mr Speaker there's been a series of meetings held between the author of that letter I understand, officers within the Administration, I've certainly had a meeting with one of the principals of the organisation Mr Nobbs referred to. Mr Speaker the questions that were raised in the letter are ongoing matters that transcended two planning regimes and therefore became fairly complicated in how the matters were to be dealt with. They dealt not only with

Commonwealth land they dealt with other properties over which we had n control except to provide some advise. Mr Speaker because of the complexity of what has been raised by Mr Nobbs letter and those issues that I've just mentioned and they are fairly complex I'll take that question on notice and provide a more full answer at the next sitting or as soon as I get the answers I'll provide them to Mr Nobbs. For this reason Mr Speaker that there have been discussions as late as yesterday or the day before in respect to some of the issues that Mr Nobbs refers to

MR NOBBS

Thank you Mr Speaker I ask the Minister for Finance would he please update the community on what progress has been made regarding the airport debt resulting from regular passenger airlines not paying their landing fees

MR DONALDSON

Thank you Mr Speaker two issues there. Two of the airlines coming out of Australia were presenting a problem with their landing fees and there had been a backlog of unpaid landing fees. The first one was a figure of about \$98,000 owing and we sent them a letter of demand to take them to court to recover their damages to recover the money. They made a counter offer to us. We came back with a counter offer of what would be acceptable to us for full and complete settlement. That counter offer was about 70% of the amount outstanding and a discount if you want to call it that, in the payment, related to the one offsetting claim they had against us although it was very doubtful as an offsetting claim, it was one that could involve us in court action and legal costs and the other was just a process of the legal costs and the costs of proceeding through the courts to recover the money that was considered appropriate at the time that we accept a lesser amount as full and complete settlement and get on with the business of running the island. It was recommended by the Legal Services Unit and had the support of the Chief Executive Officer and the matter was addressed by all four executive members of this Legislative Assembly and approved before the final settlement was reached. The other airline ran up a substantial debt and asked for time payment system to pay it off. We did enter into a payment system where they paid x amount per fortnight off the outstanding debt and we'll clear that outstanding debt in about a years time. At the same time they are paying the debt for the current landing fees on a fourteen day basis as they incur it. From information I received just the day before yesterday that airline is complying with one, that's repayment of the quarantine debt that will be paid off in twelve months or so, and it is complying with paying its normal fortnightly landing fee charges so that is in process and we are proceeding satisfactorily. One more thing there is an interest component in there that isn't a penalty type of interest component it is an interest component of recompense to the Administration or the government for the interest that it would not be getting on that money should it have been invested in a normal IBD situation in the banks

MR NOBBS

I ask the Chief Minister is it correct that you recently made yet another official trip off the island, this time to participate in talks with the Australian New Zealand delegation in relation to the 200 mile boundary between Norfolk Island and New Zealand. As this is the third such meeting between officers of New Zealand and Australian government and yourself on the subject are you prepared to provide to the community details such as what has been achieved to date and maybe making a statement on this later, I'm not too sure. If you are, it may save time in this. What has been achieved to date; has the negotiations been complete; if they are not complete when is it proposed that they will be

MR GARDNER

Thank you Mr Speaker in response to that question yes it is correct that I have again participated as part of the Australian negotiating team with New Zealand on the delimitation of maritime boundaries between those two countries. This is the same package of negotiations that are currently taking place between Australia and East Timor both relating to similar players on each team

depending on the location of the delimitation discussions. What has been achieved to date I can I think without breaching any written agreement that I've entered into as far as confidentiality surrounding the discussions report that the of discussion is now centring on probably about 5% of the total area that had been under discussion. That has yet to be finalised. There are some issues that need to be finalised in that area. It was hoped that this round of discussions would complete the negotiations. I'm still awaiting word from the head of the Australian delegation as to the extent of any further proposed discussions that might be required and as to date I have not received that communication. Certainly Mr Speaker I believe I will be in a position to make a far more comprehensive and thorough statement to the House on this matter when I have received that communication but I may draw members attention to the significant amount of documentation that I tabled in this House following my last participation in discussions some three months or so ago. It may even be longer ago than that, that explained the concept of the discussions, how, why and where these discussions take place. The matters that are taken into consideration and also had provided to members an offer for them to have a look at the United Nations Convention on the laws of the Sea. I only have the one copy so I can't make that available any wider than that as yet.

MR NOBBS A supplementary if I may. Is the 5% still outstanding Minister does that relate to the Norfolk Island New Zealand segment or the whole of the Australian Norfolk Island New Zealand negotiations. You said there was 5% still outstanding

MR GARDNER Thank you Mr Speaker, the percentage of area relates in total to the area under negotiation for delimitation between Australia and New Zealand

MR NOBBS So is the Norfolk Island segment completed yet

MR GARDNER Norfolk Island is part of that discussion. There is no area that is complete so to speak in the negotiations. They as yet have not been finalised

MRS JACK Thank you Mr Speaker a question to Minister for Finance concerning the airport. And I ask has the Administration taken over the running of the airport security on a permanent basis or is it still in temporary mode and are the operation charges made to the airlines covering all the operating costs for this region

MR DONALDSON Thank you Mr Speaker the current operations for security at the airport are being undertaken by the Administration. The officers at the moment, although the positions are advertised, they are not yet full time officers of the Administration or permanent part time officers of the Administration. That won't happen until a review of the current situation is undertaken. That was always the intention that when we had to purchase the additional screening equipment and provide security services for the airport it was always intended that it was going to be a temporary process for three to six months and it was going to be reviewed about the 30th June this year. That review I believe has commenced and I'm not sure of the outcome of it but the review will determine whether 1) it becomes part of the airport GBE Undertaking activities or whether once again it is contracted out to private enterprise but no decision has yet been made on that

MRS JACK Thank you Madam Deputy Speaker there was a second part to that question that I asked, and I ask are the operating charges made to the airlines covering all of the operating costs of that security department

MR DONALDSON Thank you Madam Deputy Speaker I understand when the charges were reset when the Administration took over on a temporary basis they took into account all known charges at the time, the salaries and wages for the staff, the cost for amortisation of equipment over I think a five year period and any other overheads so the answer to that question is yes, the charges do reflect the cost of providing the service

MRS JACK Thank you Madam Deputy Speaker a supplementary if I may. On the understanding that the current staff employed there had to have their qualifications upgraded and the new staff had to be employed before the end of June so will the cost of gaining that certification be met under the current operating charges

MR DONALDSON I can't definitively answer that question. I don't believe that was built into the original costing to the airlines for the staff training. I've been advised that the staff training for those who had prior learning in that area is about \$500 per person and that will bring them up to what's called a certificate II level which allows them to undertake the duties that are undertaken without question. If they have to start training from ground level up I understand the training costs a lot more but I wouldn't not be agreeing to that training being undertaken whilst there's a prospect or until there is a certainty as to which way the security services are going to go. Whether they are going to be a private enterprise activity or whether they are going to be an Administration activity but at the moment we will incur some costs. We will incur \$10,000 - \$12,000 worth of training costs which is essential and it is unfortunate that it wasn't built into the costs to the airlines but on the plus side it is training that will remain on the island and be of a benefit to the island anyway

MRS JACK Thank you Madam Deputy Speaker there's another question to the Minister regarding the airport. A report regarding traffic flow in front of the terminal building that's the public area was commissioned some time ago. Is it finished. If it isn't when is it due for completion and if it has been finished what are the recommendations and when will these recommendations be implemented

MR DONALDSON Thank you Madam Deputy Speaker yes there was a proposal and recommendations that went to the Planning Officer for comment and comment as to how it fitted into the overall airport plan. I don't think it's got past that stage. I haven't seen a final version of the report but there was a proposal but not a report I'm sorry that's the best way of putting it

MR NOBBS I have a question for the Minister for the Environment can the m please provide details of the process in place to allow for the collection of the waste management levy recently introduced on a) sea freight and also airfreight

MR I. BUFFETT Thank you Madam Deputy Speaker the processes are these. The Finance Branch of the Administration invoices people for the collection of the levy in respect of sea freight. There's been an arrangement entered into with the airlines agents in Norfolk Island regarding airfreight. They will collect that and pass it on to the Administration

MR ROBINSON Could you tell us then Toon the rates, are they the same for airfreight and sea freight

MR I. BUFFETT Thank you Madam Deputy Speaker there's a slightly different rate of charge. The percentage return is basically the same it is between 3.5 and 4% return. There's a 12cent per kilo levy on airfreight and there's a \$15

per cubic metre or tonne on sea freight so there is a slight difference but there is a percentage return on the quantity and it's approximately the same

MR NOBBS Minister is it correct that the airfreight component you would pay cash on delivery whereas the sea freight it would be at a later date

MR I. BUFFETT Thank you Madam Deputy Speaker if that's how the airfreight people is collecting their money the answer is yes. The sea freight one there's an invoice arrangement that's calculated off the manifest of the company's that is shipping into Norfolk Island and it's calculated to the cent by the Administration

MRS JACK Thank you Madam Deputy Speaker I ask this of the Chief Minister. In the March sitting the House passed a motion to introduce a Compulsory Register of Pecuniary Interest for all members and you had carriage of overseeing the necessary drafting of the legislation. Could you please inform the community of what stage the legislation currently sits

MR GARDNER Thank you Madam Deputy Speaker I'm happy to provide an update on that as members would be aware, Mrs Jack on my behalf circulated to members following some discussions with the Legislative Draftsman, myself and Mrs Jack a draft copy of a Bill that would provide for the establishment of a Register of Interest under legislation and also provided an option for oversight and enforcement of legislative provisions contained in that draft Bill. Madam Deputy Speaker it is important that as part of that process we have utilised the resources of the Commonwealth Parliamentary Association and have gone to many of the smaller jurisdictions through the head office in London to seek the mechanisms that they have in place under their legislative or other arrangements for oversight and enforcement of provisions contained in similar type of legislation or arrangements in other jurisdictions. It's been reported to me this morning by the Deputy Clerk that we have had a number of responses already to that request which only went out last week from the Office of the Clerk. Those responses will be useful in members consideration of appropriate oversight of the enforcement of those legislative provisions and I think once members have had an opportunity to digest that I can see that, that legislation will be very quick coming back to the House and I would imagine there's no reason why it couldn't be formally introduced into the House at the next sitting subject obviously to members satisfaction with appropriate oversight mechanisms as I've explained

MR NOBBS Thank you Madam Deputy Speaker I ask the Minister for Finance, is it not correct the changes to the fee unit figure as established as a result of movements of the RPI and for the previous twelve months ending the 12th March each year and given that there were no increase in the fee unit in 2002 2003 that I can remember, does he anticipate that there will be an increase in the fee unit at 1 July this year and will that fee unit increase be really significant

MR DONALDSON Thank you Madam Deputy Speaker about last November or December I sent a paper to the service saying that by my calculations the fee unit as at 1st July 2003 should have increased I think from \$16.50 to \$18. I've had no official feedback from that but I think someone else has examined it and determined that there is no increase in the fee unit. I'm quite prepared to follow that up and not take that on notice but let you know what happens because my understanding is that the fee unit should now be \$18 per fee unit and not \$16.50 per fee unit and the fee units for 1st July 2004 won't be determined until after the 2004 CPI March reading comes out

MR NOBBS Can I ask the Minister if he would please ensure that this matter is rectified because the 9th Legislative Assembly was left with a

significant increase in the fee unit because it wasn't done by the previous Legislative Assembly. Would he please ensure that this is done if there is to be any increase, by 1 July

MR DONALDSON I've given an undertaking to follow it up and I'll certainly do that because the fee unit should be passed on as they accrue rather than at a three or four yearly interval

MRS JACK Thank you Madam Deputy Speaker I ask this of the Chief Minister with his responsibility for compulsory third party insurance, and I ask can you see legislation being introduced in the time that's left of this Legislative Assembly that would effectively pay out for bodily harm in motor vehicle accidents

MR GARDNER Thank you Madam Deputy Speaker that will be very dependent on the advise that we receive from both our brokers insurance agents and through the Public Service

MR NOBBS I ask the Minister for the Environment what material by type and quantity has been exported off the Island from the Waste Management Centre since it commenced I think in September or October last year and I'm referring to by ship and not down the chute at Headstone and what is the total cost to the Waste Management Centre to date and is it correct that expenditure in the current financial year is in excess of \$550,000 and the estimated expenditure in the financial year is some \$900,000

MR I. BUFFETT Quite simply I just don't have all that information in my head. I would be more than appreciative if Mr Nobbs would give me that in writing. If perhaps he had given it to me a couple of days ago when he may have been formatting his question I could have legitimately answered those things because we need to be fairly accurate in what he's asked because the figures whilst they might sound exotic will probably have some basis

MR NOBBS I just asked the Minister if he would please look at the upcoming budgets for the GBE's as that's where the figures come from

MR I. BUFFETT If that's a question I certainly have looked at that and Madam Deputy Speaker let me put this into perspective. Those budgets are the raw primary bids which were asked for by members of this Legislative Assembly so being the raw primary bids there are obviously two or three other steps that needs to be taken firstly by myself as the Minister secondly by what my fellow colleagues on this Legislative Assembly believe what we can sustain as an Assembly and a community and therefore whilst the figures may as I said earlier look exotic in the first cut I guarantee they'll look exotic in a whole range of other areas within that budget process

MR NOBBS I ask the Minister for Tourism does the Minister still endorse and agree with the claim which was made recently I think in The Norfolk Islander that the figure of 40,000 visitors will be attained in the year 2004 and is he concerned that the projections after June this year, after Bounty Day I understand that there will be a significant in tourism visitation to the Island. Is that a fact that he knows anything about or is it myth

Mr D Buffett Madam Deputy Speaker, there is some doubt as to whether we will make the 40,000 in this particular financial year. The figures that we have in front of us at this time are certainly better than ones we experienced last year but whether it will make the 40,00 is not clear at this moment. The matter of that situation therefore the perceived need to increase the number is being addressed by

particular ongoing programmes and specific programmes aimed at the next month or so and I consulted with members about that particular programme and the funding of it. It is a programme to include some major wholesalers of the island and airlines to be part of that particular promotional project. The matter of rejections after June I would be pleased to have a conversation with Mr Nobbs s but I don't know of any particular rejection of figures after June. June is not necessarily a time that we need ignore but I don't know how we are going to tackle it in terms of the word rejection. But I'm happy to talk about that if there is something there that I'm just not aware of but there are ongoing programmes for promotion in June

MR NOBBS I ask the Minister for Environment would he please explain to the community the requirements for establishing new businesses on Norfolk Island by those who do not hold resident status under the Immigration Act

MR I. BUFFETT Thank you Madam Deputy Speaker Mr Nobbs has directed this question to me but I think it is probably an Immigration question

MR NOBBS Sorry I meant the Minister for immigration. Would the Minister please explain to the community the requirements for establishing new businesses on Norfolk Island by those who do not hold resident status under the immigration Act

MR GARDNER Thank you Madam Deputy Speaker I think that question is comprehensively dealt with in the Policy and Guidelines document that is available from the Administration and I'm happy to direct people's attention in that area and certainly I'll provide a copy of that to Mr Nobbs for his information. The issue that primarily determines whether there is approval given for somebody to under their immigration status start a new business that doesn't hold residency status is primarily the demonstrated need in the community for that business to be established here

MR NOBBS I have one for the Minister for the Environment if I may what progress has been made in relation to the Cascade Cliff Project dispute and attendant issues identified I think in subsequent crushing contract

MR BROWN Point of Order. Although this is a very interesting question it relates to pending legal proceedings in which the Administration is involved

MR NOBBS Can we have the Minister say that and not Mr Brown say that please

DEPUTY SPEAKER I believe that Mr Brown has called a Point of Order Mr Nobbs and in doing so he is quite within the realms of his rights and I would suggest that as we have upheld such a position in the past we should do so in this case

MR NOBBS Could I ask a supplementary then? Is the proposed Cascade Cliff Project dispute subject to litigation at the present time and when will that be finalised or when will that be heard or what's actually happening

MR I. BUFFETT Thank you Madam Deputy Speaker I note the first point of order and confirm as we have done in the past that this matter is one before the courts and I don't intend to make any further comment at this point. In respect of the specific answers that Mr Nobbs has asked me they are once again within the ambit of the court and I haven't been given those and if they were to be made public I'm sure that the lists in the normal process of the court would make those available to the community as a whole and if and when they do become available I will let everyone know

MR NOBBS I ask the Minister for health for some years now the government and the Administration have considered the introduction of a comprehensive medical evacuation scheme and I've asked this question before Minister as you are aware. Can you provide to the community details of progress

Mr D Buffett Madam Deputy Speaker, this is a matter that's been going on for a long time without a very satisfactory response but it is being examined and we have if I remember the date correctly next Tuesday or thereabouts, a visit by some people that will allow us to further evaluate some of the options in terms of how we might travel with this matter so the matter is continuing to be under examination and the latest information is that we have some consultations next week. I could be corrected on that date but if it's not that week it is the end of this week but it is within the next week

MR NOBBS Can I ask the Minister responsible for the Public Service, Minister can you provide a briefing to the community on the introduction of spread of hours within the Administration which was originally designed if not to eliminate in certain cases to actually reduce the overtime bill which is a significant cost to the Administration

Mr D Buffett Madam Deputy Speaker, a number of things have happened in this area but it doesn't mean that the matter is totally solved at this moment. What has happened is that people who are recruited today for example will need to be on the basis that the spread of hours arrangement will operate at the commencement of their employment. There are people of course who are on staff already who are not employed under that arrangement and so there is continuing negotiations as to how that group of people might need to be walked through the processes of the spread of hours which is designed to reduce the public cost of overtime and there are methods that have been put in place to endeavour to reduce that already but it would be wrong to say that that is totally solved in the second area to which I referred

MR NOBBS Have there been noticeable savings achieved to date Minister

Mr D Buffett Madam Deputy Speaker, I do understand that there have been some savings. I can be more specific about that after further conversation with the Chief Executive Officer but I do understand that there have been savings in a number of areas where the spread of hours is endeavouring to be pursued

MR ROBINSON Point of Order Madam Deputy Speaker. According to 78 of Standing Orders Questions Without Notice is not to exceed thirty minutes. Would Mr Nobbs like to move that perhaps it should be extended

DEPUTY SPEAKER The time is barely up Mr Robinson but yes it may be appropriate to move an extension

MR NOBBS I move that it be extended by ten minutes

MR GARDNER Thank you Madam Deputy Speaker if I could just clarify that. I understand in the previous Legislative Assembly Standing Orders were amended to extend the time in Standing Orders from thirty minutes to one hour

accessed or not and used for work other than the airport job and if so, what's been done about it

MR DONALDSON Thank you Madam Deputy Speaker I regret I can't answer that question. The rock content at the airport hasn't come into my portfolio at all. I don't know about the ownership of it or the use of it at all. I probably could undertake some research on the matter but maybe someone else is better equipped to answer the question

MR NOBBS Could I ask the Minister for the Environment if he has any information

MR I. BUFFETT Thank you Madam Deputy Speaker I'll attempt to answer Mr Nobbs question. There's been a quantity of what is called clean rock in the rock stockpile. That rock stockpile is made up of three or four different types of material. The answer to Mr Nobbs question is yes, there has been release of a small quantity of clean rock from that area for the current use. From memory I think it's about 1000 tonnes or something but I can find the exact figure

MR NOBBS The second part of the question is what's been done to replenish that supply

MR I. BUFFETT At the moment there's been nothing been done to replenish that supply. I am not certain whether that supply will materially affect the quantities required for the airport. My understanding is in the estimation, there may be sufficient in that area to do the airport but if not there will certainly need to be some consideration of cleaning more rock once we come to grips with the contract for the airport

DEPUTY SPEAKER Thank you. Further questions. There being no further questions without notice we move to Papers

PRESENTATION OF PAPERS

MR GARDNER Thank you Madam Deputy Speaker. I table the 2002/2003 Annual Report for the Administration of Norfolk Island and move that the Paper be noted. Madam Deputy Speaker I apologise that members have not got a bound copy. I don't have a bound copy of it either. That's to do with some hiccups that have been experienced in the printing by the printers that had undertaken the role to print the Norfolk Island Annual Report but I have been advised this morning that bound copies will be available on or about the 5th May this year. Madam Deputy Speaker as last year, I would appreciate the opportunity just to read the covering letter that is included in the Annual Report from the Chief Executive Officer on the activities of the Administration for that period of time and if you bear with me I would like to read that into Hansard. The letter reads. Dear Chief Minister, I am pleased to submit the 2002/2003 Annual Report for the Administration of Norfolk Island. During the period covered by this Annual Report the Administration was headed by Miss Robyn Murdoch as Chief Executive Officer until 28 October 2002 and myself as Acting Chief Executive Officer for the balance of the year. In January 2003 the organisational structure was reviewed in close detail and revised reporting arrangements were developed. This change was seen as an important step towards an organisational structure with two rather than three Directors and a clearly identified range of Manager positions with a view to clarifying accountabilities and improving communication. As the financial year drew to a close, a large number of Administration positions were held on a temporary basis, and preparations were well underway to address this matter with the proposed finalisation of a revised organisational structure and its implementation. As indicated in the Annual Report, the Administration of Norfolk Island continues to manage a

broad range of diverse activities that, with few exceptions, cover the services provided by all three tiers of government on the Australian mainland. I would like to take this opportunity to thank the staff of the Administration for their dedication and work throughout the year. I present the report for tabling in the Legislative Assembly, following which it will be made available to the public. Yours sincerely, Luke Johnson, Chief Executive Officer. Madam Deputy Speaker as I've explained, unfortunately because of some hiccups in printing the bound copies of the Annual Report will not be available until on or about the 5th May and at that time it will be available for distribution more widely in the community. I just wonder too at the same time if I could add my own words of commendation to the Public Service and all of those persons who serve on statutory boards and authorities in Norfolk Island for their dedication to the task during that period of time and certainly may well that continue into the future thank you

DEPUTY SPEAKER

Thank you Chief Minister. The question is that the Paper be noted. Is there debate. Being no debate I put the question

QUESTION PUT
AGREED

The Paper is noted

MR DONALDSON

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

MR BROWN

I move that the Paper be noted. Madam Deputy Speaker the Minister has told us with great pride that we are doing well. We are doing well on the basis of a budget that did little in terms of maintaining our infrastructure. Did virtually nothing in terms of worthwhile capital works and really, without very significant change in the future, that type of budgeting is only going to lead us down the path to doom. The Minister has said that we are roughly in line with the budget in terms of revenue. Well certainly that's a good thing but to such extent that the Minister feels that we are going to end the year with money in the bank, that is because we haven't spent the money that we budgeted to spend on the very limited number of items apart from wages that we decided to spend money on so lets not spend too much time praising our brilliance. Let's recognise that there is a very difficult task ahead. The Minister has done a good job in holding the fort for a year but we can't go on this way, thank you

MRS JACK

Thank you Madam Deputy Speaker I too have problems with the note of confidence that seems to be pervading here. I look at for example the customs duty which has been revised down from \$4,500,000 down to \$3,800,000 which in actual fact is even less then the revised budget at the end of 02/03. other areas to me FIL, other taxes, interest received, they are up but they are up because we are charging more to the local population of the island. Earnings from GBE's some of those are put in by tourists, customs duty though is down. It's down even on the revised budget and I for one am not happy. To me it seems that we are in the beginnings of a slump. There's been no real growth in customs duty that reflects back to me to the private sector, whether its retail, accommodation, whatever, because there's been no real importation there and I am quite concerned over these figures because as I say Madam Deputy Speaker there is no growth anywhere, thank you

MR BROWN

Madam Deputy Speaker I'm pleased that Mrs Jack has made mention of the private sector. My earlier comment had been limited to the comments that the Minister had made in terms of the statistics which he's tabled today. Some of us have received today a beautiful picture of Ball Bay. The bottom right hand corner is full of rocks. And on the inside of the document is an invitation to a function to formally relaunch Norfolk Island as a holiday destination. Now I don't know whether the picture on the front is meant to indicate that we are presently on the rocks in terms of tourism. I don't know whether the invitation is meant to indicate that Norfolk Island no longer exists as a tourism destination but I think that it is a little misleading to suggest that the island is going to be relaunched as a tourist destination but perhaps this shows the first dawning of recognition that things are not going as well as some might think. If we were to wander along Burnt Pine, we would in my view find very few business proprietors who would tell us that they are doing brilliantly. We would find very few accommodation proprietors that would tell us that they are doing brilliantly. A large property recently closed its restaurant complex apart from breakfast. Another very well known restaurant has moved its menu from a five star type menu down to a bistro type menu. Norfolk Island is not doing as well as we would like it to be doing. We need to recognise that. We need to stop patting ourselves on the back on the basis that somehow or other by taxing people to such extent as we can we've been able to bring in enough money to pay the public service wages. That is not the answer Madam Deputy Speaker and I'm encouraged that at least Mrs Jack has had the gumption to speak up today thank you

Mr D Buffett

We've had a lot of negative comment in the last couple of speakers. And I've got to endeavour to put this view to members and put it strongly. If we want to talk negatively that's exactly what's going to happen to this place. The invitation that Mr Brown has referred to which comes from the Tourist Bureau is endeavouring to do its part in being positive about getting up and relaunching Norfolk Island in a younger, in a family a niche market arrangement that Norfolk Island has those facilities to tell people about and bring people here to experience and they will obviously be an important part to our economy. In lieu of this negative talk around the table we should be positive about such approaches and get out and tell people about it in lieu of sitting back with down in the mouth attitudes and words. If in fact they are the only words that are going to be heard that's what will happen to us. I want to put into your minds a more positive approach about Norfolk Island and get out there and sell it and let people know especially visitors on which are economy hinges, that we have a vibrant place here and that they are welcome to come and enjoy it and we should encourage them to do so in that frame of mind so I want to be encouraging that those things that you see that give that impetus in lieu of trying to knock them, to be supportive of them

MR BROWN

Yes, Madam Deputy Speaker I would love to have the time to whip out and ring the wholesalers, I'm sure that their phones have started to ring after that very positive speech from the Minister but the Minister has just told us that the Island is about to be relaunched as a totally different destination to that which it is. We have a market. You don't throw your existing market away. Sure. Try to add to that market by all means but let's not kid ourselves. Let's not pretend that we are going to throw the present market away and with the benefit of wonderful speeches and relaunching Norfolk Island as a destination cure all of the problems that presently exist. It is time to recognise that those problems exist and do something about them, not to pretend that they are not there Madam Deputy Speaker

DEPUTY SPEAKER

A Minister seeks right of reply and once again I draw relevance to your intention please

Mr D Buffett

Yes. It's relevant to what has been said to date Madam Deputy Speaker and we are talking about the economy and the financial

arrangements that exist in the place. My words said nothing about not welcoming the market that we have. That is a very valuable part but we are talking about launching into new dimensions which are additional to what we have and that should be applauded and it should be encouraged by people in the industry and in Norfolk Island

DEPUTY SPEAKER
indicators. Then I put the question

Is there further debate on the financial

QUESTION PUT
AGREED

MR I. BUFFETT
Thank you Madam Deputy Speaker in accordance with section 41 of the Interpretation Act 1979 I table the Planning Amendment Regulations 2004 and move that the Paper be noted. Madam Deputy Speaker I move that simply for clarification purposes. Members and the community will recall that I tabled the Planning Regulations 2004 I think in February or March and after tabling we discovered that because of one of the copying processes we went through that two or three of the fee units had been omitted from the document that was tabled so this is purely a document to replace schedule 3 so there's nothing new but to add those things that were inadvertently omitted in the copying process. That's all I have to say thank you

DEPUTY SPEAKER

QUESTION PUT
AGREED

MR DONALDSON
Thank you Madam Deputy Speaker in accordance with section 41 of the Interpretation Act 1979 I table the Airport Amendment Regulations 2004 and move that the House take note of the Paper. Thank you. I'll just give you a brief outline of what the regulations achieve. The Norfolk Island Airport Act allows regulations to be made to control commercial activities at the airport. These Regulations actually towards controlling commercial activities at the airport. They relate to people to use the expression that's often used "touting their services and wares" at the airport to make it an offence for a person to approach incoming passengers and attempt to sell them services in the airport precincts. This is as a result of complaints that had been received by the Tourist Bureau and others about commercial activities being undertaken in the airport precinct as soon as people got off the plane and I now table those Regulations

DEPUTY SPEAKER
Then I put the question

Is there further debate Honourable members.

QUESTION PUT
AGREED

STATEMENTS

MR I. BUFFETT
Thank you Madam Deputy Speaker this was a question that I had invited a member to put on notice last time but they didn't but in the interest of providing some information I'll do it in the form of a statement. Madam Deputy Speaker Mrs Jack made some flurry about asking questions in respect of the Waste Management Centre at the last sitting and the question was this, that the Waste Management Centre has been operational for some six months and my question is of the different waste streams, how much is still being united and then burnt and what increase has there been in actively recycling those separate waste streams and has there been an increase in the amount of waste sent offshore for recycling. Madam Deputy Speaker to answer the last bit first, at the last ship we in fact exported some thirty-nine pallets of recycled goods on that particular ship. There were six more to have been sent but unfortunately the process, the gentleman who sprays those pallets were unable to

complete them in time for the shipment. Madam Deputy Speaker in answering the question there's been at least a 500% increase in metals being processed for recycling and that's over and above what we've estimated originally and from the reports that have been done by various waste management experts who have come to Norfolk Island to try and assess what we were processing. Previously aluminium cans were the only waste randomly collected and exported. We continue to do that but we are now also looking at aluminium off cuts, the extrusions that people have previously dumped, that's all being exported as well. Copper and brass we have gone back to collecting those again, and they also are being palletised and exported and we are sending those. In respect of other waste streams, paper cardboard, plaster board and untreated wooden pallets are now shredded and are being included in the composting component up at the Waste Management Centre. At this stage, and this I think was the crux of Mrs Jack's question last time, food scraps and approximately 50 litres per day is all that we are accumulating at the centre and that's not being sorted really well at the moment so what we are doing is we are still burning those for a very good reason that until we get the correct composting equipment to make sure that its fully blended in the composting arrangement it is better to firm that particular waste rather than just deposit it over the top of the partially processes composting material we have there and that decision has been taken for two reasons, firstly so that we don't attract birds in the airport area and other vermin to the centre which to this stage is being fairly well controlled. One of the issues that we have noticed a substantial increase in are the car batteries that we are currently draining and both the batteries themselves along with the acids are currently being exported and they were also shipped out of Norfolk Island. A specific point was made regarding acids and I think Mrs Jack came back to me as a supplementary matter after the last sitting regarding acid. What we did was with the chemicals coming in for the Tanalith Plant we put a process in place that they come in in properly plastic lined drums and we have modified the Tanalith Plant to allow those drums to go through a single process where when the fluid is deposited into the chamber at the Tanalith Plant there is a water flushing process that it becomes automatic so it becomes one operation and those drums are then transported to the Waste Management Centre and we use them for the processing of the battery acids etc. Tyres are shredded and the good news is that at least two or three people have been using these as a substitute for blue metal in their effluent trenches and we are monitoring the effectiveness of those and they seem to be working well. Waste Management Centre household recycle area has proved to be one of the most interesting things in that we have a number of people who attend on a daily basis to see what's new and surprise, surprise, most of the stuff come in one day and the old story, one man's trash is another man's treasure and they all go out the door the next day. Some have been back mind you. The Waste Management Centre staff processed the previous stockpiles of waste that we used to witness on the top tip area of Headstone. The mountain of tyres, a whole heap of green waste etc, but in excess of 2000 tyres we have processed, they were the ones in the stock pile there, again referring to the batteries we've processed 14 tonnes of batteries and the 100's of whitegoods that were stored there we have been processing and disposed of them in an acceptable way to Environment a staff processed the previous stockpiles of waste that we used to witness on the top tip area of Headstone. The mountain of tyres, a whole heap of green waste etc, but in excess of 2000 tyres we have processed, they were the ones in the stock pile there, again referring to the batteries we've processed 14 tonnes of batteries and the 100's of whitegoods that were stored there we have been processing and disposed of them in an acceptable way to Environment Australia, that is, to set the rusting process in place, the crush them and we have deposited them into the sea and I make no apologies about that because we have no alternatives at this point. Hopefully one day we'll be able to do that a little better. Green waste is a matter that's reaching mountainous proportions at the centre but there is what we call a first process composting arrangement going on in that where we are at least mixing them in and where possible we're hiring shredders albeit they are not suitable for the quantity we are dealing with but we are doing a partial shredding process and incorporating those into the first process up there. There is a need to look at a more sophisticated shredder arrangement in the terms

of a tub grinder and that may well be reflected in some of the figures that Mr Nobbs referred to earlier in our first asked for budget, because in respect of that my recollection there was an excess of some \$400,000 in terms of capital equipment in that budget and when one looks closely at that I think people will be surprised with the combination of the two major waste streams in Norfolk Island, that is the Water Assurance Fund and what we are doing at the Waste Management Centre coupled with the fees regime that we have seen fit to put in place we may well achieve that so we may not receive the same criticism as not doing some capital expenditure in terms of returning things to the community and we need to look at that closely both as the Minister responsible and us collectively as the Legislative Assembly. Nevertheless we are still required because of the number of issues to burn and dispose of some waste at Headstone but what I can say with a great deal of pride is this, that probably we have reduced by in excess of 80% what we previously just processed in an open air arena, that blew everywhere, that polluted and then just dumped the whole lot in the seas whether processed or not. What is going in the sea today has been processed to the maximum efficiency permitted in Norfolk Island at the moment and we are working to make that even more efficient so that what goes into the sea is having a minimum effect. We hope to continue the improvement in the Waste Management area and we are currently investigating some capital equipment, for example, the cost of a suitable glass crusher. I've been informed that the ones we are looking at and the quantities of glass it may well be a viable alternative to sand that is currently becoming more and more scarce as an available resource in Norfolk Island and if we can do that then again we will be replacing a resource that we are using. We are also in an advanced stage of looking at the disposal of cars which is becoming a major problem. I draw the community's attention to a letter by a concerned resident in last week's Norfolk Islander and we are looking at those issues. Let me not fool the community, that the cars are probably the most expensive in our waste stream that we will need to consider in disposing off so I will be putting a proposal both to this community and to my fellow colleagues regarding a levy that I will look at attaching to the registration of vehicles that will become part and parcel of a levy that we can look at to do two things, recycle the cars, export them, or dispose of them in an appropriate manner from a small finite area such as Norfolk Island. In that regard I've also had discussions with the principals of the shipping company that's already coming to Norfolk Island and those discussions have been really interesting in that they are more than willing to help both in terms of some of the costs that may be involved and also in assisting us in overcoming this problem which is starting to manifest itself principally at the present time I think we have visual pollution in terms of the cars that are currently in Norfolk Island and we are looking at a two stage process of dealing with that. The first one is to look at an amnesty thing to have those vehicles that have been there for some time brought in and processed and we will let the community know about that when we are in a position to deal with them. I think that answers the question that Mrs Jack asked last time and hopefully I've covered the aspects that she wanted to hear

MRS JACK Thank you Madam Deputy Speaker could I note the statement. I would just like to thank the Minister for such a detailed response and I'm sure I'm not the only one impressed by some of the goings on that are happening at the Waste Management Centre. I'm also impressed that a flurry question can get such a detailed answer

DEPTY SPEAKER Precisely Mrs Jack. My compliments on creating a flurry. I hope you continue to do so. Further Statements

Mr D Buffett Madam Deputy Speaker, I would like to provide some information on roads. Roads are obviously not in good condition and haven't been in good condition for a while and I would just like to make these comments which has some elements of an update. I think about five years ago our works programme have significantly covered the Island's roads and we were coping within

reason about five years ago with the demands for reseal and reconstruction arrangements but really since then things have gone backwards significantly at a great rate. And there are two reasons for that. One is lack of metal and the other is lack of money and I would like to just update in terms of metal. Over the past four or five years we've had a number of things such as the Cascade Cliff Project, Crusher relocation and citizen appeals to the Administrative Review Tribunal and a range of associated factors, most of which, not necessarily all, but most of which have impaired the delivery of suitable grade processed rock to the community including the road works. Some of these difficulties do continue. I am advised that the Cascade Cliff Stockpile of rock is sufficient for the next four or five years of our needs including the airport runway reseal although I'm not trying to set myself up as the expert in that particular context but that's the area where we have to draw our rock for the Norfolk Island road situation but there are still negotiations about appropriate crushing of that stockpile. For the roads component the last report to me in the last day or so has given me this information, that the Administration in terms of its roads and other associated needs has had delivered and had in our Administration, this is not the main stockpile this is the Administration stockpile, some 900 tonnes of fine crushed rock, 20 tonnes of 10 millimetre rock, 70 tonnes of 14 millimetre rock, 10 tonnes of dust and 8 tonnes of ash felt mix. Madam Deputy Speaker it is clearly seen that there is insufficient in that arrangement for any major reseal or reconstruction work so this material is used for lesser activities including for patching work. Cyclic patching with that availability of material, that is some 20 tonnes, really means that we will have enough for one months continuous patching. Now let it be absolutely said that patching is an unsatisfactory alternative to a total reseal and reconstruction. But at this stage we haven't a great deal of alternatives. Patching is not a good investment and I've got to say that it's a demoralising task for those who work at it to see your work washed out in the next rain but I've got to also say that its not the fault of the roads team that they are restricted to patching. Although I think they bear the brunt of much of the public criticism from time to time as well as we here at Kingston, but I do thank them for their forbearance. They undertake a wide range of duties as well as patching, repairs after trenching in various roads, such as Taylor's, Cascade and Queen Elizabeth Avenue, the cleaning of gutters in the Mt Pitt area as part of the obligation that we have picked up with the Parks area, maintenance of signs and guide posts may be of interest, that we regrettably have had some \$1500 signs and road barriers stolen over the past couple of months but the team also needs to attend to the maintenance and clearing of blocked culverts island wide and a range of things that need to be and are being attended to include Douglas Drive, the Burnt Pine area, the Grassy Road area and Harpers Road. There are ship carting duties, there are repairs and modifications to the bridge and Harpers Road, there is sand bagging at the Cascade Whaling Station site to be replaced with wire gabion baskets and revegetation, there are a range of things that this crew need to undertake and I compliment them on their task. Now some of these difficulties in terms of availability of metal may well be prospectively solved within the next week or so because there are crushing and ART assessments happening within that time frame and when that is done there may be a better projection of how we are able to travel from here on, but I just put on the table those factors in terms of people's concern and queries about how the road components are going and why we are patching all the time. They are the reasons behind those things in terms of metal. The money side when we have in the past allocated funds for major roadwork's, and when I say major roadwork's, I mean the resealing and reconstruction components, even if we've got metal, the roadwork has been restricted in terms of the money that we've provided. Lack of funds. There won't be any resealing or reconstruction in the balance of this financial year which has only a couple of months to run for the reasons that I've just outlined to you now. The next financial year in the budget process there'll be presentations of options as to what roads we might consider. There are for example, JE Road, Anson Bay Road, the Burnt Pine Upgrade at either end, and there will be other options. All of these need attention but there is an inability to afford them all at the same time. They can't be done financially all at the same time and members will be asked to decide what funding they feel that the public budget can afford in the financial year that is to commence on the first July

2004. Members did pass a motion in the Legislative Assembly asking for examination of alternative methods and this is being done and it continues and when I have a report I'll bring it forward but there was for example, an option to go out and ask contractors to do all of the work forthwith and that we might be billed on an annual basis. I've got to say that at this stage there has been little positive response to that from those who might be in the industry but the examination continues and when there is a substantive response and a substantive report I will come forward and present it. I just wanted to Madam Deputy Speaker give that brief set of information so that members might have an up to date situation in terms of the roads that are not in good condition at this moment

MR I. BUFFETT

Thank you Madam Deputy Speaker just one more in the form of a question from Mrs Jack in the March sitting, once again touching on an aspect of waste management. At that particular sitting Mrs Jack asked me the following question, this concerns the waste management levy and I ask the Minister do many businesses avoid the levy by using parcel post and is it his intention to close this gap to make a more even playing field. At that particular time I made brief mention that probably we didn't have sufficient information. Since that time I have discussed the issue with the Business Sales Manager at the Post Office and the response is as follows. I had enquired at the Post Office and was informed that to date there has been no noticeable increase in parcel post into Norfolk Island and the manager makes the following comment, that postage to Norfolk Island from Australia is quite high especially using express post and the introduction of a 12 cents per kilo levy would not force people to use the post he didn't believe. Madam Deputy Speaker what we intend to do because there's only been a couple of ships and because of the delay and interrupted shipping arrangements between the time we intend to monitor it and if in fact there is a trend towards that then we will address it appropriately but at the moment there has been no noticeable increase since the introduction of that levy

MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR – NO 27

DEPUTY SPEAKER

Honourable Members I have received the following message from the Office of the Administration, and it is Message No. 27. On 26 March 2004 pursuant to section 21 of the Norfolk Island Act 1979 I declared my assent to the following, the Supplementary Appropriation Act 2003-2004 (Act No. 3 of 2004); the Airport Amendment 2004 (Act No. 4 of 2004), and Powers of Attorney Amendment Act 2004 (Act No. 5 of 2004). The communication is dated the 26th March 2004 and is signed Grant Tambling, Administrator

REPORTS FROM STANDING OR SELECT COMMITTEES

Any Reports. I believe not. We move then to Notices

NOTICES

TOURIST ACCOMMODATION ACT 1984 – QUOTA FOR TOURIST ACCOMMODATION HOUSES

MR D BUFFETT

Madam Deputy Speaker, I have earlier tabled in terms of the appropriate section of the Tourist Accommodation Act the Report of the Gatekeepers Working Group dated 31st December 2003 however I put it on the table again today in the context of moving this particular motion, that this House, having considered the Gatekeepers Working Group 2003 Review of the Tourist Accommodation Quota, in accordance with and pursuant to section 8B(4)(f) of the Tourist Accommodation Act 1984, approves the recommendation of the Gatekeepers Working Group "that it is not desirable, nor is there a need, to increase the current Tourist Accommodation Quota". I move that motion accordingly. Madam Deputy

Speaker I mentioned that some two months ago I tabled this report and so it has been received and considered by members and I may be corrected upon this but I think at least some elements have appeared in the local paper. The report is a requirement of legislation. The Tourist Accommodation legislation. It's a requirement that periodically, in this case, in a two year cycle that a review be done of the Tourist Accommodation quota within the Island. The Gatekeepers, a designated group of people have undertaken this report and I do acknowledge and thank them. I think I would like to additionally say quite strongly that this is an example of competent Norfolk Island residents in the service performing professional tasks in company with competent community members who have dedication and expertise to produce a well documented, well reasoned and a report that can be exemplified to others in how the task should be tackled so I again offer compliments for the task to these people, that is Miss Cheryl LeCren, Mr Jason Adams and Mr Peter Davidson from the Service and from Mr Gary Richards a nominated member of the Norfolk Island community how have been the people who have made this evaluation and have presented the report and I might say that on behalf of the members Madam Deputy Speaker I have written to each of them and offered thanks to them for their task having been done. The contents of this report has this sort of detail. It details the consultative process that they went through both in terms of people in the industry and in terms of the community at large. I think I would like to just highlight one thing which was a disappointment and that is of the 66 tourist accommodation houses included within the existing quota, 29 were asked to comment and didn't comment. Some 37 did comment of course but 29 is quite a high figure and I would have thought that they maybe would have seen an opportunity and some reasonable responsibility to be involved in the process but notwithstanding that they have an option not to do so if they would wish. But there we are. The report also detailed some significant factors that they took into account. The present quota capacity, occupancy rates of the industry in terms of the present arrangement and it's interesting to see that over the past couple of years, that is 2001 and 2002 and then 2002, 2003 the average occupancy rate in both of those years were below 50% but they also examined visitor numbers and visitor growth and they also examined impact on infrastructure on Norfolk Island, electricity, hospital and health, telecommunications, vehicles, waste management, water and population and a range of associated things. Finally they have let us have a final conclusion and it's quite succinct. It's on page 19 of the report and I'll just read it to you so that it gives completeness to this brief summary of the task. The Gatekeepers Working Group found that there was no clearly demonstrated need for an increase in tourist accommodation units and there was no significant support for a quota increase from either the accommodation sector or the community at large. Then they go on to make this recommendation. Therefore, the recommendation is not desirable nor is there a need to increase the current tourist accommodation quota, and those words of recommendation are those that are encompassed in the motion that I have proposed before you. I'd welcome other people to contribute to debate in terms of that but that's an endeavour to give you an overview and to formally put the matter before the Assembly so that the matter can be decided one way or the other as to how we should travel with it for the period that is ahead

MR ROBINSON

Thank you Madam Deputy Speaker, I know it's a large moment sort of notice but is there a provision in the Act to revisit the quota before the next Gatekeepers Report. Given that I've only just received more papers literally while I've been sitting here could I ask that perhaps you adjourn the debate and make it an order of the day for the next Sitting. As I say, I regret the timing but it's only just come as I'm sitting here

DEPUTY SPEAKER

Mr Robinson before you choose to move that motion is there any further debate

MR ROBINSON
Minister to consider it

I'm not moving it I'm just asking the

MRS JACK

Thank you Madam Deputy Speaker. I too would like to acknowledge the really well done report here. It's fabulous actually. I too was disappointed in the fact that only 50% of the accommodation industry replied on a document that has so much impact on where they could be heading. The other point that I also was a bit surprised at was that 50% of those who responded roughly was either way, whether in support or non-support of the quota increase and the same percentage came from the five responses from the public on should the quota be increased or not, three said no and I think two said yes, so 50/50 all the way along. A bit hard to make a really informed and thorough decision on it however they did come up with one at the end and I think it's somewhat justified given the falling occupancy rates that have been mentioned when I attended an ATA meeting on Monday afternoon. They were all complaining of falling occupancy rates while their hot bed tax and so on stayed the same as did the water assurance fees if they were on the sewerage system. Another factor that I would just like addressed too and was visited in this Report was the Unity 2005 Marketing Strategy document and I was just wondering what processes are in place to take over that document next year when it does fall over. Is it going to just keep on running with the numbers changed, is there going to be a change in numbers in bed nights, all those sort of issues. Have those factors been considered for a new document. I would like that noted when it came to the Norfolk Island government Tourist Bureau section I noticed that one of the sentences said that maintaining and improving accommodation standards is obviously an important issue that should be closely monitored and reviewed and I'm just wondering what standards are used and when they are used from Australia are they given a somewhat Norfolk Island twist. I know that air conditioning is moved to having fans, but I'm just wondering if other issues are looked at as well and how often are the industry monitored and how often are the standards that are used actually changed to reflect maybe the change in the visitor that the island gets. Also I mentioned at the last Legislative Assembly meeting there was a paragraph that the members who compiled the report put in, talking about problems with the Tourist Accommodation Act 1984 well I think it appears too late for this Legislative Assembly to deal with the review of that Act and I don't know of anything that forces any following Legislative Assembly to take it on however it is our only industry and if it needs review I think it should occur. When they spoke of Norfolk Telecom I was wondering when the rental charge went up 60% I was wondering how many units or accommodation houses actually cancelled their lines and perhaps only made instead of a telephone line to every unit maybe just had the one line going into a transit lounge. Maybe there was nothing. Maybe it wasn't a problem for the accommodation houses but if any did take off those lines then it would have some effect on the Telecom income. When they spoke of vehicles I was wondering how many units supply vehicles as part of their package and I know that I've been approached by one person who has a car rental and the fact that the \$500,000 insurance limit on bodily injury certainly has started to have a few sleepless nights and I'm wondering if any accommodation houses that provide cars are cancelling those cars and perhaps having their visitors going to people who only handle car hire. We went on then to the recommendations that were given and the main recommendation was that the quota stay as is, but I was also impressed by the five dot points immediately above that, that said all effort should be made to and the first one was obtain data on occupancy rates for different accommodation categories and I'm just wondering, I never saw the questionnaire that the accommodation houses were asked to fill in but I'm just wondering if the problem of confidentiality was a problem and if that could be overcome but it was the four dot points after that, that I really thought need to have as much emphasis almost as the final recommendation, determine the desired type of visitor market or markets that Norfolk Island is currently trying to attract, evaluate the achievability of attracting such markets, assess the type of accommodation required to

cater for such markets and again amend the subsection of the Tourist Accommodation Act. There is a need for those points to happen and I think it's a question that could go to the Tourist Bureau, the Board because there is a need out there for them perhaps to be seen to be more proactive. At a meeting the other day a couple of accommodation houses were asking where is the marketing strategy for Norfolk Island, where is it going, they would like to see something in place. I'm having people ask me where is Norfolk Island in the marketplace because we are not seeing it advertised in the papers, we need to be out there and be in people's minds so perhaps there is a need for the Tourist Bureau to be somehow more proactive and whether this needs greater government funding well perhaps we should go down that line. Mr Buffett is in a flurry there. Mr Ivens Buffett was in a flurry there. But if it needs to happen then maybe we should seriously look at it however the one stipulation I should have there is of my concern regarding the wages to funding ratio within the Tourist Bureau. I wouldn't like to see that ratio remain the same, in fact I would definitely like to see it come down because there perhaps is an area that could be looked at. But overall as I said I think it's a great report, I'm all for all the recommendations and all the notices to be looked at and seriously considered and while I have had a person approach me regarding perhaps a lifting of the quota, going over what I said before of the current occupancy rate and also the number of units that would have to be considered and allowed in I'm more than happy to agree with Mr David Buffett, the Minister, and accept the recommendations as they stand

MR GARDNER

Thank you Madam Deputy Speaker in a nutshell I agree with the recommendations of the committee and I agree with the words that have been spoken both by the Minister and by Mrs Jack in regards to further information that may be required before what is outlined in this paper as the 2005 review so it's only a bit over twelve months before the next review is due to be undertaken. Again, it's an excellent paper but I could maybe offer some assistance which might provide some more sleep filled nights to Mrs Jack's informant on the difficulties with third party bodily injury cover, I understand that for less than twenty cents a week you are able to secure an extra \$500,000 up to a maximum of \$1m bodily injury cover which may allow that person to have a better sleep for the next few months without doubt. Again I just need to emphasise the fact that I do support the recommendation of the Gatekeepers Working Group. It's a very well and highly professional presentation as far as a report is concerned and certainly sets the standard for future reports that we expect of this nature that come before the House for our endorsement and I thank those members of the committee very much for their time and effort that they've put into it

MR I. BUFFETT

Thank you Madam Deputy Speaker just to acknowledge the quality of the report and to advise that I will be abstaining from voting on this motion because of a periphery interest that I have in this industry

MR NOBBS

Thank you I would just like to echo what's been said previously in relation to the standard of the report, it's excellent, I support it, but I would suggest that in relation to the collection of data and the like that we don't just go out and say we need more money to do it. Maybe we should look at it from the view that we review what we are doing at the present time and delete certain things which may not be as important as these particular dot points that are put down there and it should be done immediately because the review is for 2005 bearing in mind that this report was done in 2003 and that we need to get on with it straight away and I ask the Minister if he could expedite something along those lines, it would be really good, because the data that is around, and it really needs collating, so I would suggest that that may be a course of action that could be looked at, and as I've already said that I support it fully that's about all I have to say thank you

MRS JACK Thank you Madam Deputy Speaker perhaps I wasn't clear before when I was mentioning an increase in the Tourist Bureau budget it wasn't to assist in the collating of data it was to actually have more force out there in the marketplace when it came to marketing the island. There is one addition I would like to make, there was a point put in here by the Gatekeeper Group to include a representative from the Norfolk Island government Tourist Bureau as a member of the Gatekeepers Working Group. I would rather see a Board member there because it's the Board that affects policy for the Manager to work to so I would prefer to see a Board member not a member of the Bureau

DEPUTY SPEAKER Thank you. Is there further debate. Adjournment has been spoken of. Perhaps the Minister may prefer to move the motion

Mr D BUFFETT If there is a reason to pause until the next sitting that's not of great discomfort

MR ROBINSON Could you therefore put the question that we do adjourn and that resumption of debate be made an Order of the Day for a subsequent day of sitting

DEPUTY SPEAKER The motion is that debate be adjourned and that resumption of debate be made an Order of the Day for a subsequent day of sitting

QUESTION PUT
NEGATIVED

That motion is negatived

MR D BUFFETT Thank you Madam Deputy Speaker, now that we've voted upon that it might be wise to just emphasis this, the report was tabled a couple of months ago and I think it has received some significant publicity and I certainly discussed it with my colleagues around the table, notwithstanding that Mr Robinson may be of a more recent situation but it has been circulated fairly widely so I don't have any discomfort in trying to finalise the matter today if that's what members are comfortable to do

MR NOBBS I move that the question be put

DEPUTY SPEAKER QUESTION PUT
AGREED

MR ROBINSON	NO
MR I BUFFETT	ABSTAIN
MR BROWN	ABSENT

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

MR D BUFFETT Thank you Madam Deputy Speaker, I table a new draft version of Chapter 10 of the Human Resources Policy – Occupational Health and Safety; and I move this motion that this House, having considered the written comments of the Norfolk Island Public Service Board and the Norfolk Island Public Service Association in respect of the draft Chapter 10 of the Human Resources Policy, in accordance with and pursuant to sections 26 and 28 of the Public Sector Management Act 2000 hereby makes the determination in respect of this Chapter 10 of the Human Resources Policy dated 21 August 2003, and produced by the Chief

Executive Officer which amends the Human Resources Policy dated 21 February 2001 by replacing Chapter 10, and declares that a copy of this motion, signed by the responsible Executive Member and appearing in the Norfolk Island Government Gazette, shall be the instrument in writing of the Legislative Assembly for the purposes of paragraph 26(1)(d) of the said Act. Madam Deputy Speaker that may sound long winded and I apologise for it being so however the essential components needed to be expressed in that way to give it legal clarity. Can I just additionally say this Madam Deputy Speaker that in the year 2000 we had a Public Sector Management piece of legislation which was new and part of the provisions of this legislation was a Human Resources Policy Document and it has various chapters. Some of them were complete at the time and some of them were incomplete and some of them required amendment and we knew that as time went on we would need to make various adjustments from time to time. Occupational Health and Safety which is the subject of this particular chapter and this motion is becoming increasingly more significant not only in the service but in other places within the island as well and so this is a revision of this particular chapter. As is explained although maybe laboriously by the motion itself it illustrates that it's gone through some processes, in other words there has been significant consultation about it. It has come to members here, I have been required to send it to the Public Service Board and the Public Service Association and they've made their comment and let me have comment back and I've distributed to members those comments. They've agreed with this document as we have it now. The document itself picks up the point that we need to have safe working places. It says that in that context there are responsibilities that relate to employers and this talks about executive management areas and middle management areas, it talks about employee rights and responsibilities and it talks also about contractors rights and responsibilities in terms of doing work within the Administration context. It provides that there should be an Occupational Health and Safety Committee and that it should have various sets of responsibility. It has general provisions for example about drinking water being available and people who work in isolated conditions need to have communications and other safety arrangements like that, protective clothing and protective equipment, reporting workplace injuries and processes such as that so that people are properly covered if any difficulties arise and rehabilitation procedures if in fact people fall into difficulties at the end of the day. I commend this motion to members of the House because it is significantly building the policies and the resources for an improved working environment for the principal service that carries out the work of government in Norfolk Island

DEPUTY SPEAKER
There is no debate. I put the question

Is there debate Honourable Members.

QUESTION PUT
AGREED

DEPUTY SPEAKER
to Orders of the Day

Notice No 3 will not come on today so we move

ORDERS OF THE DAY

SALE OF TOBACCO BILL 2004

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

Honourable Members, we resume debate

MR D BUFFETT
Madam Deputy Speaker this Bill is proposed to be handled in its final stages today. It

Thank you Madam Deputy Speaker.

was introduced a number of months ago and it has been on the table now for some time so that there can be knowledge of it. The Bill obviously as I've explained on an earlier occasion covers three broad areas. It provides for the control of, sale and distribution and use of tobacco products. It provides a system of licensing and it also covers some social aspects in terms of designated places to be smoke free including places like where you eat food, and a range of other places that especially might be confined places whether they be public or otherwise. Since that was tabled Madam Deputy Speaker there have been some very minor amendments proposed and I have circulated those on an earlier occasion to members but I will table those when we come to the detail stage but at this time we are at the stage of asking members to agree to the Bill in principle

DEPUTY SPEAKER
agreed to in principle

Then I put the question that the Bill be

QUESTION PUT
AGREED

The ayes have it. The Bill is agreed to in principle

MRS JACK Thank you Madam Deputy Speaker I would just like to note that perceived conflict of interest could occur here and I won't enter into any debate or any voting at all on this matter

DEPUTY SPEAKER

Thank you Mrs Jack, that is noted

MR D BUFFETT Thank you Madam Deputy Speaker, in addressing the detail stage of this Bill I have circulated at an earlier time, a four paragraph notation of amendments and I would move at this detail stage that we would take them as a whole and I would seek agreement as a whole. They are these, fairly minor things -
Bill Title and Clause 1
All references to "2003" to be deleted and replaced by "2004"

Clause 1

Sub-clause 3(1) is amended by inserting the following definition after "smoking product"
—
"Supply" when not falling within the definition of "sell" means to supply or offer to supply gratuitously in a non-commercial situation."

Clause 15

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

Clause 18

Paragraph 18(3)(b) to be replaced by
"(b) in the smoke free area, such that the number of signs displayed are sufficient that every person in the area can reasonably be expected to see a sign."

DEPUTY SPEAKER
amendments be agreed to

I put the question that the detail stage

QUESTION PUT
AGREED

MRS JACK ABSTAINING

MR ROBINSON Thank you Madam Deputy Speaker could I ask a question of the Minister responsible please? It only came to my attention once again, last moment, an enclosed public place, there doesn't appear to be a definition of enclosed. For instance if you go into a paddock that is fenced, that is considered an enclosed place. It was brought to my attention by a lawyer, so I'm not expert in the area. Particular in part iv, smoke free areas, on page 12, section 17, deals with it. There is that aspect of it with having no definition of enclosed in the schedule and also at 17(3) the executive member may be notice in the Gazette declare premises or a place to be exempt premises or a smoke free area. Does a restaurateur or a hotel owner apply to the Minister or otherwise or does the Minister just go and declare that's a smoke free area. I'd better declare my pecuniary interest too. I'm the only smoker here

MR D BUFFETT Thank you Madam Deputy Speaker, I think I can respond in a positive sense to one, and maybe to both if I can speak as the executive member at this time. Firstly the matter of an enclosed public space, there is a cross referencing of the Liquor Act in this particular instance and I do understand that under the Liquor Act there is a definition of that situation. The other is, in the wording the executive member may, my experience in the executive member actions is that there is a consultative process both with officers of the service who have interest and oversight in some of these areas, and in the usual sense with people who may be affected by the notice that is proposed so I can see that there is a consultative process, that's really what I'm trying to describe and I for my part wouldn't get into a flurry about that

MR NOBBS why the different Bill because there's an interpretation in this for a public place. Doesn't that answer your question Mr Robinson

MR ROBINSON Thank you Madam Deputy Speaker unless Ron's talking about the schedules

MR NOBBS No, here

MR ROBINSON Thank you. My query is answered

MR I. BUFFETT Thank you Madam Deputy Speaker I too had that section 17 marked but not for the same reason as Mr Robinson, but purely as I think the Minister referred to, that it needs a bit of discussion and clarification for those in the community who operate these premises because there are varying degrees of roll up curtains and tents and what is a tent and what is not a tent and what is a verandah and eating areas and there's a whole range of different issues that people have mentioned to me and perhaps as has been indicated, perhaps the regulations after some consultative process from the Minister we will be able to spell those out because we have a wide variety of those places in Norfolk Island. That's all I needed to say about it. Perhaps if we are in a position to pass this Act today, on the clear understanding that those consultative processes will take place in respect of that section 17. I have been approached by members in the community about this

MR D BUFFETT Thank you Madam Deputy Speaker, I would be very happy for those consultative processes to take place

DEPUTY SPEAKER Is there further debate? Minister I seek a motion

MR D BUFFETT Thank you Madam Deputy Speaker, I move that the remainder of the Bill be agreed to

QUESTION PUT
AGREED

MRS JACK ABSTAIN

MR D BUFFETT Thank you Madam Deputy Speaker, in its final form I propose that the Bill as amended in its entirety be agreed to

QUESTION PUT
AGREED

MRS JACK ABSTAIN

Thank you. The Bill as amended is agreed to

HEALTHCARE REFERRALS

The motion stands in the name of Mr Brown as having power to resume but I understand Mr Buffett that you will speak to this

MR D BUFFETT Thank you Madam Deputy Speaker, before Mr Brown asked to be excused he did have a conversation with me and he requested me to on his behalf seek the House's approval for withdrawal of Orders of the Day, the Healthcare Referral matter and also the next one which stood in his name, that is the Administration Policy re Competition with Norfolk Island Private Sector

DEPUTY SPEAKER Right. Order of the Day No 2 is Healthcare Referrals so I need to know whether you are agreed to the motion being withdrawn from the House

QUESTION PUT
AGREED

That motion is withdrawn, and the second motion in Mr Brown's name

ADMINISTRATION POLICY RE. COMPETITION WITH NORFOLK ISLAND PRIVATE SECTOR

MR D BUFFETT Thank you Madam Deputy Speaker, Administration Policy re Competition with Norfolk Island Private Sector, similarly so Madam Deputy Speaker

DEPUTY SPEAKER Then I put the question that you are agreed to the motion being withdrawn from the House

QUESTION PUT
AGREED

That motion is so withdrawn thank you

FIXING OF THE NEXT SITTING DATE

MR ROBINSON Madam Deputy Speaker I move that the House at its rising adjourn until Wednesday 19 May 2004, at 10.00 am.

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

QUESTION PUT
AGREED

The ayes have it, that motion is agreed to

ADJOURNMENT

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

DEPUTY SPEAKER Is there any debate Honourable Members?

MR ROBINSON Thank you Madam Deputy Speaker. Just to give you an indication of the type of people we are dealing with, Australia is the only Common Law country that does not have a Bill of Rights for its citizens. At the moment the Australian Federal Government is in the process of quashing the Australian Capital Territory's Human Rights legislation. There are six countries that refuse to ratify the United Nation's Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. China, Cuba, Israel, United States, Nigeria and Australia. The reason Australia foisted this, so called, "self-Government" on us in 1979 was so that Australia could ratify the International Covenant on civil and Political Rights in 1980, without seeming to be such big hypocrites. What no-one in the International Community or here bothered at the time to ask at the time was: "How could Norfolk Island possible by "self-governing" when every single piece of legislation the legally elected Legislative Assembly passes can be overturned by the Colonial Overlords in Canberra?" Think about it. And Mr Speaker there is an interesting new website, if you look up Google search, and put in the search category NISDV I had nothing to do with that site but I think people who are concerned and interested should be looking at that site. Thank you Mr Speaker

MR I. BUFFETT Thank you Mr Speaker it's on a more sobering note that I mention this particular topic, and I'm sure it's one that hasn't escaped your notice but for the purpose of the formal sitting of this House Mr Speaker, I presume and I'm certain that you will be sending condolences to the Fijian community on the death of Sir Kamesese Mara who passed away in the last day or so and just to acknowledge that as part of our formal sitting

SPEAKER Thank you Mr Buffett. I wonder if I might just say this in that context, whether you would give me the appropriate endorsement for me on your behalf to send to the Fijian people and their government our condolence upon the passing of Ratu Sir Kamesese Mara of Fiji

MR I. BUFFETT I would be more than happy to move that formally Mr Speaker

SPEAKER Thank you Mr Buffett. Are we agreed upon that Honourable Members. I know that this is rather unusual in the adjournment debate but I think it may be appropriate to tidy it

MR I. BUFFETT Well it's just that you didn't mention the matter earlier Mr Speaker, I thought you might have mentioned it prior to the Sitting. Could I also mention, and I unfortunately wrote the name on a piece of paper of another gentleman who had significant impact in the Pacific area who has recently passed away in New Guinea and could we also look at that and do a similar gesture

MS NICHOLAS

Thank you Mr Speaker. Earlier today you on behalf of Mr Brown withdrew Mr Brown's motion in respect of Healthcare Referrals and I respect his decision to do that. Mr Brown had been kind enough, on a number of occasions, to postpone debate of his motion to enable work to be done on the potential impacts should the motion have the support of Members. Once I'd begun to research the issue it became very obvious that the current differences in scale of charges between NSW and Queensland hospitals was a significant factor. Dr Colleen McCullough, as then Chair of the Hospital Board encouraged the Director at the time, Marcus Tilley, to commence negotiating the current arrangements in place with NSW hospitals which allow patients from Norfolk Island to be treated at concessional rates. This is an arrangement which should, if possible, be duplicated in Queensland and if Mr Brown's motion had gone ahead my proposed Clause 5 amendment to Mr Brown's motion dealt with that. Despite the fact that Mr Brown has withdrawn the motion – there is no reason why those discussions should not be pursued and I certainly intend to do that. Dr McCullough has indicated her willingness to assist us in pursuing that goal. The Acting Medical Superintendent, Dr Fletcher, The Director of the Hospital Enterprise David McCowan and Debbie Simpson the Administration's Healthcare manager are also supportive of pursuing that course of action. The Queensland Premier, Peter Beattie has been to Norfolk Island and I know is considered a friend of Norfolk Island. We hope that he too will be supportive of the aim. Mr Speaker it's a matter of press on regardless, but I'd like to thank Mr Brown for bringing forward his motion and stimulating action on the issue thank you

MR NOBBS

Thank you Mr Speaker. Mr Speaker you're not proceeding today with the Road Traffic Amendment Bill caught me a little short in relation to an undertaking that I made in the last few days, and not that I don't disagree with your not proceeding with the Bill because as you are well aware I'm very concerned with the way this Bill is proceeding, but anyhow, be that as it may, that's for another day but I refer to my undertaking that I would table during debate a letter from a significant number of particularly younger residents of the island in relation to the proposed traffic Act which was to yourself but it was also circulated to all members and I would wish to table that now. I find it a very interesting letter, a very informative letter and I don't intend reading it, it's about four pages or so and I think that it should be available as these particular signatories have put a lot of time into this letter and I think it needs consideration by a wider group than just the Legislative Assembly

MR GARDNER

Thank you Mr Speaker I would hope that in tabling the letter that was addressed to yourself Mr Speaker that it doesn't include the covering letter of the same date regarding some of my comments. Since that time there has been a letter that's been forthcoming that refutes some of the claims that were made in the covering letter and I think that's important that the distinction be made in tabling that document

MR D BUFFETT

Thank you Madam Deputy Speaker, I would just like to add some words in terms of the letter that Mr Nobbs has just tabled. I have received that letter of course and I have already had discussions with representatives of the group that penned the letter and I thought that a useful discussion and I have said that I would be prepared to look at the various factors that they have raised and I am about doing that and so I just wanted to give acknowledgement that the points raised are ones that I have talked to representatives about and certainly some of them can be actively perused and I am endeavouring to do that

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

1473

21 April 2004

QUESTION PUT
AGREED

Therefore Honourable Members this House stands adjourned until Wednesday 19 May 2004, at 10.00 am.

❧