



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
11TH NILA HANSARD – 20 SEPTEMBER 2005**

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

SUSPENSION OF STANDING ORDERS

SPEAKER Honourable Members, this is a special meeting of the Legislative Assembly which has been convened by the Administrator on the request of the appropriate number of Members of the Legislative Assembly. Chief Minister I turn to you

MR GARDNER Thank you Mr Speaker, I move that so much of Standing Orders be suspended as would prevent the House from only dealing with the matters listed on the Programme

SPEAKER Thank you Chief Minister. The question is that this motion be agreed to

**QUESTION PUT
AGREED**

The ayes have it thank you. So much of Standing Orders Honourable Members, are therefore suspended as would prevent the House from only dealing with the matters that we have listed

FUEL EMERGENCY BILL 2005

MR GARDNER Mr Speaker I move that so much of Standing Orders be suspended as would prevent (a) my introducing a Bill for an Act to provide for the control and management of fuel in periods of emergency and purposes associated therewith and for the Bill to be considered through all stages at this sitting and (b) the Bill from being considered through all stages at this sitting

SPEAKER Thank you Chief Minister. That is the question before us Honourable Members

**QUESTION PUT
AGREED**

The ayes have it. Chief Minister

MR GARDNER Mr Speaker I present the Fuel Emergency Bill 2005 and move that the Bill be agreed to in principle

SPEAKER Thank you Chief Minister. The question before us is that the Bill be agreed to in principle. Chief Minister

MR GARDNER

Mr Speaker in tabling the explanatory memorandum as is my practice, I will read it, in its entirety into Hansard. This Bill has been made necessary by a severe shortage of petroleum based fuel, particularly gasoline and distillate. In order to ensure that emergency and other vital services are maintained as long as possible, this Bill is designed to give the executive authority to regulate the use of various kinds of fuel by means of a declaration that will be published in the Gazette and by radio. The executive member will be empowered to declare a period of emergency that cannot exceed 3 months. The declaration can be revoked by the member or by the Assembly at any time. The Bill empowers a declaration that regulates the use, distribution and conditions of sale of fuel and empowers the appointment of inspectors to ensure compliance. The declaration when made will have the full force of law and a breach will carry a maximum fine of 50 penalty units or \$5000. Mr Speaker it certainly is useful to the listening public to provide some history in relation to this matter and the purpose of bringing it forward with such urgency this evening. As my colleagues around the table would be aware I was contacted late on Friday evening by Mr Campbell Mercer who was an executive of the Mobil corporation in Australia and I understand that he deals with the national distribution network within Australia and in that communication he advised me of the return to port of the fuel supply vessel the Greta Therese which normally services Norfolk Island and has done so for a significant period of time. He indicated to me that the Greta Therese has been taking on water in its engine room and had to return to port and therefore was unable to proceed to Norfolk Island and discharge its fuel cargo as it is normally scheduled to do. In giving me that advise he also advised of the possibility of no supply vessel being available to Norfolk Island until the end of October. From that advise he was therefore able to advise that no gasoline stocks would be available for distribution in Norfolk Island from the last week of September and that relates to the level of stocks in the Mobil tanks at Ball Bay. He also went on to advise that in his estimation and according to the information that had been provided to him by the agent that there would be no distillate or diesel product available from the 1st week of October in Norfolk Island and that was based on their normal supply pattern and distribution pattern within Norfolk Island and usage on the island. It goes without saying that, that obviously immediately raised some significant concern with me in regards to the provision of the emergency services and essential services on Norfolk Island and in mentioning those that relates obviously to the electricity service in Norfolk Island the fire service as examples. I immediately on Friday evening advised the Federal Minister for Territories office, the office of the Hon Jim Lloyd of the potential for a problem to occur down the track and contacted those Members of this forum, the Members of the Legislative Assembly who I knew had contacts in the fuel industry offshore to see whether they were able to explore possible contingencies to Norfolk Island and I thank both Mr Brown and Mr Christian for their efforts in that regard. Before closing with the discussions with Mobil on Friday evening they advised that they would be working throughout the weekend to try and ensure that there would be alternatives available for Norfolk Island that didn't basically leave us without fuel and on Monday morning unfortunately when I sort further advise from them there were unable to provide any comfort in relation to them securing alternate sources of fuel supply for Norfolk Island and to date right up until just this afternoon they've been unable to advise me of any contingency plan that they have in place for another fuel supply vessel to visit Norfolk Island before at least the end of October and I think the earliest time of a ship being able to visit Norfolk Island will be the 20th October. I advised Members of the Legislative Assembly yesterday morning at our normal Monday morning's MLA's meeting of the situation and that I was expecting further advise from Mobil and also further discussions with the Commonwealth in relation to other contingency plans that might be available. I had direct conversation with Minister Lloyd yesterday afternoon in relation to this matter and he undertook on our behalf to take up the lobbying of Mobil and others within the Federal environment to provide some assistance to Norfolk Island in this matter. Unfortunately again to date there have been no resolution to the problems faced in ensuring that we have a supply of fuel in Norfolk Island earlier rather than later although I have been assured that the Commonwealth Government is sympathetic to our cause and will do whatever they can to ensure that we do not have our services or

emergency services put in any jeopardy. I'm pleased to advise that voluntary steps have been taken in some quarters today in an effort to try and reduce the island's consumption of those fuels both gasoline and diesel and what I mean by voluntary is that the service stations I believe have all swung into line and have restricted the purchase of fuel on an individual basis depending which one you are at, that varies but basically equates between a quarter or a half tank of fuel on each visit to the service station. I'm also pleased to advise that the acting Chief Executive Officer Mr Steve Mathews has been working tirelessly on this problem over the last couple of days to ensure that our electricity service is in no way jeopardised and I understand that the ability to be able to mix avgas with diesel which is something that has been utilised by the electricity undertaking before and meets the necessary standards has already been implemented to ensure that we are able to stretch out the amount of distillate that's available on the island and that will continue whilst the shortages are evident. Mr Speaker in speaking to the Bill there are also options that are available to us, albeit not for probably a week to ten days at least and that's the possibility of being able to bring forward the sailings of the Sitka and maybe the Norfolk Guardian to provide some supply of fuel in 44 gallon drums or 200 litre drums into Norfolk Island which would be palletised however the current consumption of the electricity generator is somewhere in the region of 6000 per day which is approximately 30 of those drums so you can understand that we would probably have a shipful of 44 gallon drums if that is going to be an alternative but it is a real alternative albeit in the medium to longer term. In speaking to the Bill I will also be proposing at the appropriate time and I don't mean to pre-empt debate on it but I will be proposing to move a detail stage amendment in addressing the bill to ensure that it is the executive council advising the Administrator in relation to the declaration that necessarily needs to be made is an appropriate amendment to the Act rather than the executive member making that declaration. Finally before I invite comment from other Members around the table I would like to thank Keith Turton of Martins Agencies for his work in relation to this matter. It's been difficult for Martin's Agency, the agent for Mobil on the island. There has obviously been quite a deal of angst directed in that direction but he's done a sterling job as far as ensuring that supplies have been delivered and also advising the Administration on the necessary steps to try and reduce consumption of those fuels in Norfolk Island. I would like to thank the service station proprietors who have also worn the brunt of significant angst against them for the self imposed restrictions that they've placed on the community and to the Acting Chief Executive Officer and the Administration staff and managers for their efforts in trying to contain the usage of fuels and therefore the efficiencies and consumption and I commend the Bill to the House

SPEAKER Thank you Chief Minister. Honourable Members, the question is that the Bill be agreed to in principle. Any debate

MR BROWN Mr Speaker I'm sure the Chief Minister will correct me if I'm wrong but I understand that this Bill will apply to the whole of the Administration and its only the emergency components that will have any latitude. Perhaps the Chief Minister can confirm that

MR GARDNER Mr Speaker the Bill basically provides for the mechanisms to be able to declare a state of emergency and give the directions. The directions will be something as you'll see in the body of the Bill is something that can be expanded on in relation to the provisions within the Bill. The detail is still being worked out as we speak to ensure that the directions as they go out will apply fairly and equitably across the board but primarily are designed to ensure that essential and emergency services are given first bite of the cherry as far as fuel is concerned and then in a sliding scale from thereon in subject to I understand a series of applications that could be made for access to some of the stocks that are still available

MR BROWN Mr Speaker I intend to support the Bill but I'm supporting it on the basis that it is going to apply to everyone. I think people would be

pretty cranky if they see all the Administration vehicles still running around and I have no difficulty with an exclusion for the emergency vehicles, that's appropriate but it's got to apply to everyone

MR GARDNER Mr Speaker just in addressing that matter, in my discussions with the Acting Chief Executive Officer this afternoon indicated that he had already implemented fairly severe and significant restrictions on the Administration vehicles and I think that, that related to Administration vehicles not being provided then any more but a quarter of a tank at one time and that anything outside of the emergency services would have to be matters that are approved I believe through his office

MR NOBBS Mr Speaker I support the Chief Minister with the particular proposals through the Administration and that means that it goes to equipment as well as vehicles. I was really aghast on Monday morning when I was informed by the Chief Minister of our current situation because I was contacted on Thursday, late Thursday afternoon and I couldn't get back to the Mobil owner here in relation to a request for entry into Ball Bay of a vessel and I had heard of the vessel before and I knew it was a tanker but I can't remember the name offhand and I was advised that the vessel that comes in here the Greta Therese was taking water and had returned to the Noumea and this vessel was to take its place and we needed to provide a really urgent response to this request for permission to enter Ball Bay. So on Friday morning first thing we provided that advise and I thought everything was kosher but unfortunately it doesn't seem to be. All I can say Mr Speaker is that this is just another problem that we have. We don't need it at this point in time but it is something that we need to work through and the community will need to take it on themselves to do whatever is necessary to see us through this bit of a crisis and there may be a need in time for restrictions in the power outages at various times. Those sort of issues have to be addressed and whilst it will apply to everybody those are issues that will come up in the coming weeks unless we can work at getting another vessel to come in here so all I can say is that I will support the bill. Its provisions will apply to everybody across the island and I'm sure that we will work our way through it but as I said, it's something that we really don't need at anytime, but particularly at this point in time

MR SHERIDAN Mr Speaker as Mr Brown said, I will support the Chief Minister in this Bill tonight but I think it reinforces the predicament that this island can get itself into. It's not the first time that fuel has run short on Norfolk Island and I think it's a good indication to the Government that we need to stock pile ourselves a sufficient quantity of fuel both distillate and diesel to ensure that this island if the Mobil network does break down or the tanks dry up in Ball Bay that this island has sufficient fuel to last for say four weeks. I think every other country in the world stockpiles fuel for emergency and I think this just rams home the issue that we need to do the same, stockpile a certain amount of fuel for emergency use to go hand in hand with this bill and in the short term, I would like to encourage the Chief Minister to ensure that we have ships due I think the week commencing the third of next month, the Sitka and the Norfolk Guardian and I would like the Chief Minister to ensure all of the island that he will do all that is possible to ensure that 44 gallon drums of diesel will come onto this island and that we will not have to shut down the generators more than for a few hours at a time. I think if the generators do close down, then as I say, the lights go out on Norfolk and it will be a very sad day

MR CHRISTIAN Thank you Mr Speaker, I intend to support the Chief Minister 's bill that's before us but I just wonder if the Chief Minister may be able to shed a bit more light on the matter. It seems to me having listened to the debate so far and listening to the Chief Minister 's address it appears that the focus is on keeping the electricity generators going and that it would appear that once the current stocks in the service stations are exhausted there is insufficient fuel for the rest of the community if we give priority to the generators unless a tanker arrives sooner than the time that has been outlined in Mr Gardner's address and I just wonder if he would confirm that because if

the community will run out of fuel and the generators will be the last things going, then we need to know

MR GARDNER Mr Speaker if I could respond to that. I'm conscious of not wanting to mislead colleagues or the community in relation to this matter and I've had some degree of difficulty actually getting exact quantities out of Mobil and out of the agent here though the Acting Chief Executive Officer has been endeavouring to try and establish exactly what the remaining quantities are. Suffice to say Mr Speaker the Acting Chief Executive Officer had advised me that the advise he had received from the agents representative, Mr Keith Turton, on the island was that if the restrictions that are proposed to be put in place and those that are currently in place, with the I guess rationing of fuel, plus the further provisions proposed for rationing, should see gasoline supplies extend well into the first week of October which would coincide with the arrival of the normal cargo ships into Norfolk Island not the fuel supply ships and so all things being equal, there should be sufficient gasoline on the island to get us through to that [period of time with the initiatives that have been put in place. I can't speak of the diesel requirements other than the advise that I've received from Mobil on Friday evening that suggest that with the normal consumption arrangements that were in Norfolk Island that there was sufficient fuel in those tanks as far as distillate and diesel were concerned to see the island through well until the first week of October. Already the initiatives that have been put in place at the power house for example are that that would reduce their consumption by 50% of diesel product and with the other restrictions that are in place as far as consumption is concerned I would expect Mr Speaker that that will be able to be extended well past the arrival of those ships in the event that there is no other fuel supply coming into Norfolk Island in that time. That's the best advise that I am able to provide at this stage because I simply have not had access to the actual detail of the supplies other than that which was provided second hand by the Acting Chief Executive Officer and directly from Mobil as far as distillate diesel supplies are concerned

MR CHRISTIAN Thank you Mr Speaker. I think the situation is far more serious than we realise. I've been informed by service station proprietors this afternoon that the deliveries they have received or the most recent deliveries are the last until new supplies arrive. One service station in particular has the capacity to hold 2,200 litres and that would normally be exhausted well within a week, and I think all of the supplies of that particular service station are actually spoken for already and will be consumed within the day or two so I expect within the next two to three days that industry on Norfolk Island will in fact grind to a standstill because of the lack of diesel

MR GARDNER Mr Speaker the advise that Mr Christian has been given I understand is advise that has been given consistently across the board to service station proprietors and I believe that that is the initiative of the agents representatives here on Norfolk Island until such time as a proper and full assessment of the stocks and supply can be made and that there is provision so I understand for further deliveries to be made subject obviously to whatever restrictions are put in place either by this legislation or by Mobil who actually own the stock in the tanks at this stage

MR CHRISTIAN Thank you Mr Speaker, as I've said previously I will support this emergency bill but I've got to say now that I would be very disappointed if this piece of legislation is used in the next two or three days to direct the distributor of Mobil fuel in Norfolk Island to only deliver to Administration properties or holding tanks and ignored the rest of the community's needs

MR GARDNER Mr Speaker I can assure Mr Christian, Members of the Legislative Assembly and the community that, that will not be done unless the only supplies available to Norfolk Island are sufficient for the continuation of our emergency services which would be the electricity supply, the fire service, hospital requirements and the like

MR BROWN Mr Speaker I'm not sure whether we all appreciate the significance of the situation that we are in but the enquiries that I have made within recent days is that you can't just load a barge or a ship up with heaps of diesel and heaps of petrol and head off to Norfolk Island. The vessel it appears needs to comply with all kinds of rules and in fact I fear that we might run into a similar problem with trying to have 40 gallon drums of diesel together with 44 gallon drums of petrol on a vessel coming out of Yamba. Now if that's the case we need to know that urgently and whether we like it or not it may be necessary to take a view that we do not know when the next supply of fuel will arrive and if that's the case we have to prioritise between keeping the economy going and keeping the generators going and my fear is that we are looking at a situation whereby at this time on Thursday very large parts of the island will be out of work. I understand that the Chief Minister understands the significance of it but none of us should kid ourselves, this is really bad stuff

MR CHRISTIAN Thank you Mr Speaker, I would just wonder if the Chief Minister would be able to inform the House as to whether his discussions with the Commonwealth to date included the possibility of one of the Royal Australian Navy fleet oilers making it to Norfolk Island to discharge fuel

MR GARDNER Mr Speaker I have informed the House Mr Speaker that I have had discussion with a senior advisor to the Federal Minister on exactly that matter. As yet I just don't know how far the consideration of that matter within the Commonwealth's sphere has been given consideration

MR SPEAKER Any further debate Honourable Members. I think we've concluded debate on the matter of the Bill being agreed in principle and I will put that question to you

QUESTION PUT
AGREED

The Bill is agreed to in principal and we therefore move to the detail stage. Chief Minister you foreshadowed that when we came to the detail stage, you would have some amendments

MR GARDNER Mr Speaker thank you. I move the detail stage amendments circulated earlier

SPEAKER We have those amendments now in front of us. Is there any debate?

MR GARDNER Mr Speaker the detail stage amendment that I alluded to earlier was to amend clause 4 of the Bill by replacing the words executive member wherever appearing in that clause with the word Administrator

SPEAKER Thank you. Further debate?

QUESTION PUT
AGREED

The amendment is agreed.

We will move now to consider the clauses as they have been amended, be agreed to. Any debate upon that matter. I think it is fairly straight forward but I give the opportunity for debate if there is a wish to do so

QUESTION PUT
AGREED

The clause as amended is agreed.

We now turn to the remainder of the Bill. Is it agreed that the remainder be put

QUESTION PUT
AGREED

The ayes have it the remainder of the bill is agreed to

Could I now turn to the final motion Honourable Members, and seek that from the Chief Minister in terms of the bill as it has been amended

MR GARDNER
agreed to

Mr Speaker I move that the Bill as amended be

SPEAKER

Thank you. Any debate on the question

MR GARDNER
this is a very serious situation that we as an island find ourselves in and I do encourage those members of the community to ensure that they can do their bit to help in trying to reduce the impact of this current situation on us by ensuring that whatever they can do to reduce their electricity consumption, I understand again the Acting Chief Executive Officer has issued directions within the service today to turn off computers if they are not using them and ensure that there is attention to electricity efficiency savings within the Administration across the board as well as the utilisation of vehicles. That members of the community give consideration to car pooling activities, give a friend a ride to work or something along those lines, and those types of issues will be addressed in some of the directions I would imagine over the next few days that are issued under this legislation. Just in closing I hope that these arrangements are only of a very short term nature and I can assure the community that both myself and my colleagues around this table will continue to explore all options that are available to Norfolk Island for resupply of fuel into Norfolk Island to ensure that our emergency services, our industry as Mr Brown mentioned earlier and life on Norfolk Island is not in any way put in jeopardy and to answer Mr Tim Sheridan's concern, I will be doing everything possible to ensure that the generators don't close down for a little while longer yet and in fact I will be doing everything to ensure that we don't have to turn our generators off

SPEAKER

Any final debate Honourable Members? I put the final question that the Bill as amended be agreed to

QUESTION PUT
AGREED

Thank you Honourable Members, the Bill as amended is agreed to

That concludes therefore the matters to be brought forward at this special sitting and we look at fixing our next sitting day which is proposed for tomorrow

FIXING OF THE NEXT SITTING DATE

MRS BOUDAN

Mr Speaker I move that the House at its rising adjourn until Wednesday 21st September 2005, at 10.00 am.

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

QUESTION PUT
AGREED

The motion is agreed, we've fixed our next sitting day

ADJOURNMENT

MR T BROWN Thank you Mr Speaker I move that the House
do now adjourn

SPEAKER Is there any debate Honourable Members.

MR GARDNER Mr Speaker just briefly as a sign of the need for
the urgency of the legislation that we've just dealt with there will be an executive council
meeting that will be gathering at seven o'clock this evening to pass the legislation into
law and then the necessary gazettes will be published

SPEAKER Thank you Chief Minister. Is there any further
debate Honourable Members. There being no further debate I put the question that the
House do now adjourn

QUESTION PUT
AGREED

Therefore Honourable Members this House stands adjourned until tomorrow morning,
Wednesday 21st September 2005, at 10.00 am

