



1945 as a Flying Instructor. After the war Malcolm was admitted as a solicitor of the English Supreme Court. Between 1977 and 1979 he undertook consultancy work concerned with revision of internal organization and management processes of local authorities. He and his wife Margaret moved to Melbourne where he was employed as Chairman of the Local Government Review Board. In January 1980 Malcolm was appointed as Chief Administrative Officer, the first CAO appointed to Norfolk Island under the new government arrangements. Malcolm and Margaret made many friends during their time in Norfolk Island and to those friends, to Margaret and his three sons and their families, this House extends its deepest sympathy.

MR SPEAKER Thank you Mr Brown. Honourable members as a mark of respect to the memory of the deceased, I ask that all members stand in silence please. Thank you Honourable members.

### **PRESENTATION OF PETITIONS**

Are there any Petitions please?

### **GIVING OF NOTICES**

Are there any notices please?

### **QUESTIONS WITHOUT NOTICE**

Are there Questions Without Notice this morning Honourable Members

MR NOBBS Mr Speaker I ask the Minister for Finance does the Minister intend at some stage during the meeting to provide a report on the introduction of the NSL, and if not I've got some questions here

MR CHRISTIAN Mr Speaker I hadn't proposed to make any statement in respect of the NSL today

MR NOBBS Would the Minister advice on the acceptance of the NSL as reflected in such issues as the registrations and returns being furnished at the present time

MR CHRISTIAN Mr Speaker to the best of my knowledge the number of registrations are in the order of 600 and as when I last met with the Chief Revenue Officer a couple of days ago there had been very little in the way of revenue flowing into the NSL coffers, so to speak, but I expect that from now onwards we should start seeing some return there

MR NOBBS Mr Speaker I've got a couple more in relation to the NSL. Given persistent rumours in the community that sections of the business community will refuse to pay NSL I've a couple of questions. What procedures are in place or proposed to deal with such an occurrence

MR CHRISTIAN Mr Speaker. As a result of an NSL working group meeting held in the last few days the methodology that has been adopted is basically three strokes and you're out. We will send two letters reminding people that we think should be registered to register and the third letter will probably be a summons and we'll let the court deal with the matter beyond that point

MR NOBBS The second one is a little one I have been asked and I ask it here on behalf of a person, and it concerns all Minister who are actually in business and the question that was asked of me, do any of our Minister's who are in business, propose not to pay the NSL. I said, I don't know but I will ask them, and I'm asking

SPEAKER Mr Nobbs the way that question is couched its directed at each of the Ministers that might be in business. Is it your intention to ask them individually or through the Minister for Finance

MR NOBBS Mr Speaker I'll ask them individually or through the Minister for Finance, all I'm asking is if the Minister doesn't propose... what was asked of me, to pay the NSL, speak up now. If not, remain silent

MR CHRISTIAN Mr Speaker probably the best thing is that each Minister who happens to be in business answer in respect of themselves. In respect of myself, I can say that I have registered to pay NSL in respect of Likturk transport, my wife has registered our other business Norfolk Touring, and we intend to pay NSL in respect to that business as well

MRS JACK Mr Speaker for the persons curiosity to be sated my joint partnership with my husband on the rental property has been listed and I have my NSL number. My husband's two cigarette and tobacco businesses, one is wholesale distribution and importation has been given an NSL number as does his low duty retail outlet has an NSL number. I would say from that I would intend to pay my NSL as I would expect everybody to do the right thing because I'm sick and tired of people trying to out and a lot of that is what got us into our current position, so it's about time everybody stood up to be counted. Thank you

MR BROWN Thank you Mr Speaker. I might not believe that this is an appropriate question for a member to ask in Question time but I am nevertheless quite happy to provide a response. I am involved in three businesses. Each of them is registered for NSL and I have signed in returns for each of those businesses and I have signed cheques to pay the NSL for the August month in respect of each of those businesses

MR BUFFETT Thank you Mr Speaker. Most certainly everyone should be paying NSL. That includes Ministers, Members, Members of the business community and other people within the community who might have business transactions that are appropriate to that piece of legislation and certainly where that would apply to me, there will be payment

MR NOBBS Mr Speaker I did not expect that level of question. A final one on the NSL. What measures have been introduced to review the price of goods pre and post the introduction of the NSL and any potential or perceived or actual profiteering that occurs

MR CHRISTIAN Mr Speaker this is one area that I have indicated causes some difficulty in the NSL legislation. I'm not sure whether that function should remain in the NSL legislation or whether it's better off included somewhere else. As to profiteering, it's very difficult for an officer of the Administration to go in and determine somebody's profiteering when prior to NSL coming along we have merchants selling similar products for vastly different prices and it would be fairly unfair post NSL to go along to a merchant who had a higher price and prosecute him for profiteering because his price might be 50% higher than the guy down the road, so it's going to take some time for that issue to wash through and I have foreshadowed previously that there may be some changes in respect of the pricing surveillance component of the NSL but once again I say that consumers be on the

lookout for rip-offs and if you become aware of any take it up with the merchant directly. That's the best protection. If you think you are being asked to pay too much, query the price

MR SHERIDAN Thank you Mr Speaker. Firstly I have a question for the Minister for the Environment. Minister can you advise the listening public of the outcome of the court case with SMEC over the Cascade Cliff stabilisation project

MRS JACK Mr Speaker I can say a little on that result. I cannot give any full detail because, because while the case was found in our favour with costs awarded to the Administration we are still undergoing the finalisation of the final cost payment so yes we won the case, costs were awarded to us, the cost finding was appealed by SMEC but it was overturned, so as I said, at present we are just in that settling period to the costs. Now I would also like to state that through that court case or the actions that were undertaken we were able to have all the rock at the oval re sorted for want of a better word, and so when people go down Cascade Road we have that marvelous pile of rock. Or two types of rock. Some people have questions on the quality of that rock, but nonetheless it is a very valuable resource to the community. Some people have already asked me if they could take that resource to the community. Some people have already asked me if they can take some of that resource for various needs, so it is a desirable product, but when the final settlement has been done, I will make the dollar value available to Members

MR SHERIDAN So what you're saying Minister is that the settlement amount that has been paid is only part payment of the settlement and negotiations are still ongoing with regard to the final settlement to the Norfolk Island Government

MRS JACK Yes. The costs are up until the beginning of the trial, not for the actual trial itself owing to matters that did occur on the 26<sup>th</sup> April I think the date was, but there was more money. I understand that one cheque has already been paid into a substantial amount, the main amount has been... not the main amount, a substantial amount has been paid into the Administration but the secondary payment, that of costs that have gone on over the 3,4,5,6 years of the case has yet to be decided

MR T BROWN Thank you Mr Speaker. This is a question for the Minister with responsibility for Education. Minister in light of the recent out of court settlement between a Melbourne private school and a parent of a former pupil with relation to the school's supposed failure to adequately educate the child especially with respect to literacy, what is the Minister doing in order to protect the local community from similar actions relating to the Norfolk Island Central School

MRS JACK Mr Speaker I wasn't aware that people were concerned to that extent, about literacy and numeracy concerns, Mr Tim Brown may have a specific matter in mind which he may want to discuss with me. I'm aware that as a parent we all have problems on our adequacy of all our children's education but as to such a specific matter coming and wanting to be put before the courts, I have done nothing, I know of nothing but if Mr Brown has a specific matter at hand I would appreciate his bringing it to me and perhaps we could investigate it fully, thank you

MR SHERIDAN I have a question here for the Minister for Tourism. Minister over the past weekend there were advertisements placed in the Herald Sun in Melbourne, the Sun Herald in Sydney, the Sunday Mail in Brisbane, the Illawarra Mercury and the Newcastle Herald, all advertising packages to Norfolk Island by a wholesaler and some of the funds were contributed by the Tourist Bureau. But. The only choice of accommodation was the Colonial Hotel. Minister, considering your interest in this hotel, can you advise as to how much of the advertising costs did the Colonial Hotel pick up

MR BROWN

Mr Speaker, the answer is nil

MR NOBBS

Mr Speaker a supplementary if I may. I just ask the Minister, is it correct that the current publicity as outlined by Mr Sheridan has gone on for some weeks, has the contribution of one third each, the cost is covered by one third contribution each from the Tourist Bureau, the airline and the wholesaler. Is that how that actually operates at the present time now

MR BROWN

Thank you Mr Speaker I have no knowledge of the individual advertising programmes. Some of the individual advertising programmes are funded entirely by the wholesalers. Some are funded in a co operative arrangement between the Tourist Bureau and the wholesalers, the airline doesn't provide funds directly. It is intended to provide \$400,000 this year to the Bureau and the Tourist Bureau is administering the disbursements of those funds and those decisions are made in the main by the manager of the air service and the manager of the Tourist Bureau working together

MR NOBBS

Mr Speaker just whilst we're on tourism if I may, I've got a couple here. Is the Minister concerned that whilst tourism numbers have risen there are significant numbers of accommodation properties whose occupancy does not reflect the general increase. Are you concerned Minister

MR BROWN

Mr Speaker I'm certainly concerned about visitor numbers and that concern then reflects into the individual accommodation properties. The September numbers have been disappointing. If you look at the numbers that have been put up in the window of the Westpac Bank, we've had numbers as low as 550 and 600 here during the September month. September is normally one of our better months, and we need to have significantly higher numbers than those that we're achieving in September. When the numbers improve to the level that require, everyone should then be getting a lick of the ice cream, but there are difficulties. If we look away from Norfolk Island, wholesalers will generally contract with particular properties, not with every property across the board. The owners and operators of each property do need to work out just what their marketing strategies are going to be and they need to work out who their marketing partners are going to be and they need to actually be involved on a day to day basis in building their businesses. Now I've had discussions as recently as yesterday with a number of wholesalers, I received an email from Qantas Holidays this morning providing me with a response to a query that I made in recent days, and there are many reasons being given for the numbers being less than what we want at present. Those reasons include the commencement of Jet Star services internationally, which has brought the cost of holidays in some of the destinations down to levels below the cost of the Norfolk Island holiday. That's perceived by a number of the wholesalers as being a problem at present, and our response to that would either be to ensure that people recognise that Norfolk Island, no matter what the price, is providing solid value for money or we are going to have to examine the financial performance of the air service and see whether we are able to have another look at the fare levels that we charge. Other reasons given by wholesalers range from feeling that Tourist Bureau's in other destinations have massively more funds available to them than the Norfolk Island Government Tourist Bureau has. I haven't been able to get hard figures on all of that as yet but certainly that is the case when we look to the Australian press that there is massive advertising by some of our competitors but also massive advertising by the Tourist Bureau's in the various Australian states and territories. It is not unusual to see multi pages in the travel section of the newspapers, multi pages from just one state or territory. There are all of the other difficulties that we are aware of, such as wholesalers sending a visitor to a particular property on Norfolk Island and then finding that the property owner says to the visitor "don't go back to that travel agent next year. Ring me and I'll get you a cheap air fare and I'll give you a discount on your accommodation". That's clearly doing us damage. It is clearly causing the wholesalers to think twice about the



difficulty because as I've said earlier today, those wholesalers don't actively market every property in any destination, not just Norfolk Island but any destination and if someone comes in to a travel agency and let's say, it's a travel agency that deals with Orient Pacific, and Orient Pacific might have a number, let's assume that in their brochure they have twenty properties. I don't actually recall the number that are in their brochure, but let's say there are twenty properties in a brochure, and let's say a travel agent rang up and said I've got a client with me at the moment who wants to stay at a property that's not in your brochure, can you handle that. Well I would expect that all of the wholesalers would handle that if they were specifically requested to do that, but they would only have in their brochures the properties that they've invited. A property which is invited will be required as part of that to contribute to the cost of the brochure. Properties will generally be required to contribute to the cost of promotions through the year or so forth. Now it would be quite possible to take a view that the role of the Tourist Bureau is to fill all of the smaller properties and that you could have the Tourist Bureau heading in that direction and the airlines heading in its own direction. I think that if you made that decision you would then need to decide how many dollars you provide to the bureau and it would I expect need to be considerably less if the role of the Tourist Bureau was only to look after a few properties. I think that we are going to find that when we get the numbers back to the level that we did enjoy in earlier years, and through that level towards the 40,000 mark again, that a lot of these problems are going to go away. The numbers that we had in July and August, were compared to the last few years, good numbers but they weren't enough to provide viability to the industry itself. As Mr Nobbs has said, some properties had reasonable occupancy, others had very low occupancy. And I can tell you part of the reason for that. One property more than halved its rates for the period and other properties were then forced to make a decision as to whether they cut their rates to a similar level, and got some business at half price, or whether they left their rate at their normal level, and got no business at full price. Those who did not cut their rates in that fashion, will almost certainly have found that there was very little business to be had in that July August period. I think it's unfortunate that the rates were cut in that fashion, but once one property has done it, others have to actually join them or be left out. It is never easy for a Government to force people into the door of a particular business whether it's a particular travel agency, a particular glass bottom boat or a particular accommodation house or restaurant. If the customer isn't wanting to go there for whatever reason, it's going to be very difficult to force them there.

MR T BROWN Thank you Mr Speaker. I've a question for the Minister for Tourism. Minister Australia is experiencing problems with rental properties operating as tourist accommodation properties without having to comply with associated relevant standards such as AAA. Is this same problem being experienced here, and if so, what is intended to be done about it.

MR BROWN Mr Speaker I'm pleased to receive that question because it is a significant issue at present. The tourist accommodation legislation clearly provides that an owner cannot rent a premises to a person who is not the holder of a temporary entry permit, general entry permit or residency unless the premises are licenced under the tourist accommodation Act so a person who does not hold an immigration permit is not eligible to rent private accommodation. I'm aware of three instances at present where that has been breached. I'm awaiting advice from the Acting Chief Executive Officer in relation to two of them. I've not yet identified the actual premises in relation to the third, but I propose to do that as promptly as I can and to then seek advice from the Acting Chief Executive Officer about that. It is an offence. The owner can be prosecuted and it is appropriate that they be prosecuted. It's possible that in two of these cases, the Administration contributed to the problem by providing advice which in my view was in error and it's possible that in two of the cases the actual owners of the properties might not have known of the difficulties because two of them were rented through a real estate agency. But it is certainly unfair that accommodation proprietors be required to use only licenced premises, that they be required

to adhere to minimum standards, that they are required to be graded annually, that they are required to have appropriate insurances and so forth. It's inappropriate that we require all of that and then allow the owner of a private home to simply rent properties out to people who do not hold immigration permits. So action is being taken on it at present. It might take another week or two to get to the stage of decisions being made as to precisely what will be done to resolve the problem but I certainly will be writing to the estate agencies involved to draw their attention to the provision of the particular provisions of the tourist accommodation legislation and to draw their attention to the penalties which are provided in that legislation for any breach

**MR NOBBS** A question for the Minister for the Environment. Minister concerns have been expressed recently over parking arrangements for new developments in the central business area. Are there any guidelines available to assist developers as they plan such development and if so, what are they

**MRS JACK** Mr Speaker applications as they come in for each development has a condition, a need for an appropriate number of car parking facilities made available. That is part of the separate condition that is looked at. As for actual regulations, or a set of separate entities such as a development control plan that we have for water or multi story units or whatever, there isn't any separate sheets like that but each development as it comes through in the commercial areas of town there has been a need for each application to provide suitable numbers of off street parking for the appropriate parking for that particular use that was going to be put in, whether it was going to be a normal retail shop, a coffee shop, theatre, whatever

**MR SHERIDAN** Thank you Mr Speaker. I have a question for the Minister responsible for the Public Service. Chief Minister at the last meeting in response to a question from myself with regard to the second round of land transfers and the continuance of a suitably qualified Planning Officer within this area, can the Minister advise what has been the outcome of his homework and will a suitable planning officer be retained

**MR BUFFETT** Thank you Mr Speaker. This question was raised earlier and there have been discussions Mr Speaker with Mr Sheridan about this matter. The Minister who has responsibility for the planning area, the Minister for the Environment and I have discussed this matter, and we've had a meeting with the Chief Executive Officer and one of his senior officers also to try and identify the issues that you raise and the issues that are important to ensure that there are proper services to the community provided by that particular area. The principle officer in that area has a contractual arrangement that has drawn to a close and that is being considered. How that is to be handled so that there is a continuity act, there are some options being discussed with the Chief Executive Officer and he at the end of that conversation which was, I'm just trying to think of the day, last Friday, quite recently, he has undertaken to pursue some of those options and to talk with us further. That is the state of play Mr Speaker in respect of it

**MR T BROWN** Thank you Mr Speaker. This is sort of a supplementary for the Minister for the Environment. Minister if the Planning Officer decides not to renew the contract will you use this as an opportunity to bring forward the review of the Norfolk Island Plan so that it can be made bureaucratically less burdensome and a bit more expedient as well as being more user friendly for the applicant

**MRS JACK** Mr Speaker the answer to Mr Tim Brown's question is that I would dearly love to bring it forward but unfortunately under the current budgetary restraints it has always been earmarked for the 2007/2008 budget and I'm afraid I would be held to that. Also under the legislative requirements of reviews in five years, but no, as much



as I would like to bring it forward I think I would be duty bound to keep it to the 07/08 financial year

MR NOBBS Mr Speaker I have a question for the Chief Minister. I still have not received information on legal aid but I'll ask him a couple of questions which he may be able to answer. Chief Minister once an application for legal aid has been received, what is the procedure for assessing and approving or denying the application and also in that, what is the basis for a person actually receiving legal aid. Are there specifics such as income properties etc

MR BUFFETT There is a process for people to follow in terms of that application. It does go to a committee which has a presiding member and other Members. It is evaluated and yes, there are income tests that are applied. I just give an indicator that when we come to papers I will have a report of the Legal Aid Committee which will be a report on the current activities for the year that is progressed and I will be tabling that. It will give details of the cases that have been applied for and those that have been granted and the finances that relate to it so I will be putting that on the table

MR NOBBS Chief Minister are there any procedures in place to review the applicants defence prior to receiving and after the application has been approved, particularly relating to their plea and the number and cost of legal support provided. Are there procedures in place which this can be reviewed

MR BUFFETT Mr Speaker if Mr Nobbs will let me have that detail I will explore that and come to him further

MR SHERIDAN I have a question for the Minister with responsibility for airlines. Chief Minister on Wednesday the 28<sup>th</sup> September it was necessary for the aircraft to offload cargo and baggage totaling 330 kilos. This was mainly due to a full passenger list and a 70 degree temperature and the runway length. Considering that this left only approximately 1600 kilos of baggage and cargo taken out that day at an average of approximately 15 kilos per person, can the Chief Minister explain as to why these restrictions were not made known when the contract with OzJet was being negotiated

MR BUFFETT Mr Speaker I'm not too sure that I can give an answer in terms those factors being known the exact time that we signed the contract. What I can say is that the carrying capacity of the aircraft with OzJet was superior at least to one of the categories of aircraft that we had been compelled to gain on hire at an earlier occasion and of course that was the Alliance aircraft. The other of course was the Air Nauru which did have good capacity but as an aircraft itself was not available and we all know about that situation. The aircraft that we have under contract now is one that in normal circumstances would meet all of our requirements but I've got to say this, that quite early in the piece our General Manager did identify that if in fact we wanted in certain circumstances to make certain things available to travelling passengers that it would place an impediment in difficult times. In other words, if we had a very full load, if we had a runway situation in a more heated situation, which has a different formula to carry goods then it might place some restrictions upon us and we have on a couple of recent occasions with a full load of people, met that. One of the things that has led us into that difficulty is that we have tried to be helpful to travelling passengers, that is going out of Norfolk Island to give them some concessional weight arrangements of something like ten kilos so that people can buy in the shops here and know that within reason they'll be able to carry that without additional cost. That in peak times, adds to this difficulty that you've just explained to us. We're now trying to work through that not to impede on wanting our passenger to spend but putting that in a situation that we can assure that the basics can be carried when they actually do fly and some of those aspects are being worked through. Hopefully that gives you an idea. It's not

a very straight forward situation. There are a whole number of factors that come together to make it so

MR SHERIDAN Chief Minister that is all well and good but we were promised when this contract was signed with OzJet that we would be able to carry a full load with baggage and 1000 kilos of cargo. Now that's all well and good coming in. but the problem is going out and I appreciate what the Government is trying to do by increasing the baggage limit for passengers but this other day they could not even carry 15 kilos per person so that's not even the normal 20 kilos that is allowable by the normal time, so OzJet could not take out of Norfolk Island a full load with 20 kilos per person under any arrangement. They always will have this difficulty. Why was this not made known when negotiations with OzJet were being carried out. Why weren't we told about these difficulties

MR BUFFETT Mr Speaker in terms of the 8<sup>th</sup> September situation I've got to say that I don't have that detail in front of me. I'm very happy to examine that to see whether that was a one off or in fact whether it's a prospective continuing situation in the context that you've described. It's my understanding that it's not necessarily a continuing situation if in fact we make a drawback on giving people the allowance that we refer to but I understand what you've said, in that it may not relate to that so let me examine the 8<sup>th</sup> September in some detail

MR SHERIDAN A supplementary on that one Mr Speaker. Thank you Chief Minister that will be fine and I'll supply you some paperwork right now if that would be okay. Just a supplementary on that, if the difficulty with the aircraft is the temperature, length of the runway, with summer coming up there is a possibility of 1000 kilos of baggage and passengers having to be offloaded during summer on a fully booked flight. Now can the Minister assure the community what contingency plans are in place if these problems continue into the summer

MR BUFFETT Mr Speaker one of the obvious things in that situation is that we may not be able to carry say 106 to 108 passengers. We may have to reduce that to be able to meet our other commitments. But let me just examine the details you've provided so that in lieu of clutching at straws for the future and maybe giving a negative impression, we can ensure that, that is sorted so that we have a good story to tell our visitors

MR NOBBS Mr Speaker I have a question for the Chief Minister. Minister given that you've attended a number of meetings in Australia recently relating to KAVHA, when will you be consulting with the community on your proposal to have KAVHA listed as part of some Australian based convict arrangement and the application for its inclusion on the world heritage list

MR BUFFETT I was about to do that in statement time but I'm happy to respond to it at this moment. The situation is this. There is consideration by the Norfolk Island Government of a prospective world heritage listing nomination for the Kingston and Arthurs Vale Historic Area in Norfolk Island and I've explained that to the community beforehand and I've also explained that there are things that are running what you might say parallel to that because before a World Heritage nomination can be considered one needs to have a National Heritage consideration and to satisfy the requirements of both of those things one needs to have an up to date management plan. A management plan is being pursued at this time and a management plan is not only a requirement for those two things that I've mentioned but is an ongoing need within the Kingston and Arthurs Vale Historic Area. Mr Nobbs and others may remember that I explained that a management plan is in place in the Kingston area but it is in need of an update and that's a cyclic process that happens and we've come to the cycle where it needs to be reviewed and updated and that is currently being done. One of the important things about all of those three things, that is

update of the management plan, the consideration of a World Heritage listing and the consideration of a national heritage nomination is that there needs to be a consultation process with the public and that has been put in place and these things are prospectively to happen. I would say within a week and a half two weeks, we should have available some information bulletins that can be distributed to the Norfolk Island community and then commencing on the 30<sup>th</sup> of this month there will be a week of on island consultation processes. That is to include directly within land owners within the Kingston and Arthurs Vale Historic Area, with community groups and the wider community so that there can be an explanation as to what the World Heritage benefits are and to hear concerns that people might have in the community about the picture that I've endeavoured to just give an overview of. So in terms of a more intensified information programme and a consultative arrangement with the community which I think is the real point of your question, that is an on island arrangement that is projected to commence on the 30<sup>th</sup> September. That is, in a couple of weeks time and some of the things that Mr Nobbs has just alluded to will have opportunity to be addressed, particularly during that period

MR NOBBS Am I correct Chief Minister in my thinking that the Management Plan will be developed and will then progress with that management plan on to the application for inclusion on the World Heritage list and as a consequence of that, whatever is in the management plan will set in stone what the management arrangements for Kingston and Arthurs Vale Historic Area will be well into the future. Am I correct in assessing that, that the management plan is the most important thing that's facing this particular area at this present time

MR BUFFETT Mr Speaker the management plan is something that is in place and it is the primary tool for the management of any area and in the particular area that we are talking about, and we're talking about the Kingston and Arthurs Vale Historic Area. There is a management plan that is in place at present and that does set out those things that are suitable for the place as seen by the management plan when it was prepared but management plans are not things that are set in stone forever. Set in stone to use Mr Nobbs' words. They are in fact evaluation of the needs of the time but they do need to be reviewed. That is the very reason that there is a review that is in process at this moment and in that review there is to be a public consultation process so that the community's input can be given to the plan and so that it might reflect community needs at the time and it cyclically will move on and in other periods of time, it will be reviewed again. Earlier in question time we had questions about Norfolk Island's development plan. Now it too is a plan of management but it needs review on a cyclic basis and so the cyclic basis of renewal of the needs within a Kingston and Arthurs Vale Historic Area management plan has the same context so, it would be wrong to say that it would be set in stone but certainly for the period of its currency it would give guidelines as to how management arrangements should be undertaken. One of the things with the World Heritage listing of course is that we have a management plan at this moment and we've had it for some time. Yes, it's been varied from time to time but in addition to that over the years there have been other pieces of legislation not necessarily ours, that has come into play in terms of heritage areas within Norfolk Island and one of those is the EPBC Act. It's a Commonwealth piece of legislation. That has been in place not with our consent I might say, but it came into place a couple of years ago and it exists in Norfolk Island and those rules are applied in Norfolk Island. You might well say that at this moment, the areas of restriction, that is the area that is of concern, and it is an area of concern in the Norfolk Island arena, that the areas of restriction have been in place for some little time now. The proposal for World Heritage listing is not to add to the restrictions but to be able to have an arrangement that will give Norfolk Island a profile to gain benefit from the restrictions that are already in place and I think that's an important thing to endeavour to explain that we do have restrictions at this moment, in terms of the Kingston and Arthurs Vale Historic Area. The World Heritage consideration is not to add to those. The World Heritage consideration is to give Norfolk Island a profile whereby it can

gain the benefits that come with having that profile and that cache. But there is a public consultation process that is coming that will allow that to be further considered

**MR SHERIDAN** A quick question for the Minister for Finance Mr Speaker. Minister can you advise that when goods that are imported into Norfolk Island with Australian or New Zealand GST attached, mainly because the company's inability to sell goods GST exempt, that there's a requirement to pay duty not only on the cost of the goods but on the GST component as well

**MR CHRISTIAN** Mr Speaker I wasn't aware that was the situation. I had thought that where the GST component is paid in Australia for whatever reason, was identified clearly on the invoice that the Norfolk Island customs wouldn't include that as part of the amount that we tax, but if that in fact is occurring I can seek some advice from the customs officers and provide a more detailed response

**MR SHERIDAN** Just another quick one for the Minister for Finance, Minister also in that same area virtually, can you advise as to why when vehicles are imported into Norfolk Island that the waste management charges apply to the importation, considering that the Waste Management Centre does not in fact accept vehicles for disposal, why is this so

**MR CHRISTIAN** Mr Speaker I would expect that one way or another most vehicles that are imported into Norfolk Island do eventually end up going over the Headstone tip. That's all part of our Waste Management Centre or processes so it's probably quite appropriate that the levy be charged in the first place. Mrs Jack may be able to provide some detail as to where we are going in respect of the disposing of motor vehicles longer term, but certainly at this stage, as far as I'm aware there is a requirement that whoever wishes to dispose of a motor vehicle has to carry out some preliminary work and that involves removing the oil and other things like that, possible burning the vehicle and then arranging with the Waste Management Centre to get access to the tip at Headstone to dispose of it

**MRS JACK** Mr Speaker as a supplementary response. Mr Speaker there are problems with getting rid of the final product so to speak at the end of the life, but as for Mr Sheridan's concerns, throughout the life of the car, cars have to be disposed of, batteries have to be disposed of and those costs are borne by the Waste Management Centre as people and their oil from their grease and oil whatever terminology is, taken to the Waste Management Centre and that is processed as well, so throughout the life of the car that cost that they paid on the importation is borne by the Waste Management Centre and the recycling and sending off of various bits and pieces of cars during that time

**MR SHERIDAN** Mr Speaker a supplementary to that. That's all well and good Minister but when you talk about batteries and tyres and oil being taken to the Waste Management Centre these are usually replacements for the vehicle. Vehicles already come in with a battery, already with tyres, and when they get disposed off, usually they are burnt on the vehicle. The replacement batteries and tyres are brought in separately and the Waste Management charge is already paid on those. So what I'm saying is, why is it necessary when a vehicle comes in, the Waste Management charges apply to it because when it's disposed of, the private contractor usually grabs the vehicle, burns it and then tips it into the ocean so the Waste Management Centre or the Government has nothing to do with that at all so I just ask the question because I don't really believe the answer satisfies my question

**SPEAKER** Time for Questions Without Notice has almost expired Honourable Members. There is time for maybe one more

MR NOBBS Mr Speaker I ask the Chief Minister if I may. He would be aware that there was a proposal to provide legislation for extension of registration of professions not now currently registered though currently subject to legislation. Will this programme be proceeding

MR BUFFETT Mr Speaker thank you. I'm happy to look at further pieces of legislation if that's what Mr Nobbs is asking about. There has been no work done on that of recent times however. If Mr Nobbs has some particular area of concern that he might think requires some priority I would be happy for him to identify that to me

SPEAKER Time for Questions Without Notice has expired Honourable Members and it would require a motion for extension

MR NOBBS Mr Speaker I move that it be extended for ten minutes

SPEAKER The motion Honourable Members is to extend Questions Without Notice by ten minutes. Further questions

MR NOBBS The issue that I wanted to mention also as far as the Registration of Professions Minister and I've asked you on several occasions is, when will the amendments to the Legal Professions Bill of September last year, when will the whole Act commence. It was passed in September twelve months ago at this very meeting

MR BUFFETT Mr Speaker Mr Nobbs has raised this with me. Not necessarily in question time unless I remember that incorrectly, but he has on a more informal basis raised this with me, and I've made some initial enquiries. If I remember the detail correctly, but I'm not claiming that it is totally conclusive at this moment, is that there are still some arrangements that we need to put in place with some neighbouring jurisdictions in terms of some components and as far as I'm able to ascertain at this time, they have not been tidied but I am very happy to pursue those, so that the implementation of the legislation that has been proposed by the House in September 05 can be given some substance

MR NOBBS Mr Speaker a question for the Minister for the Environment if as reported the fuel tanks at Ball Bay are to be sold by Mobil, is she satisfied that there are no environmental issues related to the site and if she is not satisfied, what measures are to be taken to alleviate her concerns

MRS JACK Mr Speaker if one is to be satisfied with a multi national company's independent audit done on those facilities, then yes, one is satisfied. I understand that Mr Nobbs actually has some concerns on that infrastructure and has had them for some time. At this stage I don't share his views and if he was to highlight the areas of his concerns then we could discuss those and we could also discuss the funding necessary with which to have a further independent audit done and where that may take us, I don't know but at the moment I would say that going on the multi national independent audit yes I am satisfied

MR SHERIDAN A final question Mr Speaker for the Chief Minister, Chief Minister you may be going to make a statement on the Commonwealth negotiations at statement time are you? If that's the case Mr Speaker I'll leave it til then

SPEAKER Thank you Mr Sheridan. Honourable Members, any further Questions this morning. It appears that there are no further Questions Without Notice and there being no Questions On Notice, we move on to Papers

**PRESENTATION OF PAPERS**

Are there any Papers for presentation this morning

MR BROWN Thank you Mr Speaker I table the annual report from the Norfolk Island Employment Tribunal for the year ended 30<sup>th</sup> June 2006

MR CHRISTIAN Thank you Mr Speaker, I table the monthly Financial Indicators for July and August 2006 and move that they be noted

SPEAKER The question before us Honourable Members is that the Paper be noted

MR CHRISTIAN Thank you Mr Speaker, the Financial Indicators for July and August 2006 which I have just tabled tell us all that we are still in difficult times. Actual income received for the first two months of the new financial year are behind budget by \$538,000. customs duty is down \$253,000, other taxes are down by \$33,000, FIL is down by \$20,000, land title fees are down by \$35,000 and income from the liquor bond is currently \$14,000 behind budget. Mr Speaker revenue from the NSL at 1% was expected to generate \$1.2m, for a full twelve months but a one month delay in commencing the NSL will obviously reduce that amount. In addition I do not expect NSL revenue to start flowing until the end of September or even October at the earliest. Mr Speaker expenditure for the two month period is \$210,000 below budget and I will continue to monitor the situation on a weekly basis. I also wish to indicate at this time, that more cost saving measures may have to be implemented if the income situation does not improve over the next couple of months. Thank you Mr Speaker

SPEAKER Honourable Members the question before us is that the paper be noted and I put that question

QUESTION PUT  
AGREED

SPEAKER Thank you. Are there any further Papers this morning

MR BUFFETT Mr Speaker I foreshadowed earlier that I would table a report of the Legal Aid Advisory Committee as I am required to do under the Norfolk Island Legal Aid Act 1995. It's a report to the House in terms of that piece of legislation. I table this report, which contains a report from the secretary of the Legal Aid Advisory Committee and also a report from the presiding Member of the Legal Aid Advisory Committee. It provides statistics on applications considered, applications approved, it provides detail of those, and it provides the monetary situation in terms of the assistance that has been provided. I table that document Mr Speaker

SPEAKER Any further Papers for presentation this morning Honourable Members

**STATEMENTS**

SPEAKER

Are there any Statements Honourable Members

MR CHRISTIAN

Mr Speaker I wish to make a short statement in respect to J E Road. Mr Speaker I have received information from the Executive Director of Environment Infrastructure and the Public Works Manager. Mr Speaker there can be no doubt that the JE road reconstruction is a major project that was executed under very difficult adverse weather conditions. Mr Speaker the project was spread over two financial years, 04/05 and 05/06 and the works included property boundaries being surveyed. Removal of large trees, extensive earth works, reconstruction of broken bridge, installation of culverts and drainage pipes, installation of new fences, installation of concrete curb and gutters, installation of new driveways, construction of the actual road carriage way and landscaping at the conclusion. Mr Speaker the section of JE Road which has been upgraded is approximately 700 metres long and cost a total of \$455,000 with over 90% of the value of this work being carried out by six local contractors and suppliers. Given that the ball park figure to upgrade one kilometre of road without the extensive additional work required, JE Road being between \$300 to \$400,000 I consider the total outcome of JE Road to be an excellent result and demonstrates beyond doubt the benefit of engaging specialised local contractors to perform the vast majority of road work within Norfolk Island

MR CHRISTIAN

Mr Speaker I wish to make a short statement in respect to the roads programme for 2006/2007. Mr Speaker I had previously indicated that the completion of the Burnt Pine upgrade would be the next major piece of roadworks. In light of the costs to complete this work, estimated to be approximately \$800,000 I have decided to run with the revised works programme for 06/07 whilst continuing to plan and accommodate funds and materials for the Burnt Pine upgrade. I see this work being completed in 07/08. the revised programme consists of work on the following roads, Quality Row 1000 metres of roadwork, Stockyard Road 750 lineal metres of roadwork, Rooty Hill Road 1950 metres of roadwork, Middlegate Road 2280 metres, the Waste Management Centre road being 700 metres and drainage works in various places around the island and fill being placed and compacted in respect of Berry Chapman's lane and the Bumboras Road and I expect this work to consist mainly of cyclic maintenance and chip coat sealing of existing roads with a projected total cost in the area of \$500,000

MR BUFFETT

Mr Speaker a couple of statements if I may. Firstly Mr Speaker I advise that Mr Justice Murray Wilcox is to retire from judicial office and has tendered his resignation to the Governor-General. Judge Wilcox's resigned from the Supreme Court of Norfolk Island and that will take effect from 30 September, this month. I do wish on behalf of the House to acknowledge his distinguished association and contribution in his role as a Judge of the Supreme Court of Norfolk Island which he has been since July 1993 and I thank him for undertaking those judicial duties in this context and wish him well in his retirement

Mr Speaker a statement on the Commonwealth of Australia relations. Firstly we had a community briefing on Thursday 7<sup>th</sup> September and Members will recall that. It was quite a fulsome briefing and I thank those who were participants in it. The conclusion of that foreshadowed the next stages that we were to be about and in brief they were, to brief the Commonwealth on the Econtech report and to have further discussions on the Government's models. The Econtech briefing is moving forward and that is to be held next week as foreshadowed. This will be a major presentation by the principle of Econtech, Mr Chris Murphy, and he will be attended by myself as Chief Minister and the Minister for Finance and our senior officers in that context. That is foreshadowed for next week. Dates for further Governance discussions, those dates are still being finalised, they may well be in

the same week but we really are continuing to work through dates to establish those clearly. We've signalled that we are ready to talk forthwith. That's just a brief overview since the community briefing Mr Speaker about those two matters

Mr Speaker I have two further statements to make. In August the Government announced that HMAS Sirius, a ship which the Royal Australian Navy has agreed to be adopted by the Norfolk Island community at our request, the HMAS Sirius would be commissioned on the 16<sup>th</sup> September and that the Royal Australian Navy had invited Mrs Janine Nobbs of the Norfolk Island community to be the guest of honour and the Commissioning Lady. I'm very happy to report Mr Speaker that, that commissioning took place last Saturday the 16<sup>th</sup> and I attended on invitation of the Royal Australian Navy. The ceremony was both a decommissioning of HMAS Westralia and the commissioning of its successor the HMAS Sirius. I was told that it was the first occasion since I think the 1930's that such a joint ceremony had been conducted by the Navy. The ceremony was carried out in the presence of the Chief of the Navy, Maritime Commander who is Admiral Thomas and a range of invited guests. The commissioning lady accompanied by her husband Brancker Nobbs was formally received on Parade, accorded musical honors, inspected the guard and made an impressive speech and I've got to say that she carried out these duties with dignity and presence and on behalf of Members here this morning I offer her congratulations and thanks on behalf of the Norfolk Island community. HMAS Sirius is likely to visit Norfolk Island in the earlier part of next year but I tell you this Honourable Members, the commanding officer who is Commander Crawford clearly said he wouldn't visit in the same month that the first Sirius was wrecked off Kingston in Norfolk Island. Other months are of course available and in making that report, may I pay tribute Mr speaker to yourself in the part that you played in pursuing the adoption arrangements between HMS Sirius and the Norfolk Island community

This is about the role of the CEO. The Government in consultation with Members has set a programme to fill the position permanently of the Chief Executive Officer and just let me give you some benchmarks in terms of this. By the end of this month, that is September, the plan is that I have consultations further with Members about the position description and the packaged arrangement so that we might in October advertise the position. The plan is that we would endeavour to conduct interviews in November and by the end of November make a selection of an appropriate person. The plan is that we might then commence whoever is selected by March of 2007. Mr Speaker Mr Mathews continues to ably continue the role of Acting Chief Executive Officer and I thank him for continuing in this task whilst we go through the processes of making a permanent appointment

SPEAKER Further Statements Honourable Members. No further Statements and as I report earlier there are no Reports from Standing Committees. We move on

### **MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 43**

Honourable Members I have received the following message from the Office of the Administrator. It is Message No 43 and reads, on the 24<sup>th</sup> August 2006 pursuant to subsection 21(1) of the Norfolk Island Act 1979 His Excellency the Governor-General declared his assent to the following, the Legislative Assembly (Register of Members' Interests) Amendment Act 2006 (Act No 19 of 2006), and that message is dated the 28<sup>th</sup> August 2006 and is signed Grant Tambling, Administrator

We move to Notices Honourable Members

### **MUSEUM TRUST ACT 1987**





Hamilton MacSporran and appoint Ronald James Holdsworth; and Wayne Daniel Richards as persons who may file an information for an indictable offence triable before the Supreme Court. As I said Mr Speaker this motion is similar to the previous one and it is necessary as a result of changes as I've already described. It's to revoke an earlier appointment, that is Peter MacSporran's and to appoint Mr Holdsworth as I've just elaborated upon but also Mr Wayne Richards who has been recently appointed. Mr Richards of course will be well known to us and I need not to elaborate detail about him but I commend both appointments to the House

SPEAKER Thank you Chief Minister. Any further debate? The question is that the motion be agreed to and I put that question

QUESTION PUT  
AGREED

Thank you. That motion is agreed to

### **IMMIGRATION (AMENDMENT) BILL 2006**

MR BROWN Thank you Mr Speaker, I present the Immigration (Amendment) Bill 2006 and move that the Bill be agreed to in principle

SPEAKER The question is that the Bill be agreed to in principle. Mr Brown

MR BROWN Thank you Mr Speaker the Bill is tabled today. It is not proposed that it be dealt with to finality today. The bill is aimed at overcoming what is seen as a few deficiencies in the existing Immigration Act. The first of those deficiencies is that section 23 of the Act which is the condition which deems a permit to be cancelled in certain circumstances and at present the executive Member does not have the ability to retrospectively overcome that difficulty. It is proposed that section 23 be amended so that the executive Member be able at any time in his absolute discretion to give to the former permit holder a certificate reviving the permit despite the breach. It has been suggested by one Member of the House that it may be appropriate that the executive Member take such action after seeking advise from the Immigration committee and at our next meeting I propose to introduce an amendment to this Bill in order to take that up. It is a sound suggestion. The next proposed amendment relates to the question of fees where there is an argument that at the moment we have not prescribed fees for extension or renewal of permits. We've always intended that they be the same as the fee for apply for an original permit and it's proposed that the Act be amended to say exactly that. The final proposal is that the Act is further amended so as to provide that the regulations may prescribe guidelines which are not inconsistent with the Act in relation to the granting of permits and so forth. The purpose of that is to make the system a little bit more precise than it is at present. At present we have the guidelines, those guidelines can in some cases be interpreted as perhaps not being consistent with the Act and we need to resolve that, but we want the guidelines then to have the force of law rather than just being a list of the policies that we think are a good idea. Members will note on the second page of the Bill, towards the foot of the page there is within brackets the number 3. The Minister for the Environment drew my attention this morning that that may be a typographical error, and if that is the case that too will be corrected at our next meeting. Thank you

MRS JACK Mr Speaker I just ask the Minister with responsibility for Immigration when you were discussing before the amendment of section 89(b) and you referred back to the fee for an extension or renewal would be the same as an original permit, so long as there's no ambiguity there that the original permit price goes back to something

prior to 1979 that we've taken into account all the CPI adjustments made through the intervening years and slightly above that in the replacement of section 23 breach of conditions, 23(2) where it refers to the Executive Member may at any time at his absolute discretion, I have a problem with the word absolute being used because it's still a reviewable decision under clause 85 and so could you just help me out there please

MR BROWN Mr Speaker the intention is that a decision under section 23 will in fact not be reviewable and that's the reason for the proposed section 23(3) and that's the reason for the term absolute discretion

MRS JACK Mr Speaker doesn't 85 apply just to the visitors permit which is reviewable by the Administrator, so you're saying that nothing will be reviewable at all, only the visitors permit will be reviewable because that's under the Administrator

MR BROWN Mr Speaker it's unfortunate that there still appears to be a number of short falls in the existing draft and it may well be rectified by the time of our next meeting. The reference to section 85 should probably be referenced to section 84. The thinking behind this is that inconvenience can be saved by providing the Executive Member with discretion but we don't want to create a situation where there can be multiple appeals and for that reason it is felt that the benefit to a former permit holder can be provided by making this change but that if it's decided not to extend that benefit then the former permit holder would need to simply make application for a fresh permit and the point raised by the Minister in relation to the proposed amendment to section 89 is also appellate Mr Speaker rather than dealing with a fee for the original permit it should probably be worded along the lines of a current fee for the issue of such a permit

MRS JACK Mr Speaker just one more query and it was in the view of the Minister in what he said earlier in the debate when certain matters in the current policy were felt not to be consistent with the Act so by putting them in here, have you put the same doubts in here, trying to legitimize them

MR BROWN Mr Speaker this does not aim to adopt our existing policy and guidelines booklet. What this aims to do is to say we can make a regulation setting out policy, provided that the policies don't conflict with the Act, so the policy booklet will need to be further reviewed to ensure that no conflict remain in it. That endeavour has already been made in recent years, but it will need to be checked again, and the proposal will be that if the Bill becomes an Act, a regulation would be drafted with the revised policies forming part of it and that regulation would then be made law

SPEAKER Any further debate Honourable Members. Then I look to you Mr Brown for a motion to adjourn

MR BROWN Thank you Mr Speaker, I move the adjournment

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

QUESTION PUT  
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

MRS JACK Thank you Mr Speaker, I present the Greenwich University Repeal Bill 2006 and move that the Bill be agreed to in principle.

SPEAKER The question is that the Bill be agreed to in principle. Mrs Jack

MRS JACK Thank you Mr Speaker Mr Speaker there's not much I wish to say at this point in time save for that the need for this Act has passed due to the constraints placed by the Australian Federal Government under the Commonwealth Higher Education Funding Act 1988. my understanding with regards to the I guess one would say past owners of the University is that the sold the interest in that business, that's my understanding but however I stand to be corrected and that it has moved offshore and during that time they sought due care and ensured that all students enrolled at that time were found places elsewhere and so I hear that once the transitional provision was muted for this Bill I see that there would be no need for any transitional arrangements. Mr Speaker my view is that there is no practical possibility that the University will be able to restart operations in Norfolk Island while the Commonwealth maintains its opposition and as such is surplus to requirements. Thank you

MR BROWN Mr Speaker if the purpose of this Bill is to begin a process of removing from the statute books those laws which are no longer required then I would prefer that we deal with all of the Acts that we feel are no longer required at the same time rather than just one at a time. It's not proposed that this Bill be dealt with to finality today. I've endeavoured to make enquiries in relation to two things, firstly what would be the impact on existing degree holders from Greenwich University if the Act is simply repealed. Does it have an impact on the validity of their degrees. I don't yet have an answer to that. It's obviously something that all of us would want to be sure about. The second thing is that I do not know whether Greenwich proposed to seek registration from the Australian authorities under the new Australian legislation but I am informed that changes are on foot in Australia which if they've not already occurred, may well enable an all external studies university such as Greenwich was, to satisfy the requirements of the Australian legislation so I'm not saying today that I'll be voting against the legislation, I am saying that I would prefer to see all of the surplise legislation dealt with at the same time but I'll endeavour to conclude my enquiries by the time of our next meeting and we can handle it then

MRS JACK Mr Speaker in relation to all of the Acts that are surplise to requirements being dealt with at once, I dispute that as one portfolio that could have that matter finalised rather than taking a whole approach because we've all seen that when you try and tackle something in its entirety we can still be here for a long time afterwards and its better to take the small bites of the cherry and get it done

SPEAKER Any further debate Honourable Members. Then I look to you Mrs Jack for a motion to adjourn

MRS JACK Thank you Mr Speaker, I move that debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting

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

QUESTION PUT  
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

**HEALTHCARE (AMENDMENT NO. 2) BILL 2006**

MR BROWN Thank you Mr Speaker, I present the Healthcare (Amendment No 2) Bill 2006 and move that the Bill be agreed to in principle

SPEAKER The question is that the Bill be agreed to in principle. Mr Brown

MR BROWN Thank you Mr Speaker this is a short Bill. It's purpose is to bring the provision of free medical services, pharmaceuticals and medical equipment in line with the classes in respect of which provision is made in the Medicare system and the Pharmaceutical Benefit system in the Commonwealth. This has been done by following the existing system that defines medical services and free medical services. The effect of the amendment is to leave untouched the inclusion of optometry and physiotherapy and similar charges in excess of \$200 while retaining existing exclusions such as dental charges, cosmetic surgery and elective surgery. The amendment does not relate to the recovery or allowance of charges, I take that back, the amendment does not relate to the recovery or allowance of charges to the amounts prescribed by the Commonwealth systems but uses those systems merely for classification purposes. Mr Speaker, to put that more simply, the proposal is that the healthcare scheme cover only items which are included in the Medicare schedule of the Commonwealth and items which are included in the Pharmaceutical Benefit scheme in the Commonwealth and it is intended that the ex gratia HMA scheme which provides healthcare benefits to certain social service beneficiaries will be similarly amended. The Bill includes a commencement provision which is that the Act if passed, will have effect from today. I propose that the Bill will sit on the table for a month Mr Speaker. If anyone within the community would like to speak with me about it, I would welcome such a discussion and if Members have any queries I will do my best to respond to them. Thank you. I should add one thing Mr Speaker, there will be certain treatments that will not be covered by Medicare in Australia and there will be certain pharmaceuticals for example which will not be covered by the Australian PBS scheme. I've had discussions with the Department of Veterans Affairs this week, about a similar issue and they told me that they will be considering items which are outside what they cover on a case by case basis, so they'll have the standard scheme, so there will be provision to look at one off changes if it is felt that they are necessary and justified. Similarly our system enables that one off consideration so if a particular treatment which was not covered by Medicare in Australia would therefore not be covered under this amendment if that treatment was thought by a medical practitioner to be an important treatment in the case of a particular patient, then the medical practitioner will be able to write to the executive Member in the same way that the medical practitioner is able to write to the Dept of Veterans Affairs and set out a case for providing for coverage of that particular treatment or drug, notwithstanding that it is not in the Australian system. Mr Speaker I think that, that is an important safeguard but I think that it is equally important that we have system that clearly sets out what is covered and what isn't and it's only at that stage that the safeguard needs to be thought about. Thank you

MR NOBBS Mr Speaker I understand that when we discussed it on Monday that Mr Brown was going to be looking at some information to bring back to us and I think it was related to usage of certain things in the hospital. Am I right in remembering that or am I incorrect because the discussion really was that some of the treatments that are happening at the hospital now which appear from a layman's point of view to be quite beneficial will not be included in the list and I was wondering, although now the Minister tells us that this can be applied for directly by the Doctors, as a bit of a safeguard but I think the question that I was asked at the time was what's the real cost of these sort of treatments at the present time. It is extensive or is it not



Regimes inquiry conducted by the Commonwealth House of Representatives Standing Committee on Legal and Constitutional Affairs the Norfolk Island Government of the day noted under private laws "the most pressing need in this area is for a new personal insolvency legislation. The island has no meaningful bankruptcy legislation and the Australian law Reform Commission general insolvency report is being studied. Following this, during the early 1990's there is evidence that consideration was given to extend the Commonwealth Bankruptcy Act to Norfolk Island to allow this to happen the Commonwealth agreed at the time to amend the Commonwealth Bankruptcy Act. However in September 1996 the Norfolk Island Government formally advised the Commonwealth that it did not wish the amendment to proceed, and that it was the Norfolk Island Government's preference to enact it's own legislation. Subsequently there's been some talk but no real action until a bill was developed in 2005 by the then Chief Minister, yourself Mr Speaker, and it was tabled as an exposure draft in the House. The bill currently before the House is I understand, the same bill as that tabled other than relevant dates have been changed. Other issues. The ability of Norfolk Island to administer such an Act. The Bill is relatively simple. The Bill is designed to utilise the existing legal structure of the court and the court registries, with the principle jurisdiction with the Supreme Court. The Bill is based on the law enforced in Papua New Guinea, that was itself, based on Australian laws and its been drafted to be simple in writing, simple in substance and simple in administration. The final issue is how does it fit with Norfolk Island . the legislation is well attuned to a small society. It's not expensive to run and has the benefit of being far less onerous. It is an improvement on the legislation that applies on the island to date and its archaic system of imposing imprisonment for debt. We all I believe and particularly in this location look back in horror at the plight of those who were sent to and incarcerated in Norfolk Island as convicts for simple debts. We may wish to move towards the eradication of such activity in the 21<sup>st</sup> century. Mr Speaker I'll be moving in due course that the Bill be made an order of the Day for a subsequent day of sitting. Thank you

MRS JACK Mr Speaker this is a short query, there has been no talking of official trustees and there's no real, what makes an official trustee. What are the qualifications, what is the background. I can't see anything in the interpretation definitions or actually in the part 2 which goes on to talk of the official trustees and bankruptcy proceedings and so I would just like some clarification by Mr Nobbs as Member for introducing this bill just on what makes an official trustee. Do they need special qualifications, do they need to be registered here, because I believe unless there is another act that supports this somewhere that we need that interpretation placed

MR BROWN Mr Speaker I would be interested to see an economic impact statement in relation to this bill. My initial reaction is that it would be more effective in many ways for us notwithstanding what may have been said to the Commonwealth in 1996, to invite the Commonwealth to simply extend their legislation if we were of a view that legislation is necessary. Now I'm not certain that legislation is necessary. Firstly we need to ask ourselves what we are trying to achieve. Are we trying to provide a way for someone to remove the liability to pay to pay his debts. Because that's really what a Bankruptcy Act does. It provides the ability for a person to file a debtors petition, be made bankrupt, after a short time, perhaps apply for a release from that bankruptcy but after a fixed time be automatically released. And there's no guarantee that any of the debts get paid in that time. The Bankruptcy Act would also normally include provisions for what are called compositions, where a person's creditors can be called together and a proposal be put to them to accept so many cents in the dollar, and if the requisite percentage of total creditors representing the necessary percentage of total debt agree to the composition, that's that, however many cents in the dollar get paid and the bills are out the window. So make no mistake, this is not a bill for an Act to force people to pay money. It's in fact a bill for an act to provide ways for them to not pay money. The next point is that people can already make use of the Australian bankruptcy legislation to file a debtors petition from Norfolk Island. I can tell you that it has

been done on a number of occasions and that the trustee in at least one of the Australian states is quite sure that he has the ability to deal with a petition filed in his office in that way. The next thing that I think is relevant is that a Bankruptcy Act really doesn't in my view provide anything more than the law already provides to enable a person who is owed money, and has a judgement from the court, to collect his money because that person if the police were willing to execute a written execution, and I acknowledge that the difficulties about that in Norfolk Island but bearing that in mind I ask Members to consider what willingness the police will have to play any role in relation to a Bankruptcy Act because I continue to be told that they refuse to execute Writs of Execution but there is provision in the existing legislation for someone who has obtained a judgement to execute his judgement and obtain such payment as may be available. I appreciate that this bill will sit on the table for a month but let's ensure that we know exactly why it is that we are wanting to pass a bill of this type if that's what we decide to do, let's make sure we know what it's going to cost, let's make sure that we have the ability to administer it and let's make sure that it is the best way to go about achieving what ever the aims is finally stated to be. Thank you

MR BUFFETT Mr Speaker Thank you. This is really a peripheral to the debate but a comment was made just by the last speaker which I need to put into perspective. There was a comment which says that Norfolk Island police might refuse to undertake Writs of Execution. And indeed Mr Brown has written to me on this matter. I have talked to the police and they do undertake such work and I can elaborate on that to Mr Brown but as it was publicly said, I need to just put that in context

MR BROWN Mr Speaker I thank the Chief Minister for that comment. I'll look forward to talking to him. I have letters from the Administration saying that the police do refuse to do it so as soon as I've spoken to the Chief Minister I'll point out to the Administration the errors of their ways. Thank you

MRS JACK Mr Speaker in view of Mr Brown's debate, what is there under the current system in the way of penalty for people who through poor business decisions, whatever, go down the chute and then here in the current situation I'm led to believe they can turn around and open up another business the very next day. Now not only have other people lost their money, more people can lose their money through such practice and isn't this Bankruptcy Act that's been put forward by Mr Nobbs, taking into account. Responsibility. Responsible management for business arrangements

MR BROWN Mr Speaker a Bankruptcy Act applies to an individual person. It doesn't apply to a company. We already have a Companies Act and that legislation contains provision which would enable a person to be barred from acting as company director for a period and that happens in Australia where someone has a company which collapses, the powers that be have the ability of whether to seek an order that maybe ban that person as a director and from recollection a person who is a bankrupt cannot be company director during that time. So it is the case that if a person was made bankrupt here he wouldn't be able to be a company director, but if he's trading as a sole trader or as a partner, he doesn't need to be a company director

MRS JACK So in actual fact he can go and start up, going from A holdings to B holdings, just the name of a shop, just go down the alphabet

MR BROWN Mr Speaker this happens every day of the week in Australia where they have a far thicker Bankruptcy Act than this. The thickness of the legislation doesn't appear to prevent that and I don't think it would be prevented here or anywhere else, by having a Bankruptcy Act



SPEAKER Any further debate Honourable Members. Then I look to you Mr NOBBS for a motion to adjourn

MR NOBBS Thank you Mr Speaker, I move that debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting

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

QUESTION PUT  
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

### **ORDERS OF THE DAY**

We move on to Orders of the Day Honourable Members. I have been requested by the Minister for Finance at this stage, not to bring on Orders of the Day No 2 so if Members are of the view we can deal with Orders of the Day Nos 1 and 3

### **NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ACT 1980 – METHODOLOGY FOR APPOINTMENT OF MEMBERS OF THE TOURIST BUREAU**

We resume on the Question that the motion be agreed to and Mr Nobbs, you have the call to resume

MR NOBBS Thank you Mr Speaker. I spoke on this at the last meeting. I've had some representations from people in the community which suggests that this is the way to go. They were somewhat concerned at the way that the current appointments can be made and weren't really aware of it until we had this discussion at the last meeting, or two meetings ago, and that this proposal is something that should be brought into line, or the people that I've talked to felt that it should be brought into line for all such appointments to government appointed boards or committees or the like, and therefore I leave it there and leave it with the House at this stage

MR BROWN Mr Speaker I have concerns with the motion. Whilst I accept that there would be merit in having an identical process in respect of appointments to all of our boards and tribunals and so forth, the fact is that the Tourist Bureau out of all of them, is the one that would draw the most comment. Some are firmly of the view that the role of the bureau is to do x, others are firmly of the view that the role of the bureau is to do y. The people who you would normally be seeking to appoint to the Tourist Bureau are in general, people who are working within the business community, some of them own their own businesses, some of them are employees, but they are not going to want to be in the middle of a slanging match down here as people argue their different philosophies about just what the role of the Tourist Bureau should be and as people endeavour to speak against some candidates and speak in favour of others. I think in the case of the Tourist Bureau that would be a backward step and for that reason I don't support the motion

MR NOBBS Mr Speaker I understand where Mr Brown is coming from and I would suggest that if it's so important, that we should return to what was done at the hospital some years ago, and that there be an election held for Members of the Tourist Bureau if it's so important to the island here. I see it as just another board, and whilst the hospital could have been in the, not so long ago until we changed the board situation, was in the same sort of position that it was important and there were a lot of people with different views on health matters here so that was always done with aplomb and decorum I believe

and I can't see why similar arrangements for the Tourist Bureau board cannot be put in place

**SPEAKER** Honourable Members it might be useful if I read the wording of the motion, that this House requests the Executive Member with responsibility for tourism to introduce at the next sitting a bill to amend the Norfolk Island Government Tourist Bureau Act 1980 to delete subsection 4(2) of the Act and substitute a new subsection 4(2) to provide that Members of the Tourist Bureau shall be appointed by the Executive Member in accordance with the recommendation of the Legislative Assembly. Is there any further debate. Is there any further debate. There being no further debate I put the question that the motion be agreed to

#### QUESTION PUT

Could the Deputy Clerk please call the House

MR BUFFETT	NO
MR GARDNER	AYE
MR SHERIDAN	AYE
MR NOBBS	AYE
MR CHRISTIAN	NO
MRS JACK	AYE
MR T BROWN	NO
MRS BOUDAN	AYE
MR BROWN	NO

The result of voting Honourable Members, the Ayes five the Noes four, the motion is agreed to. As I advised earlier Honourable Members Order of the Day No 2 is not to be brought on today so we move on

#### HEALTHCARE LEVY INCREASE

**SPEAKER** Honourable Members we resume debate on the question that the motion be agreed to and Mr Brown you have the call to resume

**MR BROWN** Mr Speaker Members will recall that this is a motion aiming to increased the Healthcare levy by \$7.50 per quarter, that is, by \$30 per year and it's purpose is to increase the reserves of the Healthcare Fund having regard to the fact that the Healthcare Fund now self insures and it is necessary to have appropriate reserves. Thank you

**MR T BROWN** Thank you Mr Speaker, Minister previously when we were discussing this, you mentioned that savings of around the same amount that we would get from this increase could possibly be achieved through improved management of the various funds and what not. Has any savings been achieved or any changes in management occurred since this bill was brought into the House

**MR BROWN** Mr Speaker an example of that is the Healthcare Amendment No 2 Bill which was introduced earlier today where we have attempted to more clearly define the treatments which will be covered by the Healthcare Fund. There is little doubt that the passage of that Bill if it indeed passes through the House, will reduce the level of claims which are paid by the fund. The other benefit of that change is that the nature of each treatment will be able to be accurately described by the medical practitioners because they are familiar with the Medicare schedule. The actual management of the healthcare fund is done within the Administration and the present manager is quite efficient.

she does a good job and she regularly speaks with me in relation to improvements which she would like to see in the way that the scheme is constructed and run so indeed I am anticipating that we will achieve savings during the current year in that fashion, but the larger savings will come from savings in relation to overseas treatment where I will be seeking the agreement of the House in the near future to selecting and appointing a mainland firm to assist us in terms of negotiating a rate with mainland hospitals, and in terms of monitoring the progress of patients so that patients are treated and released as quickly as possible, rather than experiencing the difficulty which has occurred, where people have remained in hospital in Australia for massively longer periods than are appropriate and in one case, it was a period of some months so those are the sorts of things that I'm talking of in terms of management savings. Obviously we won't be able to control the rate at which people contract illnesses or other health problems, nor will we be able to control the developments in medical science and medical treatment because more and more expensive forms of treatment appear to be coming along each day and understandably people will be urging that they have the benefit of those treatments. Mr Speaker it has been pointed out to me that the Bill presently provides that the increase will apply from 1 September 2006. I will at an appropriate time seek to amend that date to 1 December 2006. Thank you

MRS JACK Mr Speaker, Minister you spoke to this stating that it was self funding with the replacement of the insurance collection so are you envisaging a time when the kitty reaches a magic number that this would be a fee that would then be put aside for a certain period of time or is it always going to be there ad infinitum

MR BROWN Mr Speaker the pool of monies in the Healthcare scheme can be applied in various ways. The primary application of course is satisfying the claims of Members. Secondly there needs to be an adequate reserve in the fund so that the fund is covered not only for known claims but also for what is called claims incurred but not reported, that is, things that are working their way through the system and have not yet reached the stage of the claim being submitted and sometimes, you know that there's going to be a future claim although the person might not have been referred for treatment, but I would suggest to Members that it is a valid application of part of the funds in the healthcare scheme to look at using a part of those funds towards the cost of a new hospital because the provision of a new hospital is going to be a necessity at some stage down the track, the better the quality of treatment that that hospital can provide, the better result is achieved for the Members of the fund and in many cases, the cost of overseas treatment might be avoided. I would not have anything else in mind that might be done with those funds and if it was felt that any funding that a new hospital should come through a normal budget vote rather than through the Legislative Assembly deciding to make use of part of the funds of the healthcare scheme in that way, then you may well reach a stage where the reserves are adequate and the healthcare levy could be reduced. I don't have a crystal ball in that regard. I don't know to what extent the cost of medical treatment will continue to increase, but in other places it is said that the cost of a particular let's say unit of medical treatment is increasing at a rate many times the rate of increase in the general inflation area of the community

MRS JACK Mr Speaker I wonder with that inflation, are we biting off more than we can chew, going in for our own self insuring and also is that figure a stationery figure, that \$7.50 or is it through some other part of the current legislation, able to be altered through normal CPI increases

MR BROWN Mr Speaker the intention at present, is that we would amend the legislation at any time, when we wished to vary the levy, be that up or down. It's not presently proposed that the levy be linked to the retail price index. If the House wanted to do that it could certainly be done, but at present it is a fixed amount which will only change at such time as the House decides to amend the legislation

MRS JACK Mr Speaker I've throughout various stages and increases in charges and duties payable recently gone against all the motions because I feel that the community has enough to bear at the moment however, I do intend to support this. Thank you

MRS BOUDAN Mr Speaker please may I ask, is it the intention to set aside a percentage from reserves, say annually, for the purpose of a new hospital as a result of this motion

MR BROWN Mr Speaker there is no current proposal that the funds of the healthcare scheme be set aside towards the cost of a new hospital. If discussion is to be had about that at any time it would be held in the House

SPEAKER Is there any further debate before I turn to Mr Brown for his proposed amendment

MR NOBBS Mr Speaker I just am not too clear on what you said initially Minister. Did you say there would be a reduction in the expenditure as a result of this or a payment to claims or what

MR BROWN Mr Speaker the only current reduction is that we are not paying insurance premiums but it is therefore important that we set aside in the reserves the equivalent. The other discussion was talking about the extent to which savings could be achieved through the way the fund is managed and it was in that context that I suggested that the Healthcare Amendment No 2 Bill provided a mechanism to better manage the costs of claims from Members of the fund and it was in that context that I suggested that it may be possible to reduce the cost of overseas treatments through engaging someone who is experienced in the area to assist us in managing such treatments but all that this motion is aimed at is increasing the levy by \$7.50 per quarter for the purpose of increasing the reserve fund

SPEAKER Any further debate. Mr Brown it may be an appropriate time for you to put your amendment

MR BROWN Mr Speaker I seek leave to amend the motion by deleting the word "September" in the last line and replacing it with the word "December"

SPEAKER Leave is granted Mr Brown

MR BROWN Mr Speaker I so move

SPEAKER Any debate Honourable Members. I put the question that the amendment be agreed to Honourable Members

QUESTION PUT  
AGREED

The amendment is so agreed. For the benefit of Members and the listening public the full text of the motion now is that this House in accordance with paragraph 6(1)(a) of the Healthcare Levy Act 1990 on the recommendation of the Minister for Community Services resolves that the Healthcare Levy payable under paragraph 6(1)(a) of that Act be increased by \$7.50, that is \$30 in total per annum, with effect from 1 December 2006. Honourable Members is there any debate on the amended motion. There being no debate, I now put the question that the motion as amended be agreed to

QUESTION PUT  
AGREED  
SHERIDAN NO

Mr Sheridan, do you want the House called. No. That motion as amended is agreed to

So we've concluded Orders of the Day Honourable Members, and we are now at the Fixing of the next Sitting Day

#### **FIXING OF NEXT SITTING DAY**

MR SHERIDAN Thank you Mr Speaker, I move that the House at its rising adjourn until Wednesday 18 October 2006 at 10 am

SPEAKER Thank you Mr Sheridan. Any debate Honourable Members

QUESTION PUT  
AGREED

I think the Ayes have it. Our next sitting day is the 18<sup>th</sup> October 2006. We are agreed on that matter and so we move to adjournment

#### **ADJOURNMENT**

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

SPEAKER Thank you Mr Brown. The question is that the House do now adjourn. Any adjournment debate.

MR BUFFETT Thank you Mr Speaker within recent days we've heard of the sad death of His Majesty King Taufa'ahau Tupou of Tonga a much respect monarch in the South Pacific region and of course, a successor to the much loved and revered Queen Soloti. Funeral ceremonies have been in place over the last few days in Tonga and Tonga will be in mourning for the next twelve months. I advise Members formally and the community that I've sent letters of condolences to the Royal Family of Tonga and to the Prime Minister of Tonga from the Norfolk Island community.

SPEAKER Any further debate Honourable Members. There being no further debate I put the question that the motion be agreed to

QUESTION  
AGREED

The motion is agreed to. Honourable Members this House stands adjourned until Wednesday 18<sup>th</sup> October 2006 at 10 o'clock am

