

**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

**CONDOLENCE**

SPEAKER  
Brown

Honourable Members I call on Condolences. Mr Tim

MR T BROWN

Mr Speaker, this House records the passing of It is with regret that this House records the passing of Bruce Elson Buffett on 6<sup>th</sup> February at the Hospital. Bruce was born in Sydney in 1929, the son of Glyn nee Quintal and Joseph Riddle, and he was brought back to Norfolk when only a few days old. His early education was at the Central School and he finished his High School education at Scots College in Sydney. After leaving school Bruce joined the Royal Australian Navy and served for 12 years as a signalman. During this time he saw active service in Korea and in many other campaigns. Bruce married Norma McDiarmid in 1952 and is survived by Gale, Shane, Christopher and Desyl. He has 9 grandchildren and three great grand children. After leaving the Navy, Bruce joined the Queensland Forestry Commission as a Surveyor, spending many years in Maryborough and Hervey Bay on the Queensland coast. On retirement Bruce decided to return home and in those early days he stayed with his half brother Chris Buffett and his wife Pat at their home at Steeles Point. After his return he only left the island to visit relatives and for medical treatment. In 1999 whilst convalescing in Greenslopes Hospital Brisbane, Bruce found that he had a half brother and sister and he spent many happy times with Robert and Valerie. To Bruce family and many friends this House extends its deepest sympathy.

It is with regret that this House records the passing of Father Francis Patrick Bellett at Emily Bay on Saturday evening, 5<sup>th</sup> March. Frank was born in 1941 in Melbourne, the third of six children. Before joining the priesthood, Frank worked in the office of Massey Ferguson, in Victoria, until the Bellett family moved to the Mallee district, due to the Depression. There Frank returned to school to complete his matriculation and to study Latin before entering the Catholic seminary at Corpus Christi College at Werribee. Frank was ordained in 1971, and was Assistant Priest at various parishes in Melbourne. For a few years he was appointed Parish Priest of Melton south, Melbourne. He left there to join a team Ministry at Airport West. When not at Mt Buller or required elsewhere throughout Australia, Frank was priest in residence at Eltham, Melbourne. Frank was an avid bird watcher and nature lover and was enjoying Norfolk Island, which he was visiting with his brother Peter, and nephew Ged. He was due to return home to take up chaplaincy at the Mt Buller ski resort on Easter Sunday. To Frank's family and friends, to the St Philip Howard parishioners, this House extends its sincere sympathy.

Mr Speaker it is with regret that this House records the passing of Judith Robin Lorking on Tuesday, 8<sup>th</sup> March. Judith had led a very full, international life, prior to her arrival, but here, she bonded with the Island. She loved its beauty and the ever-changing sea and was very content to stay, enjoy nature and create her garden. It became a place where she belonged for the 28 years she lived here. Judith was a vivacious, exuberant woman with a genuine love of life that permeated everything she did. To her husband John, her children Rachel and David, her grandchildren Izaak, Seamus, Sophia and Hugo and to her many, many friends, this House extends its deepest sympathy.

SPEAKER

Thank you Mr Brown. Honourable Members it is with regret that this House records the death of Reginald Marsh, Administrator of Norfolk Island from 1966 to 1968. He with his wife Jessie was well liked amongst us. Mr Marsh started his career as a school teacher, joined the RAAF during world War II and at the end of the war moved into the Commonwealth Public Service. In 1953 he transferred into the Department of Territories to which he was attached until taking over as Administrator. During the intervening



develop their talents and their abilities – without being held back by inequality. In my lifetime, I have often seen that when people are encouraged to develop their skills of writing and reasoning, they are well placed to contribute their ideas and energies towards building a better future. The key to unlocking human potential, and creating opportunity, is education. Education is sometimes described as the golden thread that binds the Commonwealth. Our shared use of a common, world language – English – has underpinned a long and rich tradition of educational co-operation. With our shared practices and similar systems, an extensive network of scholarships, and many examples of excellence, much has been achieved. That work continues as the Commonwealth responds to today's new challenges. In our association, where around 75 million children lack access to basic education, one clear objective is the UN Millennium Development Goal of achieving universal primary education by 2015. Another is mitigating the effects of HIV and AIDS, two-thirds of whose sufferers around the world are Commonwealth citizens, and which in some member countries each year causes the death of more teachers than can be met by newly qualified replacements. A third objective is to expand distance education, through bodies such as the Commonwealth of Learning – based in Canada – which encourages Commonwealth countries to pool their expertise. Knowledge-based economies are the key to future prosperity, and overcoming technological and other inequalities will be much in the minds of Commonwealth Heads of Government when they meet in Malta in November. For all of us, knowledge is a life-long journey. Education is a precious gift which should be available to everyone, young and old. Not only does it equip us with the skills and the intellect to overcome the problems we face; it also increases our understanding of – and respect for – other people, whatever our differences may be. Perhaps Nelson Mandela put it best when he said, 'education is the most powerful weapon which you can use to change the world'. To everyone throughout the Commonwealth who is working towards this worthy goal, I extend my heartfelt thanks." And that Commonwealth Day message for March 2005 is signed Elizabeth R, Her Majesty the Queen, Head of the Commonwealth

#### **QUESTIONS WITHOUT NOTICE**

Are there any questions without notice?

**MRS BOUDAN** Thank you Mr Speaker. I have a question that I've been asked to put to the Minister for Community Services. Minister do you intend continuing the fulltime counseling, health, education and promotion service that our present counselor has been doing

**MR BROWN** Thank you Mr Speaker I'm aware that the existing counselor has been lobbying within the community to be replaced on a fulltime basis but the Government has considered the matter and the counseling service will continue but on a different basis. For the next six months the counseling services will continue on a part time basis, it's presently intended that it will be based at the hospital and during that six month period we will make a careful analysis of the extent to which the service is used, we will make a careful analysis of the benefits which are being obtained through the use of the service, we will make a careful analysis of whether the hospital is, as we present believe, the most appropriate location for the service so in answer to Mrs Boudan the service certainly will be continuing on a slightly different basis

**MR CHRISTIAN** Thank you Mr Speaker, I direct my question to the Minister for Finance with responsibility for road transport. Minister would you make urgent representation to Norfolk Jet to 1) reduce the seat capacity on the Fokker 100 to allow for the carriage of freight and extra fuel to ensure a reliable service regardless of weather conditions 2) add an additional Fokker 100 service to compensate for the above reduction and provide additional seats to alleviate the present seat shortage and 3) if none of the above is possible cancel one Fokker 100 service and replace it with an additional Air Nauru 737 service

**MR NOBBS** Mr Speaker thank you and thank you Mr Christian for that. I'm just noting these requirements. I will talk to the Norfolk Jet people as I do quite often actually in relation to this. There was a problem I understand last Sunday with baggage but that

was due, accordingly to the Managing Director who I spoke to yesterday, was due to a glitch in the system with somebody booking in very very late and was still put on the flight but they had already calculated their fuel and what have you and therefore they weren't able to top up before they left so they had to leave some baggage behind as there was a weight problem. I also had an email this morning from the other director of Norfolk Jet that whilst they had some problems with the mail delivery last week they were able to catch up on Sunday and they carried mail in yesterday. I haven't had anything to the contrary from the post office in relation to that. I will speak to them because it is a problem the capacity at the moment and particularly in relation to freight. I haven't checked on the freight situation in the past few days but I know there have been problems in that area and I would be happy to talk to Norfolk Jet people about those points that Mr Christian raised, thank you

MR SHERIDAN Thank you Mr Speaker. I have a question for the Minister for the Environment, would the Minister outline what plan of action if any, has been implemented or will be implemented to ensure that the accommodation houses comply with the necessary water catchment and water holdings as required under the Norfolk Island Development Control Plan No 2 which was tabled in 2004 I believe

MRS JACK February 27<sup>th</sup> 2004. as I understand it those water control plans are being brought in when substantial renovation work is being done or new accommodation development is being done, those rules are being applied.

MR SHERIDAN Mr Speaker another question on that last one, I will talk to the Minister with regard to the my concerns later on, because I don't believe she fully answered the question, but also a question for the Minister for Education. Would the Minister for Education advise whether it is his intention to review the Memorandum of Understanding with the New South Wales Education Department, particularly with regards to the teachers salaries insomuch as the Norfolk Island Government has more input as to the teacher's salary package thank you

MR BROWN Mr Speaker the Memorandum of Understanding with the New South Wales Department of Education and Training is currently in the course of renegotiation. A number of issues need to be addressed in relation to that. One is staffing levels. Another certainly is to create an ability for the teachers salaries to be localised. That obviously will be a long term issue but it's an issue that can no longer be avoided. If that issue is not faced up to we are going to find that the cost of education and the cost of wages in various parts of the Administration and the hospital will escalate to such an extent that it will simply not be affordable, thank you

MR SHERIDAN Mr Deputy Speaker I have another question along the same lines as Mr Christian's question to the Minister with regards aircraft and I will ask it because it is slightly different. Minister considering the inadequacies of the current airline to fully service Norfolk's demands would the Minister outline the Government's plans to ensure that the aircraft that service Norfolk Island are totally capable of servicing the island's demands at all times so that people, visitors, do not have to be told that the aircraft is full only to find out when they travel that there are numerous empty seats and if the reason behind this currently is because of the aircraft's weight factor could the Minister advise that the Government is actively encouraging airlines with suitable aircraft to service Norfolk Island in the immediate future. Thank you

MR NOBBS Thank you Mr Speaker. I can't speak for the Minister for Tourism in relation to this, as some of those questions relate specifically to his area of operation and I know that he's had negotiations and spoke at length with both the airlines and also the industry representatives and I think he gave an outline at the last meeting from memory. In relation to the other things I keep in contact with the other airlines and I think we have an understanding now and is probably the first time for some considerable time actually that we have had through the activities of the Minister for Tourism and myself that we do have a fairly close relationship with all the airlines which service Norfolk Island and some that may

be potential in the future if things change, like an upgrade to the airstrip and those sort of things, they may then take an interest, but there are a number of alternate airlines around who may require aircraft and we need to take these into account. There are particular problems as I've outlined in my answer to Mr Christian, there are particular problems that have been encountered under the current arrangements and as I said, I've been speaking to Norfolk Jet and trying to work through the various issues and I thought that we'd come to a reasonable arrangements and that's why I was a bit surprised when baggage was offloaded last week. This sort of arrangement really can't continue and I'll take these issues on board if I may Mr Sheridan and as I said as regards Mr Christian's question, I'll be having further discussions along the lines that he suggests with Norfolk Jet

**MR D BUFFETT** Mr Deputy Speaker, I have a question for the Minister who has responsibility for the airport runway reseal. We have read in the Gazette that a tender has been granted for the principle contract there. My three questions are these, can the Minister give us some indicator as to how the principle contractor has been encouraged to have local content in terms of some contracting context in this work, secondly can he give us some time frames for the various stages including completion of the work and thirdly, is he able to let us have some confirmation or otherwise of the proposed aircraft schedule arrangements, in other words, will they be able to work to a normal plan, will they be disrupted or will they have to be reconfigured

**MR NOBBS** Mr Deputy Speaker I was to make a very brief statement on the airport and I'll start off with that as part of an answer to Mr Buffett's question. I was formally advised that the tender process for the airport overlay conducted under the leadership of the Project Manager GHD has been concluded and the Queensland firm of Boral Resources has been selected. Why I wanted to read this, the contract has not as yet been signed and thus I can provide no other details such as the date on which work will actually commence, but I will advise the community as soon as such details are available. In relation to the last point first, the confirmation of the plans, as I understand it, in the arrangements for the tender these were taken into consideration and there would be an extension of working time provided into the night on certain days and that the days that the planes were due in there would be no work on the airport and that the work would be so configured that it would not interfere with the landing or take off of the particular aircraft. So given that the final contract has not been signed the time frame for the various components are not in and all I can say is that the project is estimated to take a twelve month period once work commences but the precise details of those I am unable to give at this point in time. I understand that in the last Government which held the carriage of the main part of the tender, did seek to encourage local participation in the project and that is something that I will be attempting to progress as the finalization of the tendering arrangements and the signing of the contracts are put in place, thank you

**MR D BUFFETT** Thank you Mr Deputy Speaker, there was a petition presented at the commencement of this meeting. It was really about building codes, development applications and the like and was presented by Mr Christian. A number of people have raised queries with me and in that context I ask the Minister who has responsibility in this area this question. In terms of these building codes, development applications and the like, do the Government employees who are directing and inspecting work, fully qualify under the Australian Code which is now in place

**MRS JACK** Mr Deputy Speaker, I would imagine their qualifications allow them to test to meet those Australian standards Mr Buffett but I'll take that on notice so that I can do some checking up for you and answer that question next month if I may

**MR D BUFFETT** It is a question that is in the community and therefore if it can be given some attention that would be appreciated, thank you

**MR D BUFFETT** Mr Deputy Speaker, I have another question for Mr Nobbs concerning telecommunications. I would really like him to advise the House and the community about his and the Government's current policies on telecommunications especially given

indicators over more recent times that technology is moving significantly in a whole host of areas, but particularly with wireless activities, which we do not have an emphasis upon in Norfolk Island at this time, and in light of that has the Minister and the Government policies that he is in a position to share with the Norfolk Island community

MR NOBBS

Thank you Mr Deputy Speaker just for the benefit of the community really and in response to Mr Buffett's question of course, as the Members are aware there has been two people on the island, consultants, who have been looking at our telecommunications for the present and also well into the future and to put it mildly they've been a breath of fresh air which is something good, but their report is not yet available. The situation is we'll be looking very closely at that report, and then I would hope that we would then be able to revise what policies the past Government's and also for the limited time that we've been in that the present Government has in relation to telecommunications. As the Minister says, the changes even in the time that we've had our current agreement with REACH, the main carrier which is the old Telstra, there have been some significant and major changes as far as technology and also from a cost factor. I would just like to say that in relation to the costs that have been quoted in a recent press release in relation to the money that REACH or Telstra receives as against what Norfolk Island receives, is completely false and this issue will be dealt with in press releases in the future, or in this weeks paper I would hope, that we have something available at that time. So there's been a lot of publicity of late in relation to telecommunications. We as I have said consistently understand the situation with Telecom. They have had difficulties in the past year. They are still the main carrier and will remain that way. The island whilst there are changes in technology and the like in all probability there will be a reduction in the take from Telecom, but it must be remembered that in the past the island has relied very heavily on its Government Business Enterprises particularly Telecom and the bond and for a while the Postal Service but that's dropped. Technology has changed in that area so it's not the cash cow or revenue raiser that it was a few years ago with the issue of stamps, so Telecom's emphasis will change but it still remains and will need to remain a major contributor to the island's revenue fund and I say that very clearly, otherwise there is a need to gain funds from other sources. I can't say anything more. I agree that wireless hasn't been a big thing on the island although we've known about it for some little time and there is a wireless operator here at present. Those sort of issues I say will come out and I would expect that the consultants report will come out in a couple of weeks time, or I would hope, but it might be a bit longer

MR D BUFFETT

Mr Deputy Speaker, one further question if I may, I wonder if I could ask this question, I think probably to the Chief Minister. It's not a matter in which a Minister of the Norfolk Island Government would have direct responsibility but may have some knowledge about it and I'm seeking some information about that. It's about the Commonwealth Meteorological bureau. This week a number of met stations are being closed or indeed reduced in their scope. I think mainly they are manual observer stations, but they may be wider than that, and my question to the Chief Minister if he is able to respond is this, does this have any effect or flow on to the Met Bureau that is existing in Norfolk Island

MR GARDNER

Mr Deputy Speaker thank you. I'm not aware of any communications having been received by the Norfolk Island Government in relation to any proposal to close the Bureau offices on Norfolk Island unless my colleague the Minister for the Environment is able to shed some light on that. I don't believe there is any intent to close it on Norfolk Island. Certainly in the past Norfolk Island has been identified as one of the more significant Bureau of Meteorology stations within the Australian system simply because of it's remote location off the East Coast of Australia. The only one certainly in this part of the world

DEPUTY SPEAKER

Thank you Chief Minister. Any further Questions Without Notice. No. Then we move to Papers

**PRESENTATION OF PAPERS**

MR GARDNER Mr Deputy Speaker thank you. I have a series of papers today but the first papers for tabling today are six exposure drafts of legislation Mr Deputy Speaker and I'll be very brief in my tabling of them. The first one of those is the Association's incorporation Bill 2005 tabled as an exposure draft. Mr Deputy Speaker the Association's Incorporation Act is intended to provide community and social organizations a means of obtaining benefits of incorporation without going through the costly and burdensome process of incorporation under the Companies Act, legislation that is designed principally for commercial and trading entities. I table that exposure draft Mr Deputy Speaker

The second matter is the Commercial Arbitration Bill 2005 tabled as an exposure draft. Mr Deputy Speaker this Bill has been prepared to provide Norfolk Island with a modern arbitration law. While it is in conformity with the Commercial Arbitration Act 1984 of New South Wales that legislation is in turn in substantial conformity with the Uniform Commercial Arbitration legislation passed in the early 1980's in the Commonwealth and in turn with legislation in the United Kingdom and Hong Kong. Commercial Arbitration both domestic and international is and has been an important aspect of commercial business in various areas of the construction industry, shipping and international trade for centuries but has not until recently been an important part of Norfolk Island law.

Mr Deputy Speaker the third matter is the Coroner's Amendment Bill 2005 tabled as an exposure draft. This bill has been brought forward as an exposure draft for consideration and deals with a number of issues that have been raised from time to time including the potential problem of commencing the process for an inquest into a death or fire when the coroner who is not resident in Norfolk Island or the deputy coroner who is, are not immediately available. It has become clear that there are areas of jurisdiction that should be clarified in the interests of justice and of the people effected by inquests.

Mr Deputy Speaker the fourth matter is a fairly lengthy exposure draft entitled the Children and Young People Bill 2005. Mr Speaker the Act sets out the responsibility of parents towards children and the way in which children who are neglected or placed in harm's way or break the law, are handled. Some laws of Norfolk Island already deal with aspects of the lives of children and young persons such as the Child Welfare Act 1937, the Domestic Violence Act 1995 and the Employment Act 1988. this is a Bill that attempts to drag all of that legislation into a single document and provide surety for the treatment of children and young people on Norfolk Island going forward

Mr Deputy Speaker the fifth matter is part of the proposed Justice Package is a draft exposure of the Summary Offences 2005. the purpose of the bill is to repeal and update matters covered by the Police Offences Act 1933 that was last amended in 1993. the existing legislation deals with a number of issues that are not relevant to Norfolk Island, are already dealt with in other legislation, provide penalties that are not appropriate, are poorly expressed or require bringing up to date for modern life. I table that exposure draft Mr Deputy Speaker

The last in this series of exposure draft Mr Deputy Speaker is the Bail Bill 2005. the purpose of the bill is to deal with a discreet area of criminal law, that's procedure and process. That of allowing where appropriate accused persons to be free from incarceration pending a determination of their cases and the fixing of the terms and conditions upon which that may occur. Mr Deputy speaker I again table that exposure draft, thank you

MR NOBBS Mr Deputy Speaker I table the Road Traffic General Amendment Regulations 2004, regulations largely relate to the appointment of inspectors of motor vehicles and authorization of inspection stations. The Schedule of Fees has also been revised

MRS JACK Mr Deputy Speaker, Mr Nobbs said of 2004 but are they in fact of 2005, the Regulations

MR NOBBS My cover sheet says 2004 but in fact the Regulations themselves say 2005, so the real deal is 2005. Thank you for that anyway Mrs Jack and can I move that the paper be noted please

DEPUTY SPEAKER The question is that the Paper be noted. Mr Nobbs

MR NOBBS No it's just to cover the cross fire that's been going on

MR CHRISTIAN Thank you Mr Deputy Speaker, I wonder if Mr Nobbs could clarify one point that's been raised by people in the trade and that is, the bill or the Act appears to set fees for what authorised vehicle inspectors can charge for a registration inspection. I wasn't aware that we were about to tell people in the private sector what they can and can't charge for providing a service but we can legislate for what the Administration charges for providing a service and whether the Minister could tell us what the true intent of that part of the Bill is for

MR NOBBS Thank you Mr Deputy Speaker. I just fell off my chair. I'm not too sure actually. I can't actually answer the question offhand. I wouldn't have thought that, that was the intent of it. I would have thought that there is a registration fee but I can't see anywhere in here that it says that there's a fee. There is a penalty for a breach

MR CHRISTIAN Thank you Mr Deputy Speaker, if I may, I don't want to put the Minister in a bind at the moment because I did spring it on him at short notice but I would be happy if he would just look at that and report back to us in the near future

MR NOBBS Most certainly Mr Deputy Speaker

SPEAKER Is there further debate? The question is that the Paper be noted.

QUESTION PUT  
AGREED

The Paper is noted. Are there further Papers

MR BROWN Mr Deputy Speaker in accordance with section 41 of the Interpretation Act 1979 I table the Education (Amendment) Regulations 2004. Mr Deputy Speaker can I amend what I've just tabled. I've suffered the same difficulty as Mr Nobbs. My first sheet says 2004 but the Regulations are signed as the Education (amendment) Regulations 2005 and Mr Deputy Speaker for the assistance of the community these regulations deal with assistance with airfares and with the cost of textbooks for students who are away from the island

MR NOBBS Mr Deputy Speaker I table the revenue fund financial indicators for February 2005 and I move that it be noted.

DEPUTY SPEAKER The question is that the paper be noted. Mr Nobbs

MR NOBBS Mr Deputy Speaker at the 28<sup>th</sup> February 2005 the revenue fund's overall income is 99.7% of the revised budget, that is, some \$2,000 short of the estimates Customs duty however is \$183000 short of the budget and in the other taxes category is also \$93000 short of budget. \$60000 of this shortfall relates to departure fees. Earnings collectively from other income categories are \$254000 ahead of the revised budget. The overall expenditure which included known creditors and outstanding orders at the end of February 2005 is on a pro rata basis about 7% which is \$661000 under the revised budget and at the 28<sup>th</sup> February the overall revenue fund revised budget is in deficit b\$689000 which on a pro rata basis is \$639000 less than budgeted. Thank you

DEPUTY SPEAKER Thank you Mr Nobbs. Is there further debate? The question is that the Paper be noted.

QUESTION PUT  
AGREED

The Paper is noted. Are there further Papers

MR GARDNER Mr Deputy Speaker under subsection 31(4) of the Legal Aid Act 1995 and clause 12 of the Memorandum of Understanding between the Commonwealth of Australia and Norfolk Island I now lay before the Legislative Assembly at its sitting today a report addressing the matters specified in that subsection. A report of the Legal Aid Advisory Committee for the above period relating to its activities for that period and the period being 1 July 2004 to 31 December 2004 all recommendations of the Committee that have been accepted and a statement of reasons for the non acceptance of recommendations that no legal assistance has been provided to a body corporate and enclosing a summary of the financial records of the fund in relation to the above period and Mr Deputy Speaker I move that the paper be noted

DEPUTY SPEAKER The question is that the paper be noted

MR GARDNER Mr Deputy Speaker as is practice in more recent years I have read into Hansard the report of the presiding member, in this instance, Mr Craig Anderson, the presiding Member of the Legal Aid Advisory Committee. It's important for public information and certainly for the information of Members around the table. That report is as follows, Mr Deputy Speaker. The Legal Aid Advisory Committee met on three occasions and reconsidered several previous applications that had ongoing issues and received and considered one major new application. A favourable recommendation was made in respect of the new application after the difficulties of obtaining a full and complete application from a person under the jurisdiction of Mental Health Act were overcome. The Committee had previously received advise that the Australian Government was postponing consideration of the proposed amendments to the Memorandum of Understanding and the Legal Aid Act 1995 because of a report that was being prepared by a Joint Standing Committee in Canberra and because of Department of Attorney Generals consideration of existing arrangements, both of which might impact on the operation of the Legal Aid Scheme on Norfolk Island and possibly on future funding arrangements. The situation at the 31<sup>st</sup> December 2004 had not changed. The Committee continued the arrangements for investment of the Legal Aid Fund in interest bearing deposits at the Westpac Banking Corporation as reflected in the accounts. The presiding Member and the secretary of the Legal Aid Advisory Committee visited Canberra in November 2004 and met with Mr Chris Staniforth of the ACT Legal Aid office. The availability of the existing information and operational resources from the ACT Legal Aid office were discussed with them and will be explored further by the committee when the changes to the Memorandum of Understanding and Act allow the committee to progress the local proposals. The Committee continues to operate with a full complement of Members and with the very capable assistance of the secretary Ms Nadine Murray. Thank you Mr Deputy Speaker

SPEAKER Is there further debate? The question is that the Paper be noted.

QUESTION PUT  
AGREED

The Paper is noted. Are there further Papers

MR GARDNER Thank you Mr Deputy Speaker. I table the inbound passenger statistics for the month of February 2005 and move that the paper be noted.

DEPUTY SPEAKER

The question is that the paper be noted

MR GARDNER Mr Deputy Speaker as has become practice over the years the tabling of the statistics has become an important part of information for the community and also for the membership around this table in keeping a finger on the pulse as far as our major industry is concerned and as I expressed last month the decline in visitor numbers to Norfolk Island has been of major concern for some people around this table for some time now. I'm pleased to advise that following on from I think the worst month on record in five years, the month of February's figures don't quite rank in that same grouping as the January figures however, there is still a worrying decline in visitor numbers to Norfolk Island and I think we have to go back as far as the turn of the century and that's the 1999 2000 year to see figures quite as bad for the month of February although 50 odd visitors above that. Mr Deputy Speaker I've gone to some length at previous sittings to explain the various mechanisms that have been put in place to redress the current decline in visitor numbers and as I've said at a number of functions and certainly in this House, it's going to take some time to turn that decline around but I'm confident that it can be achieved and particularly in collaboration with the industry partners that we have on board and inclusive of Norfolk Jet Express that we will be able to turn that around. There are significant initiatives in place for the winter campaign which will be launched on the 2<sup>nd</sup> and 3<sup>rd</sup> April, with a mega familiarisation tour to Norfolk Island and certainly I hope that, that will pay results. I'm confident that it will and I believe that the industry are confident that it will provide the results that we are looking for and certainly last month's figures are hopefully as low as we are going to go and it's only upwards from here on in. As I said previously I table those inbound passenger statistics for public comment. Thank you Mr Deputy Speaker

MRS JACK Mr Deputy Speaker, can I just ask a question of the Minister, you mentioned a lot of money, \$150000 that this House has poured into tourism in the last Legislative Assembly meeting and of a mega famil. We've also heard concerns voiced by Mr Sheridan and Mr Christian this morning over the ability of the current carrier from the main visitor sector of Australia to fulfill a lot of its commercial obligations. Are you concerned at all that those concerns will have a bad impact on our money, on our familis, on our advertising campaigns

MR GARDNER I'm sorry, I wonder if the Minister could just repeat the last repeat the last part of that question

MRS JACK Are you concerned at all over the funding that we've given for the campaigns that have started, because of the ability of the current carrier from our main tourist source, that of Australia, to fulfill properly it's obligations due to questions raised or concerns raised by two of our Members

MR GARDNER Mr Deputy Speaker the purpose of the industry meetings that have been taking place over the last period of time has been to try and lift the profile of Norfolk Island so as to encourage bookings on the airlines so that the airlines are able to provide the extra capacity and the like. The figures that have been provided to me by the airline certainly show that there are no full aircraft in the foreseeable future. There are a significant number of seats that are available on flights, which clearly indicate to me that the problem is not capacity at this stage it's actually convincing people that they should be traveling. The initiatives that have been put in place by the industry are to encourage people to travel. The winter campaign which will be launched on the 2<sup>nd</sup> and 3<sup>rd</sup> April is an attempt to try and lift demand for seats to assist the airline and then providing the necessary capacity to fly into Norfolk Island. I think that there had been significant advances in the provision of capacity with the airline agreeing to include in its schedule the Air Nauru 737 aircraft up until the week following Bounty Week. As Members would be aware, when Norfolk Jet Express published its schedule earlier on this year it showed that there was only going to be the six Fokker 100 flights out of Australia. That has now been supplemented with them undertaking to provide the 737 aircraft on a regular basis up until the middle of June which is obviously the beginning of our very low winter period. Mr Deputy Speaker what the industry are proposing to do is to try

and encourage Norfolk Jet Express to retain that service through the winter period by launching its winter campaign to encourage the extra capacity and extra visitation to Norfolk Island through that period and hopefully see an improvement in the overall visitor number figures through that period for the first time in many years which certainly would be encouraging to the industry as a whole. I believe that the industry, the Government, Norfolk Island Government Tourist Bureau, the airlines are comfortable at this stage in working through the problems that they have encountered but I just need to reiterate that the figures that have been provided to me show that there is capacity on those aircraft. They certainly are not full other than I think that the week approaching Bounty Week is probably in the medium term, the most heavily booked flights coming into Norfolk Island so I think I just need to say that. If I had the document with me I would have been able to table it to give some indication of the loadings. The aircraft are not full but we have to be very clear in our minds that there are co share arrangements out of Australia and Norfolk Jet Express side of the aircraft may be full but that doesn't necessarily mean that the Qantas side of the aircraft side is full. They retain 20 seats on each flight plus four business class seats I understand, and that sometimes has led to some confusion in the fullness or otherwise of the aircraft and the reports of aircraft coming into Norfolk Island

DEPUTY SPEAKER  
noted.

Is there further debate? The question is that the Paper be

QUESTION PUT  
AGREED

The Paper is noted. Are there further Papers

MR GARDNER

Mr Deputy Speaker I table the Government's Priorities Plan 2004 to 2007 of the Government of Norfolk Island and move that the Paper be noted

DEPUTY SPEAKER

The question is that the paper be noted

MR GARDNER

Mr Deputy Speaker in introducing this paper to the Legislative Assembly and therefore publishing it and seeking to make it a public document I would read from the introduction if I may of the paper and read that into Hansard. Mr Deputy Speaker I'm pleased to present the Norfolk Island Eleventh Legislative Assembly Priorities Management Plan. We as a Legislative Assembly have taken the step to ensure that the Norfolk Island community is aware from the beginning of our term what we consider to be our priorities as the Eleventh Legislative Assembly. We have developed through consultation with Members and from the Tenth Legislative Assembly's matters of important a list of twelve points of major areas of priority and Mr Deputy Speaker you will recall that I made quite a lengthy contribution to debate at a previous sitting of the Legislative Assembly in relation to those 12 points. It is imperative that the priorities List be linked to the Asset Management Plan, to the Revenue Review and Expenditure Reviews, to the forward estimates and be incorporated in the Administration's Management Plan if we are going to successfully deliver these initial items on the list in the term of this Legislative Assembly. It is anticipated that similar plans will be developed for the Norfolk Island Hospital Enterprise and the Norfolk Island Government Tourist Bureau which will all then be incorporated into a Government wide Management Plan. This plan will be incorporated into the beginning of the Administration's Management Plan and will be the first formal mechanism for setting the strategic objectives for the various Government organizations. To ensure that the plan stays up to date a review table has been adopted and that sets out a six monthly review process during the terms of this Legislative Assembly. I certainly hope and expect that the items on this list will significantly change over the next three year period and that we are in a position to have in place a list of 12 responsible priorities for recommendation to the 12<sup>th</sup> Legislative Assembly. It is clearly important that we do have a list of immediate priorities and that we go about working on the list of priorities and do not get sidetracked by other issues. The 12 priorities are not listed in any particular order, and are –

1. maintenance and strengthening of self Government
2. development of a fifteen year asset Management Plan
3. finalise revenue expenditure review and implement preferred options

4. finalise the land transfer initiative
5. complete community services review
6. the airport upgrade completion
7. complete administrative governance review
8. complete telecommunications strategy and implement recommendations
9. resolve crushing, quarrying and settle an industry policy
10. tourism industry support to be strengthened to ensure Unity 2005 targets are met
11. complete immigration review and adopt a population policy; and
12. commit to and commence a long term roads programme

This Legislative Assembly also values the importance of identifying, prioritizing and planning for future priorities. We have listed some of the issues and developments we see as holding importance for the future. These include but are not limited to primary industries policy, commerce policy, increasing management qualifications within the public sector, review of the financial institutions levy, implementation of a Medivacs policy and review customs policy. We hope that this plan assists all to understand what our priorities as the 11<sup>th</sup> Legislative Assembly are and that's signed by myself Mr Deputy Speaker as the Chief Minister. I table that document

DEPUTY SPEAKER  
noted.

Is there further debate? The question is that the Paper be

QUESTION PUT  
AGREED

The Paper is noted. Are there further Papers Honourable Members. We move to Statements of an official nature

#### **STATEMENTS OF AN OFFICIAL NATURE**

MRS JACK Mr Deputy Speaker, just a quick one. I would just like to tell the community that earlier this week the President of the Administrative Review Tribunal handed down his decision regarding the approval for Island Industries Pty Limited to commence their crushing plant operation in accordance with the decisions of the court I will be approving their operation subject to conditions as set out in the court's decision in the near future and this decision once approved, should allow certainty into rock crushing and the supply of rock on Norfolk Island, thank you

MR NOBBS Thank you Mr Deputy Speaker I just wish to advise the community that recruitment to fill the position of Chief Executive Officer is being conducted and the selection panel made its choice and one applicant was considered suitable. Following an appeal the applicant was offered the position but unfortunately their personal circumstances had changed and the applicant was unable to commit to a fulltime appointment. This was not acceptable and the position will be readvertised. Since the departure of Mr Luke Johnson in early January Mr Anthony Middleton has filled the position but subsequently... I think I might be breaching Standing Orders. Can I get a ruling on that. It's okay. Thank you. Since the departure of Mr Luke Johnson in early January Mr Anthony Middleton has filled the position,. Mr Middleton's appointment was made on the proviso that a review would be made following a period of two months. This review has been undertaken and Mr Middleton has performed well in what was a combination of two jobs, however the organization cannot support such an arrangement given the demands related to the current budget preparations and ongoing investigations and reviews. The budget deficit still looms over us and there are major implications for the next financial year. As a consequence financial issues must be addressed and addressed very quickly. This is in Mr Middleton's area of expertise. As a consequence I have requested Mr Middleton to return on a full time basis to the position of executive director of Corporate and Community Services and thank him for his efforts in the past few months. I have appointed M Steve Mathews to the position of Chief Executive Officer for a period of up to six months with a review after two months. Mr Mathews will devote himself fully to what is the normal role of the position of Chief Executive Officer which is primarily to concentrate on the

functional arrangements across the whole of Administration and I wish him well in his new role. Thank you Mr Deputy Speaker

MR GARDNER Mr Deputy Speaker further to a question that was asked of me this morning by Mr Buffett in relation to the Bureau of Meteorology on Norfolk Island the Secretary to Government has advised me that he has contacted the office of the Administrator and the Norfolk Island Office of the Bureau of Meteorology and has been informed that the changes to the Bureau do not effect the Norfolk Island operation. There will be no change to either employment or services at the Norfolk Island weather station, thank you

DEPUTY SPEAKER Any further Statements Honourable Members. There are no Messages from the Office of the Administrator this morning Honourable Members, so we move straight to the report of Standing and Select Committees

### REPORTS OF STANDING AND SELECT COMMITTEE

MR D BUFFETT Mr Deputy Speaker, I present the Report by the Impact Of Bills And Subordinate Legislation Committee. A Report on the Liquor Licensing Bill 2005 and the draft Liquor Licensing Regulations. Mr Deputy Speaker, the committee when we last met which was February 2005 tabled an interim report under Standing Order 216. This report that is presented now, is the Committee's final report. Mr Deputy speaker the Liquor Licensing Bill 2005, and its accompanying documentation was referred to the Committee on the 10<sup>th</sup> November 2004. the Committee which comprises Mr Neville Christian, yourself Mr Deputy Speaker and myself with Mr Tim Sheridan as an alternate member, went through a number of consultative processes in terms of this particular piece of proposed legislation. It consulted widely, it consulted with those who administer the Liquor Licensing arrangements, that is, senior officers of the service and members of the Liquor Licensing Board, it also consulted widely with the industry, those who hold liquor licences in the private sector. The committee also sought public comment so there were a number of people who weren't; necessarily engaged in the particular activity but were interested members of the community and we also had comment from those who have close association in terms of residential arrangements to Liquor Licensed premises so there was a wide range of people that we heard from and of course we equally heard from the appropriate Minister in the Norfolk Island Government and senior officers of the service who will have responsibility for servicing this particular piece of legislation should Members finally agree to it. The criteria set against the examination is mentioned in this report, some ten or twelve points. The report also sets out some earlier comment, that is earlier reports prior to making of that legislation and measured the recommendations of the report against the proposed legislation itself. The result of all of that over a period of time was some 46 recommendations in the report and they are in two parts, one for the first part addresses particular clauses in the legislation with proposals for adjustment to them and the second part is a more generic statement, as to some principles that might be observed in the proposed legislation. The report has been copied in sufficient quantity for distribution to all Members and the committee is pleased to report that in terms of its referral to it as a committee that it has now concluded that particular task. I say that with some pleasure on behalf of my colleagues because it is the first particular piece of legislation that has been referred to what is a newly erected committee of this Legislative Assembly, the Impact of bills and Subordinate Legislation Committee

MR NOBBS Mr Deputy Speaker I move that the Report be noted. I thank the Committee for their efforts. I know they've put considerable time into this. I'm sure, although I haven't read the document, I'm just perusing it now, but I'm sure that it will be a good document. The original document was that it would be available to the public virtually straight away and that should fit in I think. I don't think there's any constraints to this document being made available straight away to the public. I think it should be if it can be. Yes it can be so that's fine and it will be dealt with as Mr Buffett suggests and I just thank them very much. It was a long exercise and I hope that the results will be pleasing to everybody, thank you

MR D BUFFETT Mr Deputy Speaker, I move that this matter be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

DEPUTY SPEAKER Thank you. Then I put the question for debate to be adjourned for a subsequent day of sitting

QUESTION PUT  
AGREED

The ayes have it thank you, that motion is adjourned

Would the Speaker care to resume the Chair. Thank you. We move to Notices Honourable Members

### **MUSEUM TRUST ACT 1987 – APPOINTMENT OF TRUSTEES**

MR GARDNER Mr Speaker, I move that this House resolves for the purposes of subsection 5(1) of the Museums Trust Act 1987 that the executive member appoint Ian Hamilton McCowan; and Katherine Halcomb Sexton as members of the Norfolk Island Museum Trust for the period 16 March 2005 to 15 March 2007

SPEAKER The question is that, that motion be agreed to

MR GARDNER Mr Speaker the purpose for bring this motion to the House today has come about because of the resignation of a Member of the Museum Trust, Mrs Jan Christian, who is leaving Norfolk Island and heading to greener pastures in the Northern Territory and I would like to take this opportunity to thank her for her service to the Trust for the period of time that she has been appointed. The second reason is there had already been a vacancy which existed in the Museum's Trust. They have a membership of seven if I recall so there was a need to replace both Mrs Christian and to fill the vacancy. The names that we have here today were proposed to me from the Chairperson of the Museum's Trust. I've approached those persons and they are both very happy to be considered for appointment to the Trust. Ian McCowan has worked with the Museum's in the past and is very eager to participate on the Museum's Trusts and Miss Sexton has shown a very keen awareness of Museum's and culture and traditions on Norfolk Island and will bring with Mr Ian McCowan some youthful enthusiasm to the Museum Trust and I certainly commend their appointment to the House

SPEAKER Thank you Chief Minister. Debate Honourable Members. There being no further debate I put the question that the motion be agreed to

QUESTION PUT  
AGREED

That motion is agreed thank you

### **ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999 (Clth)**

MR T BROWN Mr Speaker, I move that this House requests that the responsible executive member do everything within their power so as to resist any proposal that any private property in Norfolk Island be listed in any way under the Commonwealth of Australia's Environment Protection and Biodiversity Conservation Act 1999

SPEAKER Thank you Mr Brown. The question is that, that motion be agreed to

MR T BROWN Thank you Mr Speaker. I bring this motion forward in response to the petition which was brought forward at the last sitting. It is to ensure that even

with the limited reach that we have into this matter, everything is done to satisfy the concerns in that petition, thank you

MRS JACK Mr Speaker, I would just like some clarification on this matter. I would like to ask Mr Tim Brown when he writes here, for the responsible executive member, as I would be the responsible executive Member, to do everything within their power, just exactly how far would he want me to go. Does he want me to go to a High Court challenge. Private property. I would like that defined. Whether we are talking about leasehold and freehold, because freehold land wouldn't be subject to Commonwealth Biodiversity Act being listed under that and so if he could just clarify. After the Petition reached this House last month, I wrote to both the Minister Lloyd as Minister for Roads, Territories and such and I also wrote to Minister Campbell as he is the Minister responsible for the Department of Environment and Heritage. As yet I've had no response. In those letters I put a copy of the question put forward in the petition. I also put forward a copy of the context Consultant's letter and I also included the closing debate segment where Mr Brown referred to his petition at the closing debate in the last Legislative Assembly. What more actual representation would he like. I would just like that clarified if he would please

MR T BROWN Well Mrs Jack I clarified that on an earlier date with you on the fact that it does include lease land because they are the ones who would be affected, and as for doing everything in your power, at least writing letters and so forth until you at least get a response from the Ministers and whatever it shall take

MRS JACK Thank you. As I would just like to clarify to people with this land initiative that is under way, that the land referred to is Commonwealth leasehold land, that it does come under the auspices of the Commonwealth and that approximately 63 or 67 of the proposed leasehold are being asked to be reviewed under a submission made to Minister Campbell's office by the Australian Conservation Foundation. That has to be responded to by the end of last month, I think they sought a clarification from the Minister for an extension and that has come about however, the land initiative is still proceeding. I was hoping that in the next week or so that the start of offers would be made to landowners. Once those offers are made and the land is paid for, that would become freehold land and outside the control of the Commonwealth but it still is in that regard, a wait and see until those opportunities are handed out by the Commonwealth for the current leasehold owners to make the freehold purchase but I will wait for the response. If it is not forthcoming in a week or so I will petition the two Minister again for a response and I will keep the community informed as to any responses that I get, thank you

MR NOBBS Mr Speaker as far as this Act is concerned, I should make it clear that the Government of the time, that is, in 1999 did object very strongly that this Act was to extend to Norfolk Island and we had people go over I think, the then Minister at the time and an officer actually went to Australia from memory and petitioned the particular Government representatives that it shouldn't apply to Norfolk Island. Unfortunately the particular problem is that the Commonwealth still retains ownership of a considerable section of Norfolk Island land and that is the problem and my belief is, and was at the time, that the sooner we break the shackles so to speak, the better. This was put in place and it was to proceed relatively quickly I thought but it's taken a number of years to get to the stage where we're just transferring leasehold property. I still have a firm belief that we've done all that was required of us to transfer the roads and also the reserves with the exception of the National Park and those within KAVHA. There was always to be a sticky point as regards those two, but all those areas should in fact be in a process of transferring over to us. I'm now trying to progress the transfer of roads and I believe we should be looking at reserves as well and not just leasehold land and there's other land that's not actually leased at the moment, Commonwealth land that needs to be in the mix as well. There's only a few blocks but there are still some around, so that's my position, I don't believe the Act should have been extended to Norfolk Island. It was, and because of the reasons that I've said, that the Commonwealth owns land here, well the easiest way is to get rid of the Commonwealth ownership of land and there goes the Act, thank you

MRS JACK Mr Speaker, thank you. I would just like to thank Mr Nobbs for reminding me. I would just like to mention that the Government of the day made two submissions re the Environment Protection and Biodiversity Conservation Bill. The first was a submission in December 1998 and there was a supplementary submission in February 1999 and Mr Nobbs is quite right, it was seeking that they don't extent that Act or the Bill to become the Act to Norfolk Island. There was also a broadening of that Bill, done in January 2004 when it changed the Australian Heritage Commission to the Australian Heritage Council and increased the scope of that Bill if you will to include further heritage matters. When that extension came in we were not advised and no submission was sought from this Government even though it had ramifications for Norfolk Island. It's a same that once again we have been overlooked on another aspect of the Bill that has effected Norfolk Island and this community but I will continue to work on this petition of Mr Tim Brown's and as I said before, keep him fully informed of any correspondence that occurs

SPEAKER Thank you Mrs Jack. Further debate Honourable Members. There being no further debate I put the question

QUESTION PUT  
AGREED

That motion is agreed thank you

#### **EVIDENCE (AMENDMENT) BILL 2005**

MR GARDNER Mr Speaker I present the Evidence (Amendment) Bill 2005 and move that the Bill be agreed to in principle

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

MR GARDNER Mr Speaker in tabling the Bill this morning and the explanatory memorandum as is my usual practice I read the explanatory memorandum into Hansard. Mr Speaker this Bill is introduced to correct certain omissions where references have been made to Norfolk Island or a foreign country and the reference should include references to Australia. The amendments made therefore include, in places where it is clear from the context there should be included, a reference to Australia, Australian law, Australian courts and proceedings in Australia. Omission of the references could, in certain circumstances involve injustice to defendants or accused persons or impede the administration of justice.

SPEAKER Thank you. Is there further debate at this time. Mr Gardner I return to you

MR GARDNER Mr Speaker, I move that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

SPEAKER Thank you. Then I put the question for debate to be adjourned for a subsequent day of sitting

QUESTION PUT  
AGREED

The ayes have it thank you, that motion is adjourned.

#### **LEGAL AID (AMENDMENT) BILL 2005**

MR GARDNER Mr Speaker I present the Legal Aid (Amendment) Bill 2005 and move that the Bill be agreed to in principle

SPEAKER Thank you Chief Minister. The question is that the Bill be agreed to in principle. Debate Honourable Members

MR GARDNER Mr Speaker there's quite some history to this particular piece of legislation and I'm pleased following the receipt of correspondence from the Hon Jim Lloyd, Minister for Local Government, Territories and Roads, that the Commonwealth have now considered a proposal that I put to them in October 2003 in relation to the proposed amendments to our Legal Aid Act 1995 and also to the Memorandum of Understanding that was established between the Norfolk Island Government and the Commonwealth Government for the provision of Legal Aid Services or the provision of a Legal Aid Scheme in Norfolk Island. Mr Speaker Minister Lloyd has undertaken some further consultation in relation to that in the intervening 18 months or so and has really confirmed a number of matters that we were already aware of and I've copied that letter from Minister Lloyd to Members of the Legislative Assembly in recent days and that was really the catalyst for the bringing forward of the Bill today. As I've said before the Legal Aid Amendment Bill is tabled today and I will read into Hansard the explanatory memorandum. Mr Speaker the Legal Aid Scheme established in 1995 by the Legal Aid Act, was established as a co-operative arrangement under a Memorandum of Understanding with the Commonwealth. This was reviewed in 2000 by Chris Staniforth the CEO of the Legal Aid Commission of the ACT with a view to examining its working and ways of improving it. Extensive consultation took place between departments in Canberra and Norfolk Island and with individuals and interested parties on Norfolk Island leading to the presentation of a report that was also subject to review and comment by interests in Norfolk Island. Resulting from the Report it was agreed that substantial changes were necessary to the Memorandum of Understanding under which the cooperative arrangements were set out and these have been the subject of numerous discussions over several years. Recently the Minister, the Honourable Jim Lloyd, has advised that the changes to the legislation and to the Memorandum of Understanding are agreed in principle (although minor changes are required to up-date a number of references and hopefully to include the ACT as a signatory). The attached Bill has been the subject of numerous drafts and discussions and has been up-dated to bring it into line with current drafting styles. The purpose of the Bill is to make a number of changes to extend and improve the Legislation's impact in Norfolk Island and the changes are described in more detail in the Clause Notes. Principally, the Bill sets out the Objects that the legislation and the scheme seek to achieve and in addition to the provision of legal aid, includes programs of community awareness of the Norfolk Island legal system. The Legal Aid Committee is given the specific task of taking steps to improve legal education and awareness of the legal system. A number of other amendments empower the executive member to approve grants as legal assistance so as to allow for unusual circumstances that are not provided for (clause 7), extension of the system to aid in the High Court and several Norfolk Island Tribunals (clause 8), the requirement that Committee recommendations have regard to the guidelines (clause 9), requirement that if an application is refused by the executive member or conditions changed after the Committee has made different recommendations, written reasons must be given (clause 10), and finally, provision that the Fund may be used for the objects of the legislation thereby widening the class of costs and expenses that may be met by the Fund. Thank you Mr Speaker

SPEAKER Thank you. Is there further debate at this time. Chief Minister

MR GARDNER Mr Speaker, I move that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

SPEAKER Thank you. Then I put the question for debate to be adjourned for a subsequent day of sitting

QUESTION PUT  
AGREED

The ayes have it thank you, that matter is so adjourned.

**NORFOLK ISLAND PLANNING AND ENVIRONMENT BOARD (AMENDMENT) BILL 2005**

MRS JACK Mr Speaker I present the Norfolk Island Planning And Environment Board (Amendment) Bill 2005 and move that the Bill be agreed to in principle

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

MRS JACK Mr Speaker, this bill is introduced primarily to change the system of providing delegate Members and also to make changes to the quorum and to extend the regulation making power to include rules about Board Minutes and the rotation of delegate Members. Previously the permanent Members of the Board each nominated a person who became a delegate at Board Meetings at which a Member could not attend. The existing system of delegate Members gives rise to various difficulties, such as that of a delegate being disqualified from attending or voting for the same reason as the Member represented, sometime because of their close relationship and delegate Members being unable to attend. The sudden loss of a permanent Member with no ability to have their vacancy represented in the short term by a delegate is also considered undesirable. The proposed amendments therefore break the nexus between the permanent Members and the delegate Members so that each delegate Member will be appointed by the executive Member who may ask permanent Members for nominations but will not represent any particular person. Thus when appointed the delegates will be pulled to the intent that they should attend meetings as required by rotation. The chairperson of the Board will be required to prepare a rotation system but the executive Member is also empowered to make rules that the chairperson system is not working or is disputed. A benefit of the proposed change is that a small group may gain experience and knowledge of board processes and responsibilities that may not be available at present, particularly to delegates whose principles does not miss meetings. It also means that if there is a vacancy a delegate Member may attend to fill the vacancy at the meeting. The circulation of approved minutes to delegate Members will ensure that they are aware of what has gone before and not find themselves at meetings with no knowledge of events and decisions previously occurring or determined. The quorum for board meetings has also changed from a proportion to a number thereby avoiding a notional quorum, that is, less than the whole number of persons and the executive Member is specifically empowered to make rules about board minutes and the rotation of delegate Members. Mr Speaker since taking office approximately two meetings of the Board have had to be postponed owing to unavailability of the correct number of Members being present, the lack of a quorum being able to be formed. This of course would have added a month to some development applications and there is enough hassles in the community over the timing already without issues such as board meetings adding to it so this initiated these amendments. Since becoming Minister I've done a couple of things already and the first one was to delegate authority for permitted use. This has taken some time and has lowered the time factor in a couple of instances. There's this amendment put forward today. I've also received good positive feedback from officers in the planning and building sections of the Administration regarding further amendments to the Norfolk Island plan, Planning Act and Planning Regulations and I am hoping to put the first of these amendments to the Legislative Assembly at the April sitting. In the meantime I would just like to ask Members to consider the amendment before them, the amendment to the Norfolk Island Planning and Environment Board Bill thank you

SPEAKER Thank you. Is there further debate at this time. Mrs Jack I return to you

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

SPEAKER Thank you. Then I put the question for debate to be adjourned for a subsequent day of sitting



been also expressed through Members of the legislature. The matter of local recruitment is not new to us and in fact we've found ourselves in a bit of a bind by some of the detail of it. In other words, we are saying that we want to do it but when we look at the legislation then there is an argument that the legislation doesn't allow us to do it and we need to get through and walk through that process, not I've got to say, just for the Chief Executive Officer. I think it needs to be in a wider spectrum of employment also but what we are addressing at this time is particularly in the recruitment arrangements for the Chief Executive Officer so I suppose it really means this, that if Mr Nobbs is not wanting to bring forward those amendments, that a number of Members have said that they would equally want to have the principle addressed then it will need to remain with the backbenchers to make some proposals to bring them forward and I can signal to Members that I would be prepared to do that if in fact the Minister wishes not to do that

MR NOBBS

Thank you Mr Deputy Speaker. I've got no problem with local applicants as far as I'm concerned I would be as local as anybody and yet two applications I made to the position of Chief Executive Officer when I was a lot younger received virtually no consideration at all, so if anybody should be kicking up about local applicants it's me, but in there it says there is a merit selection process that we go through and that's in the Human Resources Policy and it's covered in the legislation and that is still encompassed in that. If there is a need for a bias because you are a local well please tell me, but let's get one thing straight. I've been attempting in the last time I was in the Legislative Assembly and in this current arrangement, to get in place a proper management training process. Now I think we are getting close but that's something that we really need because too often in a small island like this, and no disrespect to anybody and I was born and brought up here and I could be judged I guess as being in the same case but we are inclined to think within the box and that's why I believe – and I don't mean the fishing box – but that's why I believe that we do need training and ongoing training to ensure that we think outside the box. The last weeks exercise as far as telecommunications, I said earlier was a breath of fresh air, and to me I think we need to do more of it. Far more of that sort of thing. Getting our people exposed to different thinking and more up to date thinking. We are inclined to be bypassed a little and there is no criticism of anybody here and I know I'm going to catch heaps, but the think is, what we have to do is ensure that we have a proper training programme in place and that's right from go to whoa, and that we have that going consistently not just with one burst or another because I want out people to be, not just considered because they are Norfolk Islanders or they are living on Norfolk Island or whatever it is, I want them to be considered as the best, the very best against anybody and that's what we need to achieve and that's why I haven't put it in there because there's a perception that we can't make it and as I said, I've been through the process and I didn't make it and I thought I was reasonable at the time as a lot younger and holding a fairly substantial position at the time, so there's always a perception that we aint going to make it unless we get a leg up. I don't believe that. I believe we can make it but we need some help, thank you

DEPUTY SPEAKER

Thank you. Is there further debate at this time. Mr Nobbs I

return to you

MR NOBBS

Mr Speaker, I move that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

DEPUTY SPEAKER

Thank you. Then I put the question for debate to be adjourned for a subsequent day of sitting

QUESTION PUT  
AGREED

The ayes have it thank you, that motion is adjourned. Would the Speaker care to resume the Chair

SPEAKER Honourable Members, notices as printed on our programme is concluded and we are about to commence Orders of the Day

#### LEAVE

MR BROWN Mr Speaker I ask to seek leave to introduce a Bill to amend the Social Services Act

SPEAKER Is leave granted Honourable Members. Leave is granted Mr Brown

#### SOCIAL SERVICES (AMENDMENT) BILL 2004

MR BROWN Mr Speaker I table the Social Services (Amendment) Bill 2004 and I 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. I have circulated to Members a copy of the Bill, a copy of a clauses outline and a copy of an explanatory memorandum. Mr Speaker this Bill is to implement a number of the recommendations of the Social Services Policy Review which was completed in April 2002. that particular Review went back some time Mr Speaker. It was in fact prepared at the request of the Members of the Legislative Assembly resulting from a resolution passed on the 23<sup>rd</sup> August 1999. the Bill addresses various issues such as residents requirements, the eventual equalization of entitlement to age benefits for males and females, benefits for incapacity, payments of death, special benefits, improvement of application systems and criteria, hospital and medical assistance and appeals. The Bill commences with a statement of the basic objectives of the legislation and it then provides a number of new definitions as well as tidying up some of the existing definitions. That includes the provisions of an extended definition of hospital and medial assistance which we know as HMA, which provides assistance to persons who are not eligible for normal benefits because they are recipients of certain Australian benefits. This benefit which has been paid for some time was recommended in recommendation 15 of the review and is dealt with in more detail in clause 15 of the Bill. Other definition changes are the use of the expression long term incapacity, instead of permanent incapacity which effects change in clause 12, redefining of officer to conform to the Public Sector Management Act, changing of the concept of income to one of ordinary income, and a consequent removal from the definition of references to discretion and the inclusion of special benefit as a defined term. Clause 6 of the Bill deals with a concept of a couple which will extend the application of the Act to persons who are in a de facto relationship. Consequential changes to the Act apply to concepts which provides extensive criteria to be assessed if the relationship is not one of marriage as well as excluding relationships where the parties live apart on a permanent or indefinite basis. Clauses 7 and 8 require the board to provide an annual report of the reports and recommendations which have been made in the previous year and a report of the matters specified in section 11(2) as they appear at the end of the year. The report is to be provided by 31 August each year and subsequently tabled in the Legislative Assembly. In addition the bill extends significantly the secrecy provisions of the act by requiring the Chief Executive Officer to take to take precautions and give directions to ensure that information made available is only provided to those who are authorised to receive it and prohibiting persons who are not entitled to information from accessing it or divulging it. The bill preserves the existing immunity of a member of the Legislative Assembly who discloses information at a meeting of the Legislative Assembly. Clause 9 of the Bill requires the provision of annual income statements by the recipients of a benefit and deals with the variation of benefits arising from a review. A special benefit on the contrary, because it only exists for a specific time, requires a new application upon its expiration. Clause 10 authorises the executive Member to approve forms for use where they are not otherwise prescribed, rather than the present practice of simply requiring applications to be in writing and authorises delegation to an authorised officer who is defined

as a person who has been appointed by the executive Member to be an authorised officer. At present there is no delegation power. The review recommended the gradual implementation of a common age for aged benefits. Clause 11 will amend section 16 of the Act and provide a table of ages at which the benefit may be claimed by females and it also alters resident's requirements to include a requirement of residents for at least 25 years between the ages of 20 and 65 years. The requirements for eligibility for invalid benefits have as recommended in section 7 of the review been altered by clause 12 to change permanently incapacitated for work to long term incapacity now defined in the new definition of section 3 as mentioned at the commencement of this memorandum. Clause 13 of the bill provides a more extensive description on the process for obtaining and retaining an invalid or handicapped child benefit and includes a requirement for an annual medical examination and medical report. Clause 14 includes as recommended by the review a requirement for two years residence and authorises the executive member to make a disallowable instrument prescribing categories of special benefit and a qualification for payment of maximum amounts. Claims for hospital and medical benefits were recommended in section 15 of the review and clause 16 of this bill gives effect to that, by requiring a claim to be in a prescribed form and by requiring the provision of income information and details of any benefits being received from outside of Norfolk Island as well as requiring an applicant to give authorization to request information from sources outside of Norfolk Island. A right of appeal against the decision of the executive member is created and against the decision of an authorised person. That appeal will be to the Administrative Review Tribunal. Clause 19 is included to prevent the incurring of bad debts by recipients of payments who or whose next of kin, fail to pay hospital charges by requiring that such charges be paid from their benefit up to an amount that does not exceed 80% of a persons income, including their benefit. The regulation making powers of the Act have changed by clause 22 in order to provide a more extensive power to make regulations concerning the grant of benefits, particularly those for HMA while clause 23 empowers the making of a disallowable instrument to provide for the payment of incentives to take out private insurance. Mr Speaker it is intended that some of these provisions will have effect from today. There will be some further amendment proposed at our next meeting. Currently in Australia the age at which a lady can apply for a pension is 62.5 rather than 60 and it is proposed that the phasing in of provisions which are presently contained in clause 11 of the bill will be amended so that in respect of applications lodged today or later than today, the age of a lady will be 62.5 and it will then phase up to the age of 65 over the period of the coming years. The Social Services Review made a number of other recommendations which have not been incorporated at this stage into the bill but there will need to be amendments to make provision for deeming of income and to make provision to overcome a practice which has been experienced in Norfolk Island of allowing children to take the income from a property or a business and then declaring that the real owner of the property has no income. Those issues will need to be dealt with. There will also need to be transitional provisions but as the review was concluded almost three years ago it is time for me to at least ensure that the Bill is tabled today, thank you

MR GARDNER Mr Speaker I note from Mr Brown's introductory words that a reference to section 15 of the review in clause 26 giving effect to requiring claims under HMA provisions that an applicant for a benefit will necessarily have to give signed authorisation as part of the application process to request information from sources of income from outside of Norfolk Island. I'm just not sure of the current provisions within the legislation but I would imagine that that is a requirement that would be sought for all applications for all benefits under the Social Services Act, am I correct in that

MR BROWN Mr Speaker I believe that the Chief Minister has identified one of the areas which do require further amendment because the appropriate amendment is for that to apply to everyone, not just to an applicant for HMA benefits and the reason that it is required is under our Social Services Act we have no authority to require a person in Australia or New Zealand to provide us with information but if we are provided with an authority to request that information that puts us in a stronger position. Mr Speaker I should add that one of the purposes of this bill is to ensure that we are able to continue to afford to provide a dignified Social Services benefit to those in our community who require it. I think it's a very important responsibility but running hand in hand with that is our responsibility to ensure that

we do properly manage the approvals that we grant and the continuation of those approvals. Having said that, I move the adjournment

SPEAKER Thank you. Then I put the question for debate to be adjourned for a subsequent day of sitting

QUESTION PUT  
AGREED

The ayes have it thank you, that motion is adjourned

We commence Orders of the Day.

### **PLANNING ACT 2002 – DRAFT PLAN VARIATION 1-2005**

SPEAKER Honourable Members we resume debate from 9 February on the question that the motion be agreed to and Mrs Jack has the call to resume

MRS JACK Mr Speaker, thank you very much. My speaker my motion before the House reads that in accordance with subsection 12(4) of the *Planning Act 2002*, this Legislative Assembly resolves that the draft plan (VAR 1-2005) laid before this House, being a proposed variation to the Norfolk Island Plan 2002, last amended on 23<sup>rd</sup> June 2004, and deemed to be the Plan under section 8 of the *Planning Act 2002* be approved; and that for the purposes of subsection 13(1) of the *Planning Act 2002* the date of commencement of the approved Plan be 11 February 2005. Mr Speaker my role as Minister in this process is to consider the development application, review and consider recommendations made by the Administration's planning officer and the Planning and Environment Board. There is also the requirement to refer and consider formal submissions made during the recognised process and two such submissions were made. Other applications have been made. Two people who were signatories on the submissions came to my office and each wrote two more letters. Mr speaker the House knows my views on this matter. I would give this application approval and place conditions on that approval. I would like to remind my fellow Members that this development application should be considered on planning issues, specifically clauses 70 to 78 of the Norfolk Island Plan. These are the general provisions. The Use and development principles. This application should be considered on such provisions and not on, in my opinion, some of the emotive and at times incorrect statements that Members have received over the 4 past few days. Of all the reasons and objections given as to why this development application should not proceed, to my mind the only issue that remains as a valid planning matter is the concern over noise and specifically night time noise. In this application and in submissions made to Members of this Legislative Assembly noise has been viewed in several ways and if I refer back to Hansard of last month Mr Brown said "and so that we can be assured that the neighbours of the existing kennels are not simply saying look they are no trouble at all, in order to get the kennels shifted to another part of the island". I should imagine that if these had been the process followed and had been an ongoing problem that over the in excess of ten years that kennels and veterinary practice have been in operation that the Administration would have been aware of problems with that business and the way it operated as I am aware, it's not had any issue with that business and so I would say that it hasn't been a problem. We've had Mr Brown also refer to the "sound transmission classification or the STC" of the bricks. I felt I answered his concern in the last Legislative Assembly but I'll just go over it again that owing to the way those bricks are manufactured on the island with the differing elements that a constant brick isn't made and so there would be variations when testing that particular aspect. The other sound insulation property that came to concern was when I mentioned shredded rubber and Mr Brown again noted that he would be interested in seeking just what information was available there and I had this particular email back from a Member of the service that our machine, that is the machine at the waste management centre produces a product that suits the main re-use on the island, that is, sewage absorption trenches. We wouldn't configure the machine to produce a product for a minimal use requirement unless there was a reasonable expectation that there would be some volume required. Sound proofing generally is not a high



which was I think April 2002 is a reasonable policy to impose, well that's fine. The major difficulty of course is that the noise we are talking of here is going to be during the night in many cases whereas the stationery noise policy is my recollection is correct, and certainly most other noise policies, are for limited periods during the day. The New South Wales policy for example, runs Monday to Friday from about 6am until about 8pm, slightly lesser time on Saturday perhaps and a slightly lesser time again on Sunday. So those are my thoughts about that aspect but I've got another quite significant concern. We are looking at making this change in order to assist a person who has very recently purchased the particular property and in the area there are some families who have moved in comparatively recent years, but there are families who have been there for many many years. But I'm not aware of anyone having moved into the area at a time after the applicants acquired their property. If we were talking of something where some new people moved into the area, perhaps they bought a block of land in the last six months, and the applicants had had their property for some time and this proposal had been around for some time, it would be more difficult. It would be even more difficult if in the knowledge of this proposal someone still bought some land in the area and it would be more difficult again if in twenty years after the applicants began to run their veterinary practice someone bought a block of land and then like the people who bought land around Tullamarine Airport in Melbourne and various other airports in Australia started to say well, you'd better shift your airport because I've bought a block of land here now. The question in my mind is how much weight should be placed on the fact that the people who have lodged objections are people who were living in the area, well before this proposal came up. How much weight should we place on the fact that the people who lodged the objections apparently accepted the new plan. How much weight on the fact that this is not an industry which is incapable of positioning itself somewhere on the island. It certainly can even within the present plan, be built in a substantial number of areas on the island. How much weight should be placed on that. Is it important that it can be done somewhere else and that there is not a crying need for it to be done in this one particular location. Mr Speaker I'm uncomfortable with the motion as it is before us. I'm uncertain as to whether I ever could become comfortable. Certainly I would not be comfortable without having heard what we've heard today without an environmental scientists report. The applicants have had since our last meeting to produce some information about concrete blocks and their sound attenuating qualities. That information is available from the CSIRO and other places but it hasn't been provided. It's insufficient to say well the local blocks which are presently made by a local concrete block manufacturer might not be consistent and therefore don't bother getting a measurement. If there was a problem of inconsistency with the local blocks then clearly the applicants should bring blocks from Australia or New Zealand as to which sound information is available. On balance I've decided that I cannot come to any other conclusion other than that I should vote against the motion today, thank you

MRS JACK

Mr Speaker, thank you. A couple of points. Mr Brown mentioned in that these people accepted the new plan. That's true. They did accept the new plan. But they also accepted clause 93 which gave it the provision and perhaps that was the deciding factor on the off chance that they would be able to change it or get a variation I should say. I find it interesting with Mr Brown referring to people long established in the area and that again is true. I find it interesting too that those people are on rural zone and in fact if the property was just across the road it would be in a rural zone and we wouldn't even be debating this and those people wouldn't have the benefit of this application being debated in the House. It would be considered as a permitted with consent application so yes, they do have a right to put in submissions and to voice their concerns, but that is just another aspect to look at. I appreciate Mr Brown's views and asking for an Environment Impact Study to be made. I don't know what these people would be prepared to do. I spoke to the Planning Officer this morning and she advised me to just get it sorted today and while perhaps I should see if it should be adjourned and made a matter of debate for a subsequent day of sitting I'll take views of other Members on how they want to go

MR BROWN

Mr Speaker could I just clarify. I wasn't suggesting that we should go to the extent of an Environment Impact Study. What I was seeking was a report from an Environmental Scientist which is a much faster process

MRS BOUDAN Thank you Mr Speaker. I've communicated with some of the neighbours in close proximity to this property and taking into consideration their objections, I really don't feel comfortable in supporting this motion thank you

MRS JACK Mr Speaker, if I could suggest, let's put it to the vote. It either goes ahead or falls

MR GARDNER Mr Speaker just before we do that. I've held a fairly open mind about this matter for quite some time and although based on the facts and information that have been provided to me I'm not inclined to support the motion for a number of reasons. One is the consideration of precedent and the next case that lobs into the Legislative Assembly that says you let A do it so why not let us do something in our back yard. There's also I think the interesting situation that would arise that Mr Brown's touched on and certainly I'm very aware of as I'm sure all Members are aware of the current difficulties being experienced by people in dealing with the 2002 Norfolk Island Plan. There's a very strong desire within the community for want of a better word, to abandon the 2002 plan, go back to the 1996 plan in some amended or modified form as Mr Brown suggested in his debate but interesting to note, that if we did do that, this matter would get approval through the planning system because the 1996 plan is certainly nowhere near as prescriptive as the 2002 plan and even if the matter were to be an ordinarily prohibited matter under the 1996 plan there is an assessment and approval process that is followed and that decision is basically left in the hand of the executive member. As I can probably evidence in three or four areas that I dealt with as executive member under the 1996 plan dealing with ordinarily prohibited matters. You go through a consultation process, the Board makes assessments and then a judgment is passed on it and an approval is either given or not. That said, if we were to abandon the 2002 plan there's every likelihood that this proposal would get up and running with a return to the 1996 plan which is just something interesting to bear in mind as we consider it. I was talking about the prescriptive nature of the 2002 plan and all the matters that have been listed. Certainly I don't recall as a Member of the Legislative Assembly and that's probably a failing of mine but equally I don't think that any Member of the Legislative Assembly in adopting the 2002 plan had an opportunity in any substantive way to be able to consider all of the matters listed under all of the different zones under the Norfolk Island Plan. I look around the table but I don't see anybody putting their hand up and saying yes we did. So it's fair to say that when the plan was adopted there was a lot of pressure on to adopt it and maybe it was a plan that we just didn't really turn our attention to in the detail that we possibly should have but it was important that we got a new plan in place and that's what we did and as I said at the last sitting it's pretty much a suck it and see approach to see whether the plan is going to deliver to us what was intended or not and as I said at the last sitting, in my view there are, and I agree with Mr Brown on this, there are some significant failings in the current planning arrangement. We fail to consider for example or failed to give enough attention to the activity nodes that we proposed around the Cascade Pier environments and around Anson Bay and around Headstone and around other places because they had in the original development of the Norfolk Island Plan 2002 model, had been identified as areas that there may need to be significant development such as Cascade quarrying and crushing, such as where-ever there were harbour or port facilities built, this was looking long term, looking at proposals such as customs, quarantine arrangements, sheds and lockups and the like and under the current plan, 2002, we are pretty restricted by it as far as any of that type of development long term is concerned and that's a failing. I mean, if we can't resolve crushing in my view that is something that we have to revisit the plan. In my view there is absolutely no doubt about that. We have to revisit the plan, we have to give that further consideration. Likewise if we were to construct a jetty or a pier, or increase the size and scope of any of those in any situation on Norfolk Island they need to revisit the plan because simply provision has not been made to embrace those sorts of developments and that sort of infrastructure within the Norfolk Island context but I guess at the end of the day my argument to revisit the plan and vary it whether its just a variation of this type of whether it is a more significant variation in the guise of a rezoning, that there has to be demonstrated a very clear benefit to the Norfolk Island community as a whole. If we are going to adopt that. Now we are talking about a veterinary practice here and certainly I appreciate the

efforts that Dr Gartrell's has gone to in providing that service in Norfolk Island, he has a General Entry Permit obviously and I guess I've become a little disappointed when your residency status is something that is used as an argument as to whether you should be able to do something on your block of land or not. You own a block of land and you are treated in the same way as every other owner of a block of land is because there are no covenants placed on that, that restrict you to what you can do because of residency status other than in the situation of crown land and the ownership of it, where you must either be the holder of a General Entry Permit or residency. Those things are disappointing because at the end of the day we have to look at the plan. My view is that I need to be convinced that we need to step outside of the plan that we adopted though I sympathise with the applicant in this situation but obviously they've made a significant investment. That's where they want to establish their works and premises. I don't feel that there is sufficient justification at this time to step outside of the requirements of the Norfolk Island Plan. There is a process that we need to follow and if that process is for the revision of the plan that clicks into place at some time and that's going to be in the hands of the executive member or there is a view by the Legislative Assembly that we need to have a broad scale review of the provisions of the current 2002 Norfolk Island plan as proposed by Mr Brown and maybe an abandoning of the current plan and a re adoption of the 1996 plan, that as I see it, is going to resolve the applicants issue overnight. Simple as that. Something that we need to bear in the back of our minds when we are dealing with it. As I said I do sympathise with the applicants. I've taken on board and listened to some of the people in the neighbourhood who have spoken to me. I've talked to people who have lived or have had dealings with the location of the current vet practice that was established by Dr Liz Nutt but I cannot see that the overall benefit of Norfolk Island is going to be improved by varying the Norfolk Island plan today. The arguments are that there is a vet practice established elsewhere. There is nothing to prevent this vet practice being established elsewhere on the island and so I don't see the need even though I'm conscious that straight across the road from this proposed site is actually a site that under the Norfolk Island plan would allow the building of it. We've drawn the lines. I don't believe there is sufficient justification to redraw those lines at this stage

MRS JACK Mr Speaker, just discussing one thing that the Chief Minister spoke about and his concern was for the precedent that would be made if this approval were to get up and I feel somewhat disappointed that the cm spoke about and his concern was for the precedent that would be made if this approval were to get up and I feel somewhat disappointed that the Chief Minister feels that a precedent would be made because each development application is looked on as a separate entity and to me he's bringing in doubt the robustness of the Norfolk Island plan. One that was years in the making so to speak, like Ben Hur, and I am a little disappointed that he feels that this precedent could be set. I feel that he's taking into doubt the ability of the plan, as I mentioned before, in clause 70-78, to fail to look at each application as a separate entity because I feel it is not that way at all. This plan has the provisions to make consideration for the community as a whole and not that the application is the conduit for it, thank you

MR GARDNER Mr Speaker in response to that. Yes I am calling into question the robustness of the current Norfolk Island plan

SPEAKER Thank you Chief Minister. Is there further debate at this time. Then I put the question that the motion be agreed to

QUESTION PUT  
MOTION NEGATIVED

Do you wish to have the House called Mrs Jack

MRS JACK Mr Speaker, I don't think that is necessary

SPEAKER I would interpret that the noes have it

**SUSPENSION**

Honourable Members, I intend now that we suspend for lunch and that we might return at 2.00 o'clock this afternoon

**RESUMPTION**

Honourable Members, we resume after our suspension for lunch. We are at Orders of the Day

**ROAD TRAFFIC (AMENDMENT) BILL 2005**

**SPEAKER** Honourable Members we resume debate from 9 February on the question that the Bill be agreed to in principle and Mr Nobbs has the call to resume

**MR NOBBS** Thank you Mr Speaker. Members will recall that this bill takes account of the motions that were passed just in December at that sitting in relation to seat belts and cycle helmets and other things which were the subject of three motions by Mr Tim Brown. I have nothing further to say on the matter at this stage Mr Speaker

**MRS JACK** Mr Speaker, this House and community are well aware of my views on those issues and they are also being tied into some further amendments are they not, put by Mr Tim Sheridan. If they had been split up there are some of those amendments that I would like to agree to however, because they are being classed as one action you may say, I'll be keeping my vote constant as it was before with a no, thank you

**MR NOBBS** Mr Speaker I would like to say a few more things if I may. I'm sorry. I forgot all about it but there's a letter from the Norfolk Action Group today which asked the question tabled at the next sitting of the Legislative Assembly which is today, when is the Government going to stake road safety seriously and introduce an education programme that will save lives, prevent serious injury and reduce the ongoing costs of caring for those who are injured on our roads. Mr Speaker the Government takes road safety very seriously and one of the suggestions made in here was that we should look at getting a comprehensive driving training course for all newly licensed drivers. I started with an interim safety committee just prior to Christmas and they undertook some publicity and the likes over the Christmas period but one area that we looked at was this driver training. We've got one of the constables at the end of the last school year was at the school fairly consistently taking various classes through their particular areas of what you would call responsibility, depending on their classes, like the junior kids would be crossing the road and the senior kids was more into the driving side of things. One issue that did come out was that in New South Wales we were looking at trying to get a course established up here and I know when my kids were growing up some of them did Driver Education Training and their licence training in the school but from what I can gather, when we looked at it, the New South Wales education is virtually abandoned. They've abandoned that course due to the liability risk so that we were stymied a bit in that area but what has actually happened is that there is a better testing arrangement we believe that's been put in place for the kids before they actually get their licence, they have to sit for a written test and they also watch a video and of course do whatever driving tests are required. Apart from that as this group may have seen there has been a call for a couple of community Members for the safety committee which will be established as soon as the period, probably at the end of this week when the period closes for applications. We've had incredible response to those ads that we put in the paper so there is a great interest in road safety in the community as well so it augers well for the committee to proceed. I too agree that with the group that we need to do more as far as driver education and general road safety education and that's a line that I would expect that the safety committee would take and take a lead in and I'll give them all the support I can and that's all I have to say on that Mr Speaker

**SPEAKER** Thank you Mr Nobbs. Any further debate Honourable Members. There being no further debate I put the question that the Bill be agreed to in principle

## QUESTION PUT

Would the Clerk please call the House

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

The result of voting Honourable Members the ayes six the noes three. The ayes have it thank you. The Bill is agreed to in principle.

We move now to the detail stage. Is it the wish of the House to dispense with the detail stage. No. Are there particular clauses that you want to address or shall I just lead you through clause by clause Honourable Members.

MR GARDNER Mr Speaker it might be appropriate to go through clause by clause to make it clear. Like Mrs Jack there are useful parts of the legislation that I certainly have no difficulty with at all but there are other parts of the bill that do cause me concern and I don't agree with them

SPEAKER I'll walk through the piece of the proposed legislation clause by clause. First of all clause one. Is clause one agreed

AYE

Is Clause two agreed Honourable Members

AYE

Clause two is agreed

Is Clause three agreed Honourable Members

AYE

Clause three is agreed

Is Clause four agreed Honourable Members

Would the Clerk please call the House

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

The result of voting Honourable Members the ayes six the noes three. The ayes have it thank you, clause four is agreed Honourable Members

Is Clause five agreed Honourable Members

Would the Clerk please call the House

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

The result of voting Honourable Members the ayes six the noes three. The ayes have it thank you, Clause five is agreed Honourable Members

Is Clause six agreed Honourable Members

Would the Clerk please call the House

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

The result of voting Honourable Members the ayes six the noes three. The ayes have it thank you, Clause six is agreed Honourable Members

Is Clause seven agreed Honourable Members

AYE

Clause seven is agreed

Is Clause eight agreed Honourable Members

AYE

Clause eight is agreed

Honourable Members in terms of the remainder of the bill, is the remainder of the Bill agreed

AYE

The remainder of the bill is agreed

Honourable Members, we have therefore concluded the detail stage and I seek a motion in its final form that would be, the Bill be agreed to

MR NOBBS

Mr Speaker I so move

SPEAKER

Thank you Mr Nobbs. Any further debate Honourable Members. There being no further debate I put the question that the Bill be agreed to

## QUESTION PUT

Would the Clerk please call the House

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

The result of voting Honourable Members the ayes six the noes three. The ayes have it thank you, the Bill is agreed to

**FUEL LEVY (AMENDMENT) BILL 2005**

SPEAKER

Honourable Members we resume debate from 9 February on the question that the Bill be agreed to in principle and Mr Nobbs has the call to resume in this matter

MR NOBBS

Thank you Mr Speaker. As members will recall this Bill is to clarify the principle Act so that the revenue from the Fuel Levy currently, there is some thought that it must be for a broad general purpose of the Administration which is actually contrary to what I understand was the original agreement to a fuel levy which was for use on the roads. This is to clarify this situation so that it can be directed directly to the roads and as Members realise from 1 July the intention is to create roads as a Government Business Enterprise, thank you Mr Speaker

MRS JACK

Mr Speaker, just a point and I'll declare a conflict here is when I discuss this. I agree that the fuel levy should go towards the roads. It's also petty and hence my conflict that the duty that's taken from cigarettes doesn't all go towards the hospital but is put into general revenue. It's a pity that can't be sidelined solely for the hospital, thank you

MR NOBBS

It could happen if the Minister so directs

SPEAKER

Thank you Mr Nobbs. Any further debate Honourable Members. There being no further debate I put the question that the Bill be agreed to in principle

QUESTION PUT  
AGREED

The Bill is agreed to in principle.

We move now to the detail stage. Is it the wish of the House to dispense with the detail stage. We so dispense. Therefore Mr Nobbs I seek a final motion that the Bill be agreed to

MR NOBBS

Mr Speaker I move that the Bill be agreed to

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

QUESTION PUT  
AGREED

I think the Ayes have it. The Bill is agreed to

#### **INTERPRETATION (AMENDMENT) BILL 2005**

SPEAKER Chief Minister I might call to your Interpretation Bill if you are ready to do that. Honourable Members we resume debate from 9 February on the question that the Bill be agreed to in principle and the Chief Minister has the call to resume

MR GARDNER Mr Speaker the Bill as was introduced last month was to bring the provisions of law of Norfolk Island with respect to the service of court processes in line with the facilities available. Mr Speaker as I said last month in some jurisdictions the service of documents must be affected personally while in others service by mail is acceptable. In Norfolk Island the service of documents by mail has not been practicable because there's been no mail delivery to the home or business addresses. Without repeating the explanatory memorandum which was tabled at the last sitting of the House, just to update the listening community and certainly the Members around this table as to some of the queries and questions that have arisen with the introduction of this legislation about some of the difficulties encountered with the postal system and the non franking of mail and stamps and the like I've been assured that in this process these things will be properly adhered to so that there is no doubt about when the document was served through the post and that those documents that are served are served under the provisions of this amending bill I commend the bill to the House

SPEAKER Thank you Mr Gardner. Any further debate Honourable Members. There being no further debate I put the question that the Bill be agreed to in principle

QUESTION PUT  
AGREED

The Bill is agreed to in principle.

We move now to the detail stage. Is it the wish of the House to dispense with the detail stage. We so dispense. Therefore Mr Gardner I seek a final motion that the Bill be agreed to

MR GARDNER Mr Speaker I move that the Bill be agreed to

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

QUESTION PUT  
AGREED

I think the Ayes have it. The Bill is agreed to

#### **NORFOLK ISLAND HOSPITAL (AMENDMENT) BILL 2005**

SPEAKER Honourable Members we resume debate from 9 February on the question that the Bill be agreed to in principle and Mr Brown you have the call to resume

MR BROWN Thank you Mr Speaker. Members will recall the purpose of this Bill is to extend the time in which the hospital's annual report is tabled in the Legislative

Assembly. The Bill will bring that requirement into line with that which is contained in the Annual Reports Act thank you

SPEAKER Thank you Mr Brown. Any further debate Honourable Members. There being no further debate I put the question that the Bill be agreed to in principle

QUESTION PUT  
AGREED

The Bill is agreed to in principle.

We move now to the detail stage. Is it the wish of the House to dispense with the detail stage. We so dispense. Therefore Mr Brown I seek a final motion that the Bill be agreed to

MR BROWN Mr Speaker I move that the Bill be agreed to

SPEAKER Thank you. If there is no final debate I put the question that the Bill be agreed to

QUESTION PUT  
AGREED

I think the Ayes have it. The Bill is agreed to

#### **HEALTHCARE LEVY (AMENDMENT) BILL 2005**

SPEAKER Honourable Members we resume debate from 9 February on the question that the Bill be agreed to in principle and Mr Brown has the call to resume

MR BROWN Thank you Mr Speaker. Members will recall that there were two purposes for bringing forward this Bill. The first was to better define the meaning of de facto spouse for the purpose of the legislation and the second was to make provision for the situation where a person who is a newly arrived permit holder in Norfolk Island seeks exemption from the Healthcare Levy and the amendment will provide that a person who has not been here for six months, can't seek an exemption and those are the two purposes of the bill thank you

MR GARDNER Mr Speaker just in relation to this I am pleased I guess that we are modernizing some of our legislation and Mr Brown by leave earlier today introduced the Social Services amendment. I think section 6 of that Social Services amendment deals with similar provisions to the Healthcare Levy arrangements as far as the de facto spouse type arrangements are and that's to be applauded that we are dragging it into the 21st century and that we've modernized our legislation to have regard for situations that in some instances have existed for a long time and now at least our legislation is properly recognizing those provisions

MR BROWN Mr Speaker I should add that the intention behind the bill is not to discourage traditional marriage and it is certainly not to encourage any other form of relationship,. It is simply to overcome a difficulty which is arising time and time again. For example where someone will wish to bring a friend to Norfolk Island under our immigration legislation and will tell us that the person is their de facto spouse and then the next day we find that for the purpose of other legislation they are wanting to tell us that they are not a de facto spouse at all and therefore they would like to be exempt from the Healthcare Levy or some other things so I wouldn't like anyone to think that I was attempting to discourage normal living thank you

MRS JACK Normal living or normal living standards I wonder Mr Brown. I agree with the Chief Minister on bringing the relationship into the 21<sup>st</sup> century. I'm

also glad to see the concerns and the problems we've been having with the Temporary Entry Permit holders avoiding joining the Healthcare Levy system finally being overcome. It's overdue and I'm glad to see that the current Minister has tackled the problem thank you

MR SHERIDAN Mr Speaker it's interesting to note that two of the debates have centered on dragging Norfolk Island into the 21<sup>st</sup> century. I would just like to make the comment does the de facto spouse mean now, in dragging ourselves into the 21<sup>st</sup> century, does that mean the same sex couples. Do they qualify under this definition. Maybe the Minister could help me out there. I don't know whether Norfolk Island recognises relationships as such or for benefits but as we are being dragged into the 21<sup>st</sup> century more and more countries are accepting these relationships. Is that the purpose of this amendment

MR BROWN Mr Speaker I can assure Members of the House that I'm not wishing in any way to encourage same sex couples

SPEAKER Thank you Mr Brown. Any further contributions Honourable Members. There being no further debate I put the question that the Bill be agreed to in principle

QUESTION PUT  
AGREED

The Bill is agreed to in principle.

The detail stage. Is it the wish of the House to dispense with the detail stage. We so dispense. Therefore Mr Brown I seek a final motion

MR BROWN Mr Speaker I move that the Bill be agreed to

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

QUESTION PUT  
AGREED

The Ayes have it. The Bill is agreed to

### **IMMIGRATION AMENDMENT BILL 2005**

SPEAKER Honourable Members we resume debate from 9 February on the question that that particular Bill be agreed to in principle and Mr Brown has the call to resume

MR BROWN Thank you Mr Speaker. The purpose of this Bill is to bring about some necessary amendments in the Immigration Act. The only controversial part of the Bill is that which relates to the application for General Entry Permits where the Bill if passed by the House will provide that a General Entry Permit application can be lodged by an Australian or New Zealand citizen, an Australian or New Zealand permanent residents or a resident of Pitcairn Island and also by a citizen of another place who have been living in Norfolk Island for a period of four years and that I suggest to Members is a necessary amendment in today's environment where we no longer have the safety net of the Australian immigration authorities reviewing General Entry Permit applications on our behalf. The Australian authorities no longer do that. We do not have the facilities to ensure that an applicant from other than the places I have mentioned is a suitable potential immigrant into Norfolk Island and I suggest to Members that the amendment will enable that difficulty to be largely overcome, thank you

MR GARDNER Mr Speaker just to clarify. I thought we had addressed it but the date of the Bill being the 15<sup>th</sup> December 2004 there had been proposed an amendment

to clause 4 where there is a reference to section 18. I understand that was moved at the last sitting

MR BROWN Mr Speaker the detail stage amendment has been circulated but is to be moved at an appropriate time today

MR GARDNER Mr Speaker I see that my concerns have been addressed in that thank you

SPEAKER Thank you Chief Minister. Any further debate Honourable Members. There being no further debate I put the question that the Bill be agreed to in principle

QUESTION PUT  
AGREED

The Bill is agreed to in principle.

There has been some foreshadowing of detail arrangements so we progress to the detail stage. Mr Brown I'll give you the first call as you had foreshadowed some of that

MR BROWN Thank you Mr Speaker. I move the detail stage amendments which I've previously circulated. They are self explanatory Mr Speaker; I don't propose to speak to them. They are to overcome a few aspects of the original amending Bill which needed clarification

SPEAKER We'll address those amendments first Honourable Members, then I'll take the bulk of the bill I think in the balance. Honourable Members, the question is that the amendment circulated by Mr Brown and now moved, be agreed to.

QUESTION PUT  
AGREED

The ayes have it thank you. Those amendments are agreed. In terms of the balance of the bill are Members agreeable to the balance of the Bill

QUESTION PUT  
AGREED

We are agreed thank you. Honourable Members, that concludes the detail stage. We now have a Bill as amended. Therefore Mr Brown I seek a final motion that the Bill as amended be agreed to

MR BROWN Mr Speaker I move that the Bill as amended be agreed to

SPEAKER Any final debate Honourable Members. I put the question

QUESTION PUT  
AGREED

I think the Ayes have it. The Bill as amended Honourable Members, is agreed to

Honourable Members, we have concluded our substantive business for the day Honourable Members, and we now move on

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

MR T BROWN Thank you Mr Speaker I move that the House at its rising adjourn until Wednesday 20 April 2005 at 10 am

