

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

Honourable Members, if you would feel more comfortable without your coats this afternoon then please feel free to dispense with them take them off

LEAVE OF ABSENCE FOR MR TIM BROWN MLA

SPEAKER Honourable Members, Mr Tim Brown is away today and seeks leave. Is leave granted for his absence at this sitting. Is leave granted. Leave is granted thank you

PETITIONS

We move to petitions. Are there any petitions this morning?

MR SHERIDAN Mr Speaker, I present a petition of certain residents of Norfolk Island, which reads – The petition of certain residents of Norfolk Island draws to the attention of the House concerns within the community about our health ministers' apparent refusal to consider the implications of how the loss of a full time generic counseling service will affect the needs and well being of the island community. We, the community strongly appeal to the Assembly, that we be accorded the privilege that every individual is entitled to – good psycho- social health and well-being as we have had in the last 17 months. Your petitioners therefore pray that the House will use its strongest and best endeavours to consider the importance and urgency in procuring a full-time generic counselling service. A part-time service does not work effectively for the well being of individuals unless there is a full time service to support it. Mr Speaker there are 186 signatories to the petition. Mr Speaker the standing orders of the Legislative Assembly, in particular standing order 86, precludes discussion of the subject matter of the petition at this point in the proceedings of this House. I foreshadow Mr Speaker that later in this sitting I will be moving a motion relative to the petition.

SPEAKER Thank you Mr Sheridan. The petition is accordingly received. Any further petitions Honourable Members

GIVING OF NOTICES

Honourable Members, are there any notices?

MR GARDNER Mr Speaker if this is the right opportunity I table as an exposure draft the Bankruptcy Bill 2005 thank you

SPEAKER Thank you Chief Minister

QUESTIONS WITHOUT NOTICE

Are there any questions without notice?

MR SHERIDAN Thank you Mr Speaker. I have a couple today. My first question is put to the Minister for the Environment. Is it correct Minister that breaches of provisions of the Emergency Provision for Crushed Rock and Aggregate Act were reported, and if so, what does or has the Government done in relation to the alleged breaches

MRS JACK Mr Speaker, there has been a report of an alleged breach against one operator under that Act. I have referred the matter to the appropriate people within

the Administration and the matter is being investigated and I await the results of that investigation

MR SHERIDAN Mr Speaker further, one for the Minister with responsibility for Roads. Is the Minister aware of complaints and adverse comment made within the community in relation to roadworks on JE Road and what is being done to address these concerns

MR NOBBS Thank you Mr Sheridan. There have been some adverse comments and usually when construction sites are in the process of works it is generally very difficult to make it look in a pristine condition and therefore I would say that there will be a need to undertake some fairly significant rehabilitation works and also complete the road to a standard far better than it was in the past and that was the view. The works are part of a proposal which was within the budget when this Government took over and we are proceeding with that as such but I have given strict instructions to the service in relation to a number of issues which have come out as far as the complaints are concerned in relation to this road. They are mainly all about talking to your neighbours, getting a plan, a proper plan of the area, showing them what happens and as I said talking it through with your neighbours and also the major users of that particular road because when you are actually doing the work you need them to be really on side and I'm sure that in time they will, as far as JE Road is concerned, they will see that it's a great improvement but at the present time it's rather like a moonscape and as I say, it's very difficult to carry out these works and keep them in a pristine condition. It's virtually impossible. As a consequence of this I think that we, that's the service and also I, have learnt a lesson and I believe that in the future, future projects such as that will be dealt with a little better if I may say so. The works still to be done on it, and we've been held up with rock and it's very difficult to keep going backwards and forwards to a job and the likes and I feel for the guys who are working in that area but there are things that we need to do in the future and I'm sure that they will carry out the instructions given, Thank you Mr Speaker

MR SHERIDAN Thank you Mr Speaker I do have two more. First the Minister with responsibility for postal services. Minister as you are probably aware there are concerns within the community with the mail service to Norfolk Island, particularly from Australia. Would you please clarify what mail service arrangements are currently in place and also is the Minister aware of problems with the mail service and what is being done to address these problems

MR NOBBS Mr Speaker this is fairly timely. Actually just explaining the current situation with carriage of mail. Carriage of mail from Australia is by an arrangement between Australia Post and Norfolk Jet Express and the carriage the mail. There have been a number of complaints in relation to the carriage of mail or mail not coming as well as a number of bags of course, so we have had problems. The Post Office has had problems in that, although they have usually cleared up with the weekend flights. If as I understand, and I only understand that the 737 will be taken out of the service, but there's all these rumours floating around, I'm not too sure where we stand at the moment, but if so, that problem will increase. As far as the mail from Norfolk Island to Australia is concerned, a few years ago there was an airline called Flight West which was carrying the mail in the time I was last in this particular position. They fell over and the mail as I understand it, was then carried by Norfolk Jet. There was no arrangement put in place even though we had at the time, and I'm not too sure of the dates, I think it was late 2001/02, although we had in place a purchasing arrangement there appears to have been no agreement entered into with Norfolk Jet Express in relation to the carriage of mail until a bill came in several months later which was well above the price which had previously been charged by Flight West. The situation then was that there was then negotiations with Norfolk Jet Express and it actually ended up with Norfolk Jet Express pulling their service. The bill was paid but in the meantime the Administration in line with the purchasing arrangements sought quotes from both Norfolk Jet Express and Air New Zealand in relation to the carriage of mail from Norfolk Island to Sydney. The quotes were taken and assessed which is a process permitted under the purchasing arrangements as I understand it, and I understand that it was carried out under those provisions. A contract was awarded to Air

New Zealand which came in at a price far lower than the other competitor and the mail has been carried by Air New Zealand ever since that time and the contract is still in place. And that's the current situation as far as the carriage of mail is concerned and I intimated to Mr Preschelt in an email last week, that the postal services is happy with the carriage arrangements provided by Air New Zealand. Why I say it's timely is that I'm a little concerned that an email was sent to me I don't know whether inadvertently or intentionally sent to me, but it was from Mr Preschelt to one of my penpals in the paper and some of the issues that he extrapolated from my letter and my email to him, his versions are not quite the correct interpretation and therefore I will leave it at that and see what happens in next week's paper, thank you

MR SHERIDAN Mr Speaker one final question for the Chief Minister. Chief Minister have there been any further information forthcoming from the Australian Government with regard to the adoption of the naval tanker HMAS Sirius or soon to be named HMAS Sirius by Norfolk Island and its community

MR GARDNER Mr Speaker just some background to assist in answering that question. As Members would be aware we were fortunate to have a visit from HMAS Tobruk and her crew last year some time and at a function at Government House it was proposed then by I think one of the first officers on that ship that Norfolk Island may wish to give consideration to the adoption of the to be named HMAS Sirius which was a tanker in the Australian Naval Fleet and I think it was raised as an indication of the close connections between certainly the Navy and the people of Norfolk Island over many years. A suggestion was made that Norfolk Island contact the Australian Government or the Navy in regards to pursuing the option of adopting that tanker or that vessel and that has happened, Mr Speaker and just in recent days and I've copied that to Members I've had a response from the Hon Jim Lloyd, Minister for Territories who has very clearly provided his support for that request to the Australian Government and has written to his colleague the Minister for Defence, Senator the Hon Robert Hill providing his personal support for that request from Norfolk Island and with a hope that the Australian Government will seek itself clear or the Defence Forces will see itself clear to in some way provide for some adoption and close arrangement between the tanker the HMAS Sirius and the people of Norfolk Island in recognition of certainly the historic links between the original Sirius the HMA Sirius which was wrecked off the foreshore at Kingston

SPEAKER Thank you Chief Minister. Any further Questions Without Notice. No. We have no answers to Questions on Notice this morning so we move to Papers

MRS JACK Mr Speaker, in the meeting last month a question was asked and I said I would put it on notice. It hasn't been put on notice. Shall I just answer that in Statement time

Speaker Would you like to do that in statement time

MRS JACK Yes, if that's suitable

PRESENTATION OF PAPERS

MR BROWN Mr Speaker I have a regulation to table. In accordance with section 41 of the Interpretation Act 1979 I table the Pharmacy Amendment Regulations 2005

MR NOBBS Mr Speaker I table the virements of funds advise which is required to be tabled in the House. These are for small amounts, well not small amounts but they are amounts in this case, \$7,500 is the largest amount. It's where funds are transferred between accounts within the Administration to cater for needs that are required at the time and they include areas such as stock. Police, Works, Administration, Legal, Welfare and the Legislative Assembly. I table those

MR NOBBS Mr Speaker I table the revenue fund financial indicators for March 2005 and I just advise that the best that can be determined on the 31st March 2005, this is from a report by the Finance Manager, is that the Revenue Fund overall income is 97% of the revised budget, that is, \$257,000 short. Customs duty in the income side of course is \$270,000 short of budget and the sum total of other taxes categories is \$46,000 short of budget. Departure fees are \$67,000 short and earnings collectively from other income categories are \$59,000 ahead of the revised budget and FIL receipts are \$82,000 ahead of the budget. As far as the expenditure is concerned, the overall expenditure which includes outstanding orders raised in 2004/2005 at the end of March 2005 is on a pro rata basis about 7% that is \$723,000 under the revised budget. For the pro rata period we are operating and I say it's a pro rata period to the end of March the budget is in deficit of 1.037m and I don't want people to get overexcited about that, because it's only up to the end of March and on the pro rata basis it's some \$466,000 less than budget. If we can maintain that Mr Speaker it would be a start. I think the basis of this is that customs duty has taken a downturn, departure fees obviously have taken a downturn, but the good part is that FIL is up so that's the position at this point in time

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 Speaker, in response to a question in the March Legislative Assembly I would just like to give a brief response if I may and the question was 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 and I answer with the following. There are I understand eight officers within the Administration who are authorised to administer the Acts and Codes associated with Building and Planning Acts. They are Boyd Adams, Albert Buffett, Neil Tavener, Miles Howe, Nicole Diatloff, Miriam Matthews, Sarlu Lecren and Mike Johnson. As one would expect there is also a range of qualifications and or experience. Some have tertiary training whilst other have had many years administering the Planning and Building Codes as they have developed over the years. Most officers have a range of responsibilities within the Administration with Building and Planning being some of those responsibilities. I am assured that the officers who are administering the Acts and codes do have the knowledge and experience to administer them. If there are any further aspects you may require, Mr Buffett, as I believe it was your question, if you would like to pass them to me at the end of this meeting and I could have it more fully investigated

MR NOBBS Mr Speaker just in relation also to a question that was asked by Mr Christian from memory at a previous meeting on the Road Traffic Act, I was asked a question in relation to the prescribed fee of one fee unit which was to apply to the charge made by an authorised inspector undertaking a registration inspection. The wording of this section is incorrect. As I understand it, the intention was for it to read up to one fee unit which is \$18. This will be amended but it will be part of several issues which have arisen and some of these are the Police have indicated they would like the penalties for certain offences that are in the Traffic Infringement Notice be increased. There is also in relation to the smoking and noise section, the provision of confiscation of vehicle requires clarification. On the Road Safety Committee which has been established has its first meeting on the 29th April and it will establish sub committees and deal with proposed amendments to the Act and the Road Safety Committee have been recommended. We have got a situation where we have a basic committee split into four sub committees dealing with specific areas and this will proceed by way of appointment by the Administrator in Regulations as are required under the Act

MR CHRISTIAN
Statement be noted

Thank you Mr Speaker, can we moved that the

SPEAKER

The question is that the Statement be noted

MR CHRISTIAN Thank you Mr Speaker. I'm not certain that the Road Traffic Act that we are referring to should in fact stipulate what a service station or an authorised inspector can or can't charge for an inspection fee. If we look at what's before us now in a practical way, Mr Nobbs is saying that the authorised inspector can only charge a maximum of \$18 for inspecting a vehicle. That more or less equates to 20 or 30 minutes of an inspector's time at normal commercial charge rates and it is probably impossible to actually conduct such an inspection in that time frame if you want to have thorough inspections so I would suggest that all reference to what an inspector can charge be deleted otherwise it will be counter productive

MR NOBBS Just in response to that, I didn't think I made it clear but that plus the other proposed changes will be referred to the Road Safety Committee and there are several from the mechanical side of the vehicle that are on there so I would assume that those sort of issues will be discussed and I will come back to Members with amendments in due course but I'm pleased that Mr Christian has made that position known, thank you

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

QUESTION PUT
AGREED

The Statement is noted. Are there further Statements Honourable Members

MR NOBBS Mr Speaker at the previous sittings I've highlighted some critical issues threatening the very future of Norfolk Island as we know it. I fear that for many years we have failed to properly address the financial and economic crises building in our midst and to put in place measures to ensure that we can protect and sustain the heritage of this magnificent island and our way of life. The time has come for us to recognise the critical issues and to deal with them. As I have said before, those pressing issues include: Dealing with the ramifications of an ageing population and subsequent provision of future health, welfare, aged care and pension services; Replacement of depreciated public infrastructure such as roads, buildings and communication networks and of badly depleted equipment assets; Reduction in the numbers of tourists coming to Norfolk Island, and in the amounts of money they spend while on the island: and deficits in the Revenue Fund budget, which this year may well amount to over \$2 million. I am pleased to say that the government does take these issues very seriously indeed, and today I can inform the Assembly and the public of some significant decisions which will help to restore the stability of Government and Administration finances, return the Revenue Fund Budget to surplus and allow us to plan in a measured way for the replacement and improvement of vital public infrastructure of Norfolk Island. At the same time, I have launched a thorough review of all areas of the Administration with a view to improving productivity, raising efficiency and identifying expenditure savings. Mr Speaker, I have previously informed the Assembly that I intended to conduct a rigorous and wide-ranging review of all aspects of the Norfolk Island public sector with a five-pronged approach. I can now report some progress on those five initiatives: I initiated a complete review of all expenditure in 2004-05, including a freeze on new public sector employment and a rigorous examination of all planned capital expenditure. This has significantly reduced the projected budget deficit, as well as releasing an additional \$150,000 for much-needed tourism promotion. A separate group comprised of senior executives and representatives of the Public Service Association has met weekly since February to identify productivity measures and ways of achieving efficiency savings in the way the public service operates. I expect to receive the group's final report next month, and will make its findings available to members of the Assembly shortly after that. A small working group was asked to explore the option of corporatisation of government business enterprises, with a view to ensuring that they operated more on business lines than at present. Members will recall that the Grants Commission Report in 1997 had suggested that this concept should be explored. The working group has made two recommendations that have been accepted in full by the government. The first is

that as an initial step we should move to commercialization of government business enterprises. This will allow each entity to remain wholly government owned and operated, but to function on commercial lines, with proper business plans, utilising a user pays principle, a cost recovery regime with included profit margin and a better customer-focused approach. Entities will still be able to access centrally support services on the basis of a service level agreement. The working group has also identified operational inefficiencies across all GBE's and functional units, which are resulting in waste of resources including both time and money. I have agreed to implement the working group's second recommendation for a full review of GBE's and functional units of the Administration. We have also commenced a complete review of the overall structure, classification levels, career paths, and functions of the public sector, including all of the Administration's government business enterprises and functional units, with a view to mapping the individual duties of all individuals and positions and to restructuring the public service into a dynamic organisation, able to support the Government of the day, to provide career opportunities for staff and to meet the service deliveries of the future. Finally, I have arranged for the preparation and implementation of management training in the public sector. This program is directed at improving the skills and performance of managers and potential managers, in effect all those who wish to reach management level. I am confident that the training program will result in a more effective and productive public sector and better delivery of services to the community. Mr Speaker, despite the efficiencies and savings, which will be produced from this comprehensive program of reform, we still face a significant gap between the revenue received and the community's expectations of the services, which the Government and Administration will provide. For many years successive Norfolk Island Governments have talked of the need to broaden the base of our revenue collections and to ensure that the cost of providing essential services was shared fairly across our community. Various reviews in the past have also supported this need, but very little has been done to change the situation. Consequently, we are now facing a substantial budget deficit this financial year, which will be further exacerbated in future years unless we do something immediately. In part, our current dilemma relates to the fact that we have been experiencing a very large leakage of revenue over past years, due to the ever-increasing number of people and businesses finding more and more creative ways of avoiding the payment of Government fees and levies. This has subsequently resulted in an inequitable situation where honest people on the Island are carrying an ever-increasing tax burden, while others are getting away without paying their fair share.

MR BROWN Point of Order. I'm sorry to raise this point of order but the Minister would appear to have suggested that there are dishonest people within the community and that is not an appropriate thing to be said at this place

MR NOBBS I withdraw the implications that Mr Brown drew, if he thought that. No. But people are avoiding, that's what I'm saying and you and I are left carrying the can. That was the imputation

SPEAKER Mr Brown can I just respond. Mr Nobbs has given clarification of that. The point you raised I don't think actually contravenes Standing Orders however I think Mr Nobbs has taken up the tenor of your comments and has endeavoured to respond to it

MR NOBBS Thank you Mr Speaker. In an attempt to repair this imbalance, we have considered a very wide range of revenue measures to deal with the situation. Earlier this week I provided Members with a list of 21 possible new charges, taxes and levies that had been suggested from time to time over the years, and which have now been considered in detail by a revenue review working group. Without repeating the entire list, major items considered for introduction included various forms of income taxes; an activities tax on services such as tours and restaurant meals; an annual bus seat levy; payroll taxes; land taxes; rental property taxes; charges for local phone calls; value added taxes; a capital gains tax and many more. The working group has completed its work and has reported its recommendations to me. I am pleased to announce today that the government has decided to change the manner in which it will raise its future revenues, by implementing changes to its

duties, levies and charges, which will turn around our financial situation. The most significant change will be the introduction during 2005 of the Norfolk Sustainability Levy, a broad-based scheme designed to apply to both tourists and residents alike, which will collect a levy on the sale of all goods and services provided on the Island. As it is only in the past few days that Members have agreed to the levy, there remains now the task of refining how the scheme will be fully implemented. Whilst considerable work has been done, it was considered the proposal was at a stage where Members could provide their views prior to proceeding to finalisation and the community would be advised accordingly. A small team of senior personnel are currently finalising the operational details. It is my intention then to have workshops conducted within the community to explain how the levy will operate and to provide answers to questions people will have regarding its possible effect on them. The Norfolk Sustainability Levy will also be designed to replace a number of existing charges which are not fully effective or which impact unreasonably on one sector of the community. In particular, we will abolish the Financial Institutions Levy, airline passenger departure fees and the accommodation house cold bed tax and we will also abolish customs duty on all business imports. Mr Speaker, our current financial situation is dire. We can recover and I am confident that the measures I have announced today will restore our economic base, assist in addressing our longer-term issues and put us firmly on the path toward a brighter and sustainable future. I will be announcing more detail of these plans as soon as possible, but rest assured that these changes must, and will, happen well before the end of 2005. As you all know, I was brought up on Norfolk Island and I've seen our community in a considerably worse situation than we are at the present time. Each time the community is united and fought its way out of that predicament and I'm sure that the same will apply under the current problems that we face today. With the help of members and the entire community I'm sure that we will achieve these aims. Thank you, Mr Speaker

MRS JACK

Mr Speaker, I would like to make a statement in relation to a petition that was presented to this House in the March sitting and involved areas within my portfolio. The Petition dealt with three concerns. The first concern that building codes on Norfolk Island be tailored to Norfolk Island conditions, customs and traditions and not to Australian standards as they are presently worded. Mr Speaker I sought more input from Members within the building industry and received one response. As a result I have been trying to make contact with the various builders and have spoken to five out of the approximate fifteen builders who do work on Norfolk. The predominant view thus far is concern not for the building codes but for time taken in processing Development Applications. I will be endeavouring to contact more over the coming month. The second concern that the current Development Application Form be simplified and streamlined. Mr Speaker this is an internal matter for the Administration. Concerns had already been raised over one or two issues. This matter rests with Administration and I would suggest that Members of the public should contact the relevant officers directly with any constructive changes they may want to put forward. The third concern was that the present process which is complicated, cumbersome, expensive to the applicant, time consuming in process and creating unemployment in the private sector, be remedied. Mr Speaker in the Gazette dated Friday 8 April 2005 a notice was placed in my name which seeks variation of the plan under subsection 9(1) of the Planning Act 2002. The intent of the draft Plan is to remove the requirement for development approval for residential dwelling houses and for alternations and extensions to residential dwelling houses in three zones, specifically, rural, rural/residential and residential. This draft will sit for 28 days and interested persons can make submissions to the Chief Executive Officer. After that time it will be brought to the House for consideration by my fellow Members. I am of the view that the present process is not responsible for all the problems listed in the petition but I suggest that the proposed variation will assist in dealing with most of the problems mentioned, thank you

Mr Speaker on the 11 April 2004 Ms Kirstie Jenkins Smith lodged an application to vary the Norfolk Island Plan 2002 by rezoning portion 55B Collins Head Road from rural to rural residential. Mr Speaker the application has failed and under clause 10(2) of the Planning Act 2002 I am required to a) give the applicant notice of the failure and b) lay before the Legislative Assembly a statement giving first details of the application and second, the reason why the public submissions about a draft plan with a proposed variation have not been invited under section 11. I have written to the applicant advising her of the failure of her application. The

details of the application are as follows. On the 11th April 2004 Ms Kirstie Jenkins Smith, the applicant, lodged an application to vary the Norfolk Island Plan by rezoning portion 55B Collins Head Road from rural to rural/residential. The purpose for this rezoning was to enable subdivision to a) subdivide the existing dwelling house from the rest of portion 55b locating new boundaries in the position of the existing house fences and b) enable future subdivision should the applicants three children and their families wish to establish their own homes on the remainder of portion 55b. subdivision under the current zoning rural is prohibited by the Norfolk Island plan 2002 when dealing with portion 55b. this is because clause 12(1)(a) of the Norfolk Island Plan states that the minimum lot size shall be four hectares. This standard could not be met. Rezoning of the portion to rural/residential would enable the portion to be subdivided into a maximum of six portions. The reasons why public submissions about a draft plan for the proposed variation were not invited under section 11 of the Planning Act 2002. the application to vary the Norfolk Island Plan 2002 was considered by the Norfolk Island Administration and the Planning and Environment Board. Both the Administration and the Planning and Environment Board recommended unanimously that the application be refused for the following reasons. The application being inconsistent with the intent and objectives of the Norfolk Island Plan which was prepared having taken into consideration the need for family subdivision and should this application be granted approval a precedent that subdivision could be undertaken simply by rezoning would be established and the integrity of the zoning provision of the Norfolk Island Plan and consequently the plan itself will be called into question. In accordance with the recommendation from the Planning and Environment board a draft plan has not been prepared and the applicant has been given notice that the application has failed. Public consultation was therefore not considered necessary, thank you Mr Speaker

MR GARDNER

Mr Speaker I move that the Statement be noted

SPEAKER
Minister

The question is that the Statement be noted. Chief

MR GARDNER

Mr Speaker we are aware from the facts surrounding this application. I think it's important that the Minister be commended on the initiatives that she took in not advancing this through the house at the last sitting and I guess in fairness to the applicant, it provided the applicant with an opportunity which she took in this instance, to directly approach each and every member of the Legislative Assembly to make her view known about the reasons and to expand on the reasons for the application being sought for the rezoning of the Norfolk Island Plan and I think it's an important lesson that we need to take from this exercise that maybe the plan as we have had it, is probably a little bit bloody minded in that there aren't clear enough guidelines within the provisions of the plan to ensure that people are given an opportunity to respond during an assessment process and to provide extra information and I understand in this process, that opportunity wasn't provided to the applicant, however I think that it's worthy noting that the Minister I think took a fair and appropriate action last month in ensuring that the applicant was given an adequate opportunity to discuss the issue with Members of the Legislative Assembly and I do appreciate the opportunity being given and that the applicant did take up that opportunity with Members of the Legislative Assembly to meet with us face to face on each of the issues raised in her submission and obviously, as I've said, there is a need maybe to incorporate that type of process into the application process to ensure that people are given an adequate opportunity to address and support rather than an original submission on an ongoing basis whilst the process continues, thank you

MRS JACK

Mr Speaker, thank you. I am more than willing to perhaps progress an idea along those lines as an amendment to the Planning Act to ensure due fairness to procedure and I certainly will take it up and put it past the Planning and Environment Board and the appropriate officers, thank you

MR CHRISTIAN

Thank you Mr Speaker, I've got to say that had I been the Minister handling this I probably would have handled it somewhat differently. I'm sympathetic to what Ms Kirstie Jenkins Smith is trying to achieve here. As she has quite rightly pointed out in her letter, that she could have joined the subdivision rush some years back but in

the spirit of Norfolk Island she did the right thing, in her endeavours to preserve the rural nature of the land we are speaking about but she chose not to subdivide it at that time and now she's been caught out by circumstances that were largely beyond her control and I'll just explain that briefly. The Minister has said that we can't consider rezoning that area to allow the subdivisions to take place because that would allow the intent of the plan to be circumvented and subdivisions would be able to occur in a number of places just by having the property rezoned. And that's true. But however, what the plan has done, and this is the existing plan, is taken away someone's right that they had under the old plan. She could have achieved what she wanted to achieve under the old plan, and I think there was an expectation that she thought she would be able to do that under the new plan but that's not the case. I think in situations like this when the land has been rezoned and that zoning results in a piece of land having a different zoning to what it had before there's grounds for that change to be taken into account when considering any application and that's about all I intend to say at this stage. It's probably gone too far. I can't reverse the decisions that have been made but we need to be mindful when dealing with rezoning that we may in fact depriving people of rights that they had under previous pieces of legislation and we haven't adequately notified them that their rights have been eroded

MR NOBBS

Mr Speaker I've got a few concerns on that because I'm just thinking as I went through, my Dad was one of sixteen as you know, so when I started breeding I guess he could have thought that I was going to have sixteen so he would split the place up into sixteen and under the arrangements at the time it was possible but it didn't happen, so now we are within whatever the zone is that came in in 1996 and so there you go. It's hard. I've spoken to Mrs Jenkins Smith about this and I think there's a way around it. A solution to it and when she left me I thought she was going to have a look at it so that hopefully there'll be a win, win for everybody but I agree with the Chief Minister and I actually also join him in saying to the Minister Mrs Jack, that she handled it I thought well, but I do think there are some needs for change in relation to consultation with proponents as the process develops before it gets to this stage

MR D BUFFETT

Mr Acting Deputy Speaker, a couple of points in this matter. I am concerned in the way that this matter appears to have ended up and I would like to make these points in respect of it. Firstly can I compliment Mrs Jack in terms of her holding the matter over from the last sitting and giving opportunity for a) Mrs Jenkins Smith to be able to have some consultation with Members and those points made by her to be so considered. However I was surprised at the statement today which in fact advised that the matter had been concluded and declined. I had thought that given that opportunity for consultation that the minister would have then had an opportunity to consult with the wider membership before that decision was made. To my knowledge that has not happened. If it has happened it has not happened with my participation. I have these difficulties and I just don't know the answer to all of them of course, but Mr Christian alluded to the fact that people who have in earlier times in fact endeavoured to observe the spirit of the rural nature of Norfolk Island and have kept portions maybe in larger measure than others have because there wasn't necessarily something that they wanted to split up, to be seen to be splitting up and they had a mind for the bigger picture, when their needs have changed they are then caught in the trap. So they've done something advantageously to the community at another time but when the cycle turns a bit and they have a need they are prevented from doing so and that doesn't to me seem to be a fair deal, particularly when the people who do have the larger portions turn out to be the people who have lived in this community for generations and have therefore done the thing and tried to do the right thing over a long period of time. They are not just people who have come in and want to split up and make commercial advantage of that situation and there is a better balance to be struck in all of that which is certainly not struck under the present planning arrangements, without a doubt. I would have liked the minister to have further consultation with the wider membership before embarking upon the course that she has done, so I therefore ask her, I know that this is not question without notice, however, I do invite the Minister to further participate in the debate by indicating what further measures might be available to people who are in that situation so there might be this wider consultation. The matter of going through a weir consultation process appear at one stage to have been cut off so there is a process where

that could be done, but it was cut off because it was thought that maybe it wasn't in the spirit of some things well I've just tried to explain, maybe inadequately, that it's not in the spirit of something else also in the Norfolk Island community and where does the unbalance lie in all of that so could I ask the Minister if she would participate further in this debate by giving some indicator as to what measures might be available to the likes of Mrs Kirstie Jenkins Smith to further solve the problems that they and others may have

MR BROWN Thank you Mr Acting Deputy Speaker. This debate vividly shows us the difficulty of planning because what's occurring is we've formulated a plan, we've agreed on it and in doing so public comment was sought and we've now come up with that plan. We're going to see many cases where people would like to see that plan changed. Do we make the change every time a request is made in which event, what is the purpose having a plan or do we say look, we have a plan and it's reviewed every five years or whatever the period might be and only in the most exceptional of circumstances, do we propose to change that plan in the extreme. It is difficult to not have sympathy with the applicant in this case but I think that it is fair to say that there are other solutions available other than just change the plan. And if that is the case, for example, if the aim can be achieved by a boundary adjustment at this stage and by submissions at the time of the next review of the plan, well that may be an appropriate answer and I certainly welcome the opportunity to speak with the applicant, but I did form the view that there is another answer available now which achieves what needed to be achieved. I think the Minister has had a difficult task. It is very easy to sit in this place and say yes, we are going to have planning. We are going to do this and we are going to do that and we all vote and we introduce this and it is very easy after that for a Minister to simply recommend to the House that a change be made every time someone comes to see the Minister and seeks that change. No-one likes to say no to people. It is far easier to say yes on every occasion, but I think that we've got to keep in the forefront of our minds if we do intend to have to have planning in this place or not. That's what the real difficulty is, Thank you

MRS JACK Mr Acting Deputy Speaker, it would be remiss of me if I did not inform my colleagues around the table today that under section 10 of the Planning Act there is a further subsection No 3 that states that after the statement is laid before the Legislative Assembly under paragraph 10(2)(b) the Legislative Assembly may a) take no action or b) by resolution direction the executive Member to do all or any of the things the executive Member may do under this Act in relation to a proposed variation of the plan as sought in the application so I feel I've left myself open for something to be put forward but I would just say that I would oppose any such resolution for the very comments that Mr Brown so eloquently put that we are going to be faced with, I think there are sixteen applications for subdivisions coming through the planning department. Some have been sent back, a lot of those are in zones where subdivision because of their lots, they want to take care of family members and I fully understand that the subdivisions would have to mean rezoning so there is a lot of that potential coming around and you set it for one, there would be no cause to refuse others so I'll put it to Members to take me on the next step of this journey Thank you

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

QUESTION PUT
AGREED

The Statement is noted. Are there further Statements Honourable Members. We've concluded Statements and we move on

MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 10

SPEAKER Honourable Members I have received the following Message from the Office of the Administrator which is Message No. 10 and reads that on the 22 March 2005, pursuant to section 21 of the Norfolk Island Act 1979, I declared my assent to the following, the Interpretation (Amendment) Act 2005; which was Act No 3 of

2005, the Norfolk Island Hospital (Amendment) Act 2005 which was Act No 4 of 2005, ; the Healthcare Levy (Amendment) Act 2005 which was Act No 5 of 2005; the Road Traffic (Amendment) Act 2005 which was Act No 6 of 2005, and the Fuel Levy (Amendment) Act 2005 which was Act No 7 of 2005, and that Message is dated the 22nd March 2005 and signed Grant Tambling, Administrator

We move to Notices Honourable Members

MUSEUM TRUST ACT 1987 – RE-APPOINTMENT OF TRUSTEES

MR GARDNER Mr Speaker, I move that this House resolves for the purposes of paragraph 5(2)(B) of the Museum Trust Act 1987 that the executive member re-appoint Albert Fletcher Buffett, Margaret Rosemary Jowett, Kathleen Marion Lecren, Jo-Anne Emily Quintal and Allan David Tavener as trustees of the Norfolk Island Museum Trust for the period 21 April 2005 to 20 April 2007

SPEAKER The question is that, that motion be agreed to

MR GARDNER Mr Speaker the appointments to the Museum Trust are general for the duration of two years and as can be evidenced by this motion before the House this morning the five names there are seeking reappointment as a result of their term on the trust having now expired. I think that the Museum Trust are one of those unseen gems as far as the Boards and other Statutory Authorities that operate within Norfolk Island. They are entrusted with the care of the museum collections. They also quietly work behind the scenes to ensure that the Trial of Fifteen is carried out in efficient process, they also provide a significant degree of advise through the Museums and on to the KAVHA Board which is the joint Commonwealth Norfolk Island operated Management Board for the Kingston and Arthur's Vale Historic Area and in doing that I think that they are providing an invaluable insight into the views of the people of Norfolk Island and certainly within this trust Norfolk Island is solidly represented. Members would be aware of the fact that I moved a motion at the sitting last month I understand to appoint two new Members to the Museum Trust and so these reappointments are effected today then these reappointments will join Miss Katie Section and Mr Ian McGowan, therefore providing a full complement of the Museum Trust under the provisions of the Museum Trust Act 1987 and subject obviously Mr Speaker to Members endorsement of this motion I would like to wish the Museum Trust every success for the next two year period of their appointment and I comment the motion 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

GRANTING OF APPROVALS UNDER THE EMERGENCY PROVISION OF THE CRUSHED ROCK AND AGGREGATE ACT 2005

MR CHRISTIAN Thank you Mr Speaker, I think it would be appropriate for myself and Mr Brown to vacate the Chamber while debate takes place on this matter

SPEAKER If you both would care to be excused and I note Honourable Members, that Mr Neville Christian and Mr John Brown has sought to be excused whilst this matter is discussed

MRS JACK Mr Speaker I move that this House resolves in accordance with section 4 of the Emergency Provision of the Crushed Rock and Aggregate Act 2005 that it is satisfied it to be in the public interest that the Minister for the Environment issue approvals to

do the various works for the various purposes described in the Act for a further period of seven days and accordingly the House approves and authorises the Minister to give such approvals in accordance with the Act and subject to any changes the Minister considers necessary that do not effect compliance of the Act to issue approvals in the form previously approved by the House. This motion I bring to the House may have people wondering why because they see the approval of the relevant Emergency Provision of the Crushed Rock and Aggregate Act 2005 as giving me the ability to process applications, made to me seeking crushing approval under this act without having to come to the House in this manner. I have two applications seeking further crusher approval before me at present and let me be very clear on the subject that I would have preferred to grant the relevant businesses approval but there are a couple of issues that have somewhat clouded the granting of approvals and I felt that the community needed to have my views explained to them and for that matter any views held by the Members around this table today. I could have dealt with this topic as a statement and any further debate could have been directed by Members but as I said earlier the two applications need to be dealt with in a broader manner. Firstly I would like to remind the public that this legislation has a sunset clause and that the approvals would be the last ones issues under the act. The act was introduced to provide a degree of flexibility to deal with the serious situation concerning the non availability of the necessary materials for the construction of roads and of concrete works. The situation that brought the act into being in January is still with us today. The public works undertaken by the Administration require rock of different specification. The amount of rock crushed by the two operators has not provided the Administration with anywhere near the expected amount. Major roadwork is under way and I refer to the JE Road project. The Administration's work department is doing a great job and now require the road base and sealing chip to complete the project. It is for this reason alone that I view the granting of two more approvals as a necessity. The island is coming into the wetter months and I for one would hate to see the work done on JE Road come to naught for lack of gravel. The project needs to be completed so that water runoff will not become an issue. Safety for the traveling public is at the forefront of my concerns. I think it prudent to try and explain to those listening just why after two Crushing Acts and the potential of fourteen days crushing, gravel is still in critical short supply. the first Act was the Quarry and Related Public Works Act 2004. this Act provided each of the two operators with the ability to crush for seven full days or fourteen half days or a combination of both. The Act was challenged in the Norfolk Island Supreme Court by certain residents of Norfolk Island. The challenge was successful. Work came to an immediate halt and neither operator managed to crush for the full seven days. With the introduction of the second crushing Act the Emergency Provision of the Crushed Rock and Aggregate Act 2005 another seven day or fourteen half day round commenced. One operator crushed for all of the seven days. The other for only three days. Now this is where the process becomes interesting. Rock used for crushing comes from the Cascade Quarry site which I call Portion 5A. within portion 5A there is good rock and scalping. The good rock is quarantined for the Airport Reseal Project. It cannot be touched. Scalping of 100 ml or less is what can be taken and this mix contains good rock and secondary rock and dirt. In order to get the good rock out the mix needs to be firstly screened. This operation can be done either on portion 5A or at the actual place of crushing. Both operators were given the same choice. One choice to screen on portion 5A, the other at their crushing site. If the operator screens on portion 5A the time does not count toward crushing time. Screening is allowed on portion 5A and permission is given through the Administration and not through the passing of either of the crushing acts. If the operator takes the rock out of portion 5A and over the weight bridge, the time flag falls and the working crushing day is deemed to begin so we have one operator who takes the rock out untouched, screens it at his place of operation and is charged 28.95 per tonne as he is carting good rock, secondary rock and dirt etc. the other operator screens all the secondary or unusable or low grade product out and so when he takes the product out over the weighbridge he pays more. 48.25 per tonne as all he is carting is good quality product depending upon the effectiveness of a screening. Mr Speaker the operator who takes out the whole product can take out 500 tonne and end up with 175 tonne of builders mix, 74 tonne of 20/40 ml and 232 tonne of scalping/hard fill. Those figures are actual results and highlight the dilemma that with 500 tonne of general product taken, you don't end up with 500 tonne of a good usable product. The operator that screens at portion 5A faces a dilemma of a different time. His crushing plant may be able to crush 300 to 500 tonne per day. The trouble is that the screening method may

take some six working days on portion 5a to achieve that tonnage so that if there had been no screening going on in preparation of an approval one can see how the screening process would eat into the overall sixty day approval and both operations they have to hope like crazy that there'll be good weather as bad weather causes the dirt to clag onto the rock and screening comes to a halt eating into the approval time and no one can put up with major equipment failure and each operator hopes that the other types of work they offer can continue running alongside the crushing operation. The result of having gravel available from both operators has benefited individual and private business requirements within the community. As far as the Administration requirements, one operator reprocessed some rock and the other supplied gravel that met SMEC's specifications. The amounts did not come anywhere what was needed by the Administration. This should not reflect adversely on the operators but serves to highlight the high demand for the product island wide. Finding out just how big the demand for gravel is within the Administration forces me or would force me to place extra conditions on future approvals granted to ensure enough gravel is supplied to the Administration. The other issue of the two I mentioned earlier is the alleged breach of crushing time by one operator. The matter is under investigation and I am awaiting results of that investigation. That issue was then. It is being dealt with and I move on and we must all move on. The Act is being used. We cannot go outside the legislation so let us use it and move on. I have had the directors of both operations in my office at different times in the past week. We have discussed the issues I have raised in this motion. I have mentioned to both that I have spoken with two of my remaining three ministerial colleagues over my proposed extra conditions that I would add on to any approval. I have also spoken to my fellow Members over the extra conditions and all are in agreement. I am awaiting to hear through Mr Nobbs the requirements for road base and sealing chips for the JE Road project. I have had some figures delivered to me this morning and I have to just run those figures through with the Minister again. My idea with the backing of the Legislative Assembly would be to place the following conditions on each approval, that once the amounts are known then each operator would be asked to supply the Administration with x amount of road base and or x amount of sealing chip or that the Administration would purchase all of these two types of product produced over the first three or four days whichever came first and failure to fulfill this condition, to bypass the needs of the Administration, that is the community needs, and to deal privately would mean the withdrawal of the approval. Individual and business needs could be addressed once the quarantine period had finished. Both operators have sat in my office stating that they could sell the product to Administration at prices currently quoted by one and in use by the other and I think that's great. As I said, I will sit back and hope that I get the support of my fellow Members thank you

MR GARDNER

Mr Speaker Thank you and I thank the Minister for that very comprehensive statement in relation to this matter. Just a couple of questions. She's partially answered one of them but must a couple of observations from this side of the table. Obviously the provisions of this legislation are governed by a demand and the quantity of that demand that exists out in the community would justify the emergency arrangements and therefore without demand there is no need to approve this. The Minister has quite rightly said that there is a demand. I guess the first part of my question is, can that urgent demand be quantified. You've spoken about the requirements the Minister for Finance has for his roads projects and it's crucial obviously that we do have that rock. Are you able to provide Minister at all, any indication of the stocks that the Administration hold as far as that, that might be required for road works for the remainder of this financial year and or also provide some quantifies associated with the demand from the building industry and the general private industry within Norfolk Island and that's in relation to... so I guess the quantifies I'm looking for would be the quantifies of road material that would be required over and above the stock piles that are held by the Administration already, the amount of builders mix that's been indicated from the industry either directly or via the crushing operators as far as builders mix requirements and also I would imagine demands from the plumbing industry for septic trench aggregate and whether there are stockpiles of that around. How we're progressing with options for that septic trench material and whether there is indeed the demand for it and to ensure that if there is, that those types of matters are appropriately conditioned on any permits to ensure that the demand is met in some form or fashion and that we don't; just concentrate our efforts

on builders mix which means nobody can have a septic trench or that the roads don't get fixed or vice versa. That's the first question. The second part of it is in relation to the emergency provisions again, and I guess the question that's often asked in the community is how far off are approved crushing activities under the Planning Act. We're aware that there's been various ART matters that apparently have been finalised. Have we time frames that are attaching or are we going to find that after June because of the sunset clause in this piece of legislation that we are going to be facing yet another piece of legislation and finally, are we able to attach more equitable rock recovery mechanisms in the conditions or under the processes that are involved in recovering rocks so that when we talk about crushing rock it's going to be seven days of crushing rock rather than spending six days sorting the rock and only one day actually crushing because that is what will lead us in my view to having again, revisit legislation if approved planning processes aren't finalised in the short term

MR NOBBS as far as the issue that Mrs Jack mentioned about the requirement for roading, the total requirement which we would like to have during this current financial year amounts to some 2,200 tonnes and a significant amount of that is road base which is required particularly on the JE Road and that is the requirement so I'm fully in favour of this process. We need to get roadworks done and we need to get them done fairly quickly before the winter sets in

MRS JACK Thank you Mr Speaker. I think the only way we could guarantee what the Chief Minister has asked would be to take everything over ourselves. We are dealing with private enterprise and private enterprise makes money. That's fine. I have no problems with that and we've tried to ensure equity in the process by giving them each the opportunity of screening in the quarry and one has decided to do it one way and the other decided to do it another. Problems are associated with both methods. We've still got equity. Each has a problem and I don't propose that we take over crushing. I propose that we always have control of the rock but not of the crusher. You asked of the matter that is finished with the ART. Yes the findings of the 26th April 2004 were signed off during the last month and I was able to grant approval to the operator for his development application. Before he can start that, before he can start crushing, there are approximately ten issues which must be met. Issues such as a plan of management for noise control, a plan of management for dust control, a weather station, revegetation, removal of earth, earthworks must be done, environmental issues with the environmental study. I haven't the list before me Chief Minister but all these conditions must be met before crushing conditions can actually begin. Another one was the storage of the rock for concrete buns, so that is progressing. I have been advised by the director Island Industries in formal notification that he sees eight weeks as being the time but we can't wait eight weeks Chief Minister. It is my view that we need it for JE Road./ as I said in my speech earlier that I think the wet season's coming and I would hate to see that work go down the drain. You also were speaking about alternatives for aggregates in the plumbing industry. The other alternative that could be used is glass. Glass crusher could be used for electricity in the plumbing industry. I mean, that's another capital expense. It's a capital expense that Waste Management would like to see. We have about four tonne of bottles per week going over the edge. If we had a proper glass crusher that we could get proper specifications in for, we could replace sand for the laying of cables for the Administration's electrical department's we could smooth edges and use it in trenching for plumbers so this dead product would be able to be recycled and get a second or third life, but as I say, all that requires money and we are just treading water at the moment as far as capital expenditure goes. I think the Administration are trying to put it forward in the Natural Heritage Trust area but nothing is final there. We were talking also of the tonnage and we have the need for approximately 1200 tonnes just for the JE Road, for the Administration and a further 1000 tonnes for other general work and resealing. At the moment I think Mr Nobbs the relevant Minister put notification in the paper last week or the week before about using hard fill instead of road base or chip when patching. It's a really precious product and we are not going to waste it when we haven't the bitumen to assist in the patching of the roads. We have the hot seal to do JE Road but not the bitumen to do the patching. I have a letter here from one of the operators giving his approximate requirements that he still has to process and we've got four

thousand tonne. The other operator also I know has large orders to fill. What else were you asking Chief Minister?

MR GARDNER Mr Speaker I think again the Minister has given a comprehensive response and clearly I think the demands have been established, particularly in roads and also with the figures that she's been quoting from the crushing operators. Significant tonnage is required and I think as we've already expected it would be hard pressed to even get anywhere near about 20% of that with the crushing cycle so that's going to be interesting. I just think we need to bear in mind that even the 2,200 tonnes for roads, if that's where we were going to concentrate our efforts, that could leave the building industry short and somehow we have to manage the provision of the crushed product so that it is available to the building industry and that we are able to, as best we can, provide the appropriate resource to those who are in demand and obviously seeking the crushing approvals under the urgent legislation but certainly with the evidence of the Minister's provided very very clearly there is an urgent demand for rock and I would have no hesitation in supporting her approvals

MR SHERIDAN Mr Speaker thank you. Very interesting listening to all the debate on this issue. I think most of my concerns have been covered by the Chief Minister and the Minister for the Environment like the guarantee of supply of the crushed product to the Administration I believe in the last issue of this temporary provision, the Administration virtually got none of their requirements. Most of the product went out to private enterprise obviously because you get a better price privately than the Administration would pay. It is nice to know that the conditions of this next one, if approved, the first three or four days of crushing is to be for the Administration and that would leave a few days for private enterprise. My concern there is that most of this product for the Administration requires a bitumen to be used on the roads and as I understand it there is no bitumen on the island at the moment and I believe that there will be about six weeks before any will be available so the Minister may correct me if I'm wrong, they may have sourced some out of Australia if they can get it on the ship, but in my way of thinking, in that six weeks time, the Island Industries crusher will be available in eight to ten weeks time which is virtually very shortly thereafter that time period. So what will the Administration do with this rock, just stockpile it until the end of May, early June until they get the bitumen and then use it. By then Island Industries should be up and running. Also the Minister mentioned glass. Okay, shall we utilise glass for these purposes. Unfortunately that's not an option because we don't produce crushed glass at this point in time and as she correctly stated, both operators have large outstanding orders from private enterprise. Again, will they circumvent the Government's needs and supply these large orders to private enterprise, neglecting the Government's needs, so whilst I most probably would support this I do have some concerns which I believe would attribute to the supply of metal on the island and I would like to say that the sooner we get an approved crushing operation up and running it would be a great day for the island, thank you

MRS JACK Mr Speaker, with the last sentiments of Mr Tim Sheridan's I heartily agree. We are so close this last hurdle is there and I have encouraged the relevant business to persist and to make that last hurdle not to falter and it will be a great day indeed for Norfolk to have that provision absolute. Mr Sheridan was going on about not having the bitumen. This is a very grey area for me Mr Speaker because it's not an area I grew up having much interest in as a girl, roads and bitumen and tar sealing but I have been told that for patching you use bitumen, for doing the road you have a hot spray and they have the required ingredient for the hot spray, all they are waiting for is the road base and the sealing mix done in the correct specifications that are required for the project. You can't use glass in bitumen but you can certainly use it in concrete and other areas to increase the surface area and you can use shredded tyres in roads

MRS BOUDAN Thank you Mr Speaker. I would like to commend Minister Jack for the work that she does in her portfolios all round. It's my intention to support her motion in this instance, thank you

SPEAKER Any further debate. The question agreed is that this motion be agreed to Honourable Members and I put that question

QUESTION PUT
AGREED

Thank you. That motion is agreed to

MOTION BY LEAVE – FULL TIME COUNSELLING SERVICE FOR NORFOLK ISLAND

SPEAKER Mr Sheridan, you had earlier presented a petition and indicated that at a suitable time you would want to seek leave in terms of a motion to address that. Would you like to do that now

MR SHERIDAN Mr Speaker yes I would like to. I now I seek leave to move a motion in respect of the petition today

SPEAKER Thank you. Is leave granted. Leave is granted Mr Sheridan

FULL TIME COUNSELLING SERVICE FOR NORFOLK ISLAND

MR SHERIDAN Mr Speaker I move that this House requests the responsible executive Member responsible for health to procure a full time generic counseling service which is to be made available on island.

SPEAKER Thank you Mr Sheridan. Honourable Members, I note that Mr Christian has returned to the chamber

MR SHERIDAN Mr Speaker the petition that I table today has only been in the community for two days and they have raised 186 signatures in that time. I believe it is the organizers intention to progress with this petition to raise more signatures to fully enforce their argument. Mr Speaker speaking with regards to the procurement of a full time generic counseling service on the island, taking into consideration the strong recommendations from the health and public service arenas coupled with the current clientele base from people aged from their teens to the elderly who access these generic counseling services, and the statistics provided that indicate that there is a strong and solid residential requirement for a full time service to be available on island 24/7. this service has shown over a couple of years to be a vital link for the professional to access, ie, the doctors, nurses and the health areas, the police and other community areas. This service has built a substantial client base and it would be of concern to all if this series was reduced to a part time service. This would also I believe not be in the best interest of the community of Norfolk Island. These reasons and more have convinced me that it is vital that this House directs the Minister who is responsible for health to obtain a full time generic counseling service to be made available on island as a matter of urgency, thank you Mr Speaker

SPEAKER Honourable Members, I also note that Mr Brown has returned to the Chamber. Further debate

MRS JACK Mr Speaker I would support Mr Sheridan in his push here. The reasons I have already stated to the Minister in private meetings and yes, I would hate to see the work that has been done and the work that stills needs doing not be cast aside, but not have the continued impetus that I believe is required, Thank you

MR NOBBS Mr Speaker as you are well aware, I've been involved in the DAA Working Group for a number of years now and I think the Ninth Legislative Assembly actually set it up. I didn't know anything about this petition but there you go, you live and learn,

so that's interesting, and I don't know whether Mr Sheridan wants to continue with this to finalisation today or not. I would have thought it might be appropriate to leave it until the next meeting and we can have a look at it as Members and the Government as to the best way of approaching it

MR BROWN

Mr Speaker as the motion is directed to me it is probably appropriate for me to say that if the House is of a view that it wants to have a full time counseling service instead of the various existing counseling services that are here right now and the proposed one week per month service to be provided from the Salvation Army, if the House is of a view that it wants something different, then that's fine by me but Mr Sheridan appears to have some information that I do not have available to me. He appears to be quite confident that detailed information is available to justify the words that he has used. I would certainly be interested to see that information. There is no doubt that replacement of the outgoing council with a full time counselor has been lobbied very heavily by the outgoing counselor. There is no doubt that some within the service have simply refused to accept the Government's existing decision that the replacement be as has been described on a previous occasion, that is, one week per month by the Salvation Army with people making use of the various complementary services which are already available. Now make no mistake about it, some of those existing services such as lifeline have been criticized by persons associated with the outgoing counselor. We had the outgoing counselor in this very room with one of those persons who told us that the people who run the lifeline service in Australia are untrained and the following day the counselor had no option but to come back to us in writing apologizing for the error, apologizing for the misinformation and confirming that indeed lifeline counselors are trained. It's very easy to get carried away when a few people say we've got to have this person full time. It is much harder to satisfy yourself that there actually is a demand and that's why I'll be interested to see the inflation which has been provided to Mr Sheridan. My own impression is that there is minimal demand. The most recent piece of correspondence I received told me that the outgoing counselor would complete her term on the 15th April and that a detail report would get provided before that time. Now I haven't seen that detailed report. I have seen a letter from a senior Member of the service stating that the outgoing counselor was inundated with phone calls, those were the words, and to be frank Mr Speaker, there is sometimes a confusion of roles in the Public Service. The role of a Public Servant is to provide frank and unbiased advise. It is not to jump on a hobbyhorse and to refuse to allow facts to stand in the road of a good story and I'm concerned that what we are seeing is not facts, we are seeing a build up of emotion which is being frankly stirred up by the outgoing lady but if the House is of the view that it wants to have a full time counselor I would like the House to tell me how they want it paid for; I would like the House to tell me whether it be a user pays situation where if there's one patient in the course of a month that one patient will pay the whole of the cost, or whether the House would prefer to cut back to two doctors from three doctors so that it can be funded in that fashion, or quite what the House would like to do in order to pay the bill because we've already heard from Mr Nobbs today, the Minister for Finance that not only is there a significant deficit in the current financial year, but very drastic steps are being considered in order to make sure that we don't simply hit a financial brick wall in the course of the following twelve months, so if Mr Sheridan is proposing to seek to adjourn his motion today in order to provide time to give the House the benefit of facts rather than emotion that would be a good thing and I would certainly be interested to see those facts, thank you

MRS JACK

Mr Speaker, Mr Brown said some very valid points and I agree with some of them but as to finding out exactly how many people, we may know that, but to the time involved and the degree of detail that various people are seen and have consultation done, I should imagine that would be a very awkward process because it is by necessity discreet, and that you can be available almost on the same basis that we ourselves find it, 24/7, to be there and to give advise. I am only aware that the range of advise that has been provided was very broad. That at times you worked very hard and at other times, not so and se when the Minister goes on about costing he is quite correct however, as a community that basic care, where does our duty of giving proper basic duty of care begin and end. Thank you

MR BROWN Mr Speaker I wonder if I can respond to my colleague the Minister for the Environment by saying that I think I can tell you a couple of places to which the duty does not extend. I don't think that the Government has a duty to promote the course of homosexuality. I think that is offensive to the overwhelming majority of the community and yet week after week an article has been placed by the outgoing councilor in the Norfolk Islander called Yorlye's Health and over the course of many many weeks, that column tried to present homosexuality as a normal part of life. Now that is offensive

MR GARDNER Mr Speaker Point of Order on relevance. Mr Speaker the motion before us today is about a permanent counseling service and Mr Brown has talked about the emotion involved in this and I think we all have different views about differing things that do appear in the paper but the motion itself doesn't apply to the outgoing counseling service, it applies to the incoming counseling service hence my raising the Point of Order

SPEAKER Thank you Chief Minister. Honourable Members, Mr Brown, I think if we can be focused in terms of the way forward in terms of this matter I think it would be more helpful in terms of how we come to a resolution

MR BROWN Mr Speaker I was attempting to address a suggestion which had been made a few moments ago that the role of the counselor is a very time consuming role and if less time was spent trying to promote the cause of homosexuality the job would be less demanding. If less time was spent on the local radio running a pornographic radio programme such as that which I heard about a week ago, the job would be far less demanding and one of the difficulties of course is that there has been no supervision of the outgoing councilor and supervision is one thing that will clearly be required, whether the replacement system is a part time or full time system Thank you

MR SHERIDAN Mr Speaker. Very interesting to hear the views around the table and considering what the Minister has said about his apparently awaiting a report from the outgoing councilor it would be very interesting reading, and considering that the people who organised this petition indicated that they would be ongoing with the raising of signature, Mr Speaker I would propose to leave it on the table for a month so that we can all gather some hard facts and bring it back to this chamber at the next meeting

SPEAKER Thank you. I'll turn to you for an appropriate motion at that time

MR BROWN Mr Speaker I wonder if during the period of any adjournment Mr Sheridan might care to give thought to the question of funding whether it should be done in the event that the motion is passed whether it should be done by an additional tax, by cutting back one doctor, by implementing a user charge regime or whatever because I think that will be an important part of any discussion

MR SHERIDAN Mr Speaker yes I will take that on board and I'm sure all Members will be thinking along those lines and they will take everything on board in their deliberations. I would like to 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.

SPEAKER Thank you Mrs Jack. Further debate Honourable Members. There being no further debate I put the final question that the Bill be agreed to

QUESTION PUT
AGREED

The Bill is agreed thank you

DEPARTURE FEE (AMENDMENT) BILL 2005

SPEAKER Mr Nobbs you wanted to address the Department Fee (Amendment) Bill and I think leave needs to be sought for this matter if I remember correctly. Is that agreed. That is agreed by Members

MR NOBBS Mr Speaker I present the Departure Fee (Amendment) Bill 2005 and move that the Bill be agreed to in principle

SPEAKER Thank you Mr Nobbs. The question is that the Bill be agreed to in principle

MR NOBBS Mr Speaker this may seem to have been bypassed by my statement earlier but the bill has been hanging around I understand for some considerable time and I wasn't aware of this and so it was brought to my attention in the last week and so I've put it in to clarify an anomaly. The bill is introduced to correct a recent anomaly created by airline operators utilizing Norfolk Island residents as members of cabin crew. The cabin crew on aircraft are not required to pay a departure tax if they are in transit. The residents however who join an aircraft in Norfolk Island are required to pay the departure tax as they do not fit any exemption. The purpose of this amendment is therefore to exclude from the requirements to pay departure tax the Members of a crew of a vessel or aircraft who are in transit for no more than 24 hours and such persons who are joining the vessel or aircraft. Members of the crew are defined as person who are intended to be engaged in operational duties after leaving Norfolk Island and before reaching the next port. Other exclusions are unchanged and it may be noted that Members of crew of a vessel involved in loading or unloading that may take a number of days remain exempt. The impact of the change on revenue is considered immaterial. It's to clarify a situation that apparently has developed or has occurred from time to time and I ask Members to bear with me but hopefully this fee will be non existent in a few months time

SPEAKER Thank you. Is there further debate at this time. Then I put the question to you 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. Honourable Members, do you want to dispense with the detail stage. We already have a motion to complete this Bill. We dispense with the detail stage and a final motion Mr Nobbs please

MR NOBBS Mr Speaker, I move that the bill be agreed to

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

QUESTION PUT
AGREED

The Bill is agreed thank you

MOTIONS BY LEAVE - HEALTHCARE LEVY (AMENDMENT No 2) BILL 2005 AND THE CUSTOMS (AMENDMENT) BILL 2005

Honourable Members, we have foreshadowed two additional Bills. One is the Healthcare Bill and the other is the Customs Bill. Is leave granted for those matters to be brought forward. Leave is granted.

HEALTHCARE LEVY (AMENDMENT No 2) BILL 2005

MR BROWN Mr Speaker I present the Healthcare Levy (Amendment No 2) Bill 2005 and move that the Bill be agreed to in principle

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

MR BROWN Mr Speaker this is a short bill. It is being introduced in order to correct what is seen as an anomaly in the existing Act so as to entitle recovery by deduction from any refund due to a person ceasing to be liable to pay the healthcare levy, any moneys which are owing to the Administration. This entitlement does not include moneys owed to the hospital or to other statutory corporations which means that from time to time it has been necessary to take costly steps to recover moneys owing the hospital and other charges. The amendment makes it clear that the recovery can be made out of moneys owing to a territory instrumentality which is an expression that is clearly defined in the Interpretation Act 1979. in perhaps more simple words the purpose of this Bill is in situations where a person is applying for a refund of part of the healthcare Levy which would normally occur as a result of leaving the Island but could possibly occur as a result of taking out private health insurance, is to ensure that, that refund will firstly be used to pay not only any money which may be owed to the Administration but also any monies which may be owed to the hospital and then once all of those bills have been paid, any balance of the refund will go to the person claiming it, thank you

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

MR BROWN Mr Speaker, I think we are up to agreement in principle. I'm not proposing to deal with the Bill to finality today so 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.

CUSTOMS (AMENDMENT) BILL 2005

MR NOBBS Mr Speaker I understand that leave's been granted so I present the Customs (Amendment) Bill 2005 and move that the Bill be agreed to in principle

SPEAKER Thank you Mr Nobbs. The question is that the Bill be agreed to in principle

MR NOBBS Mr Speaker the bill proposes very simply in its explanatory memorandum to prohibit the importation of helicopters into Norfolk Island. It is done to ensure and preserve the amity of the island and the welfare of its residents. Mr Speaker a few years

ago I understand there was a proposal to bring a helicopter onto the island to undertake tours and the like which caused a bit of kafuffle at the time and the issue was dropped. Subsequently within the community rumours in relation to a second attempt, not by the same person I understand, to do the same thing at the present time. Now I believe that it's far better to act now then to go through the process of somebody bringing one in and then people getting upset because I don't know whether a lot of people have had much to do with helicopters within the community here. From time to time we have ships come in and the big helicopter comes in and goes and it's only with us for a few seconds, but I have had a little bit to do with them and in a previous life we used them fairly significantly for certain jobs and they were wonderful for the conditions if you are talking about mustering 100,000 and those sorts of things then they were beaut in that area, also to get into areas which are virtually impossible to get into by wheeled vehicles and drop workers off and get people out or do whatever you had to do, in those circumstances they were wonderful but one of the problems with the, apart from their falling out of the sky from time to time and I had actually one particularly employee I guess who went down for his third time and we thought that, that might be enough but they do have a problem of falling out of the sky from time to time although they do many hours of good work but the main problem with the helicopter and the real problem that I foresee in this small area of Norfolk Island is the fact that it makes a lot of noise and it's a noise that if it flies over and is gone well, but if it's flying backwards and forwards as you would with a tourist operation here I think it would cause some concern. The proposal in this bill which I will be adjourning and ask that it be made an order of the day for a subsequent day of sitting is to place within the Customs Act which has happened before, that the helicopter in fact be a prohibited import for use on the island. Now that doesn't stop them transiting through Norfolk Island or doing whatever they want to do or for coming in off a ship and going back again but they don't hang about and that's what I intend by this motion

MR CHRISTIAN Thank you Mr Speaker, as an aircraft owner and operator I feel it would be inappropriate for me to participate in the debate or in fact vote and so I'm just flagging my intentions there Mr Speaker

MRS JACK Mr Speaker, I'm just wondering, it's being presented to the House this motion now with this amendment. Is it intended that should somebody try and import in the interim that this prohibition starts from today. I mean stranger things have happened here

MR NOBBS Mr Speaker it's not made retrospectively here under this arrangement and I'm not too sure on the legal side of things as far as that goes but I would assume that if somebody tried to circumvent it that there would be means of control

MR BROWN Mr Speaker the question which has been raised by the Minister for the Environment is a very valid question. Money bills frequently are expressed to apply from the day on which they were announced. Bills in relation to customs matters can validly be treated in the same fashion because otherwise as Mrs Jack has implied, it would indeed be possible for someone to learn that a particular item was to become a prohibited import and simply bring it in, in the time between when it was announced and when it is eventually passed to finality by the House and given assent. I can understand the reasons for the Minister for Finance introducing the bill. Many people have been grossly offended by the small ultralight aircraft that flies around. I think many people have formed a view that it is far noisier than was promised. Many people have formed a view that it hasn't been operated quite the way they expected because we have the conflict on the one hand of it being required to operate at a certain altitude and then on the other hand the requirement for training purposes that it operate at a lower altitude so these things are never simple. We need to have an amount of understanding. Perhaps in time we need to amend what we've done in the past in order to both better reflect what our intention was and to take account of the necessities of life. I believe that the community would find a joy flight helicopter unacceptable. From a noise point of view in particular and I think if one every did, what Mr Nobbs described in terms of moving from the air to the ground at a faster pace than originally planned, that could bring us publicity that we do not want to have. I do not know the implications in terms of helicopters being used while

transiting Norfolk Island to carry something to Philip Island for example. Mr Nobbs appears confident that, that would not involve an actual importation and so it would be about the consideration of this Customs Act amendment. If that is so, I see no reason to not proceed to finality with this bill today so that it is clear that as from whatever date assent is granted, in the next four or five days time, as from that date helicopters will indeed be a prohibited import, thank you

MRS JACK Mr Speaker, if that means the way to clarify my concern perhaps you could give the answer. Is it in fact able to be treated in a retrospective way if we were to have a person import between now and the next sitting. I can personally find no problem dealing with it to finality today, but if there are members who want to consider it, what place does it put this house

SPEAKER Let me just tackle two parts of this in an administrative sense. It is available to Members to move a motion to put aside Standing Orders so that the matter can be finalised today and that was the matter raised by Mr Brown. It is of course open to Members at a subsequent time, that is the next sitting for example, to make a further amendment in terms of the date of commencement. That will have some element of restrospectivity of course, but if your argument is that it is from the day of introduction that has been a method that has been used before but that is entirely up to Members as to how they would want to pursue it

MR GARDNER Mr Speaker I haven't heard around the table that there is a desire to wish to seek more comment or for the matter to be held over until the next sitting and if it is appropriate at this time I would move that so much of Standing Orders be set aside and would prevent this matter from being dealt through to finality

SPEAKER Honourable Members, the question is that so much of Standing Orders be set aside so that this matter may be finalised today

QUESTION PUT
 AGREED
 MR CHRISTIAN ABSTAIN

Thank you. That is agreed to. Then we proceed Honourable Members. The stage that we are at now is we are considering that the bill be agreed to in principle. Any further debate?

QUESTION PUT
 AGREED
 MR CHRISTIAN ABSTAIN

SPEAKER Thank you. The Bill is agreed to in principle. We move now to the detail stage. Honourable Members, do you want to dispense with the detail stage. We dispense with the detail stage and a final motion Mr Nobbs please

MR NOBBS Mr Speaker, I move that the bill be agreed to

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

QUESTION PUT
 AGREED
 MR CHRISTIAN ABSTAIN

The Bill is agreed thank you

We have concluded Notice Honourable Members, and we move to Orders of the Day

REPORT OF THE IMPACT OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE ON THE LIQUOR LICENSING BILL 2005

ACTING DEPUTY SPEAKER Honourable Members, we resume debate on the question that the Report be adopted and Mr Buffett you have the call to resume

MR D BUFFETT Mr Acting Deputy Speaker, if I might pick up the running on this particular matter which is the Report by the Impact Of Bills And Subordinate Legislation Committee on the Liquor Licensing Bill 2005 and the draft Liquor Licencing Regulations. This report was tabled to the House at our March sitting and the motion before us is that the report be adopted. Could I just explain that if Members are of a mind to pursue that and agree that, could I just give some indicator as to what the expectation is as to what might follow from that. The report would then be put in the hands of the appropriate Minister who has responsibility for Liquor Licencing and appropriate adjustments made in accordance with the report and then the amending legislation would then come back to this House for Members to then have an opportunity to have a final say on the amended legislation. The report today is an indicator as to how we would like it to travel. It doesn't mean that, that become law today if in fact we adopt the report. The legislation needs to be adjusted to give effect to the report and so I give it to you in that context. May I now remind Members of some provisions within the report. The report indicates that there was a wide consultative process within the community, particularly with those who held licences or who were prospective licence holders in the Norfolk Island community and there was also consultation with those who needed to administer various stages and phases of the Liquor Licencing arrangements including the Liquor Licencing Board, the registrar and a range of other people. I would like to pay compliment and thanks to those people because they gave their time and considerable expertise and comment in coming to the position that we have finally agreed upon. There were also representations made to the committee from individual members of the public where particularly, they have a view or might have experienced certain difficulties or otherwise with the liquor Licencing arrangements in Norfolk Island and so the recommendations cover a wide range of things and I won't necessarily go through every one of course, but the recommendations do cover from number 1 to 46, so in other words, there are some 46 recommendations within it but there are some important ones, if I might just have an opportunity to mention those. There are provisions to cover things that have been much in the public comment, for example, liquor serviced at commercial Cliffside barbeque and the like arrangements. There were comments about how people can manufacture liquor in the island. There were comments about difficulties with noise and nuisance in certain instances and a number of things that probably have a significant public profile. The report addresses all of those things. For example it does say that there should be a Licencing regime for liquor whether it be served in the normal licenced premises that we experience now in a hotel or a club environment or in fact if it is served in a more informal atmosphere where health and other standards might need to be addressed. It does provide and recommends that there should be liquor manufacturing licence. It does address the matter of noise and nuisance for example. It particularly draws attention to the fact that people, if they wish to gain a licence, need to have the appropriate planning approval and the planning approval needs to take into account as to whether it will cause a nuisance or otherwise in the area that it is proposed. There needs to be a planning arrangement for that. It does make also an additional recommendation that the present provisions in terms of policing and like needs to be better strengthened so that people who are in difficult circumstances next to licenced premises have proper remedies and their situation accounted for and taken care of . In the overall contents the report whilst it might only be some twelve pages, does cover the 46 recommendations that are mentioned and I also mention that the new legislation does propose that there can be set a quota, and the bill presently gives the Legislative Assembly the power to set those quotas. It doesn't necessarily on the committee's view, see a need at this time, but that may well be a factor that may be brought into play if there is a need at a further time. Again, overall the committee is recommending that the report be adopted so that it might be further taken up by the appropriate minister and then brought back to the Assembly in its legislative form so it can have final consideration. I commend the report in that context Mr Acting Deputy Speaker

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

LEGAL AID (AMENDMENT) BILL 2005

SPEAKER Honourable Members we resume debate from 16 March on the question that Bill be agreed to in principle and Chief Minister you have the call to resume on this one also

MR GARDNER Mr Speaker on introduction of this Bill last month I gave quite an extensive explanation of the history of the legislation and the development of it and progress to date. And certainly at that time the Commonwealth had provided me with some comment on the provisions within the legislation and this obviously is a matter that is also tied to the need to finalise a Memorandum of Understanding or revise and finalise a Memorandum of Understanding for the provision of Legal Aid Services in Norfolk Island between the Commonwealth Government the ACT Government and the Norfolk Island Government and that is progressing and the whole process of the proposal has been endorsed by the three Governments at this stage so this is step one in finalising it and providing a better legal aid environment in Norfolk Island which has been fraught with difficulties over a number of years, partly because of qualification criteria in part because of different interpretations in the legislation that currently exists that make it difficult for representation both locally and also the added cost of having to bring in representatives from the Legal Aid Commission of the ACT. There is a whole host of major improvements that are proposed under the legislation and the Memorandum of Understanding to deal with legal aid Mr Speaker and they even extend to the provision of better and improved communication facilities within our court systems, including proposals that the funds be used to improve those systems even further with a provision of video conferencing facilities and the like. With that said I am pleased after I guess the best part of two and a half if not three years of preparation of this and looking at the review of the legal Aid system in Norfolk Island as far as the legislation is concerned but it extends certainly back to the year 2000 when the first review was undertaken by Mr Chris Staniforth from the ACT Legal Aid Commission, I'm very pleased that at this time, some five years after that was first initiated to at least be looking at the glaring light at the end of the tunnel now. We are just about to emerge from the tunnel and with the support of Members I am confident that this new improved legal aid system will serve this community of Norfolk Island very well into the future and I commend this bill thank you

MRS JACK Mr Speaker, is it also assisting the wider community of Norfolk Island in an education process

MR GARDNER Mr Speaker yes. The short answer to that is yes. The ability to utilise funds currently within the legal aid fund to improve education within the community and be able to publicise and promote the existence and the access to the legal aid system is an integral part of the whole revision of the legal aid process

SPEAKER Thank you. 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
MR BROWN ABSTAIN

MR BROWN Mr Speaker I think it appropriate that I abstain as I work within the legal profession

SPEAKER Thank you Mr Brown. 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 Chief Minister I seek a final motion that the Bill be agreed to

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

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

QUESTION PUT
AGREED

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

NORFOLK ISLAND PLANNING AND ENVIRONMENT BOARD (AMENDMENT) BILL 2005

SPEAKER Honourable Members we resume debate from 16 March on the question that Bill be agreed to in principle and Mrs Jack you have the call to resume

MRS JACK Mr Speaker it's just to remind our Members and the listening community that this amendment to the Planning and Environment Board Act of 2002 is to allow a quorum to be three Members and not four and to have a new system in place with regard to the use of delegate Members. We have a number of delegate Members who rotate, thereby giving each of them a broader range of time with the Board and I commend it to the House

MR NOBBS Mr Speaker I'm pleased to see this Act because the process of the delegate Members brought in a while ago and I think it's been taken up in other areas, but this bill is really just to refine what's there and make it a better operated system than what we had from the outset and I fully support it

SPEAKER Thank you. 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 Mrs Jack I seek a final motion that the Bill be agreed to

MRS JACK 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

Honourable Members, from what has been said earlier you would not want to proceed with Order of the Day No 5, the Public Sector Management (Amendment) Bill nor Order of the Day No 6. Do I interpret that correctly

MR BROWN Mr Speaker with the Social Services Bill I wish to seek Members agreement to referring the Bill to a committee of the House

SPEAKER Then I will call that one on Mr Brown when we come to that stage. L Mr Nobbs would you like me to call the Public Sector on or just proceed to the next one

MR NOBBS Mr Speaker just proceed to the next one

SPEAKER Right. Honourable Members, I won't call on Order of the Day No 5 and I will proceed to No 6

SOCIAL SERVICES (AMENDMENT) BILL 2004

SPEAKER Honourable Members we resume debate from 16 March on the question that Bill be agreed to in principle and Mr Brown you have the call to resume

MR BROWN Mr Speaker Members will recall that this Bill aims to deal with a number of the recommendations of the Social Services Review which was carried out over recent years. I propose today to seek leave of the House to move that the Bill be referred to the Impact of Bills Committee. It has been suggested to me and I think it's a wise suggestion that the Impact of the Bill is potentially significant and that it would be appropriate for it to be considered by the Impact of Bills Committee and I seek leave to move debate on the Social Services Amendment Bill 2004 stand adjourned; and the Bill, together with any amendments thereto which may be proposed by the executive member, stand referred to the Impact of Bills and Subordinate Legislation Committee for its consideration; the Committee to report if possible to the Legislative Assembly on its deliberations and recommendations at the June 2005 sitting of the House

SPEAKER Is leave granted. Leave is granted Mr Brown

MR BROWN Mr Speaker I so move

SPEAKER Honourable Members, we have that motion before us. Further debate.

MR BROWN Mr Speaker I believe that the motion before us now is self explanatory and that there is reasonable support of Members and I would be happy Mr Speaker for it to be put to the vote whenever Members have concluded their debate

MRS JACK Mr Speaker, just a query if I may. Did you say to include the amendments to it, and I am just wondering, they may not suit what is proposed in the recommendation that comes forward because they haven't been discussed in the House

MR BROWN Mr Speaker there are two amendments which I had hoped I would be able to circulate to Members today, but unfortunately my command of the English language in terms of communication to the Legislative Draftsman appears to have been inadequate and the drafts which I have received do not actually achieve what I'm attempting to achieve but those changes are two fold. Firstly to remove from the present Bill the provision in relation to lengthy residence in Norfolk Island prior to making application. If Members will bear with me just a moment there is in the present bill a requirement for a lengthy period of residence during the period of one's working life. A requirement for not less than twenty five years of residence during the claimant's working life between the age of twenty and the date of application. I'm proposing that, that form a second amending bill so that it will be dealt with on its own and in the event that there are any delays in the assent process as a result of ongoing discussion about that it will not slow down the assent for the first part. The second change is to reflect the situation which currently applies in Australia where a female person must now have attained the age of 62.5 years in order to apply for an Australian Aged Benefit. The bill as it

stands enables a female person at the age of 60 to make that application. The proposal is to bring the bill entirely in line with the Australian situation where the age would be 62.5 and there would be a gradual process of that increasing to 65 over the period of years. Those are the two changes which I propose to provide to the committee so that the committee can look at the bill in its present form, look at the proposed changes and give us a report based on both

MRS JACK

Mr Speaker, yes, I'm fine with those thank you

SPEAKER

Thank you. If it's of any use in administrative understanding, the last bill which was the Liquor Licensing Bill was referred to the Impact of Bills and Subordinate Legislation Committee there was the substantive bill but there was also accompanying documentation, for example, the regulations that were proposed but not made. I'm just illustrating that if there are to be accompanying documents with this, there is a precedent to it having been done and that might be useful for your consideration of the administrative processes. Further debate Honourable Members. There being no further debate I put the question to you that this referral motion be agreed to

QUESTION PUT
AGREED

The ayes have it. That matter is so referred thank you

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

FIXING OF NEXT SITTING DAY

MRS BOUDAN

Thank you Mr Speaker I move that the House at its rising adjourn until Wednesday 18 May 2005 at 10 am

SPEAKER

Thank you Mrs Boudan. Honourable Members is there any debate. No, then I put that question that the motion be agreed to

QUESTION PUT
AGREED

Thank you. We've set our next Sitting day. We move to adjournment

ADJOURNMENT

MR CHRISTIAN

Mr Speaker, I move that the House do now adjourn

SPEAKER

Honourable Members the question is that the House do now adjourn. Is there any adjournment debate

MR GARDNER

Thank you Mr Speaker. Two matters and both are to recognise the occurrence of two significant matters since our last sitting. One of those is the recognition of the SeaKing helicopter tragedy in Arceh province in Indonesia and I certainly believe that my thoughts and those of my fellow Members are with their families in their sad time of loss. It's a recognition of the role that the Australian Navy and Armed Forces have played in Norfolk Island over many years and connections that many of our residences have to the armed forces.

The second matter is recognizing the import to many residents of Norfolk Island the passing of Pope John Paul, the global leader of the Catholic Church and the recent election by the Cardinals of the Catholic church of a new Pope, Pope Benedict XVI and I acknowledge and recognise both the passing of Pope John Paul and the election of Pope Benedict XVI

SPEAKER Thank you Chief Minister. Chief Minister may I just add to your appropriate words in terms of the SeaKing difficulties, that on behalf of Members I have written to the Chief of the Defence Forces offering our condolences from both Members of this House and from the Norfolk Island community. Any further participation in the adjournment debate. Honourable Members, I put the question therefore that the House do now adjourn

QUESTION PUT
AGREED

This House stands adjourned until Wednesday the 18 May 2005 at 10.00am

