



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY  
11<sup>TH</sup> NILA HANSARD – 21 SEPTEMBER 2005**

**PRAYER**

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

**CONDOLENCES**

We move to condolences, are there any condolences this morning? Mr Tim Brown

MR T BROWN Mr Speaker it is with deep regret that this House records the death of Matthew William Quintal who was born in Sydney to Thornton George Ellis (Boof) and Barbara Quintal. Mat was the eldest of their six children, (Susan deceased, Shane, Nicky, Michael and Tim). The family lived in Manly near the Brookvale Oval and although the rest of the family supported Manly, Matt have to be different, was an avid St George supporter. Mat did a truck mechanics apprenticeship and moved on to eventually driving trucks, a career he continued until he was hospitalized. He married Sandra Nolan in 1971 and moved to Norfolk to be closer to his family. Suzanne was born in 1974. Matt and Sandy later divorced and they both moved back to Sydney where he continued with his passion for driving trucks and partying. Matt then met Lyn. They were together for some time. Matt then met Joy (Nobbs) and they lived at Quakers Hill, before returning to Norfolk where Cory was born in 1987 and Wade in 1988. During this time Matt did odd jobs and played home Dad which he loved very much. Matt, Joy, Suzy, Cory and Wade moved back to Sydney and he went back to truck driving. Suzie met and married Adam and they gave him three grandchildren who, along with his own children, were his pride and joy. He and Joy parted ways and he eventually moved to Putney with Wade and Tim. He lived there until he moved to Ryadalmere where his last days were spent. Matt was taken ill very suddenly, and passed away five weeks later. To Sandy, Suzie, Adam, Kane, Dion, Kailey, Lynne, Joy, Cory, Wade, to his brothers Shane, Nicky, Michael and Tim and their families and to his many friends this House extends its deepest sympathy.

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

**PETITIONS**

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

**GIVING OF NOTICES**

Are there any notices?

**QUESTIONS WITHOUT NOTICE**

Are there any questions without notice?

MR CHRISTIAN Thank you Mr Speaker, I direct my question to the Chief Minister and Minister for Finance and I would accept an answer from either or both. Ministers it has been reported that at a meeting with Mr Jim Lloyd the Federal Minister and his senior advisors and again at an address delivered to Members of the Public Service you expressed a collective view that the financial problems facing the island were not serious and

that the Government in fact had millions of dollars at its disposal. This is at odds with the fact that at the last financial year and the current financial year have or will incur multi million dollar losses and exhaust our cash reserves. Are you able to confirm that the comments were made and if they were made, identify the source of the hidden millions

MR GARDNER Mr Speaker that's certainly news to me that I've expressed a view that we don't have serious financial concerns

MR NOBBS Mr Speaker I would like to echo that because since I was in this position, when I first came into the position in 1999/2000 I said at the time that whilst we looked good on the books we did have serious problems that we had to address and I still hold that particular position and I've said this and if people want to listen to rumour and don't want to listen to what's said in this forum well that's fine by me but it doesn't mean that it's the truth because I've said all along that we have problems but I believe we can work our way through it. As simple as that, but it's going to be difficult and I'll be speaking on this later in the programme

MR T BROWN Mr Speaker this is a question for the Chief Minister. Is it a fact that a motion was passed in early Legislative Assembly to draft a Defacto Relationships Act and if so, can you advise us the extent to which the drafting of that Bill has progressed

MR GARDNER Mr Speaker I don't recall a motion being passed in relation to Defacto Relationships Bill being brought to the House however just in recent days legislation dealing with defacto type relationships has been presented to me under the cover of a draft Bill entitled the Administration and Probate Bill 2005 dealing with such matters which I intend to introduce into the House at the next sitting

MR SHERIDAN Mr Speaker I've a question for the Minister for Social Services. Minister back on the 22<sup>nd</sup> July you advised all Members of the Legislative Assembly that you had asked the Hospital Director to liaise with the Acting Chief Executive Officer and the Salvation Army in order to prepare for the recruitment of a full time counselor as quickly as possible. Considering that the Hospital Director will be incapacitated for the long term, could the Minister advise who is liaising with the Salvation Army in his place and when can a full time counselor be expected to commence work at the Hospital

MR BROWN Mr Speaker there were discussions between the director of the Hospital and the Acting Chief Executive Officer and at the time at which the director of the hospital suffered his accident I understand that he had been in discussion with the Salvation Army. It has been hoped that the Director will be able to finalise those discussions while he is in Sydney. He is I understand at this stage attending rehabilitation and I understand that he does have time each day. I propose to be in Sydney at the beginning of next week. I propose to call and meet with the Director during that time. If it becomes clear that the Director is not going to be able to finalise the project within a reasonable period then I will endeavour to finalise it myself

SPEAKER Any further questions without notice Honourable Members? No further questions without notice.

## PRESENTATION OF PAPERS

Any Papers for presentation this morning.

MR GARDNER Mr Speaker I present a paper and propose to table it in relation to the Activities of the Norfolk Island Government Tourist Bureau through August and also the inbound passenger statistics and I table that paper and move that it be noted

SPEAKER The question is that those papers be noted

MR GARDNER Mr Speaker with the recruitment of Mr Steve McInnis as the Norfolk Island Government Tourist Bureau General Manager and in discussions with him we had believed that it was of the utmost importance of not only this forum but to the community as a whole to be aware of the Activities of the Norfolk Island Government Tourist Bureau in their marketing and promoting of the island for tourism purposes as without having to put a great deal of emphasis on it, as I'm sure everybody is aware tourism is our major industry and it is something that needs concerted effort to regain lost ground over the last number of years where there has been a steady decline in the number of visitations to the Norfolk Island. Within those papers the ongoing concerns being raised of declining visitor numbers into Norfolk Island for the month of August, some 700 visitors down on the previous year and some 600 down on the year before and 400 down on the year before that. It's not a pretty picture at this moment but certainly the detail that is contained in the General Manager's report provides an insight into the co-operative advertising arrangements that are in place, the promotions through radio, the different campaigns that have been perused at the moment by the Bureau to raise visitor numbers, with a hope that at some stage in the not too distant future, we are going to be in a position to be able to measure the effect of each of those initiatives, thank you

MR BROWN Mr Speaker I wonder if a copy of that paper could be provided to Members during the course of this meeting in which event I would like to move that the debate in relation to the motion be suspended until later in the meeting

SPEAKER Is that practical Chief Minister

MR GARDNER Mr Speaker I have no difficulty

SPEAKER There is a proposal before us Honourable Members, that this matter be we'll say adjourned, until a later time during this sitting

QUESTION PUT  
AGREED

I will bring that on at an appropriate time Honourable Members. Thank you Mr Brown for raising that

MR NOBBS Thank you Mr Speaker. Section 2b2 of the Customs Act 1913 make provision for the executive member to exempt goods from duty where the duty payable is less than \$200. Section 2b5 of the Act provides that where the executive member has exercised his power he shall lay a copy of the exemption on the table of the Legislative Assembly and I so table this exemption and ask that it be noted.

SPEAKER The question is that the paper be noted

MR NOBBS Mr Speaker the particulars of the duty waived is as follows, the sum of \$18 on the importation of Bowel Scan kits by the Rotary club, the sum of \$15.98 on the importation on pads by St John Ambulance, the sum of \$23.69 on the importation of smart pads and waste bags also by St John Ambulance and the sum of \$45.78 on the importation of First Aid Kits for Ambulance Officers in St John Ambulance, and that's the four items, thank you

MR BROWN Mr Speaker a number of the wavers that we have been told of today relate to a volunteer organisation and the majority of the amounts that have been read out to us are very small. I've little doubt that in many of those cases the cost of the paperwork exceeded the amount which was waived and I really would like to again suggest to Members that it is time we brought to an end exemptions of this kind and recognised that a more appropriate way to deal with them is simply to provide some form of annual subsidy to those organisations which we feel worthwhile, thank you

SPEAKER  
Paper be noted.

Is there further debate? The question is that the

QUESTION PUT  
AGREED

The Paper is noted. Are there further Papers

MR GARDNER Mr Speaker I table the papers in relation to a police investigation into a complaint of unlawful disclosure of information under the Telecommunications Act 1992 and move that the paper be noted that they be noted

SPEAKER The question is that the paper be noted

MR GARDNER Mr Speaker following the raising of a complaint with the police and also with my office by two separate individuals in relation to information that was disclosed at a meeting of the Legislative Assembly, I don't recall exactly when the month was but I think it was in July, the police undertook an investigation into that complaint. They have provided a full and detailed report including a transcript of hansard for that period for the various statements that were made by the complainants and other documentation in relation to it. The recommendation from the police investigation is that it would not be in the public interest to pursue any prosecution in relation to the matter. That has been supported by the Crown Counsel and I endorse that recommendation Mr Speaker and table the paper

MR BROWN Mr Speaker I would like to see the paper. I take it from what the Chief Minister has said that the paper basically says look, technically there is an offence but we are not going to go to the extent of recommending that there be a prosecution. If that's what the paper says I think we should clearly state it because the average member of the public will never get to see the paper and the way the people will have heard what has just been said maybe in the fashion I've just suggested or it may be that people will feel that there is absolutely no offence. I don't think there is a clearance of that nature in the paper. I expect from the words that have been used that the paper concludes that there is an offence but recommends there not be a prosecution, Thank you

MR GARDNER Mr Speaker it is correct in what Mr Brown says and all Members of the Legislative Assembly have been copied with the paper in its entirety

MR NOBBS Mr Speaker I'm very disturbed Actually in relation to this issue because it's some of the most stupidly written legislation that I can find because as think the Chief Minister pointed out at the last meeting that the divulging of very simple information is an offence under the Act and I ask the Public Service to ensure that we can collect data such as the number of phone calls and I really question some of the Activities that are going on now, including the taking of data which allows people to be charged for the use of their phone. It is, to me, a rather ludicrous piece of legislation, that's in my opinion and I'm purely a layman, I'm not giving a legal opinion or anything, and I've asked the Public Service to fix it up because it is not right

SPEAKER  
Paper be noted.

Is there further debate? The question is that the

QUESTION PUT  
AGREED

The Paper is noted. Are there further Papers

MR NOBBS Mr Speaker the Public Moneys Act requires that I direct the Finance Manager to transfer moneys committed in the year ended the 30<sup>th</sup> June 2005 any substantial liability which will commit the revenue fund in 2005-2006 to expenditure and that I

need to table details of the expenditure which is so committed before the House and I understand that its within two meetings and we now with last night have had three, but I'm overdue because I overlooked this at the last meeting and I apologise to Members. If I'm to be hung and quartered well it's me, not the Service. The grand total of the cost centres is \$70,800 thank you

MR BROWN Mr Speaker I table the Annual Report of the Employment Tribunal for the year ended 30<sup>th</sup> June 2005, thank you

MR NOBBS Mr Speaker I table the Financial Indicators for August 2005, and Members have been circulated with them, and move that the paper be noted that they be noted

SPEAKER The question is that the paper be noted

MR NOBBS Mr Speaker the financial indicators is based on the original budget approved by Members which I'll be speaking on later. The authorised virements and the carry forward of the \$70,800 which I just mentioned. At the 31<sup>st</sup> August 2005 this year the revenue fund overall income is 94.3% of the revised budget, that is, \$97,000 short. Customs duty is \$181,000 short of budget and the sum total of other tax categories is \$120,000 over budget. Departure fees are \$40,000 short but FIL receipts and land titles are \$38,000 and \$138,000 ahead of the budget respectively. On the expenditure side at the end of August on a pro rata is about 5.7% which is \$121,000 under the revised budget and at the 31<sup>st</sup> the overall revenue fund budget has an estimated deficit of \$364,000 which is on a pro rata basis is \$24,000 less than budgeted. Thank you Mr Speaker

SPEAKER The question is that the paper be noted

QUESTION PUT  
AGREED

The paper is so noted Honourable Members. Are there any further Papers this morning Honourable Members we move to Statements of an official nature

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

SPEAKER Any Statements Honourable Members?

MRS JACK Mr Speaker, the statement I'm about to give is the result of an application for a variation of the plan and comes in under Clause 10 of the Planning Act. Details of the application. On 26<sup>th</sup> June 2005 Mr Daniel Nobbs, Miss Denise Nobbs and Mrs Cheryl Fuller, namely the applicants, lodged an application to vary the Norfolk Island Plan by rezoning portion 87f(rem) of New Farm Road, from rural to rural/residential. The purpose of this rezoning was to enable subdivision to enable each of the three joint land owners to individually own land and to use this land for residential purposes. Subdivision under the current zoning rural, is prohibited by the Norfolk Island Plan of 2002 as the area of the subject portion is below the minimum lot size of 4 hectares. Rezoning of the portion from rural, to rural residential, would enable the subject land to be subdivided into a maximum of four portions. Reasons why the public submissions about a draft plan for the proposed variation have not been 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 is inconsistent with the intent and objectives of the Norfolk Island Plan which was prepared having taken into consideration the need for family subdivision and the second point is 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 provisions of the Norfolk Island plan and consequently the Norfolk Island plan itself would be put into question. In accordance with the

recommendation from the Planning and Environment Board the draft plan has not been prepared and the applicant has been given notice that the application has failed. Public consultation is therefore not considered necessary. Could I ask that the statement be noted Mr Speaker

SPEAKER

The question is that the statement be noted. Mrs Jack

MRS JACK

Thank you Mr Speaker. Mr Speaker this is the second instance in my time as Minister where such a statement has had to be made. Mr Speaker when it comes to enforcement of an Act, and I would say almost any Act, there are bound to be persons who at some time or other may, in some way, be disadvantaged. Now this can be through no fault of their own but brought about through, for want of a better phrase, 'a line being drawn in the sand'. This is what I as Minister am faced with today. The line that was drawn in the sand is the line that marks the end of one planning zone and the commencement of another. Now whether the line showed here is mixed use and here is residential or whether the line indicates that portions on this side of it are rural residential and on that side rural there are going to be owners of portions unhappy with just where that line runs from and to. Why the angst Mr Speaker? I'll put it down to two reasons Mr Speaker. Firstly, if you look at the Norfolk Island Plan you will see that some 12 zones are identified and that attached to each zone is a description that talks of the intent of the zone, what the objectives and guidelines are, subdivision standards, development standards and so on. There is also a Table of Use or Development and one of those are contents. The contents are columned 1 to 4 and if you read the contents of column 3 you can see the differences as to what is a acceptable use or development in column 2, column 3 permitted use or developed with consent. Mr Speaker to go outside of these permissible (with consent) developments a person is left with prohibited use or development and seeks leave through use of clause 93 of the Norfolk Island Plan to have what is ordinarily prohibited in the one particular zone to become a permitted (with consent) development. Mr Speaker you may be reminded of just such an Action attempted earlier this year. The application I refer to involved the relocation of an established veterinarian practice. It aim was to move the practice to a portion that was in the rural residential zone. Vet establishments are allowed in rural and mixed use, not in rural residential. and so the applicant sought leave through use of clause 93 to have what was ordinarily prohibited to be permitted (with consent) The motion was brought before the Assembly earlier this year and was denied. Mr Speaker I mentioned two areas of angst. The second is when the landowner finds their portion is in a zone that does not allow for further subdivision due to subdivision standards of the relevant zone not being able to be met. The result is that the owner of the land seeks to have the land rezoned to one that will allow subdivision to occur. Mr Speaker that is what I, the Norfolk Island Administration, the Planning and Environment Board have had to consider with the application being discussed today. In reaching our separate decisions we have referred to the relevant sections with in the current Norfolk Island Plan and the Planning Act 2002. Mr Speaker the applicant wants to rezone the land from rural to rural residential for family purposes. I would like to remind members and provide the listening public with some background information. The portion in question is some 32,100 m<sup>2</sup> and under the Norfolk Island Plan 2002 the min. lot size for portions in the Rural zone is 4 hectares. Or 40000 m<sup>2</sup>. Therefore subdivision of a 32000 portion is prohibited. I would also like to mention that in the old plan Mr Speaker, the 1996 plan the minimum portion for subdivision was 2 hectares so even though it was 32,000 it still couldn't have been subdivided to even allow this so it's still a similarity I suppose, in that the status quo has been kept. The current plan, if it was allowed to change from rural to rural residential, the minimum lot size is 8000 sq metres and so roughly this portion could then be divided into four but what we have seen with the definitions for subdivisions and zoning requirements of the rural land zone is that

this application is not consistent with the Norfolk Island Plan. As mentioned earlier this is the second such statement I have made in this forum and in doing so have maintained, along with the Norfolk Island Administration through the planning officer, the Planning and Environment Board, we have maintained consistency and equity in terms of decision making and in use of the both the Plan and the Act. Mr Speaker in both this application and the one previous all participants in the decision making process have been unanimous in their agreement to refuse the applications. Mr Speaker at present many people are talking about Norfolk and its sustainability. For many the word is being used in the economic sense. When I use it today I make reference to our environmental sustainability. The environmental quality that all of us enjoy and want to pass on to the generations that follow. The environmental quality that is becoming more and more part of the package that drives our major industry - tourism and eco tourism. The protection of the environment, the protection of social and cultural heritage through sustainable and appropriate development is that that is guided by the current NI Plan and the Planning Act 2002. Mr Speaker I agree with the decisions undertaken by the Board and the Administration not to continue with this application, to take it before the public for further variation to seek variation to the Plan, thank you

SPEAKER The question is that this statement be noted. Mr Christian

MR CHRISTIAN Thank you Mr Speaker, at the appropriate time I would like to have debate adjourned or suspended on the statement so that I may be given the opportunity to move a motion seeking to get the House's agreement to give the Minister a directive by way of resolution

MRS JACK Mr Speaker, under the Planning Act clause 10 subsection 3 reads that after the statement is laid before the Legislative Assembly under paragraph 10(2)(b) which I've just done the Legislative Assembly may (a) take no Action, or (b) by resolution direct the executive member to do all or any of things that the executive member may do under this Act in relation to the proposed variation of the plan as sought in the application which would then lead me to have to consider public consultation and take the matter in draft form for variation before the public. In doing so I would just like to remind Mr Christian that it would be a lack of continuance of what has gone before and would jeopardize previous decisions that have been agreed to in this House, not jeopardize the decision but go against the decision that had been seen in the house and undertaken before and I would ask him to reconsider. However, under that I am also putting before Mr Christian 10 subsection 3(b)

MR CHRISTIAN Thank you Mr Speaker, my intention at this stage is not to pre-empt the outcome of any debate the Legislative Assembly may enter into, it is purely to give the Legislative Assembly Members an input into this process which at the moment we are being denied because this statement as it is today, that's the end of the process and I am endeavouring to keep the process alive until the Legislative Assembly as a whole decides that (a) there is merit in considering what I want to propose or it's not worth considering and in that event it's the end of the road as far as any variation to the plan is concerned but I would like the Legislative Assembly to be involved in it

MRS JACK Mr Speaker, could I ask Mr Christian if he's looking at this particular point at the statement I've read out in the House or to consider reviewing family subdivisions in the plan because I can do family subdivisions outside and put such a motion in the House for the next sitting and I don't mind doing that but is Mr Christian wanting to do that through this particular application. I mean, they are two differently matters.

MR CHRISTIAN Thank you Mr Speaker, my intention is not to use the family aspect, what I am endeavouring to do is to apply a mechanism that's within the plan and it's intended for a purpose. We have the ability for someone to rezone their land if think proposal is thought to be worthy. One facet of that mechanism is that the Legislative Assembly be allowed to consider the application somewhere in the process and that is what I want to try and achieve

MRS JACK Mr Speaker, if I may, I think that could be done by Mr Christian seeking to direct the fellow members through 10(3)(b) by resolution direct 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 which would in turn direct me to take this draft to public consultation. That is what has been denied the applicant, is the public consultation

MR CHRISTIAN Thank you Mr Speaker, I'm just seeking some guidance. I'm happy to move such a motion but I'll not sure when the appropriate time would be

SPEAKER Yes, if I interpret what you said earlier Mr Christian you would seek to have this matter adjourned and the matter that is before us is that the statement be noted

MR CHRISTIAN Thank you Mr Speaker, that is correct but where in the proceedings would I then be given the opportunity to direct the Minister or seek to direct the Minister

SPEAKER You would then need to initiate a separate motion in terms of that as I understand the matter. You could seek leave of the House to do that at any time that you would want to raise it and the House would consider it then

MR CHRISTIAN Would it be appropriate for me to seek leave of the House at this stage whilst we are debating the matter

SPEAKER Would you have a motion ready at that time

MR CHRISTIAN I've a motion written, yes

SPEAKER Yes it would be

MR CHRISTIAN Thank you Mr Speaker, I move that this House resolves

SPEAKER Could we dispose of the matter that is in front of us, that the paper be noted, one way or another. You have foreshadowed that you would have it adjourned. Would you like to move that or do you want to settle that another way, that is entirely up to the house, and then we would move to your proposal

MR CHRISTIAN Thank you Mr Speaker, I'm happy for the statement to be noted if that doesn't prevent me from carrying on with my motion. If noting the statement locks me out of that process I would seek that further debate on the statement be adjourned

SPEAKER Yes, I think I should explain Mr Christian that from the Speaker's perspective there are two parts to this. One is the procedural matter that relates to the procedures of the House and that's what I've addressed with you to date. There may be separate legal questions as to how that stands in terms of legal aspects of the Planning legislation. I make no comment whatsoever on that, for example, how that places your motion in terms of the planning legislation that is a matter others would have to consider and I am not endeavouring to address that particular aspect. What I am addressing is the matter of you bringing a motion that you would like to bring, and you have foreshadowed that, to your colleagues in the Legislative Assembly. So we are at the stage where you would like the matter of the statement being noted. Okay. Any further debate on that matter before I put that question that the statement of Mrs Jack's be noted in respect of the planning matter

QUESTION PUT  
AGREED

## MR BROWN ABSTAINED

The eyes have it in that context. Mr Christian I turn to you in terms of the foreshadowed matter that you have mentioned. You would need to seek leave to bring that forward

MR CHRISTIAN Thank you Mr Speaker, I seek leave to move a motion in respect of the statement that has just been noted

SPEAKER Is leave granted Honourable Members. Leave is granted

**MOTION BY LEAVE – VARIATION OF NORFOLK ISLAND PLAN 2002**

MR CHRISTIAN Thank you Mr Speaker, I move that this house resolves to direct that the relevant Minister at her earliest convenience bring forward legislation to amend the Norfolk Island Plan 2002 to allow portion 87f to be changed from rural to rural residential, thank you

SPEAKER The question is that, that motion be agreed to Honourable Members

MR CHRISTIAN Thank you Mr Speaker, as I have said, the Norfolk Island plan 2002 has many mechanisms designed into it. One of those mechanisms in respect to the changing of zoning is to allow membership of the Legislative Assembly the opportunity to direct the Minister to do something or other. At the moment what I am doing is trying to allow the Legislative Assembly to have access to that mechanism and to make a decision. I don't mind what the decision is at the end of the day but at least we can say that it has been considered and that nobody has been denied access to their elected representatives

MRS JACK Mr Speaker, may I just ask Mr Christian for a copy of that because it seem to be very particular in one instance and I personally have trouble with it. I have no problem looking into a more generic motion of looking at the possibility of rezoning land from one to another but being so specific it certainly it brings to my mind the issues that can arise now from somebody else trying to say oh well I want to rezone mine so that each of my children can be left with a block and I'm in a residential zone and I would like to subdivide so that each child can have enough of a portion to have a shop and I would much rather look at the overall zoning matter rather than a specific because if feel that we could be inundated with requests for subdivisions and rezoning

MR BROWN Mr Speaker when it comes to a vote on this matter I propose to abstain the reason being that I was consulted by someone about this issue about two or three years ago in a different capacity. The attractions of Norfolk Island when we look at the market research which has been done in relation to our visitors, indicates that the attractions have been the peace and quiet, the history and the shopping. Now the peace and quiet and the scenery can both be very much put at risk if we are going to open up subdivision any further than it is already, in fact, one could well concluded that subdivision needs to stop altogether lest we put those attributes at risk. It's very difficult because most people agree entirely that there should be no more subdivision except for their own block and most of those people have sound reasons as to why they should be given an exemption in respect of their block. But we need to look at just how our planning has been done to date. Perhaps it doesn't matter if every block on the island continues to be split into smaller and smaller portions. Perhaps that could be done right down to the day when blocks are a quarter of an acre or less. Many people will remember that the quarter acre block is the normal house block in Australia and no doubt in other places until comparatively recently but planning pressures have caused many of those blocks to be rezoned to allow high density housing. They've caused many others to be rezoned to allow houses to be built on a block and they've caused many others to be rezoned so as to allow community title or issues such as that. I would like to suggest that

before we make any change, no matter what block it might relate to, we review the question of subdivision altogether and that we review our plan altogether in terms of size of blocks and the density of housing. Norfolk Island is about 8,500 acres. That's a fair size Mr Speaker and that is a large land area to service with things such as telephones and electricity. We don't service it with water but we do service parts of it with the Water Assurance Scheme. It may be that our very best course is to allow high density housing in the central area and no further subdivision anywhere. On the other hand Members may take a view that Norfolk Island is different and we will allow unlimited subdivision and take a view that we will leave it to the immigration system to prevent every one of the consequent blocks being quickly developed. Some have suggested that we should get rid of immigration and allow the land planning system to control the population. There's little doubt that when you discuss these issues in a room in Norfolk Island with five people, you will rapidly get ten different points of view and each of them will be strongly held, notwithstanding that they might have done a 180 degree turn from the commencement of the meeting. I think Mr Christian's right. I think that the whole thing does need to be looked at. I think that the Minister for the Environment is right in saying that we need to be consistent and if we are going to make a change it needs to be a change that's available to everyone, not just to one person. Mr Speaker I encourage discussion about the issue but it is a difficult issue and I think that we do need to bear in mind all of the issues that I've just mentioned before any form of decision is made

MR CHRISTIAN

Thank you Mr Speaker, the wording of the motion referring to a specific section is quite intentional on my part. That is because the Minister's statement refers to one section and I interpret the meaning of the plan that these things be considered on a one to one basis and considered on their merit. It's not intended to be a wide ranging thing that if you vary the plan for one section, you automatically do it for every section otherwise the zones would be different already. What I see here is a recognition by the architects of the plan that one size does not fit all and there are certain circumstances which may have been overlooked or not expected at the time it was drafted and it gives opportunity for the plan to be amended years past rather than having to wait for six years or whatever the period is until the plan is revisited and updated. It's a living plan and it evolves as it goes. In that sense I think it's probably a good plan, however, when you sit down and talk about land zoning and you tag something as rural the picture that it conjures up in your mind is that it's a large block of land and whoever runs that block of land would be engaged in rural type Activity and deriving an income from that rural type Activity. My understanding of the portion in question is that it does not suit that type of rural, agricultural Activity because of the steepness of the property. Parts of it could be used for that but it may not be economic. It would be ideally suited to be subdivided and have three blocks of land created and three dwellings built on it because the property as I understand it, has two road frontages and I think that if we are not going to make use of mechanisms within the plan then the plan needs to be amended forthwith to take that ability away if we are never going to use it. Thank you Mr Speaker

MRS JACK

Mr Speaker, my concern is consistency in the decision making process which I feel is being substantially let down if we were to follow this path but I appreciate the points raised by the Minister for Community Services. The infrastructure requirements, if we are to look at every case as a separate entity and do our deliberations and before you know it, we've got this one being allowed and somebody else being allowed, it's the planning of future infrastructure requirements that causes angst as well, not only for myself but in this case also for the Minister for Finance with the demands being placed on it. The other is quite rightly as the Minister for Community Services has pointed out, the need for Norfolk Island to evolve using both planning and immigration in a sensible way that is going to be sustainable. It is extremely important and while I realise and appreciate the situation of each case in point as I said earlier, it's the line being drawn in the sand and the hard decision being taken and I don't think it's being static on my point not to view this as not being desirable. It's viewing what is sustainable in the long term and decisions being made on families that are tough and this particular family group is not alone. I'm sure that there are other people who have properties in other zones that may feel that a residential should be moved down to a mixed use in order to provide the same sort of outcome that is being proposed here. I'm just not in favour of it sorry



lot bigger than just one portion of land and it needs to be addressed one way or another, thank you

**SPEAKER** Mr Christian was it your intention to endeavour to settle this matter. You brought it forward without notice

**MR CHRISTIAN** Thank you Mr Speaker, I brought the matter forward without notice and I'm happy for it to be dealt with to finality at this sitting

**MRS BOUDAN** Thank you Mr Speaker. I believe this application has its merits. Here we have young Norfolk Islander who has returned home to take up permanent residency and is unable to build his home because of these restrictions. I would like to grant approval. I take on board all that everyone's said around the table. I have compassion here. I believe our own people should be able to build their own homes on their own land but obviously there is a need for change and I don't know if we can bring forward any review on the plan but I believe we need to do something

**MRS JACK** Mr Speaker, thank you I would just like to advise or perhaps clarify for Mrs Boudan that there's no problem with their building a house. It's the matter of their dividing their land into three blocks. It is deemed to be too small under the requirements for the zone for minimum lot size as it was in the previous 1996 plan. The portion was deemed too small to subdivide then so I mean it's a status quo continuing but they can build a house even with dual occupancy but they can't subdivide and that's what you are looking at

**MRS BOUDAN** But I believe there are problems there regarding mortgage from the bank. One person wanting to build on a block that three people own

**MRS JACK** that's right

**MRS BOUDAN** Well there are problems in that respect

**MRS JACK** Mr Speaker, Mrs Boudan is right. There are issues we are being faced with because of dual occupancy being allowed to occur and being used in place of subdivision because subdivision hasn't been allowed previously and so this is also being faced with problems of previous plans being foisted on it and I'm just trying to avoid complications down the road

**MR CHRISTIAN** Thank you Mr Speaker, I don't think we'll ever avoid further complications down the road because there'll always be exceptions or the odd one out or applications to vary whatever we have in place but I find that this morning is quite interesting because on various occasions we've heard the Minister for Community Services say we need more people here, we need a larger population base, we need people to pay for the roads, we need more people to pay for the electricity and the only way to get more people is if our planning allows for them. Now that can either be by allowing selective subdivisions, community title, strata title. Now we've talked about all of these issues and not one of them has ever progressed. This is one that exists today and can be used today and we cannot continue to expect everybody to put their lives on hold in Norfolk Island whilst we review the thing. The mechanism is there now and I think we should use the mechanism

**MR SHERIDAN** Mr Speaker this is an interesting conversation. I would like to see consistency across the board but in this case I do believe that the other two or three we've dealt with under the section of the Act has had different circumstances. I believe this portion of land has been left to these three children whereas in one case the owner wanted to subdivide so that she could leave it to her children, in other words, she hadn't already done it, so I do believe there is merit there for this to go ahead and if it is left on the table I think everybody could review it in more detail but if Mr Christian wants to push this through today well I will be supporting him there Thank you

MR CHRISTIAN Thank you Mr Speaker, if Mr Sheridan would prefer the matter to be adjourned and held over for a later meeting I'm happy to do that as well. I don't want to cut off consideration or debate on the matter. It's obviously stimulated some interesting discussion and maybe we should speak about it further at a later time

SPEAKER Does that therefore foreshadow an adjournment motion. Most others have spoken at this time unless I've misjudged the matter

MR CHRISTIAN Thank you Mr Speaker, then I so move

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

QUESTION PUT  
AGREED

MRS JACK NO

Would you like the House called Mrs Jack

MRS JACK Mr Speaker, that would be futile. I acknowledge the superior ayes to my feeble no

SPEAKER Thank you Mrs Jack. The ayes have it thank you, therefore that motion is adjourned to a subsequent day of sitting

Are there any further Statements of an official nature. No. Then we move on

May I just mention for information of Members that the matter of the tourism papers which was earlier raised. That has been circulated to all Members and I would plan at this stage to bring that matter on after Messages provided the Chief Minister has returned as they are his papers and may I say on behalf of the Chief Minister that he foreshadowed before coming into the House that there may be a couple of occasions this morning where he would have to attend to urgent matters that related to the fuel matter and would we understand that if we needed to be called away and he is in that context at this moment but will return as soon as he is able

#### **MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 17**

SPEAKER Honourable Members I have received the following Message from the Office of the Administrator. There are three this morning. Firstly Message No. 17. On the 23<sup>rd</sup> August 2005 pursuant to section 21 of the Norfolk Island Act 1979 I declared my assent to the following, the Tourist Accommodation (Amendment) Act 2005 which is Act No 18 of 2005 and the Healthcare (Amendment Act 2005 which is Act No 19 of 2005, and that message is dated the 23<sup>rd</sup> August 2005 and signed Grant Tambling, Administrator

#### **MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 18**

Message No. 18. The Norfolk Island Act 1979, section 24, reasons for withholding assent to a proposed law. I Grant Ernest John Tambling, Administrator of Norfolk Island furnish the following message under section 24 of the Norfolk Island Act 1979. In accordance with section 21 of the Norfolk Island Act 1979 I referred the Customs (Amendment) Bill 2005 to the for Local Government, Territories and Roads for instructions as a Schedule 3 matter. On the 6<sup>th</sup> September 2005 I received instructions from the Minister to withhold assent to the Customs (Amendment) Bill 2005. The reason why assent to the Customs (Amendment) Bill 2005 was withheld related to concerns about the use of customs legislation to prohibit the importation of helicopters to Norfolk Island given the clear potential for economic and social benefits. In providing his instructions, the Minister advised that considering the recent decline in tourist

numbers and the effect of changing demographics which will require the island to find innovative ways of attracting new types of visitors the proposal to use a helicopter for sightseeing could prove a valuable asset to the island. Further the availability of a helicopter will provide benefits to the community in terms of search and rescue operations, fire fighting and similar Activities. The message is dated the 7<sup>th</sup> September 2005 and signed Grant Tambling, Administrator

### **MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 19**

Message No. 19 the third of the three messages, reads this, on the 23<sup>rd</sup> June 2005 pursuant to section 21 of the Norfolk Island Act 1979 I declared my assent to the following, the Supplementary Appropriation (No. 2) Act 2004-2005, which is Act No 12 of 2005, the Appropriation Act 2005-2006 which is Act No 13 of 2005 and the Airport (Amendment) Act 2005 which is Act No 14 of 2005. This message is dated the 21st June 2005 and signed Grant Tambling, Administrator. Those are the three messages Honourable Members

Honourable Members, we are now commencing Notices

### **SEIZURE OF “BOOM BOXES” IN MOTOR VEHICLES**

MR BROWN Mr Speaker, I move that this House requests the responsible Executive Member to take such Action as may be required in order to cause devices known as “boom boxes” to be unlawful if installed in a motor vehicle, and to provide the Norfolk Island Police with the power to seize and retain for seven days any motor vehicle which is fitted with such a device, and to dispose of that vehicle if it is seized on a second or subsequent occasion. Mr Speaker there are just a few vehicles in Norfolk Island which have extremely loud noise systems fitted to them and unfortunately, those vehicles tend to drive up and down the roads of Norfolk Island until perhaps quite late hours in the morning perhaps rather than quite early hours of the morning on occasions. That causes considerable concern to many residents, and it is inappropriate. We have legislation already that is aimed at curbing that problem but the legislation has not been successful. It's not been successful because at present the police must hear the noise in order to do anything about it and the police can't be present in every location across the island at all times. This motion is aimed at overcoming that because the particular people haven't been prepared to understand that what they are doing at the moment is unacceptable, so this motion is aimed at overcoming that by making it unlawful to fit the equipment to the vehicles and if legislation is introduced and passed a vehicle will be able to be seized if a boom box is fitted to it and if a vehicle is seized on a second or subsequent occasion the vehicle will be able to be sold. I seek Members support to bring the problem to an end

MRS JACK Mr Speaker, I can't support the Minister for Community Services here. My problem with boom boxes isn't so much the volume it's the type of beat. I would much rather Diana Ross and the Supremes to some of the other noises that emanate and the music that they play. Pavarotti on a good day. Diane Ross on a good day. What is a boom box? It is made up I believe of miscellaneous bits and pieces that these very capable techno children that we've raised are able to manufacture. I appreciate the concerns raised by certain Members of the public to myself over these matters but I believe to make the Actual instrument sizable and what not is just a tad too extreme for me and I won't support this, as much as I admire it, I won't support the motion thank you

MR NOBBS Mr Speaker I think there is a Bill on the books at the moment, in Orders of the Day No 4, the Road Traffic (Amendment) Bill which will assist greatly in this as it will provide for seven days impounding by the police of a vehicle and that will take part of the concern that Mr Brown has, away. The other one really is that on the police arrangement, I believe that if there is a problem the police should be advised of it and continue to be advised of it because they have Actually made some headway in regards to this on the basis of people calling them out so I think that whilst it's not an overkill I'll be taking the lead of Mr Brown in another forum and I'll be abstaining as I'm the executive Member responsible



opportunity. The question therefore before us is that the Tourism papers be noted. Mr Brown you foreshadowed that you would be willing to speak to them

MR BROWN

Thank you Mr Speaker. There are two papers that have been provided to us. One is called an Activities Report for August 2005 and the other is called a General Manager's Report and is dated the 6<sup>th</sup> September 2005. Mr Speaker just by way of housekeeping the Bureau might like in future to refer to Norfolk Jet Holidays as Norfolk Jet Holidays rather than as Norfolk Jet Express just in case they cause any confusion because of course Norfolk Jet Express company no longer operates. Mr Speaker it is good that we have received this report and I hope that we will receive similar reports in the future. It contains some interesting material and it probably raises almost as many questions as answers and there is nothing wrong with that conclusion because if the report causes a question to be asked, then that is quite valuable. The report suggests that contact has been made with a tourism marketing company in Sydney and that, that company has been requested to provide a proposal to do various things including calling on retail travel agents. I'm not sure whether that's really the role of the Tourist Bureau Mr Speaker. That's a role which is already filled by numerous travel wholesalers and group operators and I certainly hope that there will be some thoughts given as to whether that is an appropriate role or whether there are better ways for the Bureau's endeavours to be directed. I hope the thought will be given as to whether it is appropriate that one company be selected and asked to provide a proposal without others being invited to provide proposals. Much of what we are trying to do down here at present is directed towards transparency in such issues and to simply select one company for a purpose such as that might not be appropriate and might not be seen as doing what we are telling others they need to do. There are a number of travel issues that are not dealt with in these reports but I certainly hope that they are issues that are being dealt with. For example the difficulty of arranging familiarisation visits, where the last that I heard was that the Bureau was having to pay full fare from the Bureau's funds in order to bring an educational to the island. Perhaps that's changed in recent weeks and I can see that there's been at least one media visit during the period. Perhaps it's changed in time for that but I certainly commend the provision of the report and I hope that it will be provided on a monthly basis so that we can assess precisely what is being done and in some way to try to assess the success of that by a reference to future bookings

MR GARDNER

Mr Speaker I thank Mr Brown for his comments in relation to that. The reports as I said, these are the first that I can recall being brought to the House as far as the Activities of the Tourist Bureau are concerned, in any detail and the design and content was referred to as I guess in the developmental stage, the feedback from this forum and elsewhere is going to be used in establishing that design and content going forward and certainly we will consider that and adapt those comments in the future. These documents are provided for the information of Members on top of the graphs and the figures that are distributed now by email to each of the Members of the Legislative Assembly which Actually formed part of the report but the assumption was made that all Members already had that detail. The reference to discussions with a company in Australia basically was based on the understanding that the General Manager is looking at avenues of restructure for the Government Tourist Bureau and how it operates and part of the reason for getting a statement or expression of interest or whatever the appropriate words are from that company is to provide some guidance to the Tourist Bureau, give it an opportunity to consider that proposal, it is an initiative of the General Manager and the Tourist Board that, that be pursued and obviously once that proposal is received a decision has to be made one way or the other as to whether it Actually fits the operations of the Norfolk Island Government Tourist Bureau and will be something that I would propose to bring back to the members for consideration and discussion before any agreement or arrangement is put in place in relation to the operation of the Government Tourist Bureau in Australia. My understanding is that the famils difficulty that Mr Brown was alluding to has in fact changed and that the full fares are not in place for those familiarisation type arrangements and visitations to Norfolk Island, Thank you

SPEAKER

The question is that the tourism papers be noted

QUESTION PUT  
AGREED

The Paper is noted. Thank you Honourable Members

**RE-APPOINTMENT OF PRESIDING MEMBER OF THE PUBLIC SERVICE BOARD**

MR NOBBS Mr Speaker I move that this House, in accordance with paragraph 10(1)(a) of the Public Sector Management Act 2000, recommends that the responsible executive member re-appoint Nadia Lozzi-Cuthbertson as Presiding Member of the Public Service Board for the period 22 September 2005 to 21 September 2007

SPEAKER Thank you Mr Nobbs. The question is that the motion be agreed to

MR NOBBS Mr Speaker this completes the re-appointment of the nominated board Members and we are just waiting for the next move which is the election of the Public Service representative on that board. I thank Mrs Cuthbertson for accepting the nomination for this position. The Board has been operating very effectively I believe and that Mrs Cuthbertson apart from other things, brings a wealth of experience to that particular position and I ask the Members to support the nomination

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

QUESTION PUT  
AGREED

The ayes have it thank you, the Bill is agreed to in principle

**CUSTOMS (AMENDMENT NO. 2) BILL 2005 – DECLARATION OF URGENCY**

Honourable Members, I have to report that the Business Committee under Standing Orders 158 has declared that the Customs Amendment No 2 Bill 2005 be declared an urgent Bill and its passage expedited

**CUSTOMS (AMENDMENT NO. 2) BILL 2005**

MR NOBBS Mr Speaker I present the Customs Amendment No 2 Bill 2005 and move that the Bill be agreed to in principle

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

MR NOBBS Mr Speaker I'll read out the explanatory memorandum. This Bill proposes to prohibit the importation of helicopters into Norfolk Island without prior consent of the Administrator and for the Administrator's consent to be for such purposes and for such period as the executive member recommends. The amendment is intended to ensure that the amenity of the Island and the welfare of its residents can be maintained. I think that the explanatory memorandum covers in full what this particular proposal is about

MRS JACK Mr Speaker, in my capacity as Minister for the Environment I sought further information regarding helicopters and the use of helicopters in and around the national park areas, the reserves, the cliff-face, and all the parts of Norfolk Island and I would just like to say that the information given to me from national parks, their comment on helicopters states that the current plans of management mentioned helicopter flights to Philip Island for management reasons only. Any flights out there require a special permit and given that it is a prime seabird rookery with some endangered species it is unlikely we would issue other than occasional permits to land their for specially argued circumstances

and probably only in non breeding times. Additionally they would require some sort of fly friendly agreement to set out an agreed flight path. This goes to I suppose lessens the likelihood of helicopters being used and eco tourism or for people to go out there and look at the island because of the importance placed on it. There is nowhere suitable for a chopper to land in the Mt Pitt Mt Bates part of the national park and once again, I'm told that if a chopper was to be touring overhead we would need some sort of fly friendly agreement to minimize the invasiveness of a helicopter. I would just like to note Mr Speaker that national parks have used a helicopter on a couple of occasions to take big gear out to Philip but only in non bird breeding times and in suitable weather and even at these times there have been reported bird strikes from even those limited operations. It is discouraged unless absolutely essential. I would just like to also add Mr Speaker, that the Plans of Management for Reserves do not specify helicopter or management of helicopter flights at all, but the point taken by myself and the Conservator would be to minimize the use for exceptional operational purposes only. It is not a desired way of seeing Norfolk Island and it is just putting the environment, the bird life and the flora and fauna into stress and I wouldn't countenance it, thank you

MR BROWN

Mr Speaker when a similar matter came before us a few months ago I was not aware that any person was proposing to actually import a helicopter. I thought that we were simply stating a view that we did not wish to see one imported fullstop. It later transpired that there was a person, who although he may not have had a proposal at the time, had been contemplating preparing a proposal and that person went around and had various people provide letters to say that it would be a wonderful asset to have a helicopter. He then made representations to the Minister for Territories, and the Minister for Territories was somewhat persuaded by those representations. I think we need to look at a number of issues when we are looking at this. The first one is, is the availability of a helicopter on Norfolk Island likely to increase tourism. The answer to that must be no Mr speaker. Not by one person in a hundred years. If someone wants to go for a helicopter ride they can go out to Bankstown Airport or they can go to Archonfield Airport and they can hire a helicopter or they can go to Seaworld at the Gold Coast and go for a helicopter ride, but they are not going to come all the way to Norfolk Island just to have a ride in a helicopter. The scenic flight situation is already well catered for. And it's very clear that the sight of the scenic flight aircraft in the air is somewhat of a rarity. I think the BooBook owl has become a more frequent flyer than the scenic flights. But I think we do need to have a look at that question. Would it be an asset for tourism. As I said, my feeling is that the answer is a definite no. we need to think of environmental issues, particularly peace and quiet and privacy. We allowed ourselves to be persuaded some time ago to support the introduction of a micro light aircraft. We were assured that it would be flown at a certain altitude and that it would be quieter than a lawn mower in a distant field. Well that didn't turn out to be the case because quite understandably the pilots of that aircraft had to do training and much of their training had to be done at a much lower altitude than that at which the aircraft was intended to be flown. Some suggested that having an ultralight aircraft flying around the island was a safety issue. Fortunately when it crashed it crashed at the airport rather than in a populated area, but it nevertheless did what many micro lights do, it landed in an unconventional manner. Helicopters are known to do the same thing but more importantly helicopters are noisy and they invade people's privacy if they fly around a small land area such as Norfolk Island. My view is that the community does not have an overwhelming desire to have a noisy little helicopter buzzing around them and to have their privacy invaded in the fashion that it could be invaded if a helicopter is allowed to come and operate in Norfolk Island. It was suggested that a helicopter might be a wonderful thing for search and rescue and safety. We've all seen the various rescue helicopter services on television on the mainland, but what we need to remember when we look at those, is they are in general large turbine helicopters. These days more and more they are twin engine helicopters, they are required to cover substantial distances and that's part of the justification for their existence. They can retrieve accident victims or patients from quite some distance from a hospital, and bring the patient or victim relatively quickly to a location for specialist treatment. But if someone proposes to bring a twin turbined helicopter to the island and to dedicate it to a search and rescue type role, the motion which is before us today can allow for that because the motion isn't a complete ban on importation, it simply says, you've got to get an approval first. So if Westpac for example wanted to base a Westpac helicopter here, and if it

was going to have pilots with the necessary endorsements and if there was going to be a system to maintain their currency because the helicopter that never flies is hardly able to maintain the currency of its pilot, now if all of those things were proposed, they could be considered but I think it's very important to bear that in mind. This is not a blanket ban forever. A sound proposal as I understand it can be brought forward and an issue can be looked at on its own merits. It was suggested to us that there be trips to Philip Island and the Minister for the Environment has been able to clarify that for us by showing that it is most unlikely that trips to Philip Island would ever be approved and that if they were approved, they would be very few in number and restricted to particular times of the year. We were told that there simply is not a possibility of helicopter trips being operated to any location within the national park. One of the suggestions was that helicopter fishing might be possible. I think we've all seen the television ad of the man that's just won lotto or whatever he won and he sits there in the helicopter with his rod out attempting to catch a few fish. Well I don't really think that that's the type of helicopter fishing that's been spoken of but certainly I would hate to think that we are at risk of having half a dozen helicopters hovering a few feet off the ocean just off shore whilst people lean out through the open door trying to catch a fish. Helicopter fishing in this context is more taking people to a rock, putting them on the rock and letting them do their fishing and then either leaving the helicopter there while they fish or coming back later on and picking them up and in the wilds of Alaska and places such as that and perhaps even parts of New Zealand that may be realistic but its not realistic in terms of Norfolk Island. There are very few rocks on which one can safely land a helicopter and more importantly, there is absolutely no ability to retrieve that helicopter when it tips itself upside down and I think we are entitled to look at the emergency services issue here. If a helicopter chooses to fiddle around just over the water and crashes, people on the island are put at risk trying to retrieve the pilot and passengers. I'm not happy participating in the creation of that risk. We have virtually no ability to retrieve the helicopter itself should that happen and heaven only knows what damage could be caused. Having regard to all of that, I certainly support the Bill which is before us today. Thank you

MRS BOUDAN

Thank you Mr Speaker. I agree with the Bill

MR CHRISTIAN

Thank you Mr Speaker, as I'm involved in the scenic flight business it is my intention not to participate in the debate and to abstain from voting

SPEAKER

Thank you Mr Christian. Is there further debate at this time? . Honourable Members, then I put the question that the Bill be agreed to in principle

QUESTION PUT

AGREED

MR CHRISTIAN

ABSTAIN

The ayes have it and we have Mr Christian's abstention. The Bill is agreed to in principle

Is it the wish of the House to dispense with the detail stage? Thank you. Could I therefore have a final motion please Mr Nobbs

MR NOBBS

Mr Speaker, I move that the Bill be agreed to

SPEAKER  
agreed to

Is there debate? Then I put the question that the Bill be

QUESTION PUT

AGREED

MR CHRISTIAN

ABSTAIN

We have Mr Christian's abstention. The Bill is agreed to. Thank you Honourable Members

**EVIDENCE (AMENDMENT NO. 2) BILL 2005**

MR GARDNER

Mr Speaker I present the Evidence Amendment No 2 Bill 2004 and move that it be agreed to in principle

SPEAKER

The question is that the Bill be agreed to in principle

MR GARDNER

Mr Speaker thank you. I table the explanatory memorandum. Mr Speaker when the Evidence Act 2004 was passed it made provision in section 198 for the saving of provisions of the previous Evidence Act 1960 relating to the examination of witnesses outside Norfolk Island but within Australia, taking evidence for foreign and Australian Courts in Norfolk Island, and taking evidence in sexual offences proceedings. Those provisions were to expire 12 months after commencement of the Act – 30 November 2005. It is important for the justice system in Norfolk Island that these proceedings continue in place. A further issue that has become clear in recent times is the need to make provision for the possible need to conduct some proceedings by way of an audio and/or visual link. While facilities are not yet available on Norfolk Island for video links, this possibility exists and it is considered an important part of the system to have the legislation in force that if it can be done, there is no need for urgent change to the legislation. The Bill therefore consists of 3 principal amendments to the Evidence Act 2004 which make provision concerning judicial warnings about the evidence of children and then inserts the remaining provisions of the Evidence Act 1960 into a new Chapter 5A "Taking evidence in particular circumstances", and provisions concerning audio visual evidence into new Chapter 5B "Taking evidence by audio/visual links". The amendments largely take account of the existing Evidence Act being substantially the Uniform Evidence Act in place in various States and so places the major changes into separate chapters. It has been thought useful to the Courts and to practitioners for these changes to be placed in the Evidence Act rather than separate legislation as in other places. The changes to the evidence of children is intended to remove any rule that when a child gives evidence there should be any warning given as a generality that the evidence of children is unreliable or requires corroboration but empowers a judge to give such a warning in relation to a particular child only if requested to do so and if the judge is satisfied that in the particular circumstances such a warning is warranted. The changes made by the new Chapter 5A reproduce the existing law. The opportunity has been taken to clarify that in the absence of specific rules of the Supreme Court, the Rules in force in the Australian Capital Territory are to apply and to update some references that have since changed (such as the reference to the Coroners Act 1927) and some savings provisions that are long since passed and the reference to prohibiting certain statements from the dock in sexual offences is removed as now redundant. The provisions of Chapter 5A, as stated were and still are, aimed at enabling evidence for proceedings in a Court in Norfolk Island to be obtained from a person outside, and for circumstances where evidence can be taken in Norfolk Island for proceeding in a Court outside Norfolk Island. In some circumstances, such as some foreign countries the taking of evidence may be covered by an agreement between the Commonwealth and that country, for example New Zealand, in which case such agreement will prevail. The provisions concerning taking evidence in sexual matters is intended, as it was previously, to remove from the law certain aspects that made it difficult for victims of sexual crimes to make complaints or to give evidence without being attacked in relation to issues that were of little or no relevance to the charges but which were used by the defense to cast doubts on a complainant through innuendo and irrelevancies. It is expected that further refinements in the matter of sexual offences will be made when legislation for review of the criminal law is proposed. The proposed new Chapter 5B of the principal Act is largely based upon legislation in place in New South Wales which has been shown to work and has sought to be tailored to the possible use of such technology in Norfolk Island when available. The Chapter has application to both civil and criminal proceedings and has wide potential application to places outside Norfolk Island with particular application to States and territories of the Commonwealth that have similar legislation in place so that there is an element of reciprocity. Particular attention is given to the use of audio/visual links in relation to children and to witnesses in sexual cases where confrontation by an accused may be traumatic or threatening. Mr Speaker those are excerpts from the explanatory memorandum, those passages and normally I try to give a cost benefit analysis of this type of legislation clearly the benefits as established with the provisions for audio visual links speak for themselves, in other words, there will be times when it is more practical and

certainly more cost effective for persons in those circumstances for persons not to have to appear in person in a court in Norfolk Island because of where they might be situated or circumstances that they find themselves in or as determined by the court from time to time, it certainly allows a greater flexibility for court sittings in Norfolk Island for the taking of evidence. At this stage the negatives of this type of legislation are unable to be assessed until the Actual provisions of the legislation have been tested however it is felt and certainly supported by me that the benefits of this legislation far outweigh any potential negatives and I commend the Bill to the House. Thank you

SPEAKER Thank you. Is there further debate at this time? Then I look to you for adjournment Chief Minister

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

SPEAKER Thank you Chief Minister. 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 so adjourned

### **BUSINESS TRANSACTIONS (ADMINISTRATION) BILL 2005**

MR NOBBS Thank you Mr Speaker I present the Business Transactions Administration Bill 2005 and move that the Bill be agreed to in principle

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

MR NOBBS Mr Speaker this Bill is introduced in order to provide for the raising of revenue from the various forms of transactions involving the sale of businesses or business related interest carried on in Norfolk Island. It is the case that the sale of the land involves the payment of ad valorem levy, the levy based upon the value or sale price imposed at the point when the land transfers are presented for registration but the sale of a business which may involve very large amounts are not dealt with even if they are connected with the sale of land. Such sales can involve avoidance where land value is reduced and the business value increased. This Bill is something that is well within the knowledge and experience of the Legal and real estate fraternity as well as the business owners and is aimed at providing a framework for determining what kind of transaction is subject to levy. The Bill has some basis in the Taxation Administration Act 1978 of the Northern Territory but is half as long. A separate Bill a Business Transactions (Levy Imposition) Bill 2005 which I'll be introducing shortly is intended to Actually impose the levy and province exemptions. The Bill imposes a levy fixed by the Business Transactions (Levy Imposition) Bill 2005 at 3% on the conveyance or sale of leviable property. This includes such things as the sale of a business including a partnership interest, including goodwill, trademarks, patents or licences but not such things as a stock in trade, cash that passes with the business, livestock or motor vehicles that must be registered. The levy is payable by the person to whom the interest is transferred or conveyed. The Bill sets out a large number of definitions of terms used in the Bill and includes provision to set aside or deal with the efforts to circumvent the legislation by the formation of strings of companies. Such transactions can be affectively set aside or ignored in determining liability for the levy. The Bill provides for Administration through an office called the Chief Revenue Officer. This is a position appointed by the executive Member and is responsible for the Administration of the Act. Strict provisions governing secrecy are provided. The Bill also provides that the payment of the levy may be donated by a stamped impression to indicate the payment of a levy thereby ensuring that a document bears the permanent record of the levy as being paid. The liability to

levy is dealt with in part 3. the levy is payable by a person to convey who is liable to furnish a return or lodge and instrument that is dutiable. The distinction is made in order to catch persons who may seek to avoid levy by not creating an instrument upon which the payment of a levy can be donated. In such cases persons have a duty to create a document upon which a levy is then levied, and the payment donated. The basic instrument upon which the levy will be payable is the contract or deed of sale, however in recognition of the fact that some transactions may not be reduced to writing or writing on Norfolk Island a document setting out the salient elements of the sale must be created for the assessment and payment of the duty. If an instrument is required to be stamped and is not stamped and apart from committing an offence the instrument cannot be registered if it must be registered to the effect, for instance in the share register or patent or trademark registry, nor can it be used in evidence in any court proceedings other than criminal proceedings. Provision is also made to apportion levy where it is the case where a transaction involves business in Norfolk Island and elsewhere. Substantial finds may be levied on persons who seek to avoid the levy, a person who conveys or transfers an interest and assist the conveyer or transferor to evade the levy commits an offence, as does the conveyer or transferee. The Bill also imposes a levy on a sale of business as part of a partnership. I won't read on Mr Speaker. I think I've covered the main parts of it. Actually in summary I'll finish off that the Bill provides for a system of a collection of a levy upon certain transaction that have not in the past been subject to a form of levy or duty and that's it, I think Mr Speaker. It's on the sale of a business and as I said, there are two Acts, one coming hard on the heels of the other, the second one is the Business Transactions Levy which Actually sets the levy and may be varied from time to time

MRS JACK Mr Speaker, just a query from what Mr Nobbs has read out. It wouldn't be imposed on such things and then he went on to say motor vehicles that must be registered. So just a question and perhaps he could clarify it for me, if you have a car rental business that brings in \$50000 per year and you have a proven track record and you sell it at \$200,000 because you are proving that, that's reclaimable in the first four years, and so the \$200000 could it be used that, that would include the value of the cars to try and avoid paying the levy on the asking price. Is there a way to avoid that loop being used

MR NOBBS Mr Speaker thank you for that Mrs jack. That was really interesting. I'm not too sure at the present time and as I can't provide a legal opinion I would have difficulty in answering it but I will certainly bring it back. The intention is that debate on this be adjourned and those particular issues I would be really pleased to hear if there are some concerns such as those raised by Mrs Jack so that we can deal with those and get the thing as close to perfect as possible, if it goes through the processes

MR BROWN Mr Speaker I'm aware that it is proposed to adjourn this matter today and I'll certainly be interested to hear the community's reaction to it. It won't surprise me if the feeling is that this is a little Gestapo like. There are some fairly rigorous proposals that have been made in the Bill. I wonder just how far it will be before we have toilet paper taxes and fines if you only use one sheet instead of two sheets because that minimizes the tax. I am not convinced that we need to go to the extent which is being proposed but if the community has no objection to it, it will clearly raise additional revenues. The Minister spoke of donating the duties on a number of occasions. I wasn't sure what that related to. Whether the proposal is that the duty be donated to a particular fund. No doubt we can get to the bottom of that in due course but I note that the matter is to be adjourned and I don't propose to make any further comment today

MR NOBBS Mr Speaker I just would like to clarify. I think it's my way of saying a word and I think it's denoted not donated. Is that okay. I'm sure that there will be people who are against this proposal but its one that's been around for some time. I know that when I was in this position before we were looking at trying to get something going them but the draftsman at the time was overwhelmed by several other things including the Public Sector Management Act so the drafting was behind schedule and I'm sure there will be people against it, no worries about that

SPEAKER Thank you. Is there further debate at this time? Then I look to you for adjournment Mr Nobbs

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

SPEAKER Thank you Mr Nobbs. 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 so adjourned

### **BUSINESS TRANSACTIONS (LEVY IMPOSITION) BILL 2005**

MR NOBBS Mr Speaker I present the Business Transactions (Levy Imposition) Bill 2005 and move that the Bill be agreed to in principle

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

MR NOBBS Thank you Mr Speaker. As I said earlier this Bill is introduced in order to provide for the setting of the rates of levy chargeable upon certain transactions and in compliance with the Business Transactions (Administration) Bill 2005, the previous Bill we dealt with and it requires that is be read in conjunction with the Business Transactions (Administration) Bill 2005. The principle levy is an ad valorem levy on the conveyance of interests other than land where the effective rate is 3% which is the same as for land transactions as I said earlier and I think that I will leave it at that Mr Speaker

MRS JACK Mr Speaker, I've already raised by concerns over this part of the Bill. My concerns lie with the fact that what he is proposing is that it's a flat levy, it doesn't matter whether you sell your business for \$10000 or a million dollars it's all 3%. I would like to see it go through a more staged levy imposed but as I say its going to be adjourned and I look forward to my fellow Members discussion on the matter

MR BROWN Mr Speaker I haven't noticed a transitional clause in the document at the moment and it may be that a transitional clause should be introduced because someone who has already entered into an arrangement is not longer able to change that arrangement to take account of this legislation. I don't recall whether the Bill makes provision for whether the payment is to be made by the vendor or the purchaser. The Minister for the environment just made reference to someone selling a business for a certain price and she expressed a view that perhaps the rate should increase as the price of the business increases but normally with these things the charge is payable by the purchaser rather than the vendor but if we are intending that it be a tax paid by the vendor it will be helpful if we make sure that the legislation specifically says that. Thank you

MR NOBBS Mr Speaker just in relation to Mrs Jack, the flat levy is exactly the same as the Land Administration Fees Act and I would suggest that if there is a need for a change other than that, that they both operate under the same system

SPEAKER Thank you. Is there further debate at this time? Then I look to you for adjournment Mr Nobbs

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

SPEAKER Thank you Mr Nobbs. 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 so adjourned

**SUMMARY OFFENCES BILL 2005**

MR GARDNER Mr Speaker I present the Summary Offences Bill 2004 and move that it be agreed to in principle and for other purposes

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

MR GARDNER Mr Speaker the purpose of the Bill is to repeal and up-date matters covered by the Police Offences Act 1933 that was last amended in 1993. The existing legislation deals with a number of issues that are not relevant to Norfolk Island, are already dealt with in other legislation, provide penalties that are not appropriate, are poorly expressed or require bringing up-to-date for modern life. This kind of legislation is broadly intended to deal with issues of a nature that are readily dealt with in the Court of Petty Sessions in a summary manner and may not be thought appropriate for inclusion in legislation covering more serious criminal Activity. There will, however, be some overlap and in such cases it is left to the prosecuting authority to decide the most appropriate course having regard to the seriousness of the offence. Where it has been thought useful to do so, existing provisions have been retained with or without variation and it is been possible to put the offences into a somewhat more logical order than was previously the case. The Bill is divided into a number of parts —

Part 1 dealing with preliminary issues

Part 2 dealing with powers of the police in the apprehension of offenders

Part 2 dealing with offences relating to stock

Part 4 dealing with offences in relation to behaviour

Part 5 dealing with nuisance, theft and other offences

Part 6 dealing with animal welfare

Part 7 with miscellaneous matters

This Bill, while not effecting many significant reforms or changes does make provision for animal welfare and has been prepared as a part of the “justice reform” package of legislation that has been underway for some years. It is intended to fit with the intended Criminal Code Bill (that is proposed to replace the Criminal Law Act 1960 that in turn applies the NSW Crimes Act 1900), The Bail Bill, (that will be proposed to provide a guide for the courts in granting bail), and the Children and Young Persons Bill (that will be proposed to make extensive reform and provision for the protection of children and young persons, and for the Children’s Court jurisdiction of the Court of Petty Sessions). Further proposed changes updating the Court of Petty Sessions Act and a Sentencing Bill will further consolidate the justice reform package. Mr Speaker in the circulation of this Bill to Members and preliminary discussion on the content of the Bill with Members it was raised by Mr Brown about trying to ensure that the provisions of this type of legislation which technically pick up the Police Offences Act 1933 that those provisions extend in some form or fashion to the protection of the emergency service personnel operating either through the ambulance or the hospital and those sort of issues and it certainly is my intention in the interim period Mr Speaker to do what I can to ensure that, that matter is addressed by way of a detail stage amendment if that is necessary but in saying that I would look forward to any comment from Members and commend the Bill to the House

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

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

SPEAKER Thank you Chief Minister. 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

### LIQUOR BILL 2005

MR NOBBS Mr Speaker I present the Liquor Bill 2005 and move that the Bill be agreed to in principle

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

MR NOBBS Mr Speaker this Bill stands as a substitute for the Liquor Licensing Bill 2005 and I will be withdrawing that Bill from the programme later in the day, and was referred to the Impact of Bills and Subordinate Legislation Committee. The Committee tabled it's report on the 16<sup>th</sup> March and this Bill gives effect to most of the recommendations of the committee. The Bill Actually gives effect to the 1999 report of the review group on the liquor supply on Norfolk Island and takes into account views expressed by the public and interest groups at the time and in appearance before the Bills committee. It gives particular regard to processes for encouraging the safe and sensible consumption of liquor which are intended to be prescribed in details in the regulations and the Boards directives. The Bill has been a long time coming, as you are well aware Mr Speaker and the Bill repeals the existing Liquor Act 1960 and makes provision for several classes of licences. There is a general licence issued to hotels and guesthouses, restaurant licences, club licences, manufacturers licences, BYO and Special Events permits. The latter is intended for issue for organised particular purposes such as progressive dinners, cliff top barbeques, weddings and the like and may be granted to individual groups including service clubs or sporting clubs or businesses. The Bill provides for an officer in charge of the Norfolk Island police to be the chief inspector of licenced premises and empowers the officer to delegate his powers to other Members of the police force and for the board to appoint additional inspectors of licenced premises. The Bill is divided into nine parts;

Part 1 dealing with preliminary issues

Part 2 dealing with administration of the legislation

Part 3 dealing with the various kinds of licences outlined earlier

Part 4 dealing with the way in which the matters are to be considered when the Board hears an application for a licence

Part 5 dealing with circumstances surrounding different issues and in particular with the nominees for corporate licences and the death, mental, incapacity or insolvency of a licensee

Part 6 dealing with issues of special events, permits that are granted for a particular reason

Part 7 dealing with a number of offences

Part 8 dealing with provisions for certain decisions of the board to be reviewable by the Administrative Review Tribunal

Part 9 dealing with various miscellaneous provisions including protection of officers from liability and making regulations and the repeal of the Liquor Act 1960 with tradition provisions that concern matters carrying over from the Act to the new one

Mr Speaker this Bill has been a long time coming. I think it was Actually started in late 1997 or early 1998 with the review of the Legislative Assembly at that time and its been around ever since and I think I would ask Members to support it but obviously I'll be adjourning it until the next meeting

MRS JACK Mr Speaker, I did have concerns and I advised the Minister that I would be contacting him with those concerns. Unfortunately other matters intervened and I still haven't given him that list but I would just like to say that I'm very happy to see clause 53 in which deals with the suspension, surrender or cancellation of a licence with improper behaviour by the holder and when it comes to clause 54 the disqualification of a

licence or a licenced premises, we have certain options available to the Board and I would also like to see included in there a heavy fine for anybody who has Acted improperly but as I say I'll take that matter up with the Minister and hopeful something can be done but otherwise I look forward to reading it and discussing it with him thank you

MR GARDNER

Mr Speaker just a couple of queries that I have in relation to the proposed legislation at this stage and I refer to section 3 of the proposed legislation where basically it exempts the Administration, Commonwealth or a Commonwealth authority from the provisions of this legislation save for the supply of liquor or facilitating or permitting the supply of liquor to a person who is under 18 years of age. I just wonder whether sufficient consideration has been given to this even though I don't expect that the Administration or for example the Administrator's office or Parks Australia or the Met Office type people would do anything other than comply with the spirit of the legislation they are not bound by the legislation which potentially can raise some concerns as I understand each and every one of those bodies in the Administration, the Administrators Office and other Commonwealth entities from time to time do hold social functions. It's just I believe that there is a need for this to apply equally across those areas unless I can be convinced that there is a need not to have the extension of a legislation covering each of those areas. The other concern I have is in relation to proposed section 91 entitled Consumption of Liquor in certain public places. It talks about a person not consuming liquor in a public place. And there is a five unit penalty for that. A person shall not possess an open container of liquor in a public place within the intention of consuming the liquor in that place with a maximum penalty of two penalty units and for the purposes of that subsection that I just referred to Mr Speaker a container shall be taken to be open if a manufacturers seal is broken or the contents or the container are otherwise accessible. Mr Speaker it goes on to say that subsections 1 and 2 do not apply to the consumption or possession of liquor on licenced premises or on premises at which food is sold for consumption on those premises or in a place and during a period specified in a permit, or at a place that is set aside for public uses as a picnic or barbeque area. Mr Speaker I certainly don't have to draw to Members attention that following a good solid game of football the occasional can might be cracked open down on the football pitch and according to this piece of legislation I understand that, that would be an offence and I mean we've talked a lot about I guess the traditional type aspects of the Norfolk way of life, and that's something that certainly I've participated in, enjoyed and I'm sure all of the other players on the football field have participated in at some point in time. I understand it probably is just a retaining of current legislative provisions but ones that obviously haven't been enforced. Certainly myself and the hundreds of others who have enjoyed that type of participation haven't been drawn before the courts on previous occasion. This may also apply to people filleting fish on the pier at the end of a long day and maybe cracking open a can of beer. My reading of this legislation is that, that too would constitute an offence and there's probably dozens of other examples that I might be able to raise in relation to it so in the intervening period, maybe if Members would give some consideration to that and the Minister give it some consideration of just how that type of lifestyle can be appropriately enjoyed but were it gets out of land obviously necessary penalties if people were to abuse the situation

MR NOBBS

Mr Speaker it's one of those difficult ones and I would have thought that those sort of issues would have come out with the Bill that's been widely talked about for some time. I can't remember exactly because I had concerns about that when the first draft that I received on taking up this position and I thought I was satisfied with the explanation at the time but I'll definitely check what the aim of the Bill is, but I think there's a need for some sort of control in certain circumstances, even in a public place, thank you. I don't think we need to go to the extent of running around tipping cans of liquor out which you have in other areas of the civilized world. I don't think we need to go to that extent but I think there is a need for some sort of control in that area and I'll definitely take it up with the various advisors and I'll even ask the committee if that Actually came out in their discussions and I'll advise the Members in the intervening period between now and the next Legislative Assembly

MR GARDNER

Mr Speaker it's been point out to me by the clerk that in the definition of a public place there are the meanings and allows the executive Member to

declare any other place to be a public place so I guess there is a mechanism there but we need to weed those out so that on the commencement of this legislation people aren't automatically finding themselves in an offence creating position. Mr Speaker there was also one other thing in relation to this that I would be happy to have some discussion with the Minister in the intervening period before it comes back to the House just in relation to ensuring that there is a mechanism for us that's built into the legislation to restrict entirely the number of liquor licences that are issued in the specific classes, that if the Legislative Assembly without having to pass another piece of legislation may recommend to the executive Member or some such like provision to restrict or to not further issue any other licences I'm not sure whether that's made entirely clear in the legislation at this stage

MR NOBBS Mr Speaker the Actual restriction on the number of licences was Actually included in a draft and it was, I don't know whether it was the Impact of Bills and Subordinate Legislation Committee, I don't want to blame anybody but it was taken out because of public concerns in relation to that and it may have been through the Impact of Bills and Subordinate Legislation Committee but I will chase it up but it was definitely a provision before and has been subsequently taken out

MR BROWN Mr Speaker as well as the issue of people having a little drink after a sporting event and people commonly having one or two beers at the pier after they've been fishing, there are a number of those sort of issues that will need to be looked at if they have not already been looked at, thank you

MRS JACK Mr Speaker, one point I would like to mention is clause 38 which covers the right to lodge objections to applications for the grant etc of licences and there are only two types of people who can lodge an objection. One is the inspector and the second is a person over the age of 18 years who resides within 100 metres of the premises to which the application relates and I think that's a bit limiting. I think there can be circumstances where people outside of 100 meter limit feel obliged to lodge such an objection and that I would like to see looked at as well

MR NOBBS Mr Speaker I'll bring it up with the advisors but I understand that, that was an arbiter figure put in there so that somebody living on the other side of the island couldn't object to an application down here. I think that was the idea of it but I'll definitely check on it. I'm surprised that those sort of issues didn't come up before the Impact of Bills and Subordinate Legislation Committee but thank you

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

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

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

Honourable Members, I intend to call on the Bail Bill and then we pause after that for lunch

### **BAIL BILL 2005**

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

SPEAKER

The question is that the Bill be agreed to in principle

MR GARDNER

Mr Speaker I table the explanatory memorandum. Mr Speaker this Bill forms part of the justice package legislation the drafting of which commenced some time ago and consists of the general system of prescriptive and procedural law applicable in Norfolk Island. To date this has included the Evidence Act 2004 which brought the evidence laws of Norfolk Island into line with that in other parts of the Commonwealth and the Crimes Forensic Procedures Act 2002 which provided the ability for the first time for law enforcement officers to make use of the latest faculties available for investigating crime. This Bill is a further extension of this and is relatively simply in concept dealing with a discreet area of criminal law, procedure and process, that of allowing where appropriate, accused persons to be free from incarceration pending a determination of their cases and a fixing of the terms and conditions upon which that may occur. This Bill makes reference to the Children and Young People Bill 2005 that is hoped will be considered as a further part of the justice package. If it does not, the required changes are minimal however, this Bill does not envisage the contemporaneous coming into force of new legislation, the Criminal Code Bill 2005 concerning crime that would replace the Criminal Law Act 1960. upon that eventuality it will be necessary to make a number of consequential changes to this and other legislation. This Bill is divided into a number of parts that deal with general aspects of bail, the grant by police of bail under the Police Offices Act 1932, the grant of bail by courts, provisions common to both police and court bail, how bail decisions are reviewed and what happens if bail conditions are breached. The opening part of the Bill deals with common introductory matters such as definitions, commencement, application to existing laws and to persons who may be on bail at the time of commencement. The definitions section makes reference as mentioned previously to the children's and Young Peoples Act 2005 and well as the Children's Court established as a discreet function of the Court of Petty Sessions when dealing with children and young persons under that Act. Also the Bill makes use of the expression or title Crown Law Officer, to cover the Administration officers responsible for the enforcement of law which at present would consist of the Crown Counsel and Deputy Crown Counsel but may include other persons authorised to Act in that capacity. Bail may be granted at the discretion of the court of a police officer in certain circumstances where a person has been charged and is waiting trial, where a trial is adjourned where a persons trial cannot be held because of their mental state, or pending an appeal. The conditions upon which bail is granted is a matter for the court of police officer involved, however, there is a presumption that bail should not be granted in cases of murder or of a drug offence where imprisonment for more than seven years may be imposed and bail and such circumstance can only be given by the Chief Magistrate or the Supreme court. Generally there is a presumption that bail should be granted but that presumption does not apply in cases where, as mentioned the presumption is against bail or if serious offences are involved such as rape or grievous bodily harm. The court may in some circumstances consider that bail is not necessary in which case it simply dispensed with. The police are empowered to issue bail under three Police efficiencies Act and this Bill preserves that power in a form consistent with current law and practice. The courts are given a general power to grant bail but the Chief Magistrate cannot grant bail once a person has appeared before the supreme Court. Various requirements of the legislation are applicable equally to bail granted by the police as that granted by the Chief Magistrate or court. These conditions relate to such aspects as the criteria to be applied including such issues as the persons background and history, the requirements of justice and the protection of the community. Various forms of undertaking to comply with bail conditions may be set depending upon the courts view of the applicant. These conditions may include the provision of security by the person or by a third party, delivery of passports and reporting requirements. Provision is made for enforcement of conditions and for appropriate releases where conditions are satisfied. Provision is made for bail conditions to be reviewed. The Act sets out the consequences that may flow from absconding from bail or breaching conditions of bail. Finally miscellaneous provisions deals with the giving of notices, clarifies that the Act does not affect the power of the court to grant hideous corpus, penalizes persons for false statements and sets out a number of evidentiary and procedural matters connected with the grant or breach of bail. Mr Speaker as was made clear in those passages from the explanatory memorandum the matter forms part of the justice package of legislation and as I've said in my covering memo's to Members in dealing with the

matters that make up the justice package I'm keen to see these matters advanced and finalised to bring our justice legislation up to date with current and accepted practice in other jurisdictions. I commend the Bill to the House

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

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

SPEAKER Thank you Chief Minister. 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

### **SUSPENSION**

Honourable Members, we will suspend at this time for lunch and we will resume at 2.00 o'clock

### **RESUMPTION**

We reconvene after the luncheon suspension

### **EXEMPTION FROM PAYMENT OF CUSTOMS DUTY**

Honourable Members, we resume debate and Mr Nobbs has the call to resume

MR NOBBS Mr Speaker this issue's been around for some time, sitting on the Notice Paper. It's in relation to the importation of goods for the Kingston Pier Refurbishment Project and the conditions on which an exemption will be provided is that:

1. written details of all such plant and equipment, and spares for those items, and all materials and their date of arrival on Norfolk Island are provided to the Collector of Customs, in accordance with the directions of the Collector of Customs; and
2. unless sold after importation, such plant and equipment, and spares for those items, and materials shall not, except with the executive member's written approval, be used otherwise than for or in connection with works for the Norfolk Island Kingston Pier Refurbishment Project; and
3. subject to any approval granted by the executive member under condition 2 herein, or unless sold after importation, the plant and equipment, and spares for those items, and all materials shall be exported from Norfolk Island upon completion of the works for the Norfolk Island Kingston Pier Refurbishment Project; and
4. where the plant or equipment, spares for those items, or any materials are sold in Norfolk Island duty shall be payable on the value at the date of importation into Norfolk Island of any such plant and equipment, spares for those items, or materials in accordance with section 2C of the Customs Act 1913;
5. and where there is any dispute as to whether plant or equipment, or spares for those items, or materials are goods within the specified classes of goods herein, the decision of the Collector of Customs shall be final and binding.

Mr Speaker this was put on the Notice Paper some months ago. The suggestion at the time was that it wasn't clear in the use of local material and contracting so the Chief Minister has an amendment which he will be providing to us right now

MR GARDNER Mr Speaker the purpose of the amendment is I'm able to talk to that at the moment is basically to send a very clear message in what we are proposing to do with the exemption from payment of customs duty to ensure that with the Kingston Pier Refurbishment Project all efforts possible are made that the use of local materials and equipment are maximized in the taking of that project and it's important that before the tender is let this forum clearly indicate to those persons looking to tender for the project have it very clearly stamped into their mind that the Members wish to see the maximized use of material and equipment and at the appropriate time I will move the amendment that I've proposed and has been included in the Notice Paper

SPEAKER This may well be the appropriate time Chief Minister

MR GARDNER Mr Speaker thank you. Therefore I move that the following be added at the end of paragraph 5, “; and 6. the executive member is satisfied that the successful contractor for the project has complied with the conditions of the contract to maximise the use of local materials and equipment, provided that the use of such materials and equipment is compatible with the performance requirement of this contract”

SPEAKER Honourable Members, we have a motion and an amendment to the motion

MR GARDNER Mr Speaker I have nothing further to add other than just re-emphasising the words in my introduction that this is a very clear indication of our intent to ensure that persons tendering for the Kingston Pier Refurbishment Project are very clearly aware of our commitment to local industry both for the provision of materials and equipment for this project and that is something that we are desirous of having included in the consideration in the tender process

SPEAKER Further debate Honourable Members. No further debate. Then I'll put the question to you that the amendment be agreed to

QUESTION PUT

AGREED

The ayes have it. The amendment is agreed to. The next question is that the motion as amended be agreed to. Any final debate. I put that final question to you

QUESTION PUT

AGREED

MR BROWN ABSTAIN

Thank you. Mr Brown abstaining. Any other abstentions. That motion is agreed to with Mr Brown abstaining

Honourable Members we move to Orders of the Day

**CONTRIBUTION TO COST OF MEDICAL EVACUATIONS**

**SPEAKER** Honourable Members we resume debate on the question that the motion be agreed to and Mr Brown you have the call to Honourable Members, we resume on the question that the Bill be agreed to in principle and Mr Gardner has the call to resume

**MR BROWN** Mr Speaker Thank you. This was the adjournment of a motion, a motion which was originated by Mrs Boudan. I am aware that Mrs Boudan wishes to move an amendment to the earlier motion and it may be simplest if I simply keep quiet at this stage and allow her to do so

**MRS BOUDAN** Thank you Mr Speaker. I move that all words after "House" first appearing be deleted and replaced with the following words, namely – a proposal to introduce a scheme to contribute to the cost of emergency medical evacuations from Norfolk Island on the basis that patients will pay no more than \$5000 towards the cost of any emergency medical evacuation including any ambulance charges with the remainder being paid by drawing on funds raised by the recent \$100 per annum increase in the Healthcare Levy together with such additional funding measures as may be suggested by the executive member. Such evacuations to include both evacuations by charter flight and evacuations by scheduled air service and further any administration accounts recently raised and rendered to individuals in regard to medical evacuations be reviewed in accordance with this motion

**SPEAKER** Thank you Mrs Boudan. Honourable Members, we have a proposed amendment to this motion. Further debate

**MRS BOUDAN** Thank you Mr Speaker. This motion is intended to go hand in hand with the Bill introduced last month to amend the Healthcare Levy in order to bring an increase in the levy for the purpose of absorbing largely the cost of emergency medical evacuations. Where the previous medivacs have been funded from in the past then the result of the increase in the levy coupled with results of this motion will ease the burden in that area greatly. This motion is about dealing with the recent enormous debts ranging from \$21000 to \$38000 that have been raised against individual recipients of medivacs by reducing such debtors to a maximum of \$5000. more importantly I believe this motion is about coming to terms with the user pays method and provides that a person rather than take on the full burden of costs, at least contribute to such costs. I realise that medivacs are also required for recipients who are not necessarily covered by the Healthcare levy. There are those who might have their own private insurance and are therefore suspended from paying the levy. They quite possibly may not have such coverage. There are also other income based instances apart from pensioners and DVA recipients that need to be taken into consideration. Our Minister responsible would no doubt be well aware of all this. Such a scheme would need to cope with all of these areas of concern. Thank you Mr Speaker I leave it for debate

**MR GARDNER** Mr Speaker I welcome Mrs Boudan's amendment to her original motion. It certainly clarifies the situation and I guess the ultimate outcome that she's seeking to achieve. Obviously in relation to the content of the motion there are a couple of ancillary type matters that obviously would need dealing with if such a proposal were to come back to the Legislative Assembly and those matter basically being a requirement for an amendment to the Healthcare Levy Act which I understand the executive responsible, Mr Brown and also the Minister for Finance were proposing to work on the enable the drawing of funds from the healthcare scheme for the purpose of medical evacuations, that's one of the matters that needs to be dealt with. Secondly I am of the understanding gland I'm sure Mr Brown will expand on my words that he is exploring additional funding measures in relation to medical evacuations from Norfolk Island and he's already to some degree outlined that to executives in our meetings and ilk understand to MLA's as well. A couple of other things that obviously we are going to need to deal with jigs the time frame that would need to be considered for the accounts that were recently raised. I amandine that would be in the life of this Legislative Assembly as I'm not sure whether any accounts were Actually raised for

previous evacuations, to those are the sorts of time frames that would need to be considered. I have no difficulty at all in supporting the motion for us to finally deal with the issue of medical evacuations and how those are funded and this is an appropriate vehicle for that to be able to occur but it is important to point out that the request is to bring proposals back to this Legislative Assembly so even though there may well be support and hopefully unanimous support around the table for us to give consideration to such a proposal, it should not be read that because that support exists today for this proposal, that the measures as outlined in Mrs Boudan's motion will necessarily be given full effect in legislation or whatever other proposal might come forward because obviously that proposal needs to come back to this chamber, needs to have appropriate discussion possibly, potentially will be modified in some form or fashion and then it may be a completely different animal at the end of the day than that which is proposed by this motion but certainly the intend of the motion I support and I have no difficulty in supporting the motion as it appears today

MRS JACK

Mr Speaker, I agree with the Chief Minister and this is the basic beginning to deal with the concerns we have as a House over medivacs however I do have a problem with Mrs Boudan's use of the word patients in the motion and even though Mrs Boudan has herself identified different areas within that term are we going to include everybody that is a patient or are we going to include eligible Members of the healthcare fund or only current financial Members of the healthcare fund. There are people who could be out there are part of the loop but haven't paid their healthcare levy for say, four years. Are they also going to be considered to the same extent that current financial members are. We do have people who are exempt due to alternative insurance, people who may be a member of a private healthcare funds such as MBF, are they going to be able to draw from it before drawing from their own fund if the fund covers them. Also I believe one of the banks has its own healthcare arrangements for staff, we have our suspended people who are the people with MBF, the exemptions are for people that may be pensioners or not earned enough money throughout the year to still be included as eligible Members so I think we need to start defining exactly who is a patient. I mean a patient is a tourist? A visitor to the island. So I would like some clarification there when it's brought back for the Members to consider and there is also the possible cost to the service of running this of the collection of four times per year and the more intricate accounting system that maybe need to be evolved. There is some pressure there also with current schemes that is used so that has to be brought into account as well but otherwise, yes it's great to see this issue staging to be tackled and I look forward to the first option coming back to the House, thank you

MR BROWN

Mr Speaker this at first seems quite simple and pleasant but it has some complications. The Minister for the Environment has dealt with one of them. Who does it cover? Does it cover just people who paid \$100. does it cover people who are required to pay the \$100 and have Actually paid it. That is, would it exclude people who are in arrears with their payments. Does it cover people who presently have coverage under the scheme without the requirement to pay the levy, that is, people who are exempted from the requirement to pay the levy. Does it include people who hold private health insurance and on the basis of that seek exemption from the requirement to be Members of the fund? Does it include visitors? I'm attempting to put together an overall scheme which leaves us in a better position than we are in now and in particular, which leaves us clear of having to make a decision that someone is covered and someone isn't. to me, if we are going to introduce the scheme it should cover everyone. It should have a requirement that their existing travel insurance must be claimed on first, that any existing private health insurance must be claimed on first, but after that, everyone should contribute in some way and everyone should be covered. I seek the \$100 as an amount which would be paid by people who are exempted from the requirement to be Members of the fund and those who are suspended from the requirement to be Members of the fund. The departure tax is already \$30. There's a general view that there's not room to add another \$5 to that. And it would be reasonable to take a view that out of that \$30 we should be providing some kind of coverage in any event. But I will certainly if the motion is passed come back with a proposal. I am close to having a proposal complete which will involve insurance and will involve management of the risk, that is, management of the decision as to whether or not someone needs to be evacuated,

management of the decision as to precisely how they are to be evacuated, whether its, just sitting on a seat on an aircraft, on a stretcher on a schedule service, or on a charter service and the proposal that is being worked out also includes management of the cost of treatment once a patient gets to Australia or New Zealand and the proposal that the management be provided by a significant organisation that does that kind of work extensively in Australia but also worldwide. So. On the one hand we are close to having a package which does involve insurance. That insurance will not be retrospective and so the second part of Mrs Boudan's motion, in which she asks that we write off all but \$5000 of Bills which have been sent out to date, will involve if it's passed, doing exactly that. Writing off a large part of those Bills. It would mean writing off something in the region of \$90,000. now in an environment where we are looking for new revenue sources, where we are cutting the hospital subsidy by \$100,000, cutting our allocation to the school by \$50,000 and so forth, I think that we do need to think carefully before we say, well look we'll take \$100,000 from the hospital and we'll take \$50,000 from the school and we'll cut people's overtime and we'll insist on spread of hours and so forth but at the same time we'll write off \$90,000. I don't mind what decision is made I just want to ensure that Members at the time do address all of the issues in relation to that decision, Thank you

MR BROWN Mr Speaker could I propose if there is no further debate that the motion be adjourned until our next meeting so that it can be considered in light of the package which will be available to Members well before the next meeting and it may be that the motion can then be amended to include an endorsement of the package if Members are happy with the package and in light of that, Members may be able to make a well informed decision as to how to handle the existing Bills and wither Members do wish to write off the \$90,000 figure or whether they want to half the amount of the write off or whether they want to write the lot off but if that information is available for Members it will enable a fairly final sort of a decision to be made

SPEAKER Is that a formal proposal for an adjournment Mr Brown

MR BROWN Mr Speaker if there's no other debate I would so move Mr Speaker

SPEAKER We have a formal proposal Honourable Members, the question is that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

QUESTION PUT  
AGREED

The ayes have it thank you, that motion is adjourned

### **PUBLIC MONEYS (AMENDMENT) BILL 2005**

Honourable Members, we resume on the question that the Bill be agreed to in principle and Mr Nobbs you have the call to resume

MR NOBBS Mr Speaker I introduced this at the last Legislative Assembly, the August sitting, the one before last night, and I said at the time that Members are aware that the Government has a problem with debt from time to time and the proposal that I put is that we need to finalise and institute a policy which encourages long term resolution of this problem and I believe that there's a need to provide some encouragement and this is with the rebate that is possible for the executive member to institute a rebate system of up to 5% and also for the late payment, can be penalized by an interest payment as well which is maximum stated here of 12% and I spoke at the time that this type of arrangement is covered in other jurisdictions and I think I said from memory that the Victorian's had a 2% rebate for early payments and 11% interest for late payments. The Bill requires publication of the rates in the Gazette and I firmly believe that we need to finalise this policy and gives the opportunity to

include within that policy an opportunity for a late payment or early payment rebate and a late payment penalty on debt. I think that it's also important that we need to look at the other aspects. We've got currently, there exists an arrangement where a debtor can enter into an agreement with the Administration and that's something that I encourage, if people do have problems, it's working in a number of areas at the present time, but I think there's a need to ensure that people who can pay their Bills Actually do pay their Bills and not use the Administration as just another banking facility which they don't pay any interest. I'll leave it at that, at this stage and see what Members have to say

**MRS JACK** Mr Speaker, when the Minister for Finance introduced this Bill at the last sitting I asked him what percentage amount he was putting in clause 3, there's still no amount of percentage there and I personally couldn't agree to this until perhaps we had a detail stage amendment stating the percentage per annum. I'm personally not going to agree to a blank amount, so if it's possible that's what I would ask the Minister to provide

**MR GARDNER** Mr Speaker I might be able to provide some guidance to Mrs Jack in relation to that clause 4 which I think she's referring to in relation to the current provisions in section 22 or the proposed provisions, subsection 22a4 gives an indication of what the executive Member may by notice published into the gazette insert into that statement that's put on the invoice that's rendered to someone so basically the proposed amendment to the legislation is saying that the executive Member basically has the discretion by publishing a notice in the gazette determining what rebate percentage would be provided if payment was made within seven days of being rendered so you might determine one day that it's 1% for a specific class of payments and I can understand the sliding scale arguments, things like electricity, if you give 5% rebate on electricity when basically the electricity undertakings needs its dollars and cents to operate, you might give 5% on dog registration fees or something, I can't just grab those things out of the air at the moment and be certain about the application of them but it just gives an example of where they may need to be a sliding scale where it's attached. I guess the only difficulty Mr Speaker, getting away from that, is going back to the proposed new section 22a2 where it says that if payment is not made you shall be charged at an interest rate and then going to 22a4 where the executive member may give you a rebate. I think in certain circumstances Mr Speaker, there needs to be given consideration and unfortunately it's true, but there needs to be given consideration, some of those people in the community that really do have extreme difficulty in meeting their commitments so in a mandatory fashion to be applying a 12% penalty against those persons may be seen to be unjust in some quarters and I would suggest that we probably need to look a little closer at that. The other query that I have is in relation to 22a5, where it talks about an account being rendered as either the date it gets delivered personally to a person to whom it's addressed or if sent electronically by fax or electronic mail to the person's fax or email address the date it was so sent or if sent by post twenty-four hours after being posted. Now we've already had an issue in the life of this Legislative Assembly in needing to ensure that when notices, and I think it was with courts and tribunal type arrangements, where notices or summonses or demands are sent, the difficulty in ensuring that, that paperwork is appropriately franked at the post office because unless it is franked there is no way of being able to provide exactly when that document may have been posted and it's something that shouldn't prevent obviously the passage of legislation but needs to be given some serious consideration in the discussion and debate surrounding this matter, thank you'

**MR D BUFFETT** Mr Deputy Speaker, it's been explained by Mr Nobbs as the Minister for Finance what this Bill is about. It's about providing incentives for people who have the funds to pay their Bills on or before time and it provides a penalty for those who do not or are unable to pay their Bills within a certain time frame. We've talked about this on other occasions much earlier in the piece and when we spoke about it then we thought that this was a reasonable approach to adopt. A reasonable approach in reasonable times and I still think that, that may well be the case in reasonable times but regrettable at this moment we are in a very difficult situation economically in the totality of the island and therefore times are not normal or reasonable and yes, there may still be people who do have good and ready funds to always meet their Bills on time and there indeed, at the other end of the spectrum may be people who

have funds and don't want to part with them within the right time frames too and I can accept that, but what is becoming increasingly apparent in the community is this, that people are on shorter hours, some people have not been able to be retained in positions and jobs, and therefore very obviously money is extremely tight in the community and the likelihood is that there will be less capacity to meet Bills on time and in the proposal that is in front of us, people who may be in that difficult situation and that difficult situation is rising as days go on in the community, then more and more people will be in the position of being unable to meet their Bills on time. The result for them is that they are going to be penalized with up to 12% interest on it and I don't think in the present climate that, that is an appropriate step for legislators to take. It may well be an appropriate step in good times and in fluidity of funds time, but not in the present climate. I think it will only add to the financial difficulties of individuals and it will only add to the overall economic difficulties of the island. It of course is an effort to ensure that more money flows into the public coffers in paying their Bills but to be quite frank if people haven't any money at this moment or it takes more time then it is not going to necessarily have that effect and so I see a difficulty. At this moment I am unable to support the legislation for these reasons. At another time and in another climate then there could be more positive consideration but I don't think it's a fair deal for the community in the present climate that we are experiencing

MR BROWN

Mr Deputy Speaker I have similar views to those of the previous speaker. I would encourage the provision of a discount in order to encourage early payment but I think that times are pretty tough at present. Anyone who has his feet on the ground at the moment will realise that there is barely a person who is not affected by this downturn and I am concerned that the proposal which is before us might be seen as a little bit jackboot in its nature. I would prefer to see the discount offered. I can't see that a lot is going to be gained from the interest that is to be charged, particularly, if it is proposed to exempt from the interest charged anyone on time payment arrangements. That in fairness might not be appropriate in any event so if the motion is amended to provide simply for the discount I will be happy to support it but if it is to include the penalty clauses then for the time being I feel unable to do so

MR NOBBS

Mr Deputy Speaker if I could make a couple of points on that. I mean the -% per annum in their as the Chief Minister said, I thought it was explained to the Minister for the Environment in the past but I must have overlooked doing that, I thought I had cleared it with her and that's just what will be on the bottom of each Bill. The Actual hard times and all these sorts of issues are considerations which I believe should be dealt with in a policy arrangements. We have a policy which is not really been reviewed for the last three, four or five years I think, it hasn't been finalised and the ability to put in those two particular issues, the rebate and also provisions for interest was to be included in the policy which obviously would have to be a policy of the Government because I'm pretty strong on policies of the Government and at that time I believe that the Legislative Assembly would have the opportunity to look at the percentages and from that particular point it would be gazetted. In reality as I explained at the last meeting, we have got the ability to provide a rebate and charge interest on one lot of accounts, and that's telephones, at the present time. Hopefully before the years out we will have the ability to do that for all the accounts. Now everybody knows its in hard times and what worries me is that we suspend these sorts of things, because we are in hard times and I believe personally that this should be brought in, the provision should be brought in to provide for the ability of the Government of the day to assist with the debt collection which Actually costs the Government quite a bit of money. It's working fairly effectively at the present time, Actually 100% better than it probably ever worked in the recent past which is excellent, but I think there's need for encouragement as well, both for the early payment and also for the late payment. As far as the issue of a day after postage or the day of postage and the franking of things we passed a similar requirement, a Bill which in it had a similar requirement and I understand that, that is working well. I've talked to the postal people about it, the manager in that area, and they assure me that they can Actually frank these at the moment but they are looking for the machine that will Actually frank the Bills as the come through automatically. So I don't think that's a problem at the present time. If it is well the only things that are doing it are some other legal documents that there are problems with and I'm not aware of them and it

wasn't drawn to my attention before. And that's all I've got to say. I don't mind if we cut part of it out or do whatever you like with it really but I believe personally that there's a need for this provision to be put in place and it becomes part of a policy and that's all I've got to say Mr Deputy Speaker

MR SHERIDAN Mr Deputy Speaker my understand of this Bill is the encouragement of the community to pay their Bills so in that effect I would support a discount scheme. The only way I would consider the other half of the Bill Minister for Finance is if you can give me an undertaking that if the Government receives any Bills and they are 30 days late in paying their Bills that they apply a 12% increase on that Bill when they forward that cheque out to the recipient. If you can give me that undertaking then I would consider supporting the second half of it

MR NOBBS Mr Deputy Speaker I can't give that undertaking because it's never been a requirement but I would be disappointed if the Administration were not paying their Bills on time and if you have some indication that there are areas where they are not paying their Bills on time then I would be very pleased to Actually provide you with a guarantee that they will be because I can't see why they can't pay their Bills on time if they are received on time. That's the other side of it.

MR SHERIDAN Mr Deputy Speaker no, I don't have any evidence of Bills not being paid beyond the thirty day mark but its just that the facility be exactly the same as this, the Bill providing the facility to apportion that facility to late payments if necessary

MR NOBBS Mr Deputy Speaker I don't know how we do that off the top of my head but I thought we should have and would have the ability to pay our Bills on time

MR D BUFFETT Mr Deputy Speaker, I just wanted to add one additional point to those that I made earlier. I mentioned that I have difficulty and could not support the legislation in terms of its interest components in these difficult time and I just wanted to make these additional points. If in fact in difficult times people were able to make adjustments in terms of their living expenditure then they would and in these times I'm sure that they are. The general area that we are talking about at present however, in the Administration and the accounts from Administration cover many essential sort of services such as electricity, healthcare, compulsory registrations and a range of things there, and I'm endeavouring to make the point that, that is not discretionary spending. Maybe you could make some adjustments in the extent that you might do some of these things but it's not that you can cancel them out and therefore people are compelled to be involved in that accounting process whether or no they are able to make their payments on time or not so it's a non discretionary area that we are talking about in the main and that creates further difficulties. Its not an expenditure that you can do without in these difficult times and it's in the climate of these difficult times that I am explaining to the House that this is not a measure that we can adopt, Thank you

MRS JACK Mr Deputy Speaker, the Minister for Community Services put forward a proposal that one half of this motion proceed, that of still allowing discounts. I have a problem with that because I feel it's favoring one section of the community above the others and at the same time denying the Administration a percentage of funds that it requires so with a view to what the Minister said I couldn't agree to that proposal. I think we either go forward with it as it stands or scrap it. That's my view, Thank you

MR NOBBS Mr Deputy Speaker I would just like to remind people than the Administration has really had a fairly bad record in recent times in relation to the collection of debt. That has improved as I said 100%, not a 100% of all debts being collected but it's improved 100% and that's because we put in place a better system and a better follow up system but its quite a costly one and what I believe we need and what has been suggested is that this process will formulate something so that people are regardless of what sort of expenditure you might call it, people are holding back and have been holding back on paying

their Bills to the Administration and that's been a problem. So I thought with a reasonable policy in place, if there are some problems, if a person has some problem there is an ability and there is now to go and work through the arrangements with the appropriate officers and that won't change under this arrangement but I believe it will be more cost effective once we get the processes in place to Actually put it into operation. As I say, at the present time now we can't put it into operation because it only applies to the one Billing system which is Telecom so until it can be more widely applied I don't believe, so whether I'm too early in bringing it on, I believe it's about four years too late but that's my point of view and I'm in the hands of the House

MRS JACK Mr Deputy Speaker, Minister for Finance are you saying that in this possible policy guideline that you would view that 12% if you didn't pay hour Bill but if you had made some arrangements with oral examination and proven hardship that you'd still have an interest amount payable but it would be different, maybe 10% or 5% on whether you'd sought that exemption and depending on what the account was

MR NOBBS That's really interesting because I don't want to be insulting but it seems to be typical of the process. It's up to 12%. There's been no percentage Actually put in place. I suggested that Victoria had one of 2% and 11% because you had asked me if there were other areas, and that's affirms it, but we haven't put anything into place as far as an Actual percentage. There's nothing in place for that and that's the policy, as you can see, it's a draft only policy and its been around since about 2001, this same sort of draft policy. We put once in place them but it wasn't crash hot and this one needs a lot of work to be done on it and that's why I needed to get some legislative backing in place before I went through the policy

MR GARDNER Mr Deputy Speaker I don't mean to labour discussion on this today but I think if we are talking about developing a policy on how that's going to be applied to both the penalties applied to non payment and the rebate that's applied to somebody who pays it within seven days then the legislation needs to clearly be able to give such a policy effect without binding it by legislation to say thou shalt apply a percentage. The words therefore if we are serious about addressing some of these issues under policy the words in clause 22a2 should read may be charged on such amount thereof and that way then you can develop a policy that the Government can endorse and apply it as it sees fit because I think that the policy is going to need to be quite complex as I said earlier in debate. There are a range of issues and I think the Speaker alluded to some of those things, the fees and charges and the other different Administration type Bills that need to be sent out so the policy is going to need to be quite complex but unless those words are amended it clearly says the legislation clearly says you shall apply a penalty. That can be anywhere from 0% to 12% but it says you shall do that so the policy is hampered in that you have no flexibility with your policy whatsoever. The word should be amended to may. I would be more comfortable with that then, because it's not saying these things will happen, it says these things might happen and they would need to be addressed on a case by case basis, depending on what class of account we are talking about that people have a difficulty in paying. Some of those essential type items that the speaker was talking about earlier or other matters that normally the Administration would be rendering accounts for

MR NOBBS Mr Deputy Speaker with the variety of views on possible amendments I think I would seek to move that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting and I so move

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

QUESTION PUT  
AGREED

The ayes have it thank you, that motion is adjourned

**ROAD TRAFFIC (AMENDMENT NO. 2) BILL 2005**

Honourable Members, we resume on the question that the Bill be agreed to in principle and Mr Nobbs has the call to resume

**MR NOBBS** Mr Speaker as members will recall it was the recommendation of the Road Safety Committee to reduce the effect of the confiscation penalty in section 40 and to enable the police to deal with various forms of traffic offence where the driver is a public nuisance or may put people's lives in danger and it simply empowers the court to order some confiscation but it allows the police officer to detain and impound a vehicle for seven days after which a magistrates order is required and that's the basis of the business. I think we talked about it this morning in relation to boom boxes and what have you and I understand that this particular legislation will assist the police greatly in their endeavours to curtail the Activities of those people

**MR GARDNER** Mr Speaker I was absent from the House earlier today in relation to the debate on the boom boxes but I just wonder if the Minister would be able to explain if possible exactly which provision it is that allowed the police officer to detain and impound a vehicle because my reading of it doesn't refer to boom boxes and I don't know whether that type of Activity would be regarded as reckless, negligent or dangerous operation of a motor vehicle, but it certainly doesn't relate to the influence of alcohol or drugs, it certainly doesn't appear to be a matter dealt with the disability clause, isn't dealt with under the unroadworthy condition of a vehicle, doesn't appear to be covered by whether a vehicle is stolen and I'm not sure if the provisions of section 40, but I'm not sure if that's the operation of a noisy vehicle is a matter dealt with under section 40, I just don't know at this stage

**MR NOBBS** Mr Speaker my understanding is that it is to be dealt with under section 40 that's my indication and the Act I saw on the web this morning clearly covers that so whilst I don't want to make a legal determination on it I assume that the Act that's on the web is correct, if it does in my humble opinion as a farmer, it applies. That's all I can say to that one because I've had the same concern as well but I understand from the police that, that will allow them to Act with those sort of Activities

**MR GARDNER** Mr Speaker that's fine if that's the Minister's interpretation. Certainly I will check that and obviously it's not a great difficulty for us to further amend the legislation if it's found that it's not covered by those provisions of section 40

**MRS JACK** Mr Speaker, I'm just wondering what is the difference between confiscation for the police and denying them the ability to confiscate and then allowing them to detain and impound a vehicle because the Bill also allows the police officer to detain and impound a vehicle, or is that only after the matter's gone to court. It says here that the attached Bill has been prepared to reduce the effect of the confiscation of the penalty

**MR NOBBS** Mr Speaker there was a concern at that time, that confiscation if you recall it, we were lobbied in relation to the confiscation process that was in place at the time

**MRS JACK** Mr Speaker, I think it's a great idea

**MR NOBBS** No, no how it was done at the time and from memory I can recall that there was some concern that it was for quite a lengthy period. I just forget but the proposal now seems to satisfy what the concerns were at the time and I can't remember what they were

**SPEAKER** Any further debate. The question is that this Bill be agreed to in principle Honourable Members and I put that question

QUESTION PUT  
AGREED

Thank you. That Bill is agreed to in principle

Is it the wish of the House to dispense with the detail stage? Thank you. I seek a final call Mr Nobbs

MR NOBBS

Mr Speaker, I move that the Bill be agreed to

SPEAKER  
Bill be agreed to

Is there any final debate? Then I put the question that the

QUESTION PUT  
AGREED

The Bill is agreed to. Thank you

**LEGAL PROFESSION (AMENDMENT) BILL 2005**

Honourable Members, we resume on the question that the Bill be agreed to in principle and Mr Gardner you have the call to resume

MR GARDNER

Mr Speaker at the August sitting of the House I introduced this legislation and spoke at some length on the reasons for it which are technically amendments to the Legal Professions Act of 1993 which was then gazetted on the 6<sup>th</sup> May 1993 and a large number of the provisions of that legislation were not commenced for a variety of reasons including at that time no agreements in place for the supervision of the profession in Norfolk Island by what was intended to be at that time the ACT Law Society. As I said at the last sitting of the House discussions have been had with the ACT Law Society and they have indicated their agreement to wish to be involved in the oversight of the profession in Norfolk Island. There is still yet some detail to be hammered out in relation to that and even these amendments are not all encompassing. They don't have in them for example provisions for professional indemnity and any extension over and above the class or order that's already encompassed in this legislation which is one that would be registered under the Corporations Act in Australia but it certainly is an advance and as I think I said on radio yesterday in speaking to the Broadcast Manager, this is I believe a necessary step for some form of regulation of some of the professional Activities in the island and in my view though this is an appropriate place to start there are also necessary reasons in this day and age to look at other professions in the regulation of those professions but in saying that, I have nothing further to add in relation to the Bill as it lies on the table and I commend the Bill to the House

MR NOBBS

Mr Speaker I think we spoke about it last time, that this Bill's been laying around for some time, or the original Act I should say and it should, whilst it applies to the legal profession, there has been a suggestion that other professions on the island should be regulated as well. I don't know if there's any thought of that happening at this particular point in time but this is a start and I fully agree with it

MR BROWN

Mr Speaker I have no personal difficulty with the Bill but because of the fact that I work as a lawyer I shall abstain from voting on it but to take the words of the Minister for Finance a little further it is important that similar I be enacted for people such as travel agents and real estate agents. The importance is not in terms of suggesting that such people are not of the absolute highest competence and integrity, it is to simplify the situation for them in terms of going about their day to day business because in the case of real estate agents in particular as I understand the situation they have considerable difficulty in obtaining some of the professional insurances that they would like to obtain but if we simply enact similar legislation they will be able to achieve that so I hope we will move quickly along the lines of recognizing and assisting many of these enterprises thank you

MR GARDNER Mr Speaker Mr Brown has touched on a matter which was given some consideration by the last Legislative Assembly and again I would welcome his input into that as I invited him in the last Legislative Assembly to have some input into that. My discussion with Legal Services not in recent weeks but certainly in the life of this Legislative Assembly have indicated that addressing the real estate type issues and things should not be a significant impost on their time frames as it is pretty easy to pick up similar and appropriate legislation with other jurisdictions with the necessary adaptations to Norfolk Island to be readily implemented in Norfolk Island and I certainly support the continuation of that and the matter of bringing appropriate legislation back to the House

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

QUESTION PUT  
AGREED

MR BROWN ABSTAIN

The ayes have it thank you, the Bill is agreed to in principle

Is it the wish of the House to dispense with the detail stage? Thank you. I seek a final call Chief Minister

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

SPEAKER Is there debate? Then I put the question that the Bill be agreed to

QUESTION PUT  
AGREED  
MR BROWN ABSTAIN

The Bill is agreed to

### **ASSOCIATIONS INCORPORATION BILL 2005**

Honourable Members, we resume on the question that the Bill be agreed to in principle and Mr Gardner you have the call to resume in this matter also

MR GARDNER Mr Speaker thank you. As I explained at the last sitting with the introduction of this legislation it's primarily designed to ease the burden on the smaller sports associations and clubs in Norfolk Island which is imposed upon them by the full operational weight of the Companies Act in Norfolk Island. In many other jurisdictions there have been over a period of time a move away from such heavy regulatory requirements as those imposed by the Companies Act in other jurisdictions and most other jurisdictions that I'm aware of have enacted similar legislation and this legislation that we have before us today is again based on other jurisdictions' lead. It makes it far easier for the executive of those clubs and associations to understand their requirements in Actually being a member of the board or committee in some of those associations, it also eases the pressure on them as far as audit requirements are concerned and basically allows the association or clubs for want of a better word to determine its own destiny as far as the way it operates, reporting requirements rather than having those type of requirements strictly imposed on them, as I have said, by the Companies Act. I have spoken as I indicated at the last sitting at some length with Mr Mike Zande who had turned a significant amount of his attention to such provisions as he is heavily involved in incorporating those type of clubs and associations on Norfolk Island under the Companies Act in the past and in my discussions with him he has indicated to me certainly that he is comfortable with the provisions as they currently stand within the legislation. I have



MR NOBBS Mr Speaker I propose that in due course I will ask that this Bill be adjourned and made an Order of the Day for another day. The reason for this is that Members have had discussion in relation to not only the NSL but also alternatives as well as general revenue and expenditure issues in recent weeks. As a consequence it is essential I advise the community of other considerations and discussions by Members in the period since the August Assembly meeting. The NSL concept has been developed to its current stage, has been the subject of considerable debate and as a consequence Members of the Assembly felt there was a need to re-visit other revenue raising measures considered in the past. It is a fact that it was always proposed to look at Government expenditure, as well as income, and this is progressing. I advised in bringing down the current Budget that the deficit of over \$2m was not acceptable to me nor I believed the community and there would be a need to review the Budget early in the financial year. It is proposed that the current Budget deficit will be reduced and a review of the total Government Budget is taking place. This will be finalised prior to the October Assembly meeting. It is widely accepted regardless of any expenditure review we needed to review both our tax arrangements and raise more revenue. It was always anticipated there would be opposition to any new revenue raising exercise but it was considered essential the Assembly progress a concept. A broad based consumption tax concept was recommended and we have seen development of the NSL proposal to the current stage. Following discussions by the Members in past weeks, two other potential taxation arrangements were considered as appropriate to investigate further. Both were discounted at an earlier time when the broad based consumption concept was recommended as the most appropriate for development. These two additional options now proposed by Members to be developed are Land Tax and Local Income Tax. I will deal briefly with a Land Tax System for Norfolk Island. There are some 1,976 portions of land on Norfolk Island, considered as taxable. Of the 1,976 portions there are 1,722 or 1836ha held as Freehold and 172 consisting of 734ha under Leasehold title. The remaining land on Norfolk Island is held as crown land or Reserves. Under the proposal to freehold some current leasehold land, a number of leasehold portions will become freehold in the not too distant future. The Norfolk Island plan has the island divided into seven planning zones. Specific number of portions and their status in each zone, are, rural there's 786 portions. There is the ability to create by subdivision another 54 which brings that up to 842. Rural residential is 592 and there are 82 potential additional portions if subdivided to 674, there's 238 in the residential area and there's a potential for 54 more. There's a mixed use of 170 and there's a potential for another 409 and then business there is 66 with a potential for 163. There's light industry of 17 portions and 31 potential and industrial there's 2. I believe Members recognise the affinity of the Norfolk Island people with their land. Some land on the Island has been held within families since first granted to those, either on arrival from Pitcairn or to those born on Norfolk in the very early part of occupation of the Island by the Pitcairners. Pure economic jargon has land tax as "a tax on wealth" and also that it can also be "seen as a progressive tax", must also be considered in the true context of the Pitcairn/Norfolk heritage and culture, historical data related to land sales and a record of limited speculation. I would doubt that those economists who promote such a hypothesis either understand, have experienced or in reality have "tested" this concept in the context of Norfolk Island. Having been brought up here I have a few years in which I make this next statement so please bear with me. In reality the only wealth in the land on Norfolk Island has been the wealth inherent in at times being able to generate a "living" whilst in the island's less prosperous times, it provided the opportunity to survive. Rates may be levied on land by a variety of means. Whilst the issue may become complex the simplest procedures appear a charge levied annually either as a flat charge per portion island wide irrespective of size, use or zoning; a flat charge based on Zone, on usage, on area for example per meter square on all portions or a combination of these; or instead of a flat charge utilised either a percentage of the unimproved value of the land or a percentage of the improved value of land. It is anticipated that the proposal has the potential to initiate a flurry of land sales with attendant reduction in prices and would undoubtedly please those waiting in the wings. The second proposal now again under review is Norfolk Islands Own Income Tax Regime. There have been suggestions that a "local" income tax regime could be implemented on Norfolk Island with a view to raising additional funds. Income tax arrangements have become quite complex in other jurisdictions, such as Australia. The level of complexity is dependent on a number of things, including what is classified as income and

particularly what deductions are to be allowed. Any suggestion of a local income tax in the past has also included the need for simplicity. Any complexity in the system implemented will see the compliance and of course the administrative costs rise and on top of the administrative costs rising the need for the income tax rate would need to increase. However - there are difficulties in implementing a simple system, which is also equitable. A basic premise put forward in relation to income tax is simply this, the more you earn the more you pay. In the case of known salary earners this is largely correct however the issue can become extremely clouded in other cases. The form a local income tax would take include suggestions from a straight forward percentage on all wages earned to a system which would incorporate both individual income and business income. It is essential that business be included, if a fair tax system is contemplated. Any taxation regime which concentrates specifically on income in the form of personal wages and salaries and does not consider business income is open to serious manipulation. Fairness and equity suggests that, if implemented, a local income tax system should have specific provisions related to low income earners; a base taxation rate be set which would be increased for higher income levels; include business as well as individuals in the tax regime and be a system which is as simple as possible. The difference between personal and business income sees personal income as wages and salaries earned by an individual whereas business income equates to business receipts less allowable business expenditure. A local tax regime if this is the way we travel, could encompass both personal and business incomes with each having specific requirements. As an example. Personal Income. A threshold is specified above which income is taxed. Possibly \$6,000 as in the Australian arrangement. At the designated threshold a low base tax rate applies, the tax rate is increased at specific points as income increases and it provides for nil or very limited deductions. Business Income. The threshold above which tax applies would be \$Zero; The tax rate set would apply at all levels of taxable income; Sole traders be treated as for personal income; Businesses, other than sole traders, be included in business income arrangements; Deductions for business inputs be allowed but would need definition, and as I said earlier, taxable income equals income less the total prescribed deductions. As I stated earlier the two proposals, Land Tax and Income Tax, have yet to be developed beyond the basic concept stage. In conclusion Mr Speaker, I wish to reiterate our finances have been in better shape. We are not broke and I am confident that the Island will survive but we need to really look at ourselves. The issue is compounded by a fall in the general economy. The issue is also compounded by a lack of confidence at present and the issue is also compounded by the opportunity to talk things down. Our current problems have not come without warning. Our expenditure in relation to income has been excessive since 2001. The Islands almost total reliance on tourism has not assisted and there is a need to review our tourism strategies. Not just blame marketing. We also need to look closely at what we offer the visitor and the old cost/benefit analysis. We need to look at what services are really required by the community and we need to look at what services the community is prepared to pay for. In closing I am particularly concerned at the constant harping on inefficiencies in the Public Service and Government. There is a recognition inefficiencies exist and measures are being taken to rectify these. However, there are major inefficiencies within the private sector for which the community is also required to pay either directly or indirectly through down turn in the economic Activity. Our current problems result from a combination of many things in Government but a hell of a lot are within the private sector. We won't even look like fully overcoming the problems unless it is accepted we all need to play a part; address individual problems and work together. I thought this island in good times and bad operated as a team. Unfortunately, at the present time the team is more than a little fragmented. Some in the team continue to take it up to the opposition. Some are sitting under the goal post whingeing about their stubbed toe. Some have retired to the reserves bench to criticise and a few unfortunately are trying to steal the ball so that the game will stop and there will be no need for the team. Thank you Mr Speaker

SPEAKER The question before us is that the Bill be agreed to in principle. Any further debate. Mrs Jack

MRS JACK Oh no

SPEAKER I thought you were waving to me Mrs Jack

MRS JACK No I was just wondering about own goals or a penalty try

MR BROWN Mr Speaker the Minister's correct when he says that expenditure in relation to income has been excessive for some time but I think it goes back a long way past 2001. the Minister has made a valiant endeavour to suggest that there should be reform in the tax system and that reform is able to be achieved on the basis that everybody else pays but you don't and that really is what I interpreted the Minister to be saying to us. The sad fact is that if the community is going to insist on various services being provided and if the community is not prepared for the sorts of reforms required in the public sector, then the community is somehow or other going to have to pay a lot more than it pays now. I don't think that's what the community wants Mr Speaker, I think the community is crying out for leadership from us. I think it is crying out for efficiency and cost effectiveness in the public sector and I don't think anyone pretends that the business sector is absolutely perfect but to blame it for the present problems is a little unfair. The proposal is that this Bill be adjourned. I will certainly support that proposal but I hope that at some stage when we look at it again it will be called what it is and that is a GST and that we will then be able to have a sensible look at the various options which are available if the community is not prepared to have us bring about the changes which are absolutely required thank you

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

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

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, the Bill is so adjourned Honourable Members

### **LIQUOR LICENSING BILL 2005**

Honourable Members, we resume on the question that the Bill be agreed to in principle and Mr Nobbs you have indicated your intention to seek leave to withdraw the Bill so I give you the call so that you might address that

MR NOBBS Mr Speaker I seek leave to withdraw the Liquor Licensing Bill 2005 from the Notice Paper

SPEAKER Thank you Mr Nobbs. Is leave granted Honourable Members. Leave is granted. The Bill is so withdrawn.

And with that matter concluded Honourable Members, we have concluded the Orders of the Day

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

MR SHERIDAN Thank you Mr Speaker. I move that the House at its rising adjourn until Wednesday 19 October 2005 at 10 am

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

QUESTION PUT

## AGREED

I think the Ayes have it. We are agreed on that matter and so we move to adjournment

**ADJOURNMENT**

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

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

MR GARDNER Mr Speaker as a matter of information I have unfortunately no good news to be able to report through the course of today of any relief to the current fuel supply situation in Norfolk Island. I have had communication throughout the day with officers of the Commonwealth Department of Territories who are working to resolve the issue in conjunction with Mobil. My calls to Mobil today unfortunately haven't been returned but I understand that the officers from the Department have had more luck than I have in relation to this matter. There are as I said last night in the House, a number of options that are being pursued but I don't want to get people's hopes up in relation to those matters and when I have something firm and final to report to the community and to my colleagues around this table I will certainly endeavour to get that information to the community by way of gathering the members together and also public broadcast and necessary press releases Mr Speaker. I am quietly confident that this matter will be resolved but in the interim I have issued directions today to a number of companies and individuals in relation to the supply of fuel which does restrict the supply from the bulk tanks, it does put in place a supply of fuel and in this instance, gasoline vehicles on specified days according to the number plate that the vehicle is using and Mr Speaker the detail of that will be contained obviously in further press releases and statements as the facts and details come to hand

SPEAKER Thank you Chief Minister. The question is that the House do now adjourn. Any adjournment debate. Then I put the question

QUESTION  
AGREED

The motion is agreed to. Honourable Members this House stands adjourned until Wednesday 19 October 2005 at 10 o'clock in the morning

