



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
11TH NILA HANSARD – 16 NOVEMBER 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 James Edward Moore on 25 October. Jim was born in Glasgow in 1920. At 16 he worked at Yarrows Shipbuilders until joining the Royal Air Force as a Flight Mechanic. His Squadron served in Ceylon and Burma during the second World War and Jim was awarded four medals. The Star, awarded for the Battle of Britain, the Burma Star for service in the Pacific, the Defence Medal and the War Medal. After the war Jim returned to Glasgow and his pre-war employment, then up skilled to Albion Motors as an Inspector and to Farnborough as a Mechanic Engineer on aircraft. Jim emigrated to New Zealand where he worked for CWF Hamilton and Co another 32 years before retiring. During those years Jim was involved in many major engineering works in the South Island including the inspection of engineering and welding of the hydro electric power stations. Jim was a keen soccer player before the war and continued his interest while living in New Zealand. Jim lived with Judith Thomas and her mother in Christchurch and traveled to Norfolk Island on a number of occasions with Ruth Thomas until her death in 1989. He then traveled frequently to Norfolk Island with Judith until they moved here in 2003. Many of Jim's friends visited he and Judith in Norfolk Island where days were spent tending his garden and sharing the cat and daily household duties with Judith. To Judith and to their friends this House extends its deepest sympathy

Mr Speaker it is with deep regret that this House records death of Tim Lloyd, AM Mr Speaker, Tim was such an integral part of our community, I could talk about her life for a very long time. However, I will try to pare it down. Tim was the last surviving member of the family of William and Priscilla Fyfe. Christened Edna, she was affectionately called Tim by her father and that name remained with her. As a young girl Tim showed great potential as a pianist and played at a concert in the Sydney Town Hall. However this path was not to be and at age 15 Tim studied at Secretarial College and became very proficient at shorthand and typing, to the extent that she was employed by the NSW Court Reporting Branch. During Tim's first marriage she traveled extensively throughout NSW, Queensland and Victoria and had two children, Valerie and Douglas. She first came to Norfolk in 1948, met and for a short time was married to Don Adams. Tim returned to Australia but came back to Norfolk in 1956, working for a while with Jim and Madeline Hamilton before taking up employment as Secretary to the Administrator. In 1960 Tim and Tom Lloyd were married and began a lifetime partnership first in Sydney then again returning to the Island in 1963. They both worked at Administration with Tim again employed as secretary to the Administrator. One of those Administrators, Roger Nott, said that this Island needed a newspaper and 1965 The Norfolk Islander's first issue hit the streets. Tim helped Tom to run that paper for forty years. Tim was Secretary of the A & H Society and wrote to Buckingham Palace seeking royal Patronage. Her Majesty graciously consented to be Patron and later,

the Royal prefix was appended. Tim worked tirelessly for the Guiding movement, played the piano for the pupils at NICS, was awarded a Certificate of Appreciation by the NSW Department of Education, was involved in the Musical and Dramatic Society and in 1967 organized the island's first Debutante's Ball. This initial success was followed by many and the 1988 Deb Ball to celebrate the Bicentenary of the First Settlement of Norfolk is remembered by many as a grand occasion. Tim was planning another Ball for our Sesquicentenary next year.. In 1988 both Tim and Tom were made Members of the Order of Australia in the New Year's Honours List. With her close association with the children Tim not only taught them the fundamentals of ballroom dancing but also good manners, conduct and courtesy. Tim then extended her teaching skills to adults, which has led to a very successful Ballroom Dancing Association. Tim played the Willis organ at the Chapel and commenced a weekly Organ Recital, which became very popular. She then became the organist at All Saints morning services and the weekly Sunday evening service. Tim was playing the organ on Sunday 30th October at the Evening Service in All Saints when she passed over. A unique finale to a life of service. To Tom, to Valerie and Douglas and their families, to Tim's many friends overseas and to the community of Norfolk Island, 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.

LEAVE

Honourable Members, leave is sought for Mr Sheridan. Is leave granted Honourable Members. Leave is granted

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 first question to the Chief Minister. After the last election you were given the ability to select your own Ministers from amongst the other elected MLA's. Are you satisfied that your Government is performing to your personal and community expectations

MR GARDNER Mr Speaker the simple answer to that question is yes, and I guess the basis of my answer is the adoption of this Legislative Assembly's Priorities Plan of 2004 through 2007 dated the 14th March 2005 in relation to that, the twelve priorities which were established I think it would be a fair comment that my assessment is that the bulk of those priorities that were established by this document some 8 months or so ago are well under way or have been completed in some form or fashion and I note from that document that, that is now due for a review, obviously to look at establishing our proprieties from here on info or the next twelve months and the remaining two years of this Legislative Assembly. In saying that there are a number of matters that we are still as a Legislative Assembly struggling to deal with, let alone as a Government and they include our

financial position, the economy of Norfolk Island, the continuation of airline services into Norfolk Island and such. In that regard Members would be aware and I'm certainly aware of a number of Members of the public who are aware of a co-operative arrangement entered into with the Commonwealth as far as the preparation of an independent financial assessment of Norfolk Island being undertaken. We are due to receive that document hopefully some time today in its final form for consideration by this Government and the Commonwealth Government. It is a document which remains confidential between this Government and the Commonwealth Government at this point until both Governments have had an opportunity to consider it and have some discussion in relation to it. In saying that I think it is important to point out that whatever comes from that document and the information that is provided in it and as a result of the discussions that need to take place between both this Government and the Commonwealth Government in relation to that content we will obviously need to prepare our priorities in accord with the information that's provided in that and the outcomes from those discussions.

MR CHRISTIAN Thank you Mr Speaker, another question for the Chief Minister. Are you planning a ministerial reshuffle in the foreseeable future

MR GARDNER Mr Speaker I hadn't proposed to do that although I had raised with Members some two months or so ago my view that the Government portfolio distribution should be reviewed after a period of time. I've been consistent in that approach both in this Government, the previous Government and the two Legislative Assembly's that I was a Member of prior to that where I believed that it was inappropriate management mechanism within the Legislative Assembly to look at the performance of each individual Executive Member in the role they filled. The need or otherwise to increase the number of executive members or to decrease the number of Executive Member consistent with the amount of work and the subject matter of the important priorities that are before us. As you would be aware there was some discussion about the creation of a fifth Executive Member two months or so ago. Primarily to take on the responsibilities of the airline services into Norfolk Island. That was not supported however I believe that it is a healthy Legislative Assembly that is able to give consideration to the expansion of the number of executive offices or a decrease in those numbers and the persons that are ideally suited to take on those responsibilities. I guess the answer to that question is that I am open to any proposals at any time from any Member of the Legislative Assembly and I would hope that if I were to have proposals in relation to the Executive Membership of the Legislative Assembly that Members would be welcome to have free and open discussion about it at any time. Thank you

MR T BROWN Mr Speaker my first question to the Chief Minister as Minister with responsibility for gaming, has the Government been approached by any bodies who are wanting to obtain a lotto license

MR GARDNER Mr Speaker there have been a number of people who I understand continually apply for lottery licences within Norfolk Island. Our Lotteries and Fundraising legislation was established some many years ago to deal with the church fete type arrangements and the service club activities and lotteries in Norfolk Island so there are a number of those that are provided for. They are administered by the Administration and basically there is a very simple application process that is followed. Now as far as any more substantial type lotteries are concerned there has been an application for a more significant type lottery and my belief is that the appropriate mechanism to deal with that is through our Gaming package of legislation established in 1998 providing for on line and international lotteries and the lottery that I refer to has, or the enquiry for the establishment of a lottery that I refer to is exactly in line with that and that is the operation of an international online lottery arrangement, something akin to our interactive gaming arrangements, however, the legislation does not provide for that zest the moment and our

equipment and will you seek the approval of this House before authorizing any expenditure on any such equipment

MRS JACK Mr Speaker, no I won't, to answer the first question, I won't be seeking approval of the house to purchase the equipment. It will be going through the Tender Committee and I will rely on that process to cover the concerns that Mr Christian has shown. The first part of the question was on the specifications was it? The assessment. The current conservator has done research into other waste management centre's and what they use. He has sought the opinion of people involved in our own waste management centre on the types of equipment that they consider necessary and from there it is trying to meld together those requirements and observations from other waste management centre into what would be needed in the best case scenario and one that we can afford

MR T BROWN Mr Speaker this is a question for the Minister for Community Services. Can you advise the House of the present situation regarding the funding of medical evacuation flights

MR BROWN Mr Speaker Members will recall that we recently increased the Healthcare Levy by \$100 per year with the intention that those additional funds be used towards the cost of medical evacuations. At our most recent meeting the house asked me to prepare a proposal in order to fund the major part of medical evacuations. In that regard I have had discussions with the acting Chief Executive Officer and a Memorandum is on its way to him now as a result of those discussions asking that a bill be drafted to introduce if it is agreed by the house, a health tax on cigarettes which would be in the region of 300% of the landed cost so bringing the total of duty and health tax to 800%, I take that back, not at the landed cost but at the FOB cost, and it is proposed that that would be a tax paid by the distributor a certain period after the cigarettes are sold to the various retailers. The combination of the increase in the healthcare levy and the proposed health tax if the latter is passed by the house will be sufficient to cover the proposed percentage of the cost of evacuations and bear in mind that we are not proposing to cover necessarily 100% of that cost, but we are proposing to cover the bulk of the cost, the calculations which I have made indicate that it will be sufficient to cover that cost provided that we carefully manage the decision as to whether an evacuation should take place at all and if so whether it should be as a seated passenger on a scheduled flight a stretcher passenger on a scheduled flight or a stretcher passenger on a charter flight and part of my proposal will be that a specialist Australian or New Zealand firm be engaged to assist in the management of the evacuation decision and possible to assist in the management of the cost of treatment once the patient reaches Australia or New Zealand. I'm hopeful that the bill to introduce the health tax will be available for consideration by the house at the December meeting

MR CHRISTIAN Thank you Mr Speaker, I direct my next question to the Chief Minister with his tourism hat on. Chief Minister will you take whatever action is necessary to ensure that the Government air charter service is a single class operation with all seats contained within the aircraft available as a K or L class fare structure

MR GARDNER Mr Speaker thank you. This has been a matter that's been subject to discussion for quite some time and certainly was the early intent of our airline working group of the Legislative Assembly we have however encountered some difficulties in our discussions in relationship with Qantas in relation to this matter but it is still a matter I understand is being pursued at this stage and hopefully in the not too distant future we will find that the aircraft as a whole is being sold as a single class

MR CHRISTIAN Thank you Mr Speaker, I direct this question to the Chief Minister as well with tourism and air services hat on. Chief Minister will you take

whatever action is necessary to provide extra scheduled flights to service the Australian market and provide for the influx of locals returning home for Bounty Day

MR GARDNER Mr Speaker this again was a subject of discussion with part of our Airline Working Group on Monday and when I say part, there was an inability of some members to attend later in the afternoon when the meeting was due to be scheduled however importantly the airline working group have considered that the Government need to adopt the risk of putting on the extra capacity and at this stage it's being looked at from February through until mid June providing an extra service. Ideally I would like that locked into the system today however in discussions with Air Nauru they are looking at the possibly of being able to provide extra space or a different schedule to that which we witnessed in October with a possibility of being able to provide the extra service on a Sunday into Norfolk Island. As soon as that's been firmed up and we have confirmation from air Nauru it is certainly my intention to have the extra capacity locked in. that is contrary to the advise of our Airline Manager and some other people but I think that we have to recognise that tourism is the life blood of this island and unless we are making every effort the we possibly can to increase visitation numbers to Norfolk Island we do face a gloomy future. It is also important Mr Speaker to point out that next year is our sesquicentennial year and I think after what has been hailed as a successful trip by the delegation of people to Tahiti we can expect increased visitation from the pacific to join Norfolk Island in our Sesquicentenary celebrations but there are also a significant number of people, many thousands of people worldwide who have very close connections with Norfolk Island that I would imagine would be looking to the Sesquicentenary year to renew those acquaintances with Norfolk Island and look to visit Norfolk Island during our Sesquicentenary year. With that in mind I certainly believe it was a unanimous feeling of those members of the airline committee to put in place those extra services and as soon as a schedule is able to be confirmed with Air Nauru at this stage I intend to have those locked into place

MR T BROWN Mr Speaker a question for the Chief Minister. What is the latest news from JetStar and what measures does the Government intend to introduce in order to ;protect and preserve the group market, a market that JetStar is not set up to facilitate

MR GARDNER Mr Speaker I don't know where Mr Brown may have got that information from. Certainly with the visit of JetStar executives to Norfolk Island a little over a month ago I think they gave a very clear undertaking that they are able to deal with groups and successfully and I believe they have been able to demonstrate that to us without any question whatsoever. JetStar are still in discussions about the operation of services to Norfolk Island. I've had two recent conversations with Mr Mark Delpra who visited Norfolk Island in regard to the operation of the services to Norfolk Island. They have a concern obviously about our landing fee requirements however I have advised JetStar that we are inflexible in relation to that at the moment primarily because we are locked into a contractual arrangement with the Commonwealth for the repayment of the loan of funds for the overlay of the new airport. JetStar have been requested to provide a report or an indication of their willingness to provide services to Norfolk Island based on today's operational environment, so that is all inclusive of their departure from the international terminals at Australia, the arrival in Norfolk Island the payment of all landing fees, and they've given an undertaking that they will have that back to me sometime around the 28th November. Obviously they will need to assess whether that service is viable for them and as to whether they begin the operations to Norfolk Island. I look fo2rard to receiving their report

MR CHRISTIAN Thank you Mr Speaker, I direct my next question to the Minister for Finance. Minister will you take urgent action to expand the central meet and greet area at the Norfolk Island Airport Terminal Building

MR NOBBS Thank you Mr Christian for that. The meet and greet area is I assume outside the customs location but I would just say that we are looking and there's been a proposal which I understand is to be actioned to expand the actual reception hall in the customs area. There is also another proposal to extend the covered area within the terminal proper which will take account I believe of an explanation of the meet and greet area and I'm very keen as I was four years ago to have the outside area of the car park reconfigured to provide additional parking to parts of it but also to make for a better through flow of traffic by placing another cattlestop at the eastern end of the car park and those alterations will allow the congestion from the bus area and the reception area itself to be far less because I find it quite difficult for the buses when there are a number as people are well aware when there are a number of people coming off the plane, particularly if they are locals or departing, they have some considerable problems getting into the place actually from time to time and by changing that configuration it will improve it considerably so there's the three measures that two of them are definitely going ahead and the third one is in the making

MR CHRISTIAN Thank you Mr Speaker, I direct my next question to the Minister for Community Services. Minister can you inform this House how the hospital enterprise is traveling financially and whether there will be a call on the revenue fund for extra funding

MR BROWN Mr Speaker at this stage the Hospital Enterprise is trading satisfactorily. I will later today be tabling the audited financial accounts from the period to the 30th June 2005. Those accounts show a loss for the year of \$16,503 but that is after allowing depreciation of \$200,000. The result would have been worse however if it was not for the fact that the hospital received donations during the year totaling \$100,597 so we need to be aware of the fact that the Hospital Enterprise trading relies on the generosity of the community in terms of donations. In addition as Members will recall in recent times a very generous local resident donated funds to enable the construction of the new dental clinic. In terms of the current year the greatest threat is that the hospital staff have made application to the Public Sector Remuneration Tribunal for review of their remuneration structures and the work which has been done to date makes it quite clear that even without comparing the nurses with say schoolteachers, the wages paid to the nurses are massively below appropriate levels and we should expect that the tribunal will in due course make an order reflecting that and we need to give thought to how we propose to fund that additional cost. At present the Hospital Enterprise is substantially funded by those who are sick. User pays is quite a buzz word in current times but we do need to bear in mind that there are two components to the provision of a hospital, one component is to have it sitting there even if it has no patients and perhaps we should be prepared to accept that, that is a community cost to a far greater extent than we accepted in the past and then there is the question of payment for services. We are in an environment where we pay little in the way of taxes. We do not pay the taxes that you use in Australia in order to fund the healthcare which is provided there to residents of Australia so we can't really expect that without paying taxes we will at the same time have totally free medical costs, but having said all of that Mr Speaker, at this stage the hospital is trading reasonably but difficulties are ahead of us, thank you

MR T BROWN Mr Speaker a question to the Chief Minister. Is the Chief Minister aware of a letter from hire care operators complaining about the fact that tourist accommodation is a protected industry but many properties, particularly those owned by General Entry Permit holders have begun to provide rental cars in competition with existing rental car businesses which rely on rental cars for their livelihoods. If so, does the Chief Minister intend to take action to rectify that problem

to the matter and hopefully be able to advance the project a little more quickly than I think it has been evidenced to date

MR T BROWN Mr Speaker this is a question for Minister for Finance. What is the cash book balance of the revenue fund at today's date and if it is negative or close to it on what basis does the Minister claim that the Administration is not broke

MR NOBBS Thank you Mr Speaker. I still claim that the Administration is not broke and I'll be making a statement on the financial situation at this point in time when I table the documentation here. I will table the revenue fund financial indicators for October 2005 and I will be making comments but at this point in time I haven't got with me the precise information that Mr Brown requests but I will have that for him later in the day or if not, tomorrow

MR T BROWN Mr Speaker a question for the Chief Minister. Has the Government yet received the asset management plan which was recently prepared. If not, what is the reason for the delay

MR GARDNER Mr Speaker I'm not handling the asset management plan. I think that's with Mr Nobbs and he may be prepared to answer that question

MR NOBBS The asset management plan has not been received as yet. We've seen some fairly early drafts. The people preparing it were on the island recently. I understand it's getting close to fruition and it's the provision of a final asset management plan and it should be, I understand, with us towards the end of this year or early in the new year bearing in mind it's the middle of November now so it's relatively close

MR T BROWN Mr Speaker another question for the Minister for Finance. Is it a fact that a letter has been sent to Members of the Legislative Assembly complaining about a serious conflict of interest regarding a Member of the Administration. If so, what action have you taken in relation to it

MR NOBBS I have not seen any such document Mr Speaker. If there was one around I should imagine that it would be made available to me but at this stage I have not seen anything. The only thing in relation to conflict of interest is some complaint against an Assembly Member but apart from that I haven't had one directly in relation to a Member of the Legislative Assembly myself personally

MRS JACK Mr Speaker, I'm not aware that this particular letter that Mr Tim Brown is referring to was raised at Monday's MLA's. I have received a letter. I referred it to the acting Chief Executive Officer for his consideration and to hear from the Service's side what they had to say about it. I meant to put a comment in the paper asking the person who signed really broke and annoyed, to phone me at home for identification so that I can enter into dialogue and discussion and keep it confidential but until I can talk or deal with that person I find it very hard to investigate this matter and then deal with further concerns that may be raised but that was my handling of the anonymous matter

MR T BROWN Mr Speaker from memory this is my final question for today. To all Ministers and in particularly the Minister with responsibility for Legal Services Unit. Is it a fact that the Legal Services Unit has lost a court case and had costs awarded against it. More money the community does not have. Is the policy of saying near enough is good enough, and you will some you lose some, a good enough policy to have for sections of the public service or the community. If not, when will the Government say

enough is enough and remove those members of the Legal Services Unit who once again have not performed..

MRS JACK Point of Order

MR NOBBS Point of Order. I understand that Mr Brown is a young member of the Legislative Assembly and I wouldn't like to put a kibosh on his proposals but its against Standing Orders to identify public servants

SPEAKER Mr Brown I wonder if I could just draw your attention to Standing Orders 72a which really talks about conditions and conduct of officers and their identification and may I point out that the processes to date are becoming very close if not too close to be something that may contravene that Standing Order. By all means proceed but you will need to bear in mind the provisions of that Standing Order and that can be I would say not repetitive of the more recent components of your question in this matter

MR T BROWN Mr Speaker Thank you. I've endeavoured to keep it impersonal so far. I continue on from where I was..

SPEAKER If I could mention this Mr Brown. The latter parts you may consider them to be impersonal but in fact they are moving to the matter of being able to identify some components within the service

MR T BROWN Thank you Mr Speaker. When will the Government say enough is enough and those Ministers who are responsible take action

MR GARDNER Mr Speaker there was a reference there to losing a court case. I could probably dig out the history books and you could probably find that the Administration has been on the losing end of a number of court cases over many many years. I could probably dig out the history books and the court records of every lawyer on Norfolk Island which would clearly show that I think each and every one of them that have been before the courts have won a few, lost a few. I mean that's the life. That's the business. That's the profession. It happens. As far as removing people Mr Speaker I've made that very clear to Members of the Legislative Assembly in the past that it's not our role around this table either as executive Members or as Members of the Legislative Assembly to be jumping on the band wagon, slapping a few public servants around and demanding their removal. That is not our job to remove them. The only one that we have any role in the recruitment or otherwise of from my understanding is the acting Chief Executive Officer who currently fills the position or the primary position of the Chief Executive Officer. It is his responsibility to asses the performance or otherwise of Members of the public service. Not ours. As far as enough is enough is concerned I have every confidence in our Legal Services Unit and in saying that I believe that everybody else that asks legal representatives to represent them, or Members of the legal profession to represent them, too have confidence in those people to fairly and accurately portray the matters before the court that are under dispute and at the end of the day there is an independent adjudicator who comes in to say which party is right and which party is wrong. It's as simple as that. I continue with that confidence in the Members of the Legal Services Unit. I guess being a fairly calm person most of the time its not often I become outraged but I find that I am outraged Mr Speaker that there are demands by people at the end of the day for the removal of public servants who have very little knowledge and simply do not want to make themselves aware of the facts of the case and may be Mr Speaker are probably somewhat swayed in their views by various actions that might be taken within the bailiwick of Norfolk Island

MR NOBBS That question was addressed to me as well and I would like to have my say if I may. Thank you.

SPEAKER May I say this. As I have mentioned to Mr Brown at the commencement of this or when he commenced this process with this particular question, that Ministers and Members need to bear in mind section 72a. I'm really advising Members that we should not enter into what might be interpreted as a full debate with four or five people participating in this matter because then we will have a little difficulty in not contravening that particular Standing Order. Then I will call Mrs Jack. But if you would bear those things in mind please

MR NOBBS I like the Chief Minister have no problem with the subject of the question and I know that in the Legal fraternity there are difficulties. There are winners and losers in court cases and I find that a bit difficult. I've been on the winning side a couple of times myself and I've been on the losing side in others and I find that difficult but we do have this sort of difference in what I thought would be a clear interpretation of the law but anyhow that's what happens and we go down that road. My concern with the Governments legal representation is not actually related to any personalities so section 72a shouldn't come into account when I say this but please restrict me if you need to, I believe that what seems to happen in the private area is that if the particular legal representative feels they may have some problem in relation to a particular case they bring in the big guns. I feel that in the case of the Administration we don't actually bring in the specialists, as often as we should do because of the fact that it's going to cost us. Lawyers aren't cheap and it's going to cost us that additional money. I don't think that any lawyer although I have met some who claim they do, know everything about everything so I mean there are opportunities for the use of the more learned colleagues to deal with particular cases, particularly in specialist areas and I think that's an area where we should look for with our legal advise and allow the service a greater freedom in looking at specialist advise. It's often seen I think that they know nothing if they've got to get somebody in but it's really strange that a lot of lawyers and there's a few on the island here who bring in specialists from time to time if necessary but apart from that I think that the Legal Services Unit has a broad range of topics which they have to cover and I have no complaints, in fact they've assisted me greatly in areas that I'm interested in and I don't have responsibility in the area of the court case that Mr Tim Brown is referring to, so I don't have any great knowledge of that area but in my particular area they have been of great assistance and I thank them very much and as the Minister responsible for the public service I know that there is considerable support from within the public service from their fellow Legal Services Unit Members

MRS JACK Mr Speaker, just keeping it very short, thank you. I share the Chief Minister's view. I'm not prepared to go into details in the case that Mr Tim Brown's talking about although I can talk to him outside this Chamber but I would just like to say that the unit should be congratulated also for some of the successes and appeals with costs that have been awarded to them from the Federal Court over the Quarry and Related Public Works Act and also with ART matters that have been upheld and they were awarded costs on those. Yes. I just agree with the Chief Minister Thank you

MR BROWN Mr Speaker it is a rare situation to see Minister's debating an issue in question time. It's also not an unusual situation for Ministers to have differing views. There has been a recent court case. It is available on the internet for anyone who wishes to read it. His Honour the Chief Justice was in fact scathing of aspects of the matter. Absolutely scathing. I don't think that any section of the public service should be immune from review. I think every section of the public service needs to keep in mind the absolute necessity to stay clear of bias, to stay clear of malice, I think these issues need to be looked at from time to time

MR NOBBS Point of Order Mr Speaker. I understand there's an issue involved in this which I don't want to, it's before you and I think that should be taken into account and I think the Minister by claiming bias and those sort of issues has overstepped the mark

MR BROWN Mr Speaker I've been very careful with my words

SPEAKER Thank you Mr Nobbs. And I have been listening very carefully to all of the words that have been mentioned given my earlier indicators in this matter. I've heard what you've said Mr Brown and I've interpreted that they are in a wider context in the words that you are saying. I think however as I've cautioned the others, that I should offer you some caution also that it might not be misinterpreted and ask you to proceed with those thoughts in mind

MR BROWN Mr Speaker I'm certainly not accusing any Member of the Legal Services Unit of bias or malice but what I'm saying is that in the wider context all of the public service should be prepared to accept review and examination to ensure that, that situation is the situation that it doesn't change at any time, but let me conclude simply by reminding Members of the absolute scathing nature of aspects of His Honor's judgement and I would like to suggest that Members read that decision carefully before we simply jump to the defense of a system and take a view that no matter what, the system can't be questioned, Thank you

MR CHRISTIAN Thank you Mr Speaker, I direct a final question to the Chief Minister. Chief Minister can you confirm that except in the situation where the Legal Services Unit is acting as Crown Prosecutor it has no ability to commence an action unless it is instructed to do so by an authorised person

SPEAKER Mr Christian I'm not so sure whether you are seeking a legal opinion in that matter and I would rather interpret that is the case and therefore that is an inappropriate question within the terms of Standing Orders

MR CHRISTIAN Thank you Mr Speaker, I wasn't seeking legal opinion. I was just seeking clarification that a lawyer can't initiate an action unless instructed to do so

SPEAKER At this stage I would rule that, that has the legal implications that I mentioned earlier. Honourable Members, we have come to the end of Question Time this morning in terms of the timing. We move on

PRESENTATION OF PAPERS

Firstly Honourable Members, I have received the financial report on the Administration of Norfolk Island. It is for the year ended 30th June 2005. It is provided to the Speaker in terms of the legislation that covers this matter which is the Norfolk Island Act of 1979 and the covering letter in its final paragraph says this, and I'll just read it to you in terms of tabling this report. It says Audit Opinion. I have received all the information and explanations that I have required and in my opinion 1) the prescribed requirements in respect of the establishment and keeping of accounts have been complied with in all material respects and 2) the financial report has been drawn up so as to present a true and fair view in accordance with the prescribed requirements of the transactions of the Administration of Norfolk Island for the financial year 1 July 2004 to 30 June 2005 and of the financial position as at the end of that year. The report is signed by the delegate of the Auditor General of Queensland Audit Office who is the prescribed auditor in terms of the Administration of Norfolk Island and that report is tabled Honourable Members

MR GARDNER

Mr Speaker I move that they be noted

SPEAKER

The question is that the paper be noted

MR GARDNER

Mr Speaker as part of other audit process I have been contacted by the Assistant Auditor General, Mr Eric Muir from the Queensland Audit Office. Just basically giving my office an overview of the audit that was undertaken in relation to the financial matters pertaining to Norfolk Island. There are a number of matters that have been raised in that audit report in relation to matters that Norfolk Island need to give consideration to and Mr Speaker I think it's probably appropriate to ensure that the general public are aware of any concerns that are raised in those issues without necessarily having to look to the Clerk's office obtain a copy and have those printed. It is fair to say that the Queensland Audit Office who provide the auditing service or who did provide the auditing services to Norfolk Island over the last three years I understand have raised concerns relating to Norfolk Island's financial viability and also compliance with the Airport Runways Loan Act 2003 and considered those matters both to be of high risk. In relation to those there have been a number of management responses to both of those high risks which basically explain the methods that are being pursued to ensure our financial viability into the future to ensure that we do comply with the Airport Runways Loan Act which is provided to ensure that Norfolk Island repays the loan provided to it by the Commonwealth for the overlay of the airport and it also raises a couple of issues in relation to the provision of the internal audit function within the Administration and also a bank reconciliation error which occurred for a small sum of money. The risk being low but obviously an important matter to the auditors to need to bring to the attention of my office obviously and to bring to others attention in their audit report. Those are my comments on it. They are matters that I'm satisfied according to the report provided by the auditor are being appropriately addressed and necessary resources have been dedicated to ensure that those matters are addressed fully and openly to ensure our continued financial viability and compliance with those matters which were the two matters identified as high risk 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 BROWN

Mr Speaker I table the financial statements and audit report for the Norfolk Island Hospital Enterprise for the year ended 30th June 2005

MRS JACK

Mr Speaker, I would like to table a report done by me on a conference I attended at the end of last month and I ask that it be noted

SPEAKER

The question is that the paper be noted

MRS JACK

Mr Speaker, towards the end of last month, in fact in the last week of October I attended an IMPAC congress, IMPAC standing for the International Marine Protection Area Congress. It was held in the Deacon University grounds and some adjacent buildings in Geelong. I attended this conference in association with Miss Nicola Diatloff, the Environmental Officer of the Administration. Miss Diatloff's attendance was fully funded by the Natural Heritage Trust Funding and no expense to the Administration. The importance and timeliness of this congress was shown by the number o

delegates, some 770 persons covering Government agencies, education and research agencies and conservation groups. 70 nationalities were represented and the conference went for some five days. The report covered various themes and papers that were given during this time but I would just like to say that in my opinion the box that we have, the 67 by 40 nautical mile fishing area is an area that we have to start looking at not just in terms of fishing arrangements but also in complete marine biodiversity acknowledgement and its sustainability issues. A marine protection area is not an area that automatically means no fishing no walking on the reef and no recreational uses, it does mean sustainability. It means protecting agreed areas in a way that allows certain uses to continue so that when we are long gone children can still walk on the reef, people can still fish and the community of Norfolk Island can still rely on the waters surrounding Norfolk Island for a source of food, recreational, commerce and cultural resources as well. I table the report

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 Norfolk Island Government Tourist Board audited financial statements for the year ended 30th June 2005

MR NOBBS Mr Speaker I table the Road Traffic General Amendment (No 2) Regulations 2005

MR NOBBS Mr Speaker I table the Financial Indicators for October 2005, and move that the paper be noted

SPEAKER The question is that the paper be noted

MR NOBBS Mr Speaker at the 31st October 2005 the revenue fund overall income is 94.8% of the first draft revised budget, that is, \$182,000 short. I referred at the last meeting to the revised budget and I will be making a statement later in relation to that. Customs duty is \$169,000 short of budget and the sum total of other tax categories is \$64,000 over budget. Departure fees are \$56,000 short but land titles are \$130,000 ahead of budget. Overall expenditure which includes known creditors and outstanding orders raised in 2005-2006 is at the end of October on a pro rata basis is about 3.6% which is \$145,000 under the revised budget. Medical expenses for social service recipients are \$94,000 over budget at the end of October. Should this trend continue the balance for the financial years medical expenses for social service recipients will exceed current budget provisions by \$282,000. At the 31st October 2005 the overall revenue fund budget has an estimated deficit of \$585,000 which is on a pro rata basis is \$37,000 more than that budgeted. Thank you Mr Speaker

MRS JACK Mr Speaker, I notice in these financial indicators that capital works and general works are 57% and 26% down respectively. And is this the result of the combined action of work not being undertaken and TOIL. I mean is our request to the service for no overtime and TOIL having this add on effect that works just aren't being done or is it purely the fact that materials are not available. I'm also concerned with the percentage of change when you compare the revenue of this year and last year to see that overall it's 20% down. I mean that terrifies me. It certainly gives me the shudders and I'm just wondering if the Minister for Finance is hoping that with the extra airline flights that are

due in February until June if he's hoping that those extra flights will put a bit of a dint into those and make it look not so shocking

MR BROWN

Mr Speaker Members probably noticed on television in the last 24 hours that Telstra is about to shed 12,000 of its staff. I think that the particular news item suggested that the total to be shed may be approaching 25% of the Telstra workforce. Throughout the Pacific public services have had to shed staff substantially in order to survive. The day of reckoning has come in Norfolk Island too. We are seeking a significant reduction in visitor numbers. We are seeing very significant hardship within the private sector of the island and I have little doubt that the economic report which is due to be received shortly and to which the Chief Minister referred today is going to suggest some very hard medicine. I expect that the report will not only look at straight economic issues but will look at the question of how we overcome them. And Mr Speaker, we are only a few days away from the day of reckoning. If we look at the Administration's financial statements it seems that the Administration is managing to get paid. It seems that not a lot else is happening. The time of in lieu situation is unacceptable. We should have tackled the issue of more sensible rostering ages ago. The Minister for Finance is tackling it now. That is not going to be the solution to our problems though Mr Speaker. Like it or lump it the time has come for the Public Service to be reduced significantly. That's unfortunate but it appears to be unavoidable. At its lower levels the service is filled with people who are prepared to do an honest day's work for a decent day's pay. They have been badly let down in recent years by some of those above them and it's fair to say that they've been badly let down in recent years by Legislative Assembly's failing to confront the real issues. Tourist numbers are down dramatically. I do not recall us having met to vote additional funds to the Tourist Bureau to help overcome the problem. I do not recall there being a single discussion about the fact that the Government not only funds the bureau but is the airline and we should be contributing additional funds, over and above the extra funds the Tourist Bureau gets, we should be contributing additional funds as the airline because that's what airlines are expected to do. The time has come where some parts of what the Government does now will need to be contracted out. Like the word or not privatization is a word that will need to be considered. I understand that the Impact of Bills and Subordinate Legislation Committee will be tabling its report at our next meeting in relation to the Social Services Amendment Bill which is before the House and significant changes will need to occur in terms of Social Services. One of those changes is unavoidable. There will have to be compulsory island wide superannuation. That superannuation will have to in time have arrangements with both New Zealand and Australia so that when a person spends both his or her working life in Australia or New Zealand and then returns to Norfolk Island to retire they'll bring their superannuation with them, as distinct from the situation that can exist at present where they can cash the super in, spend it, come here and in time seek a pension. We have to do better in terms of managing the health costs of our senior citizens. The Minister for Finance mentioned earlier that the overseas health costs for the first four months of this year are significantly above the budget in terms of the Social Service overseas healthcare costs and that's in the main because of just one patient. That one patient incurred significant expenses last year. The particular treatment continued into this year and there have been significant expenses this year so we will need to find a better way to manage those costs and Members might recall that I mentioned earlier today that part of my proposal in relation to medical evacuations will include engaging a competent Australian or New Zealand firm to help to actually manage the costs once a patient gets to Australia or New Zealand but the day of reckonings come. We won't be able to continue to sweep the problems under the carpet. Like it or lump it there are going to have to be substantial changes and Mr Speaker the answer is not to take the view that I realise has been taken by some in the community that it will be better if Australia takes over. Those people in very many cases feel that if Australia takes over they will derive benefits but for various reasons not be required to contribute for them. Well the Australian Government is no different to any other. They rarely provide a free lunch. The philosophy in Norfolk Island is that we are a low taxing community in which as far

as possible we take care of ourselves. If we move to the Australian system where you have a high taxing community with the range of taxes be it income tax, GST, land tax, land rates, Medicare levy and so on, it costs a fortune to maintain a system like that. Just to collect and process the returns and collect the taxes costs a fortune. The Commonwealth without doubt if one looks at the various reports and in particular the various submissions which have been made to the Joint Standing Committee on external territories, the Commonwealth realizes that to take responsibility for Norfolk Island would cost it a fortune more than it would receive. The chances of that happening are minute. It is far more likely that if we don't do the things we need to do ourselves the Commonwealth will simply insist that we do them, so to such extent that anyone thinks that it would be a wonderful thing for Australia to come and take the island over, I say to you, that such thinking ignores the struggles that have gone on in this place since 1856, it ignores the wonderful potential that Norfolk Island has once we begin to run it properly, and it really condemns those who think that way to a future of nothingness. If Norfolk Island is part of Australia don't kid yourself that we will retain an immigration power for example. Go and have a look at somewhere like Byron Bay. Lots of lovely new buildings. But there are not too many original Byron Bay residents that can afford to live in them. If you look at the hills around Byron Bay you don't have to go very far to find the hippies and the marijuana t shirts and so on. Norfolk Island would become like Byron Bay, a playground for the rich because we have a wonderful climate, it's a pretty island, there's plant of blocks of land to buy but the days of a young Norfolk Islander every being able to afford to buy a block of land at that stage would be well and truly finished. So Honourable Members, ill urge you all to be prepared to make the decisions that need to be made once the report is received this week we can no longer go on protecting the Administration from reality, reality is going to have to apply to everyone. Thank you

SPEAKER
be noted

Further debate anyone? The question is that the paper

QUESTION PUT
AGREED

The ayes have it thank you. Further Papers

MR GARDNER
the Administration of Norfolk Island for the year ended 30th June 2005 and move that the paper be noted

Mr Speaker I table the Annual Report 2004/2005 for

SPEAKER

The question is that the paper be noted

MR GARDNER
Mr Speaker I received yesterday a bound copy of the Annual Report for the year 2004/2005 from the acting Chief Executive Officer who unfortunately is off island due to a death in his family and I send condolences to him on his loss. The Annual Report is provided to me under cover of Mr Mathews letter which is printed in its entirety in the annual Report. The report I understand is due for presentation to the printers for its usual printing process and binding and will then be made available in that form to the Members of the general public. It canvases the activities obviously of each and every department of the Administration for the last financial year. It also raises issues in regard to a number of major projects and initiatives that were undertaken during that year and in Mr Mathews letter, as I said which is printed in the report, he moves to extend his thanks to all of the staff of the Administration and all the Government statutory organisations for their support commitment, professionalism and achievements throughout the year. I've nothing further to add in relation to the paper and as I said I table the report and look forward to its printing and publication

SPEAKER
that the paper be noted

Further debate Honourable Members? The question is

QUESTION PUT
AGREED

The ayes have it thank you. Further Papers

MR GARDNER
October 2005 for the Norfolk Island Government Tourist Bureau and move that the paper be noted

Mr Speaker I table the Arrivals and Activities Report for

SPEAKER

The question is that the paper be noted

MR GARDNER
which it has taken for the last couple of months. It provides as has been the case over the last two or three years, various graphs and charts indicating numbers of visitor arrivals, bed nights and the like in relation to visitation numbers to Norfolk Island. Mr Speaker for the month of October we enjoyed visits of 2875 visitors to Norfolk Island. A little over 800 down on this time last year and Mr Speaker, we need to be conscious in that, that in October we flew the extra Sydney service in achieving those numbers and Mr Speaker the report also provides a five page report of the activities which have been submitted by Mr Steve McInnis the General Manager of the Norfolk Island Government Tourist Bureau in relation to activities in Australia, New Zealand, participation with wholesalers, advertisements and promotion initiatives, media and public relations initiatives, a very interesting document and might I say that the document continues to improve in its content. It provides a thorough overview of the activities of the Bureau and I trust that it is a helpful document to Members of the Legislative Assembly and the general public to gain a better understanding of the role and function that's undertaken by the Norfolk Island Government Tourist Bureau in its attempts to try and lift the visitation numbers to Norfolk Island. Thank you

Mr Speaker the format that this paper takes is that

MR BROWN
that notwithstanding the one additional flight that we provided each week during October and notwithstanding Air New Zealand's very attractive fare at present, we were down very significantly in visitor numbers for the October month. As the Chief Minister has said, we do not have that additional flight for November and when we look at the November loadings out of Sydney the Wednesday flights according to this document have loads of 101% and the Saturday flights have loads of 99% and it is reasonable to infer from that, that if a visitor wanted to come here from Sydney in November will have great difficulty in doing so. The Chief Minister has been working for some time with a particular airline. Originally if my recollection is correct he had hoped that they would commence within six weeks of some discussions and then it became obvious that a more likely date was the 1st December, and now there is not a likely date on the horizon and the Chief Minister is to be commended for insisting that additional flights be scheduled at least from February onwards on at least the Sydney route but we have to do a lot more than that. These numbers indicate the great difficulties that are awaiting us over the next few months. The private sector is already doing it tough. And the private sector very much relies on October November being good months because they are seasonally amongst the better months of the year. April may and October November when one looks at the statistics that are attached to the Tourist Bureau report are normally quite sold months but this year October has not been good. November is dismal. December, January and February are worse than dismal, and in each case they look like being a long way below the average for the particular month over the previous years. Mr Speaker it may well be time, and we did discuss this earlier this year. It may well be time to review the structure of the Tourist Bureau because in my view it is essential that we now provide very significant additional funding and if we are going to provide significant

Mr Speaker the report is indeed interesting. It tells us that notwithstanding the one additional flight that we provided each week during October and notwithstanding Air New Zealand's very attractive fare at present, we were down very significantly in visitor numbers for the October month. As the Chief Minister has said, we do not have that additional flight for November and when we look at the November loadings out of Sydney the Wednesday flights according to this document have loads of 101% and the Saturday flights have loads of 99% and it is reasonable to infer from that, that if a visitor wanted to come here from Sydney in November will have great difficulty in doing so. The Chief Minister has been working for some time with a particular airline. Originally if my recollection is correct he had hoped that they would commence within six weeks of some discussions and then it became obvious that a more likely date was the 1st December, and now there is not a likely date on the horizon and the Chief Minister is to be commended for insisting that additional flights be scheduled at least from February onwards on at least the Sydney route but we have to do a lot more than that. These numbers indicate the great difficulties that are awaiting us over the next few months. The private sector is already doing it tough. And the private sector very much relies on October November being good months because they are seasonally amongst the better months of the year. April may and October November when one looks at the statistics that are attached to the Tourist Bureau report are normally quite sold months but this year October has not been good. November is dismal. December, January and February are worse than dismal, and in each case they look like being a long way below the average for the particular month over the previous years. Mr Speaker it may well be time, and we did discuss this earlier this year. It may well be time to review the structure of the Tourist Bureau because in my view it is essential that we now provide very significant additional funding and if we are going to provide significant

additional funding we need to ensure that we arm the Tourist Bureau with the very best possible prospect of using those funds successfully. We have for many years had hard working local board Members. It may be time for us to look at more professional tourism people from the mainland to join the board. We do appear to have a competent Bureau Manager. Even the report which has been provided is something which gives one confidence but we need to do far more than we are presently doing in order to get the island out of the rut in which it presently finds itself. I mentioned a few moments ago that the public service is going to have to be the subject for critical review and with little doubt the tourist industry itself will required similar review. And unless we are prepared to do those things, we are not going to be able to afford to continue to pay our way in a satisfactory sense or importantly, we are not going to be able to bring about the improvement in the economy which will be needed for us to pay our way even on a reduced basis so Mr Speaker I commend the report. I ask Members not to take heart from the fact that October numbers were up on September because they should have been up in any event, that is just the seasonable nature of the visitors, I ask Members to look very carefully at the extent to the downturn. To look very carefully at the fact that it is not yet reflected fully in the Administration's figures and to understand that at some stage it will so reflect and at that stage the finances of the Administration will run backwards at a very dramatic rate unless we get to grips with the problem and do something about it, thank you

SPEAKER
noted

Honourable Members the question is that the paper be

QUESTION PUT
AGREED

SPEAKER
Honourable Members. We have concluded Papers and we move to Statements of an official nature

Thank you. Are there any further Papers this morning

STATEMENTS OF AN OFFICIAL NATURE

SPEAKER
foreshadowed a statement

Any Statements Honourable Members? Mr Nobbs you

MR NOBBS
Mr Speaker I wish to make a statement on telecommunications. At last month's Assembly meeting, I reported on receipt of a major consultancy report recommending a telecommunications strategy to cover the next 10 years. I now wish to report on the progress of implementing the recommendations made in that report. I am sure that we are all aware that the telecommunications industry has changed significantly since the Carrier Agreement with Reach was signed in 2001. During the last half of the Reach Agreement, which expires on 30 April 2006, changes in telecommunications technology have presented consumers with lower cost alternatives to Telecom's International Direct Dialling service. At the same time, e-mail has become an important alternative to the telephone. These changes have been reflected in a downturn in Telecom traffic and revenues. Recognising that Norfolk Telecom must adjust to today's telecommunications environment and opportunities not available under the present Carrier Agreement, Price Waterhouse Coopers was commissioned to examine Telecom's business and develop a strategic plan to provide modern, cost efficient carrier-grade telecommunications for Norfolk Island through the next decade. Members have had the opportunity to view and discuss the Price Waterhouse proposals and there has also been consultation with local telecommunication industry participants. I am now in a position to advise the Assembly of the three major strategic directions that have been agreed. The opportunity exists to move away from the traditional package of a "managed Carrier service" as currently provided by Reach, to a more flexible and diverse approach that will allow us, at

short notice, to take advantage of least cost traffic routing thereby minimising call costs and maximising Telecom returns. This is an entirely different approach for the provision of our international communications to the extent that it could even require Norfolk Telecom to extend its network to a point of presence ("POP") on the mainland. The major steps involved would include: taking real-time advantage of competitive pricing for satellite connectivity; co-locating ("tele-housing") the Norfolk Telecom POP on the mainland on terms that most appropriately fit Telecom's business model; and taking real-time advantage of competitive pricing for carrier connection/routing of Norfolk Island voice traffic by routing traffic through least cost routes at short notice. To implement this strategy we would need to: seek pricing for satellite connectivity; including delivery to the mainland based Norfolk Telecom POP; negotiate with the various providers for co-location, or tele-housing, of the Norfolk Telecom POP on the mainland; seek pricing for carrier connection/routing of Norfolk Island voice traffic; and continuously monitor pricing from international routing providers for the switching of 6723 Norfolk Island traffic, so as to send traffic through least cost routes at short notice. In short, the aim of this approach would be to utilise the cheapest combination of carrier services. Because the cost of different services is continually changing, high flexibility of services would enable us to utilise the cheapest combination of options. However, technical complexities and thus potential system instability increase with flexibility. It is not always practical to chop and change between service suppliers. One would therefore aim at maximising best price opportunities while maintaining carrier-level services. Exclusive supply of a particular service would be limited to the short-term or at most, medium-term. After consideration of the proposal by Members, it has been decided to gauge prices for the supply of combinations of services through a call for expressions of interest against specifications for: satellite connectivity; telehousing of the Norfolk Telecom point of presence; interconnect switching of Norfolk Island International Direct Dial traffic; and delivery of data (internet) services. Determining the most advantageous combination of services will require liaison and negotiations directly with suppliers before final procurement. It has therefore been decided to explore the engagement on an hourly fee basis of an experienced telecommunications industry consultant who has a sound understanding of Norfolk Telecom's present services and business. This consultant would also be available to provide advice and to negotiate in regard to agreements with short-listed telecommunications service providers. The consultant would be expected to assist in developing tender specifications for specific projects, such as the implementation of a GSM cellular mobile phone system with international roaming capabilities. Members have indicated their agreement in principle to proceed with the introduction of a GSM mobile telephone service in Norfolk Island. Procurement of the necessary hardware and software systems will be by open tender. Mr Speaker, we have reached an important watershed in the development of telecommunications services for Norfolk Island. I am confident that the major initiatives I have outlined today will assist in the creation of a modern and cost-effective telecommunications system for our community and form an important base for the growth of the Norfolk Island economy. Thank you

Mr Speaker, I have another statement in relation to financial arrangements at the present time. At the October Assembly meeting I stated that a Budget Review was in progress and would be completed for submission to this the November meeting. The Chief Minister spoke earlier of the Acumen report and when it became known that a report from the Acumen group which was assessing The Islands financial viability would be available sooner than later I was requested by my Ministerial colleagues to not proceed with the Budget Review as planned, but await the Acumen Report. I agreed to this naturally. The Acumen Group spent some two weeks on Island last month following agreement as the Chief Minister has said, between the Australian and Norfolk Island Governments to investigate the Islands viability. This follows considerable misinformation circulated both in this Community and unfortunately elsewhere as to the island being broke etc etc. It is anticipated that the Acumen Report will be available and dealt with by the Assembly before the next meeting in December. I wish to make it perfectly clear. We have not as yet received the Acumen

Report. I look forward to reading the report and whilst unaware of its contents, one can only assume that it will reflect what has been said already in this place by myself really, and that is, we are not broke. But we will be if we do not change the way we do things. There is a need for government to look to greater efficiencies within the services provided, continue to reduce its expenditure, better manage assets and particularly planning for the future and raise additional funds. Certainly there is a need to stimulate the islands economy. There is no argument about that. The only argument I have is with those who continually blame Government. It takes two to tango. Any blame on Government is at least equally shared by the private sector. I have been criticised in the past for taking this line but it must be accepted, for to rectify things and for the betterment of this island we must work closely together. Thank you Mr Speaker

SPEAKER

We have concluded Statements Honourable Members,

MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 23

Honourable Members I have received the following message from the Office of the Administrator. It is Message No 23 and reads, on the 26th October 2005 pursuant to section 21 of the Norfolk Island Act 1979 I declared my assent to the following, the Evidence (Amendment No. 2) Act 2005, Act No 25 of 2005, the Summary Offences Act 2005 Act No 26 of 2005 and the Bail Act 2005 which is Act No 27 of 2005 and that message is dated the 25th October 2005 and signed Grant Tambling, Administrator

Notices Honourable Members

EMPLOYMENT ACT 1988 - APPOINTMENT OF A PERSON TO EMPLOYMENT CONCILIATION BOARD

MR BROWN Mr Speaker I move that for the purposes of subsection 65(2) of the Employment Act 1988, the House resolves to appoint Michael William King being a person with relevant qualifications and experience, to the Employment Conciliation Board for the period from 17th November 2005 to 16th November 2008. Mr Speaker Mr King is well known to Members. For many years he has had a keen interest in employment issues. I simply seek the support from Members of this reappointment

DEPUTY SPEAKER

Any final debate? The question agreed is that this motion be agreed to Honourable Members and I put that question

QUESTION PUT
AGREED

Thank you. That motion is agreed to

ROADS ACT 2002 – DEDICATION OF CERTAIN PRIVATE ROADS AS PUBLIC ROADS

MR BUFFETT Mr Deputy Speaker I move that this House requests the executive member with responsibility for roads to take such action as is required under the Roads Act 2002 to dedicate all private roads that currently service 20 or more portions of land as public roads. Mr Deputy Speaker this is a motion to commence some movement forward on the matter of private roads versus public roads. There are at present significant difficulties in this area. Let me just give you an overview of that. There is some reasonable confusion about what is or what is not a public road. There are difficulties about upkeep. There are difficulties about responsibility for upkeep. There is sometimes difficulty about liability in the case of accident or damage. Some roads have received Administration attention that is in this category of which I speak, and others have not. Some roads have

had attention from private owners and others have not. This subject is really in its totality hugely complex. And I really want to say at the outset that this motion is not designed to solve all of the problems by any means but it is designed to be a point of fairly cohesive commencement to start to provide some remedies in this subject area. Recent registry information provided to the Minister has identified and that information has been kindly passed on to me, has identified some 37 so called private roads in Norfolk Island. Maybe I should just pause a moment and say that private roads aren't the same as easements. Easements are rights of way over private property,. The majority but not necessarily all of the private roads of which we speak here and there's 37 are from estates which have been subdivided at some time in the past with private roads created to service the portions of the subdivision. Of those 37 identified roads, what's to happen with them. Well some are used and others are not. Some have been graded, some sealed, by Administration and others have not. Some are short and others are long. Some have had public moneys spent on them and others have had private funds spend on them. This motion says that we should start to address the problem by declaring roads that are presently used by the public and serve more than twenty portions of land. Now that doesn't include all of them. It covers seven of them. And in that context to say in terms of those seven roads that they would no longer be private roads but would become public roads. There is provision in the present legislation for this to happen and as I've just briefly mentioned, this would account for about 7 of the roads I've spoken about. Addressing the others will have to come later. I again stress at the very beginning that this is not a fix for all of them and there is a complexity in the problem which doesn't allow for all of them to be fixed at this moment. There will be a cost to this and maybe some of it will come from private areas, and not necessarily all at this moment but in the long term it will mean that the Administration will have responsibility for keeping these roads up; that's in the long term. In some case it must be said that this has been done already or at least in part. The present Roads legislation has a provision that allows for private roads to be examined and a decision made about them until February of 2006 and so this motion will accord with that deadline, for the 7 roads so identified. To assist finding a solution for the remaining private roads, the Minister will in a moment move an amendment to the roads legislation to try and extend that transitional period and I'm not trying to pre-empt debate upon that except to just put it into context and so with that basic background, the description of the 7 roads that this motion is about, to commence the solution to private roads, I commend this motion to my colleagues here in this Legislative Assembly

MRS JACK

Mr Deputy Speaker, I would just like to say that owing to my residence and another property on private roads that I will not be entering into debate or voting on the matter for obvious conflict of interest, thank you

MR GARDNER

Mr Deputy Speaker I'm interested in the motion and being a fairly simple man I would imagine that the word to dedicate all private roads means to dedicate them as public roads, under the provisions of the legislation just for the listening public I think it's also useful if they are made aware of exactly what is intended to happen. I have a couple of questions and I'm pleased that we have been advised that there are 37 of these such roads existing on Norfolk Island or thereabouts, and we are targeting 7 that service more than 20 portions. I would be interested in the breakdown of the remainder of those to see whether we are actually drawing the line in the right place but in giving consideration to drawing that line in the right place and the Speaker has rightfully drawn our attention to it, is the cost of this little exercise. The intent obviously is with the motion to turn private roads into public roads for the Administration obviously then to take on the responsibility for the maintenance and upkeep and obviously for that to happen within a range of standards depending upon the size of the road, location, topography of the land and those sort of issues. Obviously one question that springs to mind immediately, is how it is that we are going to pay for this. Has an assessment been done before we draw that line in the sand of exactly what these costs are going to be for each of those roads. Obviously

how we are going to fund it. Some of them are going to be longer. Some of them are going to be shorter. If there is an argument that 7 can be funded from somewhere if we do x, y and z I would be interested to hear that before we draw the line in the sand. We may well be of a view based on that advise as far as where the funds may be coming from and obviously too the necessary resources in light of other activities that are happening on the island, the airport overload etc and access to necessary materials for those sorts of things there may be a view amongst members that we need to maybe shift that line up or down. Maybe to only do two roads or go to fifteen roads. Those are some of the matters that I would like to maybe get some more accurate figures and assessments done before I think I would be supporting the drawing of a line somewhere. I do accept that it is a difficult issue. I do accept that it is a matter that we can no longer continue to ignore. It is something that needs very careful attention, particularly in relation to the Minister for Roads, the Hon Minister for Finance responsibilities to ensure that whatever we do with these private roads fits neatly within the programme of roads upgrade and development within Norfolk Island which incidentally was one of those twelve priority issues that we turned our attention to right back at the beginning of the term of this Legislative Assembly and which I referred to earlier this morning as I want to make sure that we are doing those things in tandem with each other and that we are able to feed off each other rather than dedicating further roads that really put a great deal of pressure on the programme that has been adopted and is in place. Those are my initial comments on the motion and I look forward to other Members thoughts

MR BROWN

Mr Deputy Speaker this motion is intended to solve part of a problem and it seems clear that whatever we vote on today will not prevent us revisiting the issue at a later time. So I don't propose to throw the baby out with the bathwater no matter what may be the view of Members. I propose to support the motion today and that represents a little bit of a change of heart on my part. In earlier times I was of a view and motions if I remember correctly were passed by this House supporting that view, that we should expect the landowners to bring their roads up to an appropriate standard and the Administration should then take the roads over at that stage, but we've allowed a lot of time to pass and during that time people have bought and sold properties, we've not required that there be a sign in the land Registry saying if you are buying a property which fronts one of these roads, be aware that it is not recognised as a Government road. We didn't require the real estate agents to do that either and we allowed properties to be bought and sold many times. Each of the people owning properties that front onto the roads we are talking of pays exactly the same taxes as everybody else. They don't get a reduction on their electricity because they haven't a decent road, they don't get a reduction on their phone, they don't get part of the fuel levy rebated to them, they pay exactly the same taxes as everybody else. I've learnt over the years that you can have as many motions as you like passed in this place, but frequently nothing happens after the motions' passed and what that says to be is that we are probably better biting off little bits at a time and actually getting them finished and then go back and bite off another bit rather than have one bit motion that comes to nothing and at the end of this Legislative Assembly is forgotten. I would like to see the motion amended from twenty blocks to 10 blocks so that any road with more than 10 blocks on it would be covered by this motion. Members will recall that we were provided with a couple of pages giving us details of the roads that we are talking about and the number of portions serviced billk them and giving details of whether or not they were already sealed. A quick count and I could have made an error in doing so, but a quick count suggests that to increase the scope of this motion to encompass all roads which service 10 or more blocks would involve an additional 14 roads of which 8 are already sealed so it would increase the number of roads requiring sealing at some stage by six and Members may think that worthwhile because it would solve more of the problem at the beginning because the real purpose of this motion is not to say go out and seal the roads, it's to say, let's dedicate them as roads under the Roads Act, so that there is no room for anyone to argue that this is a public road and this is a private road, nor should there be room for that argument because under the law of highways, I am informed that most of these are already public roads but

they are public roads the Government doesn't maintain. That's the only difference. They are public roads but by passing this motion and if Members were prepared to do so, increasing the scope of it to change that number from twenty to 10 we would be recognizing that in Government terms these are all public roads, we wouldn't be giving a commitment to seal any of them but one would hope that over time we would eventually seal all of them. I recall that when Brian Bates was a Member of the House on many times he expressed a view that everyone in Norfolk Island should have electricity supplied to the front of his property and should live on a tar sealed road. And although that might have been a difficult point of view in earlier times, it's very hard to argue against now so Mr Deputy Speaker I don't know whether Members would support my suggestion that we change the number from 20 to 10 but subject only to that I'm more than happy to support the motion as it stands

MR CHRISTIAN

Thank you Mr Deputy Speaker. I support the motion that's before the. I support the motion that's before the House. I would also support an amendment to change the number from 20 to 10. I do so on the basis that it is high time we put to an end the argument of whether something is a public road or a private road. As Mr Brown has said correctly before, by virtue of their use they've all become public roads and it's time that we as the relevant authority accepted responsibility for those roads. However, the people living on those roads shouldn't feel warm and fuzzy all of a sudden that we are going to run out and seal them because they only have to look at some of the ones that we already own and they'll realise that, that's not going to happen in a hurry but at least it creates one focal point for people living on those roads to concentrate all of their requests to and there is no more buck passing as to who owns what and who doesn't. I'm aware that some of these roads under previous policies have been upgraded, by the private owners to the standard required by the Administration prior to the Administration accepting ownership but the acceptance has then not been forthcoming. You then can't expect those owners to go back, or subsequent owners in most cases to then bring the road back up to a standard where the Administration should have accepted responsibility. I too can remember Brian Bates as a former Member making those comments that we all live in Norfolk Island we should all be treated equally, we should all have electricity and we should all have tarsealed roads. In previous Assembly's I've in fact practiced what Brian had preached when I was Minister for Roads and in actually the one and a half year period succeeded in doing up 11 kilometres of new roads. It's not a task that's beyond us. It's easily done. Not every one of those roads has to be a highway. It's just a matter of determining that we want to do it and causing it to happen so having said that I'll switch off for the time being but I would support the amendment as proposed by Mr Brown and I'll await his moving such an amendment at the appropriate time

MR NOBBS

As the responsible Minister I guess I should say a few words and the first one is that I was surprised at this. I was lobbied to bring in the Roads Amendment Bill which is the next item on the agenda and I was rather surprised when I saw the business paper to see this particular motion on there. Mr Deputy Speaker roads on Norfolk Island have been ongoing saga. We can talk about everybody has to have tarsealed roads and we can do whatever we like in that particular area and I know that we can seal roads. The cost of it, well that's a different matter and that's what's become a problem all of a sudden but the situation now is that on Norfolk Island every piece of land has title to it. These roads be they private roads, public roads, somebody actually owns them and we have within the roads system on Norfolk Island roads owned by the Commonwealth and that's the majority, as I've said before in this place, the majority of roads on the island are owned by the Commonwealth. They are owned by the Norfolk Island Government and there are two of those and some parts of others that have been transferred over and I don't know how it was done but anyhow, it was done and now we are said to hold parts of JE Road and a few other roads but the only two roads in reality we fully say are Norfolk Island's roads and then there are private roads and they are owned by individuals and they are not all owned by estates. Some of them are owned by individuals who are alive and well on the island

here. There are a heap of them that are in private roads. This is the first time I've been responsible in the 7 years for roads. I'm pleased that I am. I believe that it should always be in the guy that controls the Government Business Enterprises and we put the roads in as a Government Business Enterprises and we started on the 1st July this year and that means that for the first time all funds that come from the fuel levy, registration and fines are directed into roads and there's a bit of tidying up to be done in the arrangement with roads because I don't believe they should be carting for the ship and all those sorts of things but anyhow that's in the process of being rectified. The issues that come up here are that as I said, the condition of private roads and the access and the like have been an ongoing problem. The first were noted from what I can understand was in about 1968 when the then Council suggested, I think it was about 1968 I know I was on the council at that time, but it was suggested that they would take responsibility for roads in the subdivision arrangements once they were brought up to a standard as required by the Administration. So this problem has been around for forty years. It's never really been addressed. I come into this job and I find that we've got a series of papers recommendations that go back for years and nothing's happened. What happened in the amendment that I'll be looking to, to extend the provisions in the Roads Act, in the 2002 Roads Act which is actually assented to on the 16th April 2003 but it's still the 2002 Roads Act, there was a provision put in there which allowed for, as Mr Buffett has often used, a way forward. That has never been progressed and now we are at the stage where we have a situation where we are running out of time as far as that particular time frame set was two years and that was in February 2006. So that's the reason for the amendment. I'm pleased that we have another, I hadn't realised and I should have thought longer than Mr Christian has also been Minister for Roads but in the last Assembly Mr Buffett was the Minister responsible for roads. I find it extremely difficult, and I wrote to the Legislative Assembly Members on the 1st March of this year in relation to this issue because we were looking at one specific road which is not covered within this 20 or 10 portions. That road and I said at the time, that there is a need to look at the whole picture and I'm prepared to deal with the matter in a fair and legal way but I need guidance. I'm not supportive on the approach that deals with individual roads and thus feel that we need to develop a policy to cover all private roads, implement it and stick to it. The current policy that we have, the only one that I can really find is that if people do the roads up to a standard acceptable to the Administration whatever that standard may be at that point in time, they are passed over and I understand that Mitchell's Lane and Norfolk Village were done to a standard and handed over. That's my understanding of it. The point I want to make is this, as Mr Christian mentioned, I can only find one road which was done to a standard, accepted by the Administration and not handed over. It's my intention to have that road dedicated as a public road but I can only find one. I've heard Mr Christian say that there are a number but I still can't find any more than one and neither can officers, that has actually been accepted and not handed over. I find it really difficult to deal with this because we are looking at 20 portions. That doesn't mean there are 20 families living on that particular run of roads. There's 20 portions. Mr Buffett earlier mentioned in passing that the current arrangements should be bought in and whether there should be a contribution by some of the landholders. My belief on that is that it's been tried in a number of places and it hasn't occurred. I believe that dealing with individual roads and sealing them as has happened in the past was a mistake but it was well intentioned, but I believe it was a mistake and I believe this will be a mistake if we pass this because there are actually 7 roads involved in it and we are only worrying about them. What of the other people. What do we do about them. I believe we should look at the whole issue which we are doing. I must admit it's taking time because there are a number of other things which are continually coming up, but as far as the private road arrangement, I wouldn't like to see it done in isolation. The cost, people may say oh they won't expect Administration to do them up but as soon as the roads come over naturally there will be pressure on to do these roads up. They will have to be added to the list of roads that need reconstruction or retitivation or whatever you like to call it, they will have to be added to the list. What part of the list will they go into. Do they go into the bottom of the list, the middle, the top or where. In fairness to the whole community we need to do

major work. We're building the fund for the road works is estimated to be over \$1m expenditure available in each financial year. That doesn't go very far but it will be significant if we keep it up. We need additional funding for the roads. The asset management report which will be coming out will highlight I believe the major cost involved in our infrastructure relates to roads. A major by a mile I should imagine. The other infrastructure is way behind it. Now I know that people have problems on these private roads and that's the go but I want some fairness. If it's fair for one on a private road it's fair for all and therefore we have to deal I believe with the whole lot. Every road. There are public roads here that are closed off to public access. There are access to specific areas that are not available because the roads have been closed off. So I mean there are a heap of issues in relation to roads but not the least is the cost and whilst we are talking about how badly off the island is, I think if we take these roads over we give an indication that we are prepared to spend funds on those roads. I don't think we can at this point in time do major works on it. I can't see

MR BROWN Mr Deputy Speaker Point of Order. My point of order is relevance. This motion relates only to the question of dedication of roads. It does not relate in any way to the question of doing them up

DEPUTY SPEAKER Mr Nobbs I just remind you of relevance

MR NOBBS I certainly will Mr Deputy Speaker but if the financial arrangements are not relevant to a dedication well I would be very surprised. I come from a different country. But that's all I wish to say. I think if it's fair for one it's fair for the lot to do these roads and we must do something about it. It's been hanging around for 40 odd years and there's been a lot of ducking and weaving in that time I can tell you from what the paperwork that I've seen says. And we must take it and we must take it head on but I don't believe..

MR BROWN I move that he Member be no longer heard

MR NOBBS I don't believe there is a need for this arrangement

DEPUTY SPEAKER The question is that the Member no longer be heard

QUESTION PUT

DEPUTY SPEAKER Mr Brown would you like the House called? Yes. Could Madam Clerk please call the House

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

DEPUTY SPEAKER The result of voting Honourable Members, the Ayes two the Noes four, with two abstentions, the motion is defeated

MR NOBBS Mr Deputy Speaker I intended to slow up but I don't think I will now. I'll just keep going. No really I'm just about finished Mr Deputy Speaker I

would just like to say that my concern is that this motion and I wasn't here actually when Mr Buffett commenced his talk, but my worry is that there seems to be a move to push this through at this sitting. I would have thought that the Members of the public might wish to have some involvement in this as there are a considerable number who are not in the mix of this particular area and that's my concern. Thank you

MR CHRISTIAN Thank you Mr Deputy Speaker, it's interesting to hear what the Minister for Finance has to say and that the problem's been around for 40 or more years. Well frankly what the motion before us today is trying to do is to deal in some part with resolving these issues. I've never been one to duck responsibility for ownership of the roads, or not ownership but responsibility for the roads and if we would like to take on board Mr Nobbs suggestion that we accept responsibility for every private road that's used as a public road today and that takes care of the public roads which are fenced off and not used or the private roads that you can't access, I have no difficulty with that at all. What we do quite rightly is if we don't adopt what Mr Nobbs has said and tackle all of these private roads, we engage in a form of discrimination and I say discrimination because if you look at the facts title or ownership is irrelevant. The fact of the matter is that those roads are being used today as public roads and in effect every one of those roads is a toll road and this is where Mr Nobbs argument falls apart when it comes to the cost of fixing them up because there is only one toll collector and that is the Administration of Norfolk Island. When you go down to pay the registration for your car you are paying two things. A registration certificate to say your car is worthy to be on the road and the second thing you pay for is the unfettered ability to drive anywhere you like on the island for that year and where you can no longer discriminate between private and public roads is that the Administration has collected the bloody money to drive on every road and therefore we need to put the money back into every road and we need to stop being selective about how we spend that money and where we divide the responsibility so I certainly would have no difficulty in amending the amendment to the motion in that we accept responsibility for all private roads where that road is used today as a public road

MR BROWN Mr Deputy Speaker firstly just in case any Member is not aware I declare that I am a director and shareholder of a company Island Industries Pty Ltd which crushes and sells blue metal in Norfolk Island and from time to time the Administration purchases that product for the purpose of roadworks. Having said that I don't see that I am precluded from debating this issue which relates to the question of whether roads are dedicated or not. To the Minister for Finance could I repeat the words of his own grandchild. Ron build a bridge and get over it. It is not an appropriate time for us to seek to refuse to tackle an old problem that needs to be tackled. To be told that the Minister was surprised to see the motion before us. Simply means to me that the Minister hasn't had an ear to the ground. To be told that he wasn't aware that the bill was to be dealt with as an urgent bill is simply an indication that he hasn't looked at the programme. This is made clear on the programme

MR NOBBS Could I just refute that. I didn't say the bill. I said the motion. I was questioning whether the motion should be an urgent question or whether it should sit on the table

MR BROWN Mr Deputy Speaker I withdraw that. Nevertheless the motion having been moved is able to be dealt with at one sitting and in my view that should be done. All that the motion relates to is that question of dedication but I am of the view that we should tackle more of the problem than the motion seeks to tackle and Mr Deputy Speaker I seek leave to move an amendment to the following effect that the numbers 20 on the third line of the motion be deleted and be replaced with the number 10

DEPUTY SPEAKER Thank you Mr Brown. Leave is granted

MRS BOUDAN Thank you Mr Deputy Speaker. I'm concerned if we do take this on board and I'm equally concerned if we don't. We are going to be obliged to make the roads accessible and there's urgency in some cases, I can see that. We've also granted approvals for buildings to take place on these blocks of land and I can see that we really have a responsibility there and we should take that into account too. The motion I'm not sure how to vote yet. I really think we should take the responsibility on board and go with it. Thank you

MR GARDNER Mr Deputy Speaker I take it we are entering into debate on Mr Brown's amendment to the motion. Mr Deputy Speaker I think obviously there's quite a bit of confusion in relation to this matter and I think it is important that the matter be dealt with today so that we can get on with business and it might be helpful I think if we look to the mover of the motion or Mr Brown as the mover of the amendment to the motion to clearly state what it is that is trying to be achieved here. We've had a lot of talk about spending a lot of money on upgrading roads and things. My understanding of the purpose of this is not to undertake to upgrade roads and improve them, tarseal them or fill holes in them. It is simply a matter of dedicating a private road as it exists today to being a public road and I tend to agree with Mr Neville Christian's view that if that's the case what's the difficulty in embracing every single one of those that appear on that list that are currently used today for the purpose of a public road because we are not undertaking any more with this motion than simply asking them now to be dedicated as a public road. We are not undertaking to repair them. We are not undertaking to upgrade them. We are not undertaking to spend any money on them. All that we are doing technically by doing this is accepting responsibility for them and then there's another process that goes through about which one gets upgraded and where it fits within the programme but if I could look for that clarification from somebody and then subsequently move that the question be put

MR D BUFFETT Mr Deputy Speaker, the original motion was to ask Members to endorse the declaring of roads that have these criteria attached to them. Firstly that they are presently used by the public and there are a whole range of roads that are in this that are not used by the public. I'm not inviting people to address that at this moment. That's another complexity that might have to wait for another day so the first is that its those roads that are presently used by the public. In addition to that, that they don't just serve one portion but they serve a number of portions and the line has been drawn in the sand here as 20 portions. One could look for a number of other numbers I grant you that but the proposal has been for 20 portions and if that is done, that they would no longer be private roads but they would be dedicated to be public roads. That does not in fact make a commitment to spend funds upon them at this stage. It would have to be evaluated at another stage and by a separate process as to whether one would spend sums on them. It may turn out that they are less used or another priority. A whole host of other things would need to be attached to it. Now hopefully that might help. Now can I just address the amendment that has been made by Mr Brown. I have hesitations about the amendment at this stage. It may well be that the amendment proposed by Mr Brown is a good one but I'm uncertain at this moment for this reason, that I've endeavoured to examine the 7 roads that were in the original motion. Most of those are in estates, I think all but one are in estates or maybe two, and they do meet the other criteria. I'm therefore confident that there is a fairly straight forward way forward in respect of those. I have now tried to look at the list given Mr Brown's proposed amendment to move it down from 10 onwards and I can see that there are more than just estates, that there are a significant number of people who still live here, are people that are on foot today if I might put it that way and before moving in that direction in this I would like to have a consultative process with those people. It may turn out that they applaud the idea. It may turn out that there are complexities of which I am unaware and I would like the opportunity to examine those before I would be proposing a motion to do so because my motion earlier had moved with those that were more straight forward, so I'm not

saying that I wouldn't support it, I'm just saying that it's difficult at this time for me to make that decision. It may well be a good one but I have that hesitancy for that reason. I would prefer that at this stage, we stick to the original motion but we settle that, if it turns out upon examination that the others can join them, that we might ask them to join us so to speak but not let the first fail because of maybe some wrinkles that are yet unknown and sorted out in respect of the others but I mention all of those things for consideration of Members

MR BROWN Mr Deputy Speaker there's a lot of commonsense in what the previous speaker has said. If the previous speaker is giving an undertaking that the situation in relation to roads servicing 10 or more portions will be looked at promptly then I'm more than happy for us to bite off the 20 plus sections today and look at the 10 plus section later and look at the remainder later again and on that basis I seek leave to withdraw the amendment which I have moved

DEPUTY SPEAKER Thank you Mr Brown. Leave is granted

MR GARDNER Mr Deputy Speaker just in relation to this matter I have been informed that the current legislation provides a process that must be followed in relation to the dedication of roads. That provides for the Executive Member to before dedicating any land, to publish notice of the proposed dedication in the gazette, it allows people to make submissions to the Executive Member in relation to that, it also provides where a proposed dedication is to be abandoned for that to be provided in the gazette as well and importantly it also goes on to talk about the right to compensation of people who will have their rights or private interests in the land extinguished or diminished in value by the dedication of land to be entitled to compensation and there's a process it goes through and there's an appeal mechanism through the ART etc. I take it that the proposal basically at this stage proposes to publish in the gazette an intent to dedicate those blocks of land, for it to follow the processes established by the legislation and won't automatically provide with the passage of this motion the executive member the ability just to go out and simply dedicate private land as public land. I think it's important to point that out in the process

MR D BUFFETT Mr Deputy Speaker, if I may just reread that part of the motion that I earlier moved. That this House requests the Executive Member with responsibility of roads to take such action as required under the Roads Act, so its inviting the appropriate Executive Member to go through the prescribed processes. Our decision today doesn't settle the matter in its total form. It invites the Executive Member to go through processes and the invitation at this stage are for those that it is felt can more easily be examined under that process at this time. I mentioned also at the very outset that the matter of roads both public and private have huge complexities attached to them and there is a huge range. These probably have the least difficulties to be considered in the process and there is an invitation to commence that process. That doesn't mean that the others may not be at another time but the invitation is for those that might more readily be examined in that process. I move that the question be put which is the original question

MR NOBBS I just wanted to advise the Chair if I may that I won't be voting on this because I'm the responsible Minister and it's a stance that other Minister's have taken and I'm taking it now. I've made my statement in relation to the concerns I have so that's it

DEPUTY SPEAKER Any final debate? The question is that this motion be agreed to Honourable Members and I put that question

QUESTION PUT
AGREED

MR NOBBS
MRS JACK

ABSTAIN
ABSTAIN

Thank you. That motion is agreed to

ROADS AMENDMENT BILL 2005 – DECLARATION OF URGENCY

DEPUTY SPEAKER Honourable Members I report that the Business Committee, under Standing Order 158, has declared that the Roads (Amendment) Bill 2005 should be passed through all stages at this sitting with the Declaration of Urgency

ROADS AMENDMENT BILL 2005

MR NOBBS Mr Deputy Speaker I present the Roads (Amendment) Bill 2005 and moved that the Bill be agreed to in principle

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

MR NOBBS Thank you. This bill amends the Roads Act 2002 for the purpose of giving additional time for actions to be considered. Now Mr Deputy Speaker we spoke at length and that is the process that the Chief Minister outlined would happen and that is before taking the dedication of an old road or an old service road as public roads under part a of the Act. The present provisions provide a time limit for this action will expire on the 27th February 2006 as I said in my earlier statement, that this was put in two years ago or more than that and nothing's come to fruition as yet and in order to ensure that more and sufficient attention be given to the issues the bill proposes to empower the executive Member with the approval of the House to extend the period for up to four years to enable a full analysis of the issues to be undertaken and completed. I would suggest that the four years is a fairly lengthy time frame. I can assure the Membership that I won't be in the position in four years time but if it is not completed by the time I've done my term here I would be very surprised because it's an issue that I've said all along has to be dealt with and if we could just get the financial situations in order we'd be able to concentrate a little bit more on these sorts of areas but I'm not complaining but now the first steps' been made in the dedication stakes. I think in fairness to all that it should continue right till the end so Mr Deputy Speaker that's all I have to say and it's merely to extend that provision that allows for the dedication of old roads

MRS JACK Mr Deputy Speaker, I declined to debate or vote on the last motion however I view this one as a housekeeping matter, this extension of time and unless some Member objects, I intend to vote in the positive for this extension but I will accept people's perceived problems with that if it arises

DEPUTY SPEAKER Thank you. 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

The ayes have it. 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 Deputy Speaker, I move that the Bill be agreed to

DEPUTY SPEAKER
be agreed to

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

QUESTION PUT
AGREED

The Bill is agreed to. Thank you Honourable Members

BAIL (AMENDMENT) BILL 2005

MR GARDNER

Mr Deputy Speaker seek leave to introduce a Bill for an Act to amend the Bail Act 2005 and for the Bill to be considered through all stages at this sitting

DEPUTY SPEAKER

The question is that leave be granted

QUESTION PUT
AGREED

Leave is granted Chief Minister

MR GARDNER

Thank you Mr Deputy Speaker. I present the Bail (Amendment) 2005 and move that the Bill be agreed to in principle. Thank you. Firstly an apology to my colleagues around the table to the Legislative Draftsman and to others in the community. Following the passage of the Bail Bill a couple of months ago through this House in relation to my failing eyesight that failed to pick up a couple of minor inaccuracies but certainly minor inaccuracies that have fairly significant and important implications as far as the operation of the Bill are concerned. Mr Deputy Speaker the purpose of the Bill today is to look to remove from the definition of appeal in subsection 3(1) of the principle act paragraph b in that subsection. That subsection refers to the different legislation that is enacted under which an appeal can be raised and incorrectly refers to the Children and Young People Act of 2005 which is legislation that I haven't brought before this House as yet even though the intent had been to bring a number of pieces of legislation in relation to the Justice Package together at once including the Children and Young People's Bill 2005 so hence the need to remove that because it is an error as far as a reference is concerned. That's in clause 4 of the Bail Amendment Bill 2005. The next matter seeking amendment is an amendment to section 16 of the Bail Act 2005 where there is again a wrong reference where there is a reference made to section 17 of the Police Offences Act 1932. The reason for the error there is that, that bill was in effect repealed with the passage of the Summary Offences Act 2005 which was dealt with to finality at either the last sitting or the one before and hence the Police Offences Act 1932 is no longer on our statute books and has been replaced by section 15 of the Summary Offences Act 2005 and I commend the Bill to the House

DEPUTY SPEAKER

Thank you. 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

The ayes have it. 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 Chief Minister

MR GARDNER

Mr Speaker, I move that the Bill be agreed to

DEPUTY SPEAKER
be agreed to

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

QUESTION PUT
AGREED

The Bill is agreed to. Thank you Honourable Members. Mr Speaker would you please take the Chair

SUSPENSION

Honourable Members, I take the Chair but maybe it is time to see if you would care to suspend for lunch. We suspend for lunch Honourable Members, and resume at 2 o'clock

RESUMPTION

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

IMMIGRATION ACT 1980 – AMENDMENT TO POLICY AND GUIDELINES

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

MR BROWN Mr Speaker this is a motion seeking the agreement of the House to extending out to a maximum of eight years in any period of 10 years, that is any continuous period of ten years, the time during which a person will be able to hold a Temporary Entry Permit. The purposes are firstly to simplify life for people. Secondly the avoid the present situation where after four years we in effect force people to apply for General Entry Permits in circumstances where they might not really intend to stay on the island all that much longer. Strictly speaking the legislation contains no time limit and an Executive Member can extend permits beyond the present policy period of five years but I would certainly prefer to have any change endorsed by the House. If the change is endorsed then on the next occasion when amendments are brought before the House to the Immigration Act I will include a clause to actually amend the Temporary Entry Permit provisions so as to put the eight year period into legislation, Thank you

MR NOBBS I've been asked two or three questions. The first one, and I guess it may be appropriate for Mr Brown if he can to answer them, one is whether there are, how many people are currently affected by this proposal? How many people are on their four or five years whatever it is and will be then eligible to go on for another few years? Is there any standby mechanism like General Entry Permits

MR BROWN You have three questions

MR NOBBS The second one. If you could answer that, it would be nice because the second one really relates to, is there any of those people who their time has expired, they have appealed against their removed from the island and that appeal has failed. Are there any in that category? And the third one, if there is none of those, then why are we really doing this? That's the three questions

MR BROWN Mr Speaker the Immigration section does not presently have the luxury of a normal computer system. It wallows in the Burroughs system as I

preserving places in the General Entry Permit quota for people who actually want to remain in Norfolk Island. There is no suggestion that the rules that apply to the granting of a Temporary Entry Permit be changed in any way and to make that easier to understand, if one person comes here for four years and goes, and at the end of that time yet another one comes, for four years and goes, you will have had three people each year for each year. Unless a local person applied for one of those jobs those jobs will always be filled by someone offshore and there are some industries in which local people rarely apply for the jobs. This does not as I said in any way deal with the prospect of local people obtaining employment in place of Temporary Entry Permit holders because that situation is in place already and will certainly continue. My hope is that local people will begin to take an interest in some of the positions and will begin to fill them

MR NOBBS

I just want to say that I agree with the thrust of what Mrs Jack is trying to say there. that it's important that we maintain, and I understand from the Minister that it's not in relation to local employment but indirectly it really is. And that's an area that we need to spend more consideration, I believe and I say that in my own believe that also, that provided we have these constraints in place in relation to and support for local employment and training, as well, I mean it's fine saying that we have to get specialist in but if we don't train our local people well we've got difficulty there. I believe there is a need for a very stringent assessment of what we actually need to bring into the island and my proposal which I put to the Chief Minister when he had responsibility for immigration was that there needed to be a variety of permits in place and the residential status be stringently controlled and those implications of what Mr Brown has said of a four year term and then rushing to get a General Entry Permit have been a problem and I believe, as he said, there have been a number of people who are forced into that and others who use that means to get residency here. My view would be that if we had these stringent controls in relation to the employment of locals that we should extend the Temporary Entry Permit process but using a different set of criteria than at the present time. I think you would find that there are some positions that are open for general employment for want of a better word, whereas there are others which are aimed specifically at specialists like managers of hotels and those areas, managers of banks etc and those should be, I believe, different permits but that's only my very simplistic view on life but I've in view of some representations I've had, I've had to make a second assessment of this particular Act or this motion. I think I said last time that I supported it. I've made an assessment of it but I will support it purely on the grounds that we attempt to revise the structure of the Temporary Entry Permit system and we also put in place some very stringent controls and recommendations in relation to training of local people for the areas that we are not currently involved with. You can remember I think Mr Speaker, and it wasn't that long ago, when we didn't really have a lot of people involved in the tourism industry, when we were younger, but all of a sudden there's a lot of people involved in it now and there are tour operators and guys driving buses and those sort of things, so those areas have been picked up and I think that the other sectors within the tourism industry that are not as Mr Brown said, actually employing locals, that we should aim in that direction

MR BROWN

Mr Speaker Mr Nobbs can be assured that the immigration area in Norfolk Island attempts to encourage local employment. But one cannot be very successful in that regard when there is no application from a local. Let me give you an example. The hospital recently advertised a nursing scholarship and a scholarship for someone to train as a radiographer. There has not been a single application. Properties all over the island would love to have local staff and in particular local casual staff to work in the food and beverage area but very few local people are prepared to do it. Local properties would love to have local people working in the housekeeping areas, because it would provide more flexibility but very few local people want to do it. I've got no problem with the concept of providing training and there are many businesses on the island that happily do

that but if they can't get the application they can't get to stage one and I'm not too sure how you change that

MR NOBBS All I'm suggesting, I know that Mr Brown has given an answer there which says nobody applies. Well our next step must be from the employment area is to work out why they haven't applied, how we can overcome that sort of problem. That's all I'm saying. I'm not saying that you have to employ Joe blow or whatever, but what I'm saying is we need to look at why nobody's applying

SPEAKER Honourable Members, I think we've exhausted debate there. I put the question that this motion be agreed to

QUESTION PUT
AGREED

Thank you. That motion is agreed to

SEIZURE OF "BOOM BOXES" IN MOTOR VEHICLES

SPEAKER Honourable Members we resume debate on the question and Mr Brown you have the call to resume in this matter also

MR BROWN Mr Speaker at our last meeting the Chief Minister sought the agreement of Members to having another attempt to resolve this problem without requiring amendment of our legislation and I'm well aware that the Chief Minister has spoken to the police and my understanding is that the police have a difficulty in that they can't be everywhere at the same time, and that unless they hear the noise and can see the vehicle from which the noise is emanating, what they can do is very restricted. Unfortunately, although there has been adequate publicity of this, there are just a few young people who are not prepared to put the community's interest ahead of their own desire to damage their ear drums and there are a small number of vehicles still parading around the island until very late at night much of the weekend and on various occasions through the day, Monday to Friday that are emanating quite offensive amounts of sound. For that reason I seek Members support for this proposed motion. The community deserves to have peace and quiet. The tourist visitor does not want to have his visit spoilt by being kept awake till late at night by some of these vehicles driving past. The existing legislation is well meaning but not totally adequate. This change I believe will be adequate if it is agreed to by Members and I seek Members support

MRS JACK Mr Speaker, I still have the view that I had at the beginning. I just feel that there have been some that have considered and reacted favorably to Mr Brown's concerns and I just feel to bring out the heavy hammer for the remaining two or three is just too heavy a hammer and I find that the music they play is the offensive part to my viewpoint and I can't support it

SPEAKER Any further debate around the table? Honourable Members, the question agreed is that this motion be agreed to and I put that question

QUESTION PUT

SPEAKER Could the Clerk please call the House

MR BUFFETT NO
MR GARDNER NO

MR NOBBS	ABSTAIN
MR CHRISTIAN	AYE
MRS JACK	NO
MR T BROWN	ABSTAIN
MRS BOUDAN	NO
MR BROWN	AYE

The result of voting Honourable Members, the Ayes two the Noes four, with two abstentions, the motion is lost

MEDIATION BILL 2005

SPEAKER Honourable Members we resume debate on the question that the Bill be agreed to in principle and Chief Minister you have the call to resume

MR GARDNER Mr Speaker I don't have a great deal further to add from my debate on the introduction of this bill at the last sitting other than to briefly remind Members of the purpose of the bill which is to provide the Supreme and Federal Courts with the ability to refer disputes to mediation by persons on Norfolk Island who are qualified mediators. At the sitting last month I did advise of the fact that this is a common practice these days rather than to have matters continually dragged into the courts for resolution and it provides another avenue, another opportunity, for persons to be able to resolve their differences without the costs and associated stresses of appearances in court. In saying that in the intervening period I've done quite a bit of reading on the matter and I think it is fair to add that the mediation type activity doesn't necessarily mean that results will be finalised without incurring costs. It doesn't necessarily mean that a reference to mediation is going to deal with a matter to finality and will be resolved without it ending up in court but certainly my reading and research has indicated to me that there are significant numbers of matters that are able to be resolved by mediation without the need to go through the court system and again, as I said last month, I do commend the bill to the House

MR BROWN Mr Speaker the passage of the Bill in my view will do not harm. Mediation as an alternative to dispute resolution mechanism is certainly to be encouraged. At the end of every court case one if not both parties are not satisfied at the result. The aim of mediation is to promote the concept of prompt resolution of disputes in a fashion which is able to be lived with by the parties so I'm happy to support it

SPEAKER Thank you. 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

The ayes have it. 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 Chief Minister

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

SPEAKER Thank you Chief Minister. Is there debate? Then I put the question that the Bill be agreed to

QUESTION PUT
AGREED

The Bill is agreed to. Thank you Honourable Members

ROAD TRAFFIC (PROVISIONAL LICENCES) BILL 2005

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

MR NOBBS Mr Speaker it is my intention to seek to have this Bill made an order for another day but first I would like to make a brief explanation. There has been discussion and debate on the bill which is expected and specifically in relation to certain provisions. Assembly Members obviously reflect the community's concerns which is also as one would expect. Members have also suggested that additional measures such as stipulating maximum power of vehicles available to young and inexperienced drivers. I would not like to risk the bill in its present form being defeated for want of additional time for consultation. The general thrust of the bill to reduce the traffic incidents involving drivers under 20 is too important an issue on which we should not spend greater time. I don't believe in throwing the baby out with the bath water. If nothing else has been achieved to date the matter has been brought to the attention of the community. It must be made perfectly clear that I, nor any Member of the Road Safety Committee, have any intention to place willy nilly restrictions on any community Member just for the sake of it. The statistics for 2004-5 alone shows us, as they say, and words that we never wish to hear, we have a problem. The solution is largely in the hands of the drivers and their mentors. The views of the Members and the community will be referred back to the sub committee dealing with legislation and I would expect the matter will be dealt with at the next meeting of the full Road Safety Committee later this month. I will then bring the matter back to Members. Mr Speaker I move that the debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting

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

QUESTION PUT
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

LAND TITLES (AMENDMENT) BILL 2005

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

MRS JACK Mr Speaker, this amendment proposes a few actions. The first is to make companies that may be registered overseas, to in fact force them to be registered here, to have a person acting as their agent so that should any outstanding levies occur than rather than try and serve it to them in perhaps some quite awkward foreign land that a ten cent stamp can be put on a letter and the matter dealt with by the agent here. When the Bill was introduced in the last session the Minister for Community Services did say that it would be possible for an Order for Substitute of Service be pushed against service on the company or applied for in the Supreme Court. That is so, however, to use the service to apply to the Supreme Court for a sitting, to have the matter heard, the time taken, especially if the person who is relevant to the company coming backwards and forwards to actually be able to capture that person whilst they are on the island for the substituted service to be applicable, there would probably be a time limit on that service, I do believe it would be easier to have the company's register here and have the matter dealt with by a letter with a

have clarified that and it appears as though if an answer is not received within 90 days of the service of the notice under this amendment then the Registrar may act to recover the moneys that are in default and proceed to sell the interest in the property by public tender or auction so that's been answered. I don't have anything further to add

SPEAKER Thank you. 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

The ayes have it. The Bill is agreed to in principle

Do you wish to dispense with the detail stage. No. Then we'll walk through the Bill. Could we maybe simplify the matter. Mr Brown you indicated the second half of the bill and I'm not too sure which half you were referring to and maybe we could address that and settle that and then just take the balance of the bill

MR BROWN Mr Speaker I would be content to support the requirement that a foreign company register in Norfolk Island as a local company but I'll need to find the particular provisions

MRS JACK Mr Speaker, there are bits and pieces a's and b's throughout the document. It might be easier for Mr Brown to..

MR BROWN Mr Speaker for want of speed, I wonder if I could move that the debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting, on the understanding that the Minister come back to us with a revised bill that takes only account of the first part. Now in asking for that, if there is no support for the concept I'm suggesting, Members will obviously not support the adjournment. That may be a quicker way of dealing with it and I so move Mr Speaker

SPEAKER A motion of adjournment so that the Minister might have an opportunity for certain revisions

QUESTION PUT

SPEAKER Could the Clerk please call the House

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

The result of voting Honourable Members, the Ayes seven, the Noes one, that matter is so adjourned in the context earlier described

BUSINESS TRANSACTIONS (ADMINISTRATION) BILL 2005

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

MR NOBBS

The provisions contained in this Bill have been around for some time and currently we have an arrangement where the sale of land on transfer has a 3% fee if there is a sale of land with business on it it's still required that registration of 3% conveyance on the sale of the land but nothing on the property. If a business is sold and there's no land attached to that business, nothing is paid and the proposal of this bill is that the sale of a business will attract a 3% conveyance which is the levy. The levy imposition bill is the second part which actually sets the levy, but the proposal is that it be a 3% conveyance on the sale of a leviable property and that the business including good will trademarks, patents, licences, but not such things as stock in trade, cash that passes with the business, livestock and motor vehicles that must be registered. The issue was really rammed home to me earlier this week when I received advise that there were properties or businesses being advertised on the mainland for a considerable sum of money, in one case, \$1.95m plus stock at value. What concerns me if people sell their land they pay, if a business is sold, they don't have to pay. Nothing is received for the community. It's something that's an anomaly I believe needs to be rectified and so the Business Transactions Bill has been placed in at the last sitting and I would like it finalised one way or another at this sitting. It does not involve as some people may think, a capital gains. That's an additional issue which I will be bringing to Members to see whether they are really interested, but I've had representation from the community that its essential that a capital gains tax of some description comes into this place so please don't think that this is a Capital Gains Tax. This is purely on the sale of a business and those sort of issues. I understand that there's further debate on this and I await with interest the debate Mr Speaker

MR BROWN

Mr Speaker it's interesting to hear the Minister speak of a Capital Gains Tax because if any of us were of a mind to support this bill on the basis that people don't have to pay a Capital Gains Tax on a resale then we would be mistaken because obviously the Minister has a Capital Gains Tax in mind. Perhaps a Capital Gains Tax would be fair but I wonder whether those who had made representations to the Minister have thought of the full extent of what a Capital Gains Tax would be. A Capital Gains Tax would have to include Capital Gains Tax on the sale of your house, you couldn't just put a Capital Gains Tax on the sale of a business and I think if people realised the profit they make on the sale of their house might be the subject of a Capital Gains Tax they might be far less keen to stick it into the business sector. Sure there are properties which are listed for sale and that's the case year in year out. And sure some of them are listed at absolutely insane prices, but it's not too often that a business is sold at those insane prices it is the case that occasionally someone will come along and pay far more than the market value in order to purchase lifestyle and that phenomenon is not limited to Norfolk Island. It's occurring throughout coastal Australia. I'm not convinced that now is the right time to try and impose an additional tax on the business community. Similarly I'm not sure that any time would be the right time to be talking of introducing a Capital Gains Tax unless its very carefully thought through. What would you do for example if somebody pretends that somebody else owns a business, has the business for years, eventually the real owner comes back to the island, he's been here a couple of years and he sells it. Will you treat him as someone who's owned a business for a couple of years or will you treat him as someone who's owned it for 30 years because the Capital Gains Tax will vary presumably according to the length of time someone has owned a property. At this stage I'm certainly not urging that the Minister go away and have a bill prepared to introduce a Capital Gains Tax but at the same time, I'm not convinced that either the timing or the concept is appropriate in terms of this bill and I propose to oppose it

MRS JACK

Mr Speaker, the Minister for Community Services has gone on about the Capital Gains Tax but going back to the business transaction levy if we already pay the levy, the person who resides here and sells their house for \$250,000, it's got

furnishings worth, to make it easy, \$50,000 and so they pay the 3% levy on the \$200,000 why should then the business community not have to pay a portion of their sale price or the purchaser coming in. I was amazed when I sold my business as little as it was, to not have to pay anything. I mean, yes, I had employed people and I had paid duty and all the rest but I'd been provided with free telephones, I only had to pay rental, the Burnt Pine Upgrade part 1 had occurred, but there was nothing else. I personally couldn't believe it that the purchaser, nor the vendor had to pay part of that money and yes it was a great bit of moola to have but I don't feel that it was really fair and I think that if it's good enough for the dwelling houses to have it then the businesses can too. I think as the Minister for Community Services points out, it's not a good time now. But it's never a good time. When you're rolling in loot you hate to part with any extra, and when times are tough well it wouldn't even be the vendor who's paying it, it would be the purchaser so they are not losing out but I wouldn't like to just agree that I would agree to a Capital Gains Tax either, but that's not the point here, that's not under discussion today but yes, I will support this, Thank you

MR GARDNER Mr Speaker I have a few question in relation to this. I just wonder if the Minister would walk us through the provisions that relate to money in foreign currencies. Clause 21 of the bill, to be valued and where and how that's applicable to the transfer of business within Norfolk Island

MR NOBBS My reading of it is if there is foreign money in the arrangements, that will be taken into account

MR GARDNER Mr Speaker I guess my question, if what the Minister is saying is if there is foreign currency used for the purposes of the transaction, I can understand that, but that's not how I read it and if I'm right

MR NOBBS could I just answer that to alleviate the concerns. It reads that the levy in respect of an instrument is imposed in an amount of money expressed in the instrument in other than Australian currency the levy shall be calculated in Australian currency at the rate of exchange current at the date of the instrument. So if the Chief Minister pays in kiwi dollars it would be calculated at the rate of an Australian dollar at whatever it might be at that time

MR GARDNER Mr Speaker that clarifies that. My second question though related is relating to apportioning certain leviable property where the business is in Norfolk Island and elsewhere. I think at the introduction of this legislation I had talked about maybe businesses such as multinationals that may be operating in Norfolk Island and were that multinational to be bought out by another multinational is there a benefit accruing to Norfolk Island as a result of that and is that what these provisions are designed to address. I think at the time the answer was, no it wasn't intended to be taxing the multinationals operating in Norfolk Island. For example, banks. If say the Westpac or the Commonwealth Bank were bought out by the National Australia Bank would this levy be applied on the value of that business sold in Norfolk Island

MR NOBBS The question really was on the whole sale. If TELSTRA sold it's property here at Anson Bay in the mix of the whole sale of TELSTRA to not only certain people but they are going to sell the lot and get out of the business that we would then tax them 3% on the whole issue. What this, I understand would do, is the portion of the sale that's here would need to be transferred because it would need a conveyance on that portion of land or what have you, and when that convincing was done because it was here, that's when the 3% would apply to that portion of the sale which is on Norfolk Island

MR GARDNER Mr Speaker I understand what's been said but at the end of the day, who's going to be valuing the business on Norfolk Island that's going to be transacted as part of the whole sale. For example, let's look again at a bank. Not necessarily one either but let's look at the bank. Who is going to assess the value of that business for the purpose of the levy

MR NOBBS Well there's provision in this for assessment and it's the same as anybody seeing land here. There is an existing process now. The same thing applies here and maybe we will need to tighten them up if there are problems but the issue is one where that particular entity pays for the part of that entity that is on the island here is leviabie property. I would say that if the Commonwealth Bank sold to the National Bank here they might not proceed with it here. They might pull out therefore the value on that property would be fairly small, and there would only be the land and the building. There would not be much goodwill as they are walking out the door

MR GARDNER Mr Speaker if my assessment is correct in what's just been said, we will shortly be moving into the land titles and conveyancing area to effectively no longer be able to transfer a property for a dollar value for that type of issue

MR NOBBS I didn't say that. With this? What are we talking about. Land or buildings or what

MR GARDNER what we are saying there is you'll have an assessment process. I mean there's provision in this legislation to talk about not being able to minimise the value of something so in other words I sell tourist accommodation to you for a dollar, basically I would be in breach and committing an offence against this legislation if I were to do that. It might appear that I am confused about the provisions of this and quite honestly I am confused about this legislation. It's significant legislation and I'm always hesitant unless I clearly understand the legislation to want to deal with the matter to finality until I do have an understanding of it. I guess my thinking is clouded and based on that I cannot support the legislation today. I am not comfortable with the provisions as they stand and at the appropriate time I would seek an adjournment subject obviously to the views of the other Members

MR CHRISTIAN Thank you Mr Speaker, I just wonder whether the Minister for Finance could clarify one point for me. During the debate today he has continually referred to property or he used the word property, when we are talking about a business transaction and I just would like him to clarify if he's usage the word property in an intellectual sense rather than in a real estate sense because they are two different issues

MR NOBBS there is a definition in there of a leviabie property. That's what I should have used. I thought I used leviabie property and not just property, sorry, so that refers to, that the business transaction is leviabie. You can impose a levy on the leviabie property

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

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

SPEAKER Thank you 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

BUSINESS TRANSACTIONS (LEVY IMPOSITION) BILL 2005

SPEAKER Mr Nobbs that may influence how you would like to handle Order of the Day No 7, you having earlier described that these two go in part of a single passage

MR NOBBS Without the first part Mr Speaker the second one would be very difficult so I would seek to adjourn that too if I may

DEPUTY SPEAKER Thank you. That matter is also adjourned then and 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

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 Thank you Mr Speaker Members have had some discussion in relation to this bill subsequent to the last meeting. I just want to advise the community where we stand on this. I believe that there was a couple of amendments that needed to be put in and one was in relation to a public place, and the second one was in relation to the ability to provide a quota. Public place was defined as relating to highways, streets, roads, land, thoroughfares and footpaths and right of ways, easements and road reserves and its proposed that those actual specified places be withdrawn and that the words would be that a public place would be any place declared by an executive member by way of a disallowable instrument to be a public place and it was thought that, that might clarify the situation as far as some of the opposition to that particular definition was concerned. The other one related to the quota. Now in the previous bill that went to the Bills Committee there were provisions in there for the setting of a quota and the Bills Committee recommended that be taken out, it was taken out but some Members suggested that it should be in so what the suggestion is, that in section 45 insert paragraph 1AA, if the licence is a new licence it is in the public interest having regard to 1) the circumstances of Norfolk Island, the amenity of the area, and such other matters as the Executive Member may be disallowable instrument direct the board to have regard that the licence should be granted. So what it means is that there is potential there for the Executive Member with a disallowable instrument and as you are aware Mr Speaker that comes before the House and it can be disallowed by the House, can place a restriction on the number or type of licence that's to be issued. I can't see it as a big problem myself but those are two that I will be seeking amendments for in due course

SPEAKER Thank you Mr Nobbs. We are still on the question that the Bill be agreed to in principle. Those details will come when we get to the detail stage and Mr Nobbs has outlined them

MR CHRISTIAN Thank you Mr Speaker. I have no difficulty with the amendments that Mr Nobbs has foreshadowed and I will support those amendments but I

will not support the passing of the Bill either in its current form or its amended form at this meeting until I am given a satisfactory explanation as to why the Bill fails to bind the Crown. I have previously sought an explanation from Mr Nobbs and he indicated to me that the legal advice given to him is that our legislation could not bind the Crown in respect of Norfolk Island and the Commonwealth. I accept that we may not be able to bind the Commonwealth but my argument is Mr Speaker, that when a Government Business Enterprises is owned by the Crown or in this case the Administration then to my way of thinking it is not strictly the Crown. It is a business arm of the Crown now when the GBE participates in a commercial activity, such as selling alcohol, to my way of thinking it must be subject to the same rules and regulations as the rest of the industry and I cannot support the bill until those concerns of mine are addressed and in fact incorporated into a bill.

MR NOBBS I overlooked talking to Mr Christian about this. I spoke to the Chief Minister actually in relation to this and the advice is that we would have to rewrite the bill to accommodate what Mr Christian said and I said surely we can get around it and I believe, and I've given an undertaking to the Chief Minister that an issue like that, and I'm sorry again Mr Christian, I clean forgot that you'd mentioned that fact as well because you're on the Bills Committee at the time I know that, but what I'm saying is that we can do that by Regulation because I believe if we are selling alcohol in the Bond they should be the same and have the same rules as far as responsible serving of alcohol and those sort of things that any other organisation has so the proposal is to put it into Regulations. The Chief Minister accepted that at the time and I hope that Mr Christian will because I would like to see this go through

MR CHRISTIAN Thank you Mr Speaker, I'm not in a position to doubt that what the Minister has said is factual but based on his undertaking I would be prepared to support this bill as long as the things that I'm talking about can be picked up by Regulation at a later stage

MR NOBBS The responsible serving of alcohol is an area that as you know through the DAA Working Group, we pressed very strongly for that to happen, we've run courses, there are people on the island here with tickets from those sort of courses and we need to continue that work and we need to also provide a background for the operation of those arrangements as well

MR GARDNER Mr Speaker I'm pleased that the Minister has taken on board certainly my concerns and I had the same concerns that Mr Christian has already spoken of and again today. I did speak to Mr Nobbs earlier this week about the application of this legislation to the Administration and the Commonwealth. I appreciate our inability to bind the Commonwealth or a Commonwealth authority. We have other ways that we can deal with that and that is simply by not providing supply I would imagine if there was an issue with the supply of liquor, however in saying that, clause 3 of the proposed bill does provide for the position that Mr Nobbs has spoken of and that is by regulation to extend provisions of this act and in a formal fashion that does in some degree bind both the Administration and the Commonwealth or a Commonwealth authority. The only thing that it doesn't provide for is the requirement to hold a licence. Certainly that's my interpretation of that subsection 3(3) in the bill. Now I had spoken Mr Nobbs about in my view the need for the Bond Store as a supplier of liquor to be a properly licenced body for that purpose. I am prepared to support the legislation today. I'm conscious of the fact that it's been many, many, many years since a rewrite was proposed. My only suggestion is that if we find ourselves unable or there is not a willingness or otherwise to provide in the regulations the necessary controls then I would be sponsoring or supporting amending legislation as soon as is possible to ensure that those concerns are properly dealt with

MR BROWN Mr Speaker I have a number of concerns. Some of them arise from a telephone call I received this morning from residents in a particular area of the island in which is situated premises which sells alcohol until quite late at night. Those complaints included the complaint that patrons urinate in the particular peoples front yard, that is the front yard of their house, that they vomit over their fence, that on several occasions in the last six weeks noise has continued to come from the premises until 2 am and that they were forced to ring the police twice during that period. Now the particular premises I assume will under this legislation be able to be licenced know that for a long period of time they had an exemption against the requirement to have a license but whether that has been resolved or not there now will clearly be an ability to license and the licenced hours issued to a tavern license would be 11am until midnight and in another part of the bill there is talk of persons being able to consume alcohol for thirty minutes after closing time so that would mean that by 12.30 am people should be gone from the premises. That would seem to still be a little late for a residential area. I think that I will support the bill today in that it would be an improvement on the present situation but I would certainly seek assurance that special event permits under section 63 of the bill which are able to be granted until 2 am and in the case of New Years Eve, able to be granted until 6 am will not be granted without very careful consideration of the position of the neighbours. In my view there is not an entitlement to inflict noisy music together with noisy and sometimes unruly patrons on neighbouring residents until 6.30 in the morning and I would actually like to see special event permits being very limited in their scope. I appreciate that it's possible to do that by regulations and I hope that the Minister will tackle that problem at a very early date. Mr Speaker I should disclose that I am presently a licensee myself on behalf of Resort Investments Pty Ltd, I see that as being a person who constitutes part of a substantial group of people. I don't see it as anything by voting on this bill to be considered to be any form of pecuniary interest. If Members have a different view I would be grateful for them to let me know but otherwise I propose to support the bill

MR NOBBS Mr Brown just said about New Years Eve licences, special events licences, I don't know exactly but there's a couple of places that are actually operating under a licence or what have you, and not under the Liquor Act at this point in time but they will be coming under this. The one I've received is for one of those organisations, there currently is no mechanism to seek public input to I've taken it on myself to canvas all the neighbours in letters. If they haven't received them I would be surprised, seeking their comments on it and I hope to then put it to the Liquor Board in an unofficial manner to get their views on it, the current Liquor Board which is not covered by this Act of course and get their views on it before I come to a decision on that particular New Years Eve proposal so that's the best I can do at this time and hopefully this bill will tighten things up considerably

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

QUESTION PUT
AGREED

Thank you. The Bill is agreed to in principle

Thank you. We proceed with the detail stage. Mr Nobbs I think we look at the two amendments that you have proposed and then we'll look at the balance of the bill

MR NOBBS Amendment one is in section 4 of the Bill from the definition public place in subsection 4(1) delete the words "a highway, street, road, lane, thoroughfare, footpath, right of way, easement of way, road reserve and". Do I need to read that out

SPEAKER I think the intent is clear and has been made.
Honourable Members, do you agree the amendment

QUESTION PUT
AGREED

Thank you. The amendment is agreed Thank you

MR NOBBS Mr Speaker the second one is section 45 insert a new paragraph 1AA which reads "if the licence is a new licence it is in the public interest having regard to 1) circumstances of Norfolk Island, the amenity of the area and such other matters as the Executive Member may by disallowable instrument direct the board to have regard that the licence should be granted

SPEAKER Honourable Members, do you agree the proposed amendment

QUESTION PUT
AGREED

Thank you. The amendment is agreed

Lets look at the remainder of the Bill Honourable Members. Is the remainder of this Bill agreed

QUESTION PUT
AGREED

Thank you. The remainder of the Bill is agreed Thank you

Thank you. Is there further debate at this time? Then I look to you for a final motion Mr Nobbs which is that the Bill as amended is agreed

MR NOBBS Mr Speaker, I so move

SPEAKER Thank you. Then I put the question that the Bill be agreed to

QUESTION PUT
AGREED

The ayes have it thank you, that Bill is agreed

FIXING OF NEXT SITTING DAY

MR CHRISTIAN Thank you Mr Speaker. I move that the House at its rising adjourn until Wednesday 21 December 2005 at 10 am

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

QUESTION PUT

AGREED

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

ADJOURNMENT

MRS JACK
adjourn

Thank you Mr Speaker I move that the House do now

SPEAKER Thank you Mrs Jack. The question is that the House do
now adjourn. Any adjournment debate. 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 21 December 2005 at 10 o'clock in the morning

