



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
11TH NILA HANSARD – 15 MARCH 2006**

ELECTION OF SPEAKER

CLERK Honourable Members I have to report that a vacancy has occurred in the office of Speaker consequent on the resignation as Speaker of the Hon David Buffett AM effective close of business on 14 March 2006. At this point in time Members will proceed to the election of a new Speaker and I call for nominations

ELECTION OF SPEAKER

MR BUFFETT I move that Neville Charles Christian be elected Speaker and do now take the Chair as Speaker

CLERK Mr Christian, do you accept nomination.

MR CHRISTIAN I accept nomination.

CLERK Thank you. Are there any further proposals. If there is no further proposal, the time for proposals has expired and I declare that Neville Charles Christian has been elected Speaker and would ask Mr Christian to now take the Chair

MEMBERS Hear, Hear

SPEAKER Honourable Members, before we commence with the meeting proper this morning I would just like to say a few words of thanks to the Members around the table, putting their faith in me to follow on in David's footsteps in performing a fairly important job, that is, the job of Speaker and I trust that I won't let you down and hope that our meetings will run smoothly and Mr Buffett I believe that you might have a few words

MR D BUFFETT Thank you Mr Speaker. May I on behalf of Members offer you warm congratulations on your election today. The Speakership is an honourable position within any parliament and particularly in this one and Members are grateful that you have accepted nomination to be the Speaker for the balance of this time of this Legislative Assembly and I wonder if I might have your indulgence having said that, Mr Speaker, an opportunity to make what I would term a personal statement almost. Members generously nominated me as Minister for Community Services at the last sitting and I am honoured to be so appointed and at the time, Members indicated that they expected me to withdraw from the Speakership upon taking up the ministry. The ministry at this time within the crucial time that Norfolk Island is traveling through does deserve some total attention and I signalled at that time that I would respond to the wishes of Members and so I have resigned and that has bought about the election of Mr Neville Christian. And I too thank the Members for the confidence that they expressed to me whilst I held the Speakership. In the circumstances of today I think this needs to be said. Norfolk Island does have a unique tradition. A long standing capacity to combine the role of Minister and Speaker and whilst this arrangement has its challenges it certainly has its advantages. It doesn't happen in most places. It's one of our

peculiarities. The division of role on this occasion is not meant to relinquish that unique Norfolk Island way of handling the matters of ministry and officer in the Legislative Assembly. Indeed a subsequent Legislative Assembly may well exercise its mind in combining roles if it so chooses and as I've said that is a particular peculiarity of our place and its important to mention that because in the days that we are working through at this moment, there are great efforts to normalize Norfolk Island. In other words, make it exactly the same as many other places and we should not always succumb to those wishes if in fact there are some things that are appropriate to retain, so it is important that we recognise that we have that. We may choose not to do it at this moment, and that is respected, but it should not cancel out our opportunity to do it on another occasion should another Legislative Assembly choose to do so. I thought it appropriate to endeavour to say those words in the context of my withdrawing and Mr Neville Christian coming in, but to warmly endorse Mr Neville Christian in his prospective Speakership

SPEAKER Honourable Members, will we now be upstanding to read the Legislative Assembly Prayer

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

If any Member would like to remove their jackets please do so

CONDOLENCES

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

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 SHERIDAN Thank you Mr Speaker. A question for the Chief Minister. Can the Chief Minister advise what is the Norfolk Island Government's course of action in regard to the Commonwealth of Australia's two option proposal for reform of Norfolk Island's Government's arrangements and is it the intention of the Norfolk Island Government to adopt one of these two options and if not, when is the Government going to start bringing its own options to the table for community input and implementation and of course Chief Minister time is of the essence in this matter and we don't have much of it

MR GARDNER Thank you Mr Speaker. Thank you Mr Sheridan for that question. I guess the overview, the strategy that the Norfolk Island Government is proposing to follow will be within the public domain hopefully within the next week and it will cover such initiatives and activities including strategies to reinvigorate the economy

or continuing strategies to reinvigorate the economy, continuing strategies to broaden the revenue base, the continued review of the rationalization of the Public Service and the delivery of services in Norfolk Island and other matters that as yet obviously, we are not in a position to respond to as far as the Commonwealth is concerned because we have not been provided with any further detail in relation to the Commonwealth's initiatives. In addressing that strategy it's also important that we don't dismiss our of hand the Commonwealth's for want of better words, intervention or proposed intervention into Norfolk Island's affairs and we obviously will need to be working just as diligently Mr Speaker on the two models that the Commonwealth has proposed for us which includes the model of a revised or reviewed level of self Government arrangements in Norfolk Island or the shire council local Government type arrangement for Norfolk Island to ensure that should obviously we not succeed with our own initiatives we are in a position to negotiate the best outcome for Norfolk Island and in saying that, we will continue as I think we have demonstrated over the last couple of weeks both with the Minister and with the Commonwealth Grants Commission to work very closely with those Commonwealth entities to ensure the best outcome for Norfolk Island

MR SHERIDAN Thank you Mr Speaker this question is for the Minister for Finance. Minister considering the extreme pressure that the public purse is under at this point in time, will the Minister inform the community how he intends to increase the revenue received by the Government and if this goes hand in hand with expenditure how and when does he plan to reduce expenditure throughout the governmental areas

MR NOBBS Thank you Mr Speaker I think people feel that we haven't actually reduced expenditure within the Public Service or from the Government and that's quite wrong. I'll just have to go through it yet again I think. We started off with a deficit of \$2.3m. we looked then at reducing the actual expenditure but we then looked at the revenue situation and we found that on completing that, the actual expenditure was now at \$2.6m. we then went through the role of looking at the areas within the Government services that we could reduce and we've got it down now to half of that level which is about 1.3m. now people seem to think oh, that was created by stripping and doing other things. Well it was in that there were some funds put in from the Government Business Enterprises as there are every year and I would just like to go through the telecom issue. Telecom usually provides a dividend of 1.2m plus about a \$90000 management fee. In the last financial year because of the fact that telecom had been somewhat stripped in the previous financial year, we took no dividend at all from telecom. This year we were looking at a \$400000 but we've had to increase that by \$1m to \$1.4m so in actual fact, over the two years we've taken just over half of what we normally take so there are issues. It's continuing. The process is continuing and an issue that's come up- of course is the chapter 8 revision and that's taken some considerable time to get to the stage where we'll be hopefully, finalising that issue this morning. There's been some costs involved in it, there's been a lot of meetings within the services, there's been a lot – contrary to what people seem to think – there has been considerable discussion and negotiations and when I talk about negotiations I don't mean caving in to every demand. Some issues have been resolved and others haven't and we'll deal with that a bit later on so there are things, but as the Chief Minister has just said, over the next week I would suggest that we will have in place, we have draft documents and members have seen some of the draft documents and they are continually being revised, and we will have in place a distinct strategy which will provide us with I believe a path I guess into the future because in relation to sustainability I've always said that we are very close but we do need to change. We need to change our taxation regimes and I think Australia's doing the same. They're looking at taxation once again and those sort of things, and that's a continually evolving situation that people find ways around, and other more appropriate forms of taxation apply. We have had

perhaps installing it or doing a small analysis with a prototype but that is the reason why that particular funding came. It comes earmarked and as it is, we approached it for a tub grinder and we have gone to a shredder, I believe it may be called and there was concerned over the difference in terminology with the people in the Commonwealth over the name used on the type of machine so it's very specific when you do get it. Thank you

MR T BROWN Mr Speaker another question for the Minister for the Environment. Minister following the work up at the school oval and now there is substantially more rock from the Cascade cliff than was previously thought, does the Minister intend to recalculate the cost of rock and reimburse anyone who since the Cascade Cliff Project has paid for rock at a higher price than they should have

MRS JACK Mr Speaker, the recalculating that has been done regarding those rock stockpiles is the surveying to ensure on the correct amount of rock that has been taken and collected and putting a proper value on it. As for going back in time and reimbursing and recalculating, it is not a view that I would share. Rather than I would look towards the future source of rock for Norfolk Island. The community may not be aware but the current lease on the portion 5A which is the quarry at Cascade does have a finite ending and whether that lease is renegotiated or we move on to another site that has to be developed is for the Legislative Assembly of the day to decide however, action has to be commenced before that date, before the final cut off date so that if we do move to another site, a gate can be locked and another one opened and any profit that comes from the marvelous recovery of all that resource that stares at everyone as you drive down Cascade Road and for which the Chief Minister has the best view in town on, is that we use it to process a new site to make it work for us as a community to ensure future supply of rock

MR T BROWN Mr Speaker another question for Minister for the Environment. Minister are you aware that all of the 44 gallon drums which are to be used on the airport runway resealing project are to be crushed and sent to Australia at the end of the job. Would the Minister be willing to ensure the community that any person or group who would want to use any of these drums to satisfy their demand would be able to

MRS JACK Mr Speaker, Tim Brown has asked a question that has come under an already agreed to quarantine management plan over the importation and re-exportation of those drums. I don't know whether I'm prepared to go into a plan and seek changes to any specifications after it's all been agreed to. There are costs that have been involved in taking out those drums and that was added onto the price for the project. Changes in quantities of outgoing drums could possibly have an effect, I'm not prepared to give an answer one way or the other Mr Speaker but if it bears investigation then I can undertake to see that some preliminary work is done but there's no way I could guarantee any of that. Thank you

MR SHERIDAN Thank you Mr Speaker. One for the Minister for Health. Minister since the departure of the generalist councilor some twelve months ago, a councilor has been employed on a part time basis. Can the Minister advise how this arrangement is working and can you advise if the councilor is being fully utilised at all times, or if the service is being accessed at all

MR D BUFFETT Thank you Mr Speaker, I'll certainly make some enquiries as to how the part time arrangements have been going so that I can provide Mr Sheridan with that information. In terms of the more permanent arrangement for the councilor interviews have been held. They were held on the 10th March, so just recently, in other words, last week and suitable applicants have been examined and there are

processes to provide somebody on a full time basis projected that that person might be in placed at the end of April. That may particularly be of interest to Mr Sheridan but also to other Members because if I remember correctly Mr Sheridan was very active in promoting a motion that we might engaged somebody on a full time basis and that's a report of where that is

MR SHERIDAN Mr Speaker just one final one, for the Minister for the Environment. Minister considering the lack of rainfall Norfolk Island has experienced over the past year or so, I think 40% below average in 2005 and so far this year I think we've only received 80 odd mls, so far when the average for January through March is something like 240, roughly 65% less. Can the Minister advise how much of the below ground water table has fallen in the past year or so, in the bores or wells that are monitored by the Administration

MRS JACK Mr Speaker, not offhand no I can't Mr Sheridan. I can undertake to find out how many litres are withdrawn over a time period whether, I think they are almost read daily but certainly weekly so I could undertake to find out how many litres are withdrawn from the sub aquifer source for Mr Sheridan on those wells that are metered. Not all bores and wells are metered. That's another area of debate for further on behind the scenes with Members. Something that needs to be addressed but I can certainly undertake to give Mr Sheridan those figures

MR SHERIDAN Just a supplementary on that please Mr Speaker. I believe that there's a vast array of data that's been collected over numerous years on the below ground aquifer. Could the Minister table at the earliest opportunity what has been the analysis of this data or if the data has been analysed at all

MRS JACK Mr Speaker, Mr Sheridan is certainly correct, there's been a hug amount of data collected. A lot of it has been done privately so my ability to take that and table it, is not within my portfolio but it certainly is available and can be sourced through the Environment Officer, Miss Nicole Diatloff, she has an interest in it and there's been a lot of people going to her office over the concern raised by Mr Sheridan over our water supply and correct conservation methods that are needed

SPEAKER Thank you Mrs Jack. Honourable Members, any further Questions this morning. It appears that we've exhausted all question. We move on

PRESENTATION OF PAPERS

Are there any Papers for presentation this morning

MR GARDNER Mr Speaker I table the arrivals and activity report for February 2006 and the inbound passenger statistics for that same month and move that the paper be noted

SPEAKER The question is that the paper be noted

MR GARDNER Thank you Mr Speaker in tabling that report again I wish to commend the General Manager of the Norfolk Island Government Tourist Bureau for a comprehensive report on the activities of the Bureau and others involved in the tourism industry on matters that they have addressed during the month of February. There is contained within that report some positive comments Mr Speaker talking about various areas where there have been increases over the same period last year. Unfortunately the numbers still haven't attained those overall that were experienced last

year but some positive notes is I believe are the result of the activities undertaken by not just the bureau but also the other operators on the island who invest privately in promotion and marketing for Norfolk Island and also our wholesale partners the associated tourism companies and others with an interest in promoting Norfolk Island and I think that with the recent announcement made by Air Nauru and certainly the increased level of interest in Norfolk Island by airline operators all bodes well for the future

MRS JACK Mr Speaker, Thank you. Chief Minister given the notice on Pacific Beat the other day regarding the Air Nauru purchase of a plane can you just talk a bit on how that should impact on our own charter arrangements. Will it have any impact at all for the community

MR GARDNER Thank you Mr Speaker. The current flights operating out of the east coast of Australia into Norfolk Island are operated under a charter arrangement with Air Nauru. Air Nauru currently are utilising Alliance Airlines Fokker 100 aircraft into Norfolk Island. It is proposed with this purchase by Air Nauru of a 737 300 series aircraft that they are proposing to substitute that aircraft for the F100 service some time from mid April onwards which in effect will provide where there's a mixture depending upon which gateway the Fokker is flying out of at the moment an increase of capacity per flight from I believe 88 out of Sydney and 94 out of Brisbane to 132 seats on each of those sectors which will significantly increase obviously the capacity into Norfolk Island on our three week schedule. It is yet to be confirmed the scheduling that Air Nauru are proposing to put in place, but they have in one of the interviews already indicated that they fully intend picking up the three day schedule into Norfolk Island and continuing that in place for when the aircraft is substituted

SPEAKER Thank you Chief Minister. Is there further debate? The question before us is that the Paper be noted.

QUESTION PUT
AGREED

The Paper is noted. Are there further Papers

MR NOBBS I table the monthly financial indicators for February 2006 and move that they be noted.

SPEAKER The question is that the Paper be noted

MR NOBBS The Revenue Fund indicators do include substantial revenue such as customs duty, fil, tourist accommodation levy, telecom funds transfer, postal funds transfer, fuel levy but they do not include the Government Business Enterprises such as electricity and telecom itself, although some funds are transferred from those into the revenue fund. As far as the February figures, the end of February Revenue Fund overall income 95.6% of the approved revised budget, that is some \$336,000 short. Customs duty is \$334,000 short of budget and the sum total of other tax categories is \$19,000 ahead budget. The revised departure fees is \$73,000 short but land titles fees are \$86,000 ahead of budget. The revenue funds revised budget income from the liquor bond is currently \$31,000 under budget. As far as expenditure, overall expenditure at the end of February on a pro rata basis is 5.8% under budget about \$488,000 under budget. Medical expenses for social service recipients are \$60,000 under the revised budget at the end of February and at the end of the month the overall revenue fund budget is in deficit of \$718,000 which on a pro rata

basis is \$152,000 less than budget. The situation remains that we have a shortage, that we are a bit cash strapped or continue to be cash strapped and there will be a need for continual works on reducing the deficit and also looking at other alternative means of raising funds. Thank you Mr Speaker

SPEAKER Thank you Mr Nobbs. Is there any further debate on the financial indicators. Then I put the question that the paper be noted

QUESTION PUT
AGREED

The ayes have it. That paper is noted. Further Papers Honourable Members

MR D BUFFETT Thank you Mr Speaker, paragraph 32 of the immigration Act 1980 requires that the executive Member report to the Legislative Assembly no later than 31st March of each year the number of declarations of residency granted under section 33 during the year ended on the previous 31st December. I now accordingly report that there were 51 declarations of residency granted during the year ended the 31st December 2005 and I table that report

MR GARDNER Thank you Mr Speaker. In accordance with Section 41 of the Interpretation Act 1979 I table the Associations Incorporation Amendment Regulations 2006 and move that the paper be noted

SPEAKER Thank you. The question is that the paper be noted

MR GARDNER Mr Speaker the amending regulations are a simple amendment to the principle regs, in this case the Associations Incorporation Regulations 2005. They just clarify the process of adopting model rules under the provisions of the regulations and also detail some minor amendments in relation to the type of paper in which a document is submitted under the provisions of the legislation. Thank you

SPEAKER Thank you Chief Minister. Is there any further debate on the paper. Then I put the question that the paper be noted

QUESTION PUT
AGREED

The ayes have it. That paper is noted. Further Papers Honourable Members

MR NOBBS Mr Speaker I table the explanatory memorandum and a bill as an exposure draft of the Firearms Amendment Bill 2006. I was hoping that it would be able to be put into the house this week but unfortunately there was some difficulties with it and the final draft only arrived last night, so in fairness to Members I'm not asking for it to be look at but I move that it be noted

SPEAKER Thank you. The question is that the paper be noted

MR NOBBS This follows a request from the Norfolk Island Police and the Gun club for this bill to be established and it's actually to close a loophole whereby persons have been able to obtain a category H licence on the basis of use of an air pistol after which they are able to then acquire and use other pistols without having to establish either that they are proficient or have a legitimate reason to have a weapon and I'm putting it in as an exposure draft so those with an interest in it can view

it and in all probability I will ask that it go through as an urgent motion at the next sitting. Thank you

SPEAKER Thank you Mr Nobbs. Is there any further debate on the paper. Then I put the question that the paper be noted

QUESTION PUT
AGREED

The ayes have it. That paper is noted. Are there further Papers Honourable Members, then we've concluded Papers

STATEMENTS OF AN OFFICIAL NATURE

Honourable Members any Statements this morning

MR NOBBS I'll get the hard one done first Mr Speaker I think. I wish to formally advise the community that it is intended that the price of electricity will be increased by 3 cents per unit from the commencement of April/June quarter. That's the 1st April. Mr Speaker as you are aware Mobil has serviced the island's fuel requirements by provision of supply by tanker to its facility at Ball Bay. In the past the fuel price was provided by Mobil and the electricity tariff was set largely on the fluctuations in the price of fuel as it was by far the dominant input cost. Mobil have indicated that they intend to withdraw from their current commitment. We are negotiating with another company to buy the Mobil facility on Norfolk Island. This new arrangement would see the new company purchase fuel, ship it to Norfolk Island and hold it what were the Mobil facilities at Ball Bay. Mobil indicated last week that it was withdrawing from the past arrangements and that a local distributor had taken over their role. Subsequent to that the price increase has been so significant that the Electricity Undertaking has been unable to absorb the increase and merely to cover the fuel cost increase there is a need to increase the electricity tariff by 3 cents per unit to 47 cents per unit. It is interesting but it is really frightening that the fuel cost to generate a unit of electricity in 2006 is only marginally less than the total cost charged to consumers per unit of electricity in 2000. that's six years ago. As I say, it's quite frightening. What are we doing about it. Obviously the cost per unit is really attracted to the use of alternates such as solar, wind, wave and certainly there are others. Each alternate has its problem. Solar doesn't work in the dark of course. Wind when insufficient wind is available, and it is said on Norfolk Island in one study to be 60% of the time it doesn't work, and wave technology definitely requires more development. However we are looking and planning and I can assure the community we are not sitting on our hands. We must think outside the square, of the diesel power station and I would anticipate that a more positive advise to the community on the potential solutions in the not too distant future. Thank you Mr Speaker

MRS JACK Mr Speaker, can I ask that the statement be noted

SPEAKER Thank you Mrs Jack. The question is that the Statement be noted

MRS JACK Mr Speaker, in my role as the Minister for the Environment when the Development Application comes before me, one of the matters for me to consider and for the board to consider as well is a clause that says the design and sighting of the proposal to enable the reduction in energy consumption through use of alternative energy sources. A marvelous proposal and one looking forward to future planning and the energy resource requirements of this island however also in the

Electricity Supply Act clause 24 titled Offences, clause 3 says "a person shall not without prior approval in writing of the executive member establish erect or extend or purport to establish erect or extend a power station supply and mains" with a penalty of five penalty points. It goes on to state in paragraph 4, for the purpose of subsection 24(3), that's the one I've just read out, extend means in relation to a power station, means install, replace or renew generation units or plant. So in my position there are a conflict here between those two requirements and I look forward not only to the Minister for Finance's pushing along with me for alternate energy sources but also making legislation workable and far more friendly to the people of Norfolk Island. Thank you

MR NOBBS

If I could say something in relation to that. That was brought in for specific reasons at that point in time and one of the reasons was that the establishment, this is my understanding of it, I wasn't here at the time, was that the establishment of power generating and jumping off the grid and then the thing breaking down and the Administration then being committed to the request to put those people back on again immediately, created some problems and as far as then being committed to the request to put those people back on again immediately, created some problems and as far as the legislation is concerned that remains in there. whether it remains in for the future under the proposals I can't say at this stage but there is a provision in there to obtain approval and an agreement from the Government to put in alternates and I did them in 2000, 2001 there was a proposal put in then but it does give the opportunity for the people to negotiate a deal so to speak or an agreement so that issues like that don't occur, so I mean that was the reason for it and I don't think it's conflicting personally at this point in time, and I haven't had any applications in relation to alternates in the time that I've been in now but I've had them in the past and they were all agreed to so we supported it, the electricity people support it, I was going on to say in my statement that the electricity manager is looking to how we can develop some expertise in relation to alternates and those sort of issues which will come out in the coming weeks because we haven't a lot of time as well on this issue. Thank you Mr Speaker

SPEAKER

the Statement be noted.

Is there further debate? The question is that

QUESTION PUT

AGREED

The Statement is so noted. Are there further Statement

MR GARDNER

Thank you Mr Speaker . I have a fairly lengthy statement to make in relation to the update or progress report on the Legislative Assembly's priorities plan. Mr Speaker I spoke in the latter half of last year, I believe about October in relation to the progress with the Priorities Plan and indicated at that time that I believed that there had been a significant advancement on those matters addressed in the Priorities Plan . albeit with some slippage I think as far as the time lines that were attached to those Priorities and that was understandable. I believe at the time in light of the difficulties that we were facing at that time and continue to face in relation to the provision of air services into Norfolk Island. That said Mr Speaker we are approaching the midpoint of the term of the 11th Norfolk Island Legislative Assembly, which was elected to office in October 2004. At the commencement of the 11th Assembly, we adopted a 12-point Priorities Plan. That Plan was formalised into the Government of Norfolk Island Priorities Plan 2004-2007, which was tabled in this Assembly just on 12 months ago. The Plan called for an outcome review in April 2006 and a full revision of the Plan itself by October this year. In view of the recent announcements by the Commonwealth Minister for Local Government, Territories and Roads, the Hon Jim Lloyd MP, on Australian Government plans for the future of Norfolk

Island, I wish today to report to Members and the community on the substantial achievements already made toward achieving the major aims of the Priorities Plan. With one exception, I will deal with the 12 issues identified in the same order as they appear in that Plan. Development of a 15-year Asset Management Plan The work involved in identifying and assessing all assets of the Norfolk Island Government and Administration has proven to be complex, but the task of producing a final Asset Management Plan is almost complete. That Plan will then form the basis of a 15-year forward financial plan for the maintenance, upgrading and replacement of the wide range of assets involved, including buildings, plant and equipment, roads and airport runways, among many others. This matter will require address in the 2006-07 budget, which is now in preparation and will be presented to the Assembly for consideration in the near future. The Government of Norfolk Island acknowledges the significant assistance of the Commonwealth in providing finance for a private consultant to assist in researching and preparing the Asset Management Plan. The second item, is the Expenditure and revenue review. Evolving events and changed economic circumstances have meant that the full review of expenditure and revenue has proceeded differently from the process outlined in the Priorities Plan. However, a great deal has been achieved, with many initiatives implemented and more to be detailed in the forthcoming budget. I commend the Administration on its production of a comprehensive Administration Management Plan, covering all major areas of service delivery and detailing the manner in which most of the priorities set by the 11th Assembly were being implemented. The Administration Plan has been fully reviewed and a revised Administration Management Plan was tabled in the Assembly in December 2005. I commend the Minister for Finance for the work he has undertaken on the review of revenue and expenditure and the concrete results achieved so far. Some of these changes resulted from a major independent consultancy commissioned by the Minister. Expenditure has been rigorously reviewed, and steps put in place to contain costs in public employment. Major savings have been achieved through a freeze on new employment, liberalised conditions for employees to take leave without pay and revised overtime provisions which have cut overtime payments significantly. The Minister has also developed comprehensive plans for corporatisation of government business enterprises and restructuring of the public sector, which are currently under consideration. The 2006-07 budget will include some major revenue measures which will address the need to fund recurrent and capital expenditure. The Assembly already has before it legislation for the Norfolk Sustainability Levy, but I expect this proposal to be significantly modified and represented as part of the budget strategy for the next financial year. Land initiative. It is pleasing to report that the first stage of the land initiative has been virtually completed through the smooth transfer of Crown leasehold lands to freehold title. The Commonwealth has made 129 offers to convert leases to freehold, the vast majority of which have been accepted. Offers will remain open until 30th June 2006. Proceeds from the transfers will be placed by the Commonwealth into the Toon Buffett Memorial Environmental Trust. The advisory group to the Trust will shortly hold its first meeting to recommend priorities for the distribution of funds. While we are grateful to the Commonwealth for the work done to complete the first stage of the land initiative, progress on the main issues identified in the Priorities Plan is at risk following the recent announcements of governance changes for Norfolk Island. We had proposed steps to permit the Norfolk Island community to sustainably manage its environment, land and resources including parks, reserves, the 200-mile economic zone and the Norfolk Island fishing box. We will continue to pursue these objectives as part of the intensive dialogue with the Commonwealth arising from its unilateral announcement of major changes to Norfolk Island governance. Community Services review. The Priorities Plan envisaged review of major services including police, education and social welfare. Significant progress has been made in each of these areas and has been previously reported to the Assembly. Social services legislation has been considered by the Scrutiny of Bills Committee. Real progress has also been made with negotiations to finalise memorandums of understanding to cover provision of police and

education services. Airport runway upgrade. The Norfolk Island Airport is one of the most critical parts of our infrastructure because of the Island's economic dependence on the tourism industry. There have been some frustrating delays in the commencement of the actual paving works, but I am pleased to inform Members that the project is now progressing well. The major contractors, Boral Limited, have used the temporary landing facility at Ball Bay to import large amounts of equipment and materials and deliveries of over 20,000 tonnes of crushed rock to the airport site by local subcontractors will be completed within a few weeks. I understand that the pavement overlay work at the airport will commence with pavement trials in the last week of this month. Completion of the overlay project will take about 16 weeks, leaving Norfolk Island with a greatly improved asset and an airport facility to service what I am sure will be a growing number of air services.

Administrative and Governance review. The Norfolk Island Government has completed the majority of work within its control to implement a full administrative review system for the Island community. We have put in place legislation and procedures dealing with declaration of pecuniary interests by Assembly Members, the keeping of a register of such interests and a code of conduct for Members. The effectiveness of these procedures has been evidenced by the referral of complaints to the Committee of Privileges and its reports to the full Assembly that have resulted in decisive action. We have also reviewed the functions of the Administrative Review Tribunal to give community members a wider range of rights of review of administrative decisions impacting on their lives and business activities. Draft Norfolk Island legislation for an ombudsman function and freedom of information has been prepared and ready for consideration for over a year. However, such legislation can only be effective if it is complemented by legislative changes to Commonwealth acts to permit the Commonwealth Ombudsman to handle administrative complaints and freedom of information issues for Norfolk Island. Amendments to the relevant Commonwealth legislation are still in preparation and we await advice of the final timetable for that process.

Telecommunications strategy. In compliance with the timelines in the Assembly Priorities Plan, the Minister for Finance made a full statement to the Assembly in October 2005, setting out the telecommunications strategy which had been adopted. I will not repeat the full details of the strategy, but it set out measures to increase the efficiency and profitability of Norfolk Telecom, to provide new and improved services and to reduce the costs to government and the community in the supply of international telecommunications. The three major initiatives involved: Broadband connectivity, Access to a cellular mobile phone network and Cheaper international phone calls. I am pleased to advise that all of these initiatives are well on the way to achievement, including the calling of appropriate tenders. The Government has also moved to protect the revenues of Norfolk Telecom through the firm enforcement of the provisions of legislation designed to ensure maximum social benefit from centralised provision of telecommunications services.

Quarrying and rock crushing. Very significant progress has been made in the life of this Assembly in ensuring an ongoing supply of crushed rock and a readily available stockpile of high quality rock for future use in Norfolk Island business, home building and public works. The emergency measures which were implemented early in the life of this Assembly succeeded in breaking through the impasse which had existed for a lengthy time, allowing supplies of crushed rock to begin flowing for important public and private projects. I pay tribute to the achievements of the Minister for the Environment who has put in countless hours of hard work to ensure that rock crushing could proceed while all relevant concerns about the environment, safety, noise and dust were also addressed. The result has been that in the past 12 months we have probably seen the greatest amount of crushed rock products delivered in our Island's history. Real progress has also been made on the development and implementation of a quarrying and rock crushing strategy to provide for the foreseeable needs of the Island for years to come. Two major developments have contributed to this desirable outcome. First has been the consolidation and management of the rock stockpiles at the Cascade Cliff quarry and rock stockpile site. The second major initiative

resulted from a negotiated settlement with a contractor to recover and screen a large quantity of usable rock and other products from the Middlegate site near the school. That work was funded at no cost to the Administration and resulted in a substantial stockpile of high grade rock for future crushing, together with additional materials suitable for road base and other uses. Subsequent work undertaken by the Administration added to those considerable resources by the moving and screening of stockpiles previously held at Young's Road and Banyan Park. Overall, the result of these major works has been to create substantial new stockpiles of usable high-grade rock and associated materials in addition to the stocks already held at Cascade. Tourism industry support. All of the tasks listed in the Priorities Plan for the development and growth of tourism to Norfolk Island were completed, including major industry consultations and preparations for the review of the Unity 2005 document. However, the tourism industry faced one of its biggest challenges in many years, with the collapse of Norfolk Jet Express in June 2005. It is now clear that a range of factors resulted in the failure of that company, especially the extreme competition on fares resulting from the growth of discount air services in Australia and between Australia and New Zealand. Faced with the immediate cessation of air services between Norfolk Island and the Australian mainland, the Norfolk Island Government, with the support of the Assembly, acted decisively to protect passengers, ticket holders and tourism wholesalers by establishing air charter services. This was achieved by expanding the existing Norfolk Island Airport GBE and entering into contractual arrangements with three major private sector organisations to provide charter flights, ground handling, passenger processing, airfreight and associated services. It was the Government's view at the time – and remains our view – that the economy of Norfolk Island is heavily dependent on tourism and that airline services to and from Australia must be maintained and expanded. By contrast, the Commonwealth's expressed policy at that time was that provision of air services was not a role for government and that it would be best for passengers to Norfolk Island to use existing air services via New Zealand. The Norfolk Island Government strongly disagreed with that position, which could have resulted in the near total collapse of Norfolk Island's critical tourism industry. Faced with the Norfolk Island Government's decision to maintain air services to Australia, the Commonwealth subsequently funded a limited consultancy to advise on fare structures and possible options for future air services. The Government continues to negotiate with a number of commercial airlines in an endeavour to find a long-term replacement service, but these have been protracted in large measure due to the requirements of Commonwealth legislation and airline policies. The government air charter services have been designed to maximise visitor numbers rather than to accumulate operating profits. To date, over \$1.5 million worth of valid Norfolk Jet tickets have been honoured, and apart from that commitment the air service has operated close to a break-even point. With almost all Norfolk Jet tickets now accounted for and strong growth in forward bookings, services were expanded from the start of March to include Sunday flights under charter from Air Nauru, which has a code share arrangement with Qantas. Air Nauru expects to be able to convert those flights to its new 737 aircraft from some time in April, which will bring incoming seat capacity from Australia to around 42,000 seats per annum to add to the existing capacity of around 13,000 from New Zealand. In addition to the support of air services, the Assembly voted an increase of \$400,000 in the tourism promotion funds made available to Norfolk Tourism. This has resulted in some innovative new promotions and special packages which are now beginning to bear fruit in the form of encouraging forward sales. Norfolk Tourism also took over responsibility for the Jazz Festival and Opera in the Ruins, previously conducted by Norfolk Jet, and will continue to promote those events and to support the ongoing programme of community activities and events. Overall, recovering the tourist market and aiming for growth has been a difficult and slow process, but we are now seeing progress and I am optimistic about the prospects for real growth in the future. Immigration review. Progress on the review of immigration and population policy has not been as rapid as might have been hoped at the commencement of the 11th Assembly.

While some progress has been made through legislative amendments and fine-tuning of existing procedures, which were undertaken by the Hon. John Brown in his previous Executive role, this area remains one which deserves greater scrutiny and action in the remaining part of the term of this Assembly. Roads. Most of the strategy outlined in the Priorities Plan for roads has been incorporated into the Administration Management Plan and the Asset Management Plan. These documents set out short-term and long-term strategies for road maintenance, improvement and replacement. Despite the difficult budgetary situation which has largely resulted from the decline in tourist numbers, there have been some significant steps undertaken to improve Norfolk Island roads and planning for the future. For a small, remote community, we already enjoy a very high proportion of sealed roads when compared with similar shires or towns in Australia. Around 90% of public roads are sealed, and while many require further improvement or maintenance, it is extremely rare for Norfolk Island public roads to be closed due to weather or poor condition – in stark contrast to what occurs in similar mainland communities. The Assembly recently agreed to a private roads policy which has resulted in nine roadways previously classified as “private” becoming part of the public roads network. Major reconstruction work has been undertaken on Marsh’s Road and JE Road. The Government will be dealing with projected expenditures on road rebuilding and improvement identified in the Asset Management Plan in the 2006-07 budget now in preparation. Economic policy – achievements and the future. Mister Speaker, the summary I have given of the actions taken to implement the Assembly Priorities Plan largely outlines the economic and social policies which have been pursued by the Norfolk Island Government with the support of the 11th Legislative Assembly. In summary, the major economic policy initiatives of the first part of the term of this Assembly have been: Creation of a government airline service through expansion of the Airport GBE. This service has operated reliably for the past nine months, stabilising passenger services and doubling the amount of airfreight in both volume and revenue. In turnover, it has become the largest government business enterprise in the history of Norfolk Island and has been the major factor in preventing the collapse of the vital tourist industry. It has protected holders of Norfolk Jet tickets from losses and has aimed to maximise visitor numbers by operating at a break-even point rather than seeking to generate business profits. It has recently increased services to include additional Sunday flights and expects that incoming seat capacity from Australia will be expanded to a rate of almost 42,000 per annum from April 2006. When added to the capacity of flights from New Zealand, Norfolk Island should have around 55,000 incoming seats available per annum from that time. More than \$400,000 in additional funding has been made available for tourism promotion. This has helped to stabilise the tourism market and is now resulting in pleasing growth in forward bookings for coming months. The newly appointed General Manager of air services and General Manager of Norfolk Tourism are working closely together on a range of tourism and air service initiatives for future months. Substantial expenditure savings have been achieved through review of all public sector structures and functions and changes to restrict recruitment and overtime. A modern and progressive telecommunications strategy has been put in place, which will increase revenue, provide new telecommunications services to the public and reduce Norfolk Telecom costs. A comprehensive strategy for the provision of crushed rock has resulted in high levels of production and the creation of new stockpiles which will meet future needs for many years. These major policies, and many more detailed initiatives, have been aimed at stimulating the Norfolk Island economy and commencing a process of economic growth through the recovery of the tourist industry. I will be making a separate announcement later this week about some joint public/private sector initiatives to assist in the revitalisation of small businesses in Norfolk Island. I have been concerned to note the statements of my Commonwealth colleagues and their departmental staff indicating that nothing has been done to deal with the economic issues facing Norfolk Island and that the Administration and Government are facing insolvency in the foreseeable future. We do not accept that assessment, neither do we

on within ten or fifteen minutes and that sort of thing, you can't pay enough money for that because in other areas it can be off for hours. As far as the roading situation, for sure, there is a need to progressively upgrade the roads. The what level is something that the community, or what standard of roads is something that the community needs to look at so within the infrastructure arrangements there is a need for the community to look very closely at what standards are proposed and comment accordingly. I think that we can, okay, I'll say it. When I was Chief Minister in 2000 I was under the very real impression that Australia at the time through the Administrator that was here at the time in particular, was making a move on Norfolk Island. It was at the time if you recall that we were looking at the integral part of Australia terminology came to the fore and it was used very heavily. I objected strongly to what was actually going on. I visited Canberra and spoke with all the relevant Ministers and I think from that we seemed to stave it off for a little while but it was still around. People thought I wanted to be independent. That's a lot of rubbish. What we wanted to do was to maintain what we had and build on that. Time has moved on and now because we've had a series of deficits and we do need to make some decisions on changes, as the Chief Minister said, some structural changes as well as the revenue changes, we need to do that, we know that, but it all takes time I can tell you. It's very difficult in a small community to change things quickly and I believe we were moving along that road. I believe the solution is very simple. I still believe that the NSL is a goer. I still believe that it will provide the funds that are required and that it won't be a lot of products, I believe that it changes the way with our taxation arrangements by dropping FIL and customs duty in particular and I believe it's a goer. But there are, as Members have indicated, they need to see some changes before they get behind it and those changes are in the process of being developed. I think the community should look very closely at what they have. I was in the area of the Northern Territory when some smarties from the South came to the Northern Territory and conned, and that's all I can say it was, the Aboriginals to walk off their employment. Now. At the time their conditions weren't up to the normal Australian accepted working standards but they were actually working. These guys got them to walk off the job and move into a creek bed and camp. There was no real opposition from the other side of politics at the time so I blame both of them. Since that time in forty years, these families, a lot of them, the father hasn't worked, the son hasn't worked, the grandson hasn't worked and probably the great grandson coming along will never see work. That is the worry that I have for this island that we will get into this welfare situation because of the problems in our ability to create a working environment on the island and that's been on forever and a day, and at the present time now we have tourism to hang onto and we need to look at other industries and people will say yeah, yeah, we talked about that before. We've got to keep blooming talking about it and we've got to act on it and look outside the square and keep battling to get alternatives or comparable industries to tourism and I'm very confident that we need to proceed as a self governing territory. I believe firmly that what Australia is proposing whilst we don't know the details, if you read between the lines you will see what's actually going on. I believe it's a proposal that will do irreparable damage to the island and its community and I firmly believe that. I can't see and it's a bit like the aboriginal walk off. For sure. The conditions weren't crash hot at the time but they were a damn site better than what they let them get into and that's why there's still a problem and it was really interesting last night when a bite I guess from the Queen speaking at Parliament House when she mentioned how great the Australian Government had been in their support of the disasters to the North and that was covered in quite some detail and all credit to the Australian taxpayers including myself who actually provided the funds for that but, when she got onto the other side of it, but you've still got some problems with the indigenous bang – she's off. Next item please and away we went, because they still have some problems with it and I don't want to see this island fall into that sort of arrangement and I believe firmly that we should object and fight to maintain what we have at the present time because it is achievable. There are some issues we have to change and we should be prepared to accept that there is a need to change and to actually go down that road

but to me, what they are proposing is an ill thought out solution or actually using a sledge hammer where you could probably push the nail in with your finger. Thank you Mr Speaker

MR D BUFFETT Thank you Mr Speaker, can I compliment the Chief Minister on his statement this morning which is appropriate to be brought forward especially in this difficult time. He has done three principle things which I applaud. He has addressed and reported on the Legislative Assembly's plans that it made at the commencement of this 11th Legislative Assembly and he has explained and made it very clear that in those twelve points there have been significant achievements made which have not been properly recognised in a number of areas including our own community I suspect but particularly with those who we need to negotiate with in this present difficulty that we find ourselves. I compliment the Chief Minister on walking through each of those points and making it very clear that there have been significant, significant achievements within the Norfolk Island community. He has secondly challenged the Acumen Report and made it clear that those points that they have made in a number of areas do not all have accuracy including some of the financial predictions, including some of the figures on which they make their financial predictions and of course they are predicting that this place will be insolvent in eighteen months or two years. If their figures are not correct, if they are misplaced in how they are put together then it doesn't necessarily mean that, that solution is an accurate one and the Chief Minister has accurately challenged that. He has also given some detail on the major issues that are being progressed in a whole range of areas which leads me on to say that the Chief Minister has said that there is a way forward for us that is sustainable and let me just give emphasis to the three points that are to be taken into account. His statement recognised that we do need to reinvigorate the Norfolk Island economy. He has mentioned the promotion of tourism our principle industry as a high priority and some detail about that. He has also talked about securing airline services on a permanent basis and he has explained to us the tremendous work that has been done to ensure that the industry has been maintained, that is tourism, by the airline services that the Government has been forced to put into place. The second point in terms of our moving forward is structural reform which has been also reported upon in the Chief Minister's report to us. He has talked about Public Sector reform, Government Business Enterprises have been mentioned and he has talked about the revenue base. The earlier proposals and continuing proposals to address those areas. He has equally said that there are areas that we must have dialogue with the Commonwealth about and we need to pursue that with some vigour. I think we can be confident that there is a way forward because there's a lot of negativity out there in the community today and we need to be showing that we don't need to be negative, there are many positives that we need to talk about and continue to plan about but deliver upon as well. There is a constructive way forward and I compliment the Chief Minister on his statement

MRS JACK Mr Speaker, yes the Chief Minister is definitely to be congratulated on the previous statement of informing the community. I think the recognition of what we've done and must continue to do so, we can't underplay enough. In my view we seem to as a community and as a Government, as an Assembly, sell ourselves short on our achievements and over the going on 26 years of Government this island has managed to do some incredible things. Its people, the community have managed to do incredible things and have fantastic services offered to both the residents and tourists alike. It has a great history of resilience and resourcefulness and we must continue that on our journey forward. We've also got to take the community on our travels to better I think our lines of communication to the community. . It's something that was brought home to me in some meetings I held over a day last week with 50 Members of the community. We need to increase that communication and I will personally take that endeavour and push my fellow Legislative Assembly Members to be there as well.

The one thing that troubles me about the future of Norfolk Island and it was mentioned by many people in discussions with Alan Morris, and it was the use of the word comparable. Now having said that we offer a lot of services and have marvelous facilities, my concern is this Mr Speaker, that when they are comparing us to various comparable communities, throughout Australia that in many cases we are so far above them that it won't be a matter of bringing that comparable community up to our standard, but taking us down to meet theirs and so I shudder for the welfare and the elderly, the young families on just what services are going to remain should those services be taken away. It's catastrophic. I can see as Mr Nobbs was talking about, great changes ahead and so I too give my backing to the Chief Minister on full negotiations and assessing all sorts of possibilities to maintain the self Government aspect of Norfolk Island. Thank you Mr Speaker

SPEAKER
the Statement be noted.

Is there further debate? The question is that

QUESTION PUT
AGREED

The Statement is noted. Are there further Statement

MRS JACK
Mr Speaker, in the past if a question was going to be noted further on and hadn't been listed it tended to be answered in statement time. I was just wondering if I could seek leave to do that

SPEAKER
Are you formally seeking leave or are you just...

MRS JACK
Well I'm just asking to be able to do that

SPEAKER
That's fine

MRS JACK
Mr Speaker, it was actually a question that you raised in the January sitting of the House regarding the waste management centre and you noted that the waste management centre appears to be developing an ever increasing reliance on the Water Assurance Scheme's cash reserves and given that the Commonwealth Government contribution to the centre exceeds \$1m can you advise when the waste management centre will break even financially and how you intend to replace the Commonwealth's contribution when the waste management centre and its associated equipment need replacing. I would just like to make this observation. The waste management centre operation is funded through the waste management levy and supplemented by funds from the Water Assurance Scheme. In the financial year 04/05 this supplementation was roughly equivalent to 15% of running costs. The waste management centre would ideally be fully funded for operations and capital replacement from revenue streams that would include the waste management levy and the sale of products and services from the waste management centre and this is my objective as the responsible Minister. At the moment the current emphasis is on cost control. In the 04/05 financial year the waste management centre came in approximately 5% under budget and so far in 05/06 we are on track to deliver similar savings. Savings are being made in a number of ways as the waste management centre seeks to improve the efficiency of its operations. New processes for green waste will soon be introduced with the support of the Natural Heritage Trust and whilst I recognise that there some operating costs to factor in, these measures should also produce a revenue stream. An easy option to balance the books would be to increase the waste management levy however its not an option I am proposing at all. To date there has been significant outlays by both the Administration and the Commonwealth to develop the asset base

that we currently have at the waste management centre and there may be further outlays as we work towards the development of sound waste management practices. The burning arrangements at Headstone need to be upgraded to improve burning efficiency and improve the working conditions of staff and or contractors. We need to develop pathways for the removal from the island and disposal of hazardous materials and we need to improve our materials handling practices. In short waste management on Norfolk Island must be seen as a work in progress. In a recent project conducted by the European commission focusing on waste management in islands, strategy to integrate waste to energy policies, the following statement appeared. Why focus on islands? And the statement went on to say, and I quote Mr Speaker "waste management is a challenge for all communities, insular or not, but islands have unique characteristics which influence their choices of sustainable waste management options. For instance, availability of land is usually very limited and its value is high enough to discourage extensive reliance on land filling of waste. Islands are by nature isolated from the mainland and usually need to develop self sufficient solutions for waste management and energy supply. Population in most cases present large seasonal fluctuations attributed to tourism that effect waste and energy planning. Material recovery and recycling is not always feasible since at least in small islands there is no market for recycled materials. Those above comments are certainly applicable to Norfolk Island and clearly at some point in time the assets of the waste management centre will need replacing and the Government should provide for that. The fact that the major assets are relatively new, puts the major costs well down the track however, it is appropriate for the Government to consider well in advance just how this capital replacement would be funded. The recent asset management review conducted by asset technology specific on behalf of the Administration addresses the issue of capital replacement and indicates the costs involved and this has been done for all assets including the waste management centre. It is fair to say that successive Norfolk Island Assembly's have not effectively provided for capital replacement across a broad range of Government activities and this is an area of financial management that we need to address. How long before the waste management centre breaks even. Well when the island experiences an economic downturn many areas of Government revenue suffer. The waste management levy is sensitive to economic activities, so the income streams funding the operation of the waste management centre can rise and fall. The Water Assurance levy by contrast which funds the sewage treatment plant is much less sensitive to movements of an economic nature. As the waste management levy has only been in place for a short time it has not yet had the opportunity to build any reserves to provide for future capital costs and fluctuating operation costs. I will be pleased to advise the house when the waste management centre is operating on a cost neutral basis and even more pleased to advise the House when it makes a profit. I'm not in a position yet to do this. It is the responsibility of the Government and the Members of this and future assembly's to determine how we find the financial resources to meet our long term obligations and I thank the Member. Thank you

SPEAKER

Thank you Mrs Jack. Do Members wish to debate the statement? There is no motion to be noted. Thank you. Are there any further statements

MR BUFFETT

Mr Speaker Mr Speaker I wish to make a brief statement in relation to the Norfolk Island Museums. Firstly I wish to congratulate all those responsible for the success of the play 'The Trial of The Fifteen'. This Play, written by Peter Clarke, has been performed as part of the attractions of the Norfolk Island Integrated Museums by Norfolk Island thespians an amazing 500 times to more than twenty-five thousand people and has had sell-out performances in Sydney, Melbourne and Hobart. Mr Speaker I also take this opportunity to congratulate the members of the Museum Trust who give of their time voluntarily to assist in the running

of the Museum and protection of the Museum collections. In so doing, I wish to correct any misconception in the community that the funds raised from the performance of 'The Trial of The Fifteen' have not appropriately been accounted for by the Trust. Such misconceptions may have arisen from an article in 'The Norfolk Islander' published on 28 January 2006. It is unfortunate that the editor of 'The Norfolk Islander' did not seek to establish the facts of the matter prior to publishing the article and thereby causing members of our community who give freely of their time, knowledge and experience to feel that they have been maligned by an inference that they have misappropriated funds. Prior to 30 June 2003 - all funds raised by "The Trial of Fifteen" were deposited in to the Norfolk Island Bicentennial Integrated Museums Account. All these funds were used directly towards funding of activities within the Museums area. Since 1 July 2003, following formal agreement with Mr Clarke, the net profits (after expenses) from the performance of the play have been paid to the Museum Trust for use in projects and asset purchases for the Museums. Again all these funds have been applied directly towards the Museums and its activities. I trust, Mr Speaker, that this clarifies the issues. Mr Speaker, I also wish to extend thanks to Albert Buffett on behalf of the Norfolk Island Government for his valuation contribution to the Museum Trust. Albert has been a member and Chairman of the Trust since 2001 and he has advised that he is unable to continue that role. As a result, Mr Speaker, I have sought expressions of interest from persons within the community who would like to fill two vacancies that currently exist on the Museum Trust and I would welcome such approaches and applications. Thank you Mr Speaker

SPEAKER Are there further Statements. We have concluded Statements Honourable Members,

MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 31

Honourable Members I have received the following message from the Office of the Administrator. It is Message No 31 and reads, on the 28th February 2006 pursuant to section 21 of the Norfolk Island Act 1979 I reserved the following proposed law for the pleasure of the Governor-General, the Land Titles (Amendment) Bill 2005 and that message is dated the 28th February 2006 and is signed Grant Tambling, Administrator

MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 32

Honourable Members I have received the following message from the Office of the Administrator. It is Message No 32 and reads, on the 28th February 2006 pursuant to section 21 of the Norfolk Island Act 1979 I declared my assent to the following, the Immigration Amendment Act 2005 (Act No. 4 of 2006) and the De Facto Relationships Act 2005 (Act No. 5 of 2006) and that message is dated the 28th February 2006 and is signed Grant Tambling, Administrator

SPEAKER Thank you. We've concluded Messages Honourable Members, and we are commencing to Notices

NOTICES

COURT OF PETTY SESSIONS ACT 1960 – REVOCATION AND APPOINTMENT UNDER SECTION 73 OF THE ACT

MR GARDNER Thank you Mr Speaker I move that for the purposes of section 73 of the Court of Petty Sessions Act 1960, the House resolve to revoke the appointment of Graham Charles Rhead and appoint Jeanette Irene Havilland for the purposes of section 73 of the Act, as a person to whom it will be transmitted all

information, examinations, depositions, statements, recognisances and other documents sworn taken or acknowledged in a case. Mr Speaker this is a procedural matter but an important matter with the retirement from services from Norfolk Island of our previous Crown Counsel Mr Graham Rheade, who held that appointment under section 73 of the Act, it is necessary to appoint somebody in his stead and with the recruitment of our new Crown Counsel Jeanette Havilland it is proposed that she be appointed for the purposes of the Act, under section 73. I commend the motion to the House

SPEAKER Thank you Mr Gardner. Is there further debate at this time? Honourable Members, then I put the question that the motion be agreed to

QUESTION PUT
AGREED

The ayes have it. The motion is so agreed

PLANNING ACT 2002

MRS JACK Mr Speaker I move that in accordance with subsection 12(4) of the *Planning Act 2002*, this House resolves that the draft plan laid before this House, being a proposed variation to the Norfolk Island Plan 2002, last amended on 11 February 2005, and deemed to be the Plan under section 8 of the *Planning Act 2002* be rejected. Mr Speaker a very round about way for saying that for some time there has been an application before the Administration, the Planning Board and since September of last year an application for rezoning and if I can just give some background details so that the community can be made aware once again. Mr Speaker on June 26th 2005 Mr Daniel Nobbs, Miss Denise Nobbs and Mrs Sheryl Fuller, namely the applicants lodged an application to vary the Norfolk Island Plan by rezoning portion 87f remainder New Farm Road from rural, to rural residential. The purpose for this rezoning was to establish subdivision to enable each of the three joint landowners to individually own land and to use this land for residential purposes. Subdivision under the current zoning for rural is prohibited by the Norfolk Island Plan 2002 as the area of the subject portion is below the minimum lot size of four hectares. Rezoning of the portion to rural residential would enable the subject land to be subdivided into a maximum of four portions. Mr Speaker during the process it was deemed not to go to the public over the rezoning application because the application failed both in the Administration and with the Planning and Environment Board. Consequently when I brought this plan before the Legislative Assembly it was to reject it on the grounds, and there are many listed in attachments that all Members have seen and to be consistent with the previous application I informed the applicants that it was my intention to reject their proposal and to offer them the same amount of time with which to lobby Legislative Assembly Member. This I did and so it was in September I believe of last year that I introduced the application for rejection of their proposal. At that time Mr Speaker you yourself put in a change to have me amend the motion. That motion was held over and debated and in November an amendment to it was made which saw me being directed by the Legislative Assembly to take the matter once again for public consideration so that whereas before the public didn't have a say this was allowing the public to have a say. As a result of that public consultation required by section 11 of the *Planning Act 2002* public consultation was undertaken in two stages. Stage one the draft plan was gazetted and placed on public exhibition from 9 December 2005 to 6 January 2006. Four submissions opposing the draft plan were lodged during this time. Mr Speaker because that initial period was during the Christmas month it was my opinion that further consultation would be needed to give time for those off the island to come back and have a say, so stage two was put in motion. The exhibition period as I stated during which time the chance of community Members being pressed for time or being off island

were high, so that to ensure that the Norfolk Island community was given an adequate opportunity to comment on the proposal, the plan was gazetted and re-exhibited between the 13th January 2006 and 27th January 2006. Two further submissions opposing the draft plan were lodged during this time. As a result Mr Speaker six submissions were received and all rejected the proposal. Mr Speaker as I said before, this has been an ongoing concern for the applicants. My view on the matter has not changed and that is to reject the proposal being put forward. In the submissions received there was a common thread put forward and that was to wait until the review has begun and I can give the assurance that the initial action necessary to begin the review of the current plan will commence next year. It's a very hard decision to say, Mr Speaker, because it is an emotive issue but there are matters to be considered to try and take out that emotive issue and it is those matters that we must consider and not be swayed but I'm at the mercy of the House and I look forward to debate about this matter by other Members. Thank you. There is a matter that I've forgotten to do and that was to table a copy of the draft plan before the House

SPEAKER
that document

Thank you Mrs Jack. We note that you have table

MR SHERIDAN

Thank you Mr Speaker I was just reading the documentation that the Minister has provided us and if she might just clarify a point for me. I note in the minutes of the Planning and Environment Board Meeting of the 27th July 2005, that there was a comment made that this application was similar to a previous application to enable family subdivision and they agreed that the principles of the two applications were the same but it was noted that the decision to fail the previous application had been appealed to the ART. Can the Minister advise whether or not that appeal has been successful or even been heard at this point in time

MRS JACK

Mr Speaker, I'm not aware of the result of the ART. I wasn't even aware that it had gone to ART. But no. I do not know the results

MR SHERIDAN

Thank you Mr Speaker. In that case I would really like to see this remain on the table until that decision by the ART has been taken, considering the similarity between the two cases because I believe if we reject this as the ART case upholds their appeal then this is just going to open the door for this matter to be appealed to the ART as well so my feeling in this case is that it sit on the table until that decision has been handed down by the ART Tribunal or the Tribunal and then I think the Members would really have a clear understanding of the matters in law etcetera and how things would stand

MRS JACK

Mr Speaker, just in response to that I find that a rather frightening proposal of bypassing due process. We are asked to make a decision so that they can move on. The ART decision could be held for months. The process is that we make a decision and if they are wanting to they can then appeal that decision at ART. That is one of the options left over. ART at the moment can be quite a delayed process and I think it's unfair for us to be sitting on our hands afraid to make a decision and trying to become lawyers ourselves. We must do our work. Leave the process to be followed. If that's the desire of the application. We can't start to second guess these decisions.

SPEAKER

Thank you Mrs Jack. Mr Sheridan you had foreshadowed that you may seek a motion of adjournment. Is it your wish to do that or do you accept Mrs Jack's explanation

MR SHERIDAN No Mr Speaker. I accept Mrs Jack's explanation and I can agree with her with her due process argument so I'm willing for it to go to the vote

MR NOBBS Is it the intention that this be dealt with at this sitting or will it be left until the next sitting or what

MRS JACK Mr Speaker, if I may, I did mention to MLA's on Monday that I wanted this matter finalised today so that people can get on. People can move on

SPEAKER That is my understanding as well Mr Nobbs, that there is no intention for this to be adjourned until a further hearing

MR NOBBS Could I just continue. Thank you. Application. I've spoken on this before and I've spoken to the proponents of it, or one of them, Danny and Alec and it's a real difficult question that's put to Legislative Assembly Members. On the one hand I fully understand that there is an area of land that they wish to be left in due course to the children. I can understand that fully but on the other hand I do believe that if it's fair for one, it's fair for everybody and there will be extreme difficulties in then turning around and saying that we have to maintain the integrity of the plan as it is at the present time, bearing in mind that it is a living document but there are processes in place to have it amended. The situation really is that, and I know those pieces of land fairly well, as I was brought up in the area, there are a number of strips if that area as there are in other parts of the island and they were put in primarily to go back to water and that was it. We now know that, that's really not a big consideration at the present time, although in some areas it is and for some usage it is, but for these particular blocks there's not a lot of usage in the area apart from that what you can see from the roads on New Farm Road and then it goes down a huge valley and up the other side and down again and they have got problems and that's where we will need to look in the future with the plan, not just to say well we're going to cut those areas up into smaller size blocks then they are now, but to actually look at the actual areas and look how in the heck are you going to split them up because the access is a problem. I know you mentioned that you thought that this particular block hit the Rocky Point Road as I don't know what the name of it is now but that's what it used to be and at the back, but it doesn't it finishes well short of that road so that the main access is of a private road and New Farm Road and the problems in those areas and areas such as that are very significant and I think that I won't be supporting this particular proposal as I've told the Legislative Assembly in the past and I've told the proponents because I feel that if it's fair for one it's fair for everybody and things will just be very difficult to control building again on the island here and there'll be a need for huge cuttings in those hills to provide access roads and it really gets out of hand and I personally think that there's a way through it all and I'm not going into it now, but I think there's a way through it all and it not just applies to that area at New Farm Road area but also at Steeles Point and other areas where these long narrow blocks are in place so I won't be supporting the application. I'll be supporting the motion and I'll leave it at that at this time

MRS BOUDAN Thank you Mr Speaker. Well I have compassion here. I think it is better to deal with this at the same time as others that are waiting. We should wait until the review. I will not be supporting the motion

MRS JACK Mr Speaker, I'll wait for the voting. I'm just a little bit confused over that but I'll wait for Mrs Boudan

MR GARDNER Mr Speaker if I might just before you put that question. Would it be possible please to read the wording of the motion so that there's absolute clarity about what the motion is proposing to achieve

SPEAKER Thank you Mr Gardner for that. I shall read the words of the motion. in accordance with subsection 12(4) of the *Planning Act 2002*, this House resolves that the draft plan laid before this House, being a proposed variation to the Norfolk Island Plan 2002, last amended on 11 February 2005, and deemed to be the Plan under section 8 of the *Planning Act 2002* be rejected. Is there further debate at this time? Honourable Members, we have exhausted debate there so then I put the question that the motion be agreed to

QUESTION PUT

Would the Clerk please call the House

MRS JACK Mr Speaker, could I just. There seems to be some confusion on the wording and so that I can, may I as Minister rather than just read that, I'm asking that this that I have tabled, be rejected. That we agree to reject this plan because the wording is very convoluted in the way it's been put in front of me. In the past and today by LSU so I just wanted to clarify that

SPEAKER Mrs Jack I understand that it is in the negative that we are talking and the question has been put now and I think Members do understand what the motion means, even though it is confusing and the clerk will call the House and we'll see what happens

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

The result of voting Honourable Members the ayes five the noes three. The ayes have it thank you, the motion has been agreed to and therefore as I understand it, the attempt to modify the plan, defeated

The ayes have it. The motion is agreed

BUSINESS TRANSACTIONS (LEVY IMPOSITION) AMENDMENT BILL 2006

MR NOBBS Mr Speaker I present the Business Transactions (Levy Imposition) Amendment Bill 2006 and move that the Bill be agreed to in principle and seek leave that the Bill be considered through all stages at this sitting

SPEAKER Thank you Mr Nobbs. Is leave granted Honourable Members. Leave is granted Mr Nobbs if you would care to continue

MR NOBBS Thank you Mr Speaker the Bill and I'll read from the explanatory memorandum that the purpose of this Bill is the change the reference in the principle Act to the Business Transactions Administration Act 2006j which was passed at the last Sitting along with the principle Act. These Bills are dependent upon each other and the amendment of the references are required because the date of the Business Transactions Administration Act 2006 was changed by detail stage amendment from 2005 to 2006. Any reference in the Business Transactions Administration Act 2006 to the Business Transactions Levy Imposition Act 2006 will be amended and reprinted to give affect to the change. What it simply means in a working man's terminology, what's happened is this, that in the last Legislative Assembly I put up the Act and in the principle Act which we are amending, the Business Transactions Levy Act I put it in and it was passed but unfortunately the reference in that was to the Business Transactions Administration Act 2005 and it should have been the Business Transactions Administration Act 2006 so to clarify that, that's why we are amending it. It's fairly simple, it's just a change from 5 to 6

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

QUESTION PUT
AGREED

I think the Ayes have it. Is it the wish of the House to dispense with the detail stage?
Yes. Mr Nobbs, I seek a final motion

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

SPEAKER Honourable Members there being no further debate I put the question that the Bill be agreed to

QUESTION PUT
AGREED

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

HEALTHCARE LEVY (AMENDMENT) BILL 2006

MR GARDNER Thank you Mr Speaker. I'm not proposing to formally present the Bills this morning for the following reasons. Firstly I had tabled them as exposure drafts at the last sitting for a couple of reasons and those were that there were some minor amendments that were still required to ensure that the legislation was in an appropriate form to formally table before the House and the second reason for my not formally proposing to introduce them this morning Mr Speaker is that with the appointment of the Hon David Buffett as the Minister for Community Services he now has carriage for both of those matters and in my discussion with him both of those matters, both Notice No 4 and No 5, now fall within his bailiwick and by agreement Mr Buffett has agreed to take on both of those matters and at an appropriate time to formal introduction and so I would defer to him at this stage Mr Speaker if that is appropriate

SPEAKER Thank you Mr Gardner. If we could just seek some clarification. The instructions that I have here is that item 4 would be called on and item 5 which is the Healthcare Medical Evacuation Fund Bill 2006 wouldn't be dealt with today or would you prefer that they both be not dealt with today

MR D BUFFETT Thank you Mr Speaker with your concurrence, I would request that item 4 which is the Healthcare Levy Amendment Bill 2006 be called on and if I might have the opportunity to present that and in debate I will talk about the second without wanting to pre-empt debate upon that and I would ask that you don't call on No 5 at this time. It will be presented at a subsequent sitting. I've predicted that will be at our next sitting

SPEAKER Thank you Mr Buffett, we will then continue with Notice No 4 and Mr Buffett you have the call

MR D BUFFETT Thank you Mr Speaker I present the Healthcare Levy Amendment Bill 2006 and I move that the Bill be agreed to in principle. Mr Speaker this Bill plus an accompanying Bill is really about funding medical evacuations out of Norfolk Island and there are two bills that are proposed to cover the overall picture. This is the first of them which is entitled the healthcare Levy Amendment Bill 2006. the purpose of this Bill is to give effect to the undertakings of the House that the additional funds raised by the Healthcare Levy when it was increased from \$500 per year to \$600 and that's already happened, this is not a new proposal to increase it further but the increased amount would be set aside in a separate fund to be used for medical evacuations, it is part of a scheme to provide for medical evacuations in Norfolk Island. This piece of legislation is to do two things, tidy it so that it can be properly collected by statutory means under the Healthcare Levy machinery and to provide some adjustments in the legislation to ensure that, that can be done smoothly. It also provides that the fund amount can be properly stated but adjusted from time to time as different needs come along so that's the purpose of this particular piece of legislation. I would seek your leave to move an adjournment at a suitable time so that it can sit on the table for a month. Can I just turn however to the second piece of prospective legislation and give an overview about it so that you can see how it dovetails. One is about collecting the money, which is this one, and how it is put into appropriate funds and the titling of the funds and the titling of the funds to give it protection but the subsequent piece of legislation will also provide as to how people can access that when they become a person who might need to be medically evacuated and it will explain that, but it will also explain that there is a requirement for those who are in a situation of having to be medically evacuated to pay a threshold amount. The threshold amount which is not in this bill at this moment, will be in the subsequent one, and is \$2500. it is equal to the threshold on the Healthcare arrangement. This will mean that people who subscribe to the fund and need to be medically evacuated and there are processes to determine how that is to be done by professional people, then that comes into play and the total cost of the medical evacuation will come from the fund and medical evacuations at this time on gather contractual arrangements to an Australian port is in the vicinity of about \$25000 each time and so it is a significant amount of money and it is why one of the reasons why we are endeavouring to create a fund so that it can be met. That is a huge amount for individual families to meet and so it is not realistic that we can continue to think that individually it can be paid and so this scheme is designed to take account of that. This is the first introduction therefore Mr Speaker. The next piece of legislation will accompany it, and will elaborate it and I expect that, that will be ready for the April sitting. If there isn't any further discussion on this I will move that it be adjourned and made an order of the day for a subsequent day of sitting unless there is further participation required

SPEAKER Thank you. The indications are Mr Buffett that other Members do not wish to participate in debate at this stage, so we will so move. Then I put the question that this matter be adjourned and made an order of the day for a subsequent day of sitting

QUESTION PUT

AGREED

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

HEALTHCARE (MEDICAL EVACUATION FUND) BILL 2006

Honourable Members, item No 5 will not be called on today.

SUSPENSION

I wonder whether it's appropriate that we break for lunch now and then resume again at say, 1.30 pm. We will now suspend for lunch and resume at 1.30

RESUMPTION

We resume after the lunch break Honourable Members. We are at Orders of the day

PUBLIC SECTOR MANAGEMENT ACT 2000 DETERMINATION TO AMEND THE HUMAN RESOURCES POLICY

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

MR NOBBS

Mr Speaker Thank you. We've spent considerable time on this particular issue but just for the listening public who may not be aware of the historical facts in relation to this issue, I'll just briefly run through the point's document I have here which will enlighten them as to the length of time all this issue has taken. The Human Resources Policy which chapter 8 is part of, was passed in this House on 21st February 2001 actually by myself. Chapter 8 of that document said the spread of hours conditions would be extended across all staff and incidentally at that time the Human Resources Policy was not seen as a complete document. There were a number of issues included in there that were to be subsequently amended however, early in 2003 it was recognised that the existing Chapter 8 did not clearly express spread of hours to all employees and the details of how spread of hours would be implemented was not clear. At that time it was agreed that spread of hours would be extended to all new employees where spread of hours was included as part of the advertisement, duty statement or letter of appointment. Today over 90 persons have been appointed on those conditions. In February 2003 a draft document on equitable rostering and remuneration was first prepared by the then CEO. In 2003 there was a working group formed to discuss the draft document. This working group consisted of the Public Service Association, the Staff Consultative Committee and the Corporate Management Group Members. This Working Group met on a number of occasions the Staff Consultative Committee also discussed the document at a number of meetings during 2003, bearing in mind that its' now 2006. The result of those meetings was that the document was amended a number of times with the last draft of that document dated 11 August 2003. in October 2003 a letter was set to all staff and all managers seeking comment on that document. In May 2004 an interim policy was approved by the then CEO. The interim policy was a cut down version of the full draft equitable rostering and remuneration document mentioned earlier. The draft Chapter 8 we have on the table today represents a consolidation of three relevant documents. The existing chapter 8 of the current Human Resources Policy, draft equitable rostering documents which was discussed at length during 2003 and the interim document approved by the ten CEO in May 2004. there is little ground breaking policies within this draft. The main change is the clear and decisive application of spread of hours to all employees. The second change is placing of entitlements in a schedule which may be changed by negotiation or submission to the Remuneration Tribunal. A

draft of this chapter 8 was provided to the Public Service Association and the Public Service Board in November 2005. The Public Service Association and the Board provided written comments on the draft documents. The Acting CEO and myself have both separately and together, met with the Public Service Association on a number of occasions since that time. We also met with the board. As a result of those above discussions, there were changes to the draft issued in November which resulted in this draft we have before us today. The Acting Chief Executive Officer has discussed the draft with managers in meetings recently and requested them to ensure staff were aware of the proposals. In the light of the above history Mr Speaker it is fair to say that consultation has occurred on the principals within this document. Whilst I will not argue that this is a perfect document it goes a long way towards confirming changes in policy that have been around since at least 2001 and probably before that. And that's all I have to say. I fully support the document. I think it's fair. We have had considerable discussion with the relevant parties and interviewed the main ones who are affected by the change and also others and I ask the Legislative Assembly to endorse the document.

MRS JACK

Thank you Mr Speaker. I don't believe the document goes far enough but it is a beginning. I have met with representatives of the PSA and described to them my view of spread of hours and it is somewhat different to the one that is presented here today. My view of spread of hours is that there is no recognition for working on the weekend, that if it's part of your normal roster, so be it and that if you are asked to work on your normal rdo whether it be a Monday, a Saturday or Sunday, Thursday, whatever, that is when penalty rates would apply. However, having said that in order to get negotiations I suppose to where they are, there has been give and take on both sides and in the schedule here you can see that they have acknowledged penalty rates for Saturday and Sunday and those penalty rates differ. They differ also in the amounts that were proposed to me in the meeting that I referred to earlier with the representatives of the PSA. Mr Speaker one of the first paragraphs of chapter 8 talks about compliance with equitable rostering. And as far as I'm concerned to see equitable rostering it would mean that any penalty rates, whether they be Saturday or Sunday, that those dollar amounts assigned per hour be equal so it's my intention at the applicable stage to ask for an amendment to this schedule that would see a similar dollar amount given to each per hourly rate. Now whether that's the \$3 per hour, or a \$5 per hour or some others I myself would settle at the \$5 per hour, I'll just put Members on notice that that's what I'll be seeking prior to finalisation. I mean, there's other issues that concern me, the days notice of roster fourteen days, I think in a small community that has movement of flights, reliance on flights, shipping that has to be brought in and dealt with at the same time, fourteen days notice is an awkward proposition to deal with. Minimum paid shift of normal hours, being four hours, I think that's being very generous, I think it should come down to two, especially in the times we have today and the classification for which overtime is not normally paid they are saying an Administration officer at level 5, I would personally like to take it down to 4 because the paragraph that accompanies it deals with the wording, if you'll excuse me for a moment, managers will be required to produce rosters utilising spread of hours which will substantially reduce the need for overtime in their work areas, spread overtime opportunities to employees more equitably and ensure that there is provision for increased skills development for employees cost efficiencies unless organizational dependency. It also states that officers at that level and above should try and be prepared to work outside those rostered times. I believe that there is a problem with some people maintaining that so I would like to see that changed, however, I won't go that far. Too much of a crunch I think on the run, but I would ask that the penalty rates be amended at the appropriate time, thank you

MRS BOUDAN Thank you Mr Speaker. I have met with executive Members of the PSA and there is concern there that staff Members have not been adequately informed on this. That's all I have to say apart from I'll be abstaining from this, thank you

MR BROWN Mr Speaker the executives of the Public Service Association spoke with most if not all of us. They complained to me about the extend of consultation, they felt that it had been inadequate but I'm hopeful that after their discussion with me they felt that their point of view had been listened to and that they were perhaps more knowledgeable about the subject matter of the proposed changes than they may have been originally. Certainly I said to them that I felt that they were worrying about the wrong thing. That I felt they should be worry about whether if the Public Service is cut by one half, the jobs of the remaining half can be saved and that really is what we are on about. We are dealing with an insane situation. I understand that it's been mentioned this morning of the travel rorts affair. People being paid airfares which no sensibly mind person would ever have dreamed they would have been being paid. That's an issue that came up to my knowledge about three months ago and I thought it had been solved but clearly from what has been said today, action hasn't been taken to solve it. We've had situations where people have been for years, paid overtime in situations where their employment contracts have said throughout their whole period that they were subject to spread of hours. Now those are dreadful situations. The community can hardly be blamed for saying as you constantly hear, that Kingston is a sheltered workshop, and that change is required instantly and when we look at the words of the Federal Minister while he was here recently, it may be that the change has been left too late. But I don't think that that is an excuse for sitting back and still doing nothing. I think that these things do have to be corrected. I think that it is time that we brought to an end the assistance with airfares because only some people use it and its apparent that of that some, some abuse it. The payment of overtime, let me use a situation where a particular section might work Saturday, Sunday and perhaps one day during the week and so they roster themselves on Monday to Friday and get overtime for Saturday and Sunday. That's insane. It is an absolute abuse of the trust that the public has put in the Public Service and frankly an absolute abuse of the trust that the public has. Mr Nobbs wishes to interrupt I think

MR NOBBS I'm sorry. I didn't mean to interrupt you. I was just trying to catch the Clerk's eye

MR BROWN Mr Speaker I'm sure that Mr Nobbs will have no difficulty catching the clerk's eye. He's a man that's had that reputation for a long while Mr Speaker, of being able to catch the eye of any young lady. But those things are problems and have to be fixed. But to what extent is it a problem if there was inadequate consultation. I think that if the consultation was inadequate it's just another example of the problems that occur down here but I think that things have gone too far to again adjourn this matter to allow for yet further consultation because at the end of the day, what's that consultation going to mean. The view that I've formed is that the consultation will mean that the Members of the Public Service will say we don't agree with this and those with whom they are consulting will say these changes are essential and how does that get us beyond where we are at this very minute. On balance I intend to support the proposal that is before us, like the Minister for the Environment I don't think it goes far enough, I think that the time has come where a lot of other changes need to be made , not only getting rid of things such as airfares, but I think that we've got to be prepared as has been the case throughout the South Pacific I think we've got to be prepared to look at whether we really need a public service the present size or whether we have an obligation to half its size in the hope that, that will contribute to saving the situation because there is absolutely no point in continuing to employ a bloated Public Service

where the community has little respect for them, the sheltered workshop comment is a comment that you hear widely but more importantly if that financial drain is going to be the drain that totally brings the island undone are we doing the right things by ignoring it. What I'm going to say is that I'm going to support this today but I trust that the Minister will come back at our next meeting with a further round of reform, thank you

MR D BUFFETT

Thank you Mr Speaker I really want to make some comment on a couple of comments that have been made by some who have already entered the debate and there have been some rather denigrating terms used such as sheltered workshop and the like and whilst this is a debate that needs to be had in terms of section 8 I would have hoped that we would have conducted it in a manner that is not denigrating of the people who are in the area of which we are speaking, that is the Public Service. Without a doubt there may be people in the Public Service who might conduct themselves in a manner that we would like to see improved. That can be so in any organisation whether it be large or small but the reality is, that in most organisations most of the people want to do a good days work and be understood to be in that context and not thought to be people who want to exist in a sheltered workshop situation as has been described and I think trying to enter the debate at that level is not helpful to this overall situation. This subject is obviously to some degree a debate that is had in many quarters, about the dynamics and the tensions and the challenges that exist between employer and employee situation. Those situations exist in many places. Within the Norfolk Island context I think it's fair to say that we haven't got a hugely enhanced reputation about employing people and the conditions that are applied in the place. Norfolk Island has been well behind others in achieving things, basic things such as holiday pay, and proper leave arrangements and a range of things and they have progressively come into place. One of the leading areas in trying to achieve some of these very basic things have indeed been the Public Service. And they have flowed on quite correctly into the private sector. There are still varying views as to what levels these things should take place and the chapter 8 document is one of the things that gives further substance to that debate. One of the difficulties of this very day in debating this, is of course the economic climate that we are finding ourselves in. Where a number of people are without jobs and some people will find it difficult to meet their commitments and in the public area, where in many instances it might be thought that pay and conditions might be a bit better than in some other areas, but that's not always the case I might say but there are perceptions about that, that therefore in these difficult times, that the public sector should be withdrawn in terms of pay and entitlements because of the times. I think probably there is some credence in that situation that if the times are really difficult that there should be some consideration of that in all areas, whether it be public or private. I think that has been exemplified in the Public Service area, for example a pay claim was in place and it was put on hold in the climate that we are in and I think that's commendable on the part of the service but one of the things that is probably troubling me a little, we have had great explanation as to processes that have gone on in terms of this chapter 8 and the consultative arrangements. The consultative arrangements are exceptionally important because the reality is that this is reducing significantly the conditions and arrangements that exist in a quite large workforce in the island. Yes savings do need to be made in this very severe economic climate but one needs to ensure that all of the players know what the score is and that seems to me one of the difficulties. The Minister for Finance for example has explained that there have been consultative arrangements. He has mentioned that he has talked to Public Service Association representatives and I think we've all now had the opportunity to hear representations from the Public Service Association. Mr Nobbs has also mentioned that the managers have been briefed by the CEO and others but the vast majority of people of course are on the workplace floor and they are greater in number than the area that I've just described and I am concerned when the Public Service Board, bear in mind that the Public Service Board is not the Public Service Association. The Public Service

Board's role is to look at appeals, look at fairness and equity and a range of things that are brought before them in the Public Service and they are not public servants necessarily in that context and I'm concerned that when the presiding Member of the board writes and says these things, the Board wishes to emphasize it's concern at persistent complaints that many of the people employed in the public sector feel that they have not been informed as to the nature and the likely effects of the proposed changes. Now if the Public Service Board are concerned about that, I have to take that into account. It does seem that there has been significant consultation, but has it reached that level where all have had an opportunity to hear first hand the nature and the likely effects of the proposed changes. If you ask me to support this today, I would vote against it, because it appears that it hasn't gone through the process that gets to everyone that it should get at. Notwithstanding that there has been a long period of time where this has been around and many changes put to it but have they got to the real grass roots of all of the people who are affected. I think that's something of importance and I share my views with Members around the table about that

MR NOBBS

Can I just throw a couple of comments on what was said. I don't wish to go into the details of what was said but I thought it was a bit derogatory to the Public Service but I don't wish to carry on with that but the situation is that I've some concerns with the proposal put by the Minister for the Environment because that really will then force me back into a situation where I need to go back through all the negotiations again and if we are going to have as many meetings, and talks as we have in the previous well nothing will get done and for the next couple of weeks at least because that's what's been going on so I mean, I ask the Minister for the Environment to reconsider what she proposes because there are opportunities later on, once this is in place. The processes do allow for the continuation of this negotiation and that's what I've said earlier. As far as the Board's letter is concerned, I received that letter on Monday as did other Members of the Legislative Assembly. The composition of the Board is two people from outside the service and a staff representative who is named in this particular document and it's really something that I would have thought, in a discussion on this particular aspect that that particular Member would have stood down, because the Member is one of those who is probably most affected so that's the go, so I thought he would have stood down from these sort of arrangements, but I don't know. I mean how far does this, how long will we have to hold off, when can we start making a decision on things and that's it, I'm prepared for it to continue today, to its finalisation one way or t'other. Thank you Mr Speaker

SPEAKER

Thank you Mr Nobbs. If I could just seek some clarification from Mr Nobbs and Mrs Jack. I don't think Mrs Jack was proposing to delay the passage of this today, she was proposing to move a slight amendment and its up to the House whether that amendment gets up or it doesn't

MR NOBBS

The motion says the document dated the 22nd of February. I'm required, the document that we have dated the 22nd February has been through the hoops, I believe, on consultation. I think that if we changed the 22 February document to the 15 March document that there will be a requirement then to put it back through the system. That's what I fear. There are certain requirements on the Minister of what he has to do and if there is a change to the document which there will be then it needs to go back to the Public Service Association, the Public Service Board and then come through again. I think that's what the rules are. Those are the rules actually

MR BROWN

Mr Speaker the Minister has the portfolio responsibility for this area. If he is expressing a concern that any change would cause delay, then I would certainly support the passing of the motion today and I would encourage Mrs Jack to then move a further amendment later on rather than run the risk

of any difficulties occurring. We've been told of a letter from the Public Service Board. It's a letter dated a couple of days ago. It's written by the presiding Member and it says, we've received the paper, upon receipt I then circulated the material to the other Members of the Board except for the staff representative who had already received it. That's what the letter says. The board then met on the 9th March and again today to consider the amendments to chapter 8 and voted two to one in favour of supporting the proposed changes in view of the serious financial situation affecting the Norfolk Island Government. The staff representative on the board did not support the changes as he considers it his responsibility to protect the working conditions of his membership. Now you recall I said earlier that you couldn't really expect, no matter what amount of consultation occurred that the Public Service Association would say yep, we're fine with all of that. Here it is very clear. The staff's representative on the Board wasn't prepared to even consider changes in working conditions. The board wishes to emphasise its concern at persistent complaints that many of the people employed in the public sector feel that they have not been informed of the nature and likely affects of the proposed changes. Let me take you back up a couple of paragraphs and repeat again, upon receipt I then circulated the material to the other members of the Board except for the staff representative who had already received it. Now we've been told; by the Minister and I've no reason to question what he has said, that both he and the Acting Chief Executive Officer attempted to consult widely and there is no doubt that before the Public Service Board received details of the proposed changes they were already in possession of the staff representative and presumably the staff representative was already discussing it with his members. There are times when we've got to be prepared to make decisions. Far from being a letter which urges caution and saying you should not under any circumstances pass this motion today, the letter from the Public Service Board, is a letter that says leaving aside the staff representative the remainder of the Public Service Board unanimously supports the changes. And it says, if you read between the lines, the staff representative won't support it no matter what because he considers it his responsibility to protect the working conditions of his membership and I don't have a problem with that. If that's the view of the staff representative that's fine, but it makes it very difficult to make such a person on the board. How can you have a board giving proper consideration to issues if the staff representative is saying there is no way I'm putting up with any change and that's what's occurred and that's what occurred when various representatives of the Public Service Association came and spoke with us. They basically said, it wouldn't matter what the change was, they felt that the Public Service should continue unchanged. They said let's have more consultation, but there was no indication that that consultation was going to be actual consultation. There was going to be delay, there was going to be opportunity for them to yet again say no we don't want change, but it wasn't going to solve anything beyond that. We heard a statement that the Public Service has been a pace setter in terms of conditions of employment. And we heard that through the existence of the Public Service people received holiday pay. Well the Employment Act has been around for a long time Mr Speaker, and it has contained a requirement for holiday pay during the whole of that period. To such extent as the Public Service attempts to set itself up as a pace setter it's not doing the right thing by the remainder of the island. And one of the really interesting things about the Employment law is the way it acts like a pendulum and at one stage it will be swinging out to provide all kinds of benefits to employees, and then all of a sudden people start to realise that the provision of those benefits is starting to cause a loss of employment. In Australia it started to cause employment to actually be exported overseas. Australia had other problems, it left almost a complete generation without apprenticeships. It did all kinds of things that are now being regretted but the Howard Government has now recognised a lot of that and has a very intensive programme of industrial reform. In some areas the reforms of the Howard Government if applied in Norfolk Island would cause changes a little bit like the changes that we are proposing here, and there is no doubt that we need to embrace the changes that are accruing in Australia. There is absolutely

no point in paying employees a fortune and giving them wonderful conditions if the result of it all is that they don't have a job and if there is not a job then to be found without leaving the island and that's the risk. That's where the Public Service over the years has taken us, that's where senior Members of the Public Service have let the community down over a long period of time and that's where Members of this House when they attempt to stand in the road of reform of this nature, are really not in my assessment doing the right thing by the employees or by the community. We've heard that the Public Service Association was very generous and put its pay claim on hold. We didn't hear that the pay claim was withdrawn and let me tell you what happens when a pay claim is put on hold and dealt with several years later. What happens is, there's back pay. What's been done is to take the heat out of the argument now, by saying, oh look we're gentlemen, we'll sit back, and when the economy improves a little as we all hope it will, there'll be a claim not only for all of the increases which have already been sought, but for a back pay component so let's not kid ourselves that the Public Service Association has shown extreme generosity to the community in terms of any delay in the assessment of its claim. To the contrary, the Norfolk Island Government should be insisting that the pay claim come on now and that it be dealt with, because the act makes provision for economic circumstances and for a whole host of other things. That claim should be knocked out of the road, whatever may be the eventual result, rather than allowing the present situation where a contingent liability is continuing to accrue. That is, where once the claim is eventually dealt with, if there is an increase and if as I've suggested to Members that increase is made retrospective to the date of the application there will be massive liability for the payment of that back pay. I have no difficulty on balance, in supporting what the Minister is seeking to achieve today. I do hope that he and the Minister for the Environment will review the other changes that are necessary and they are absolutely necessary, and I do hope that the Government will have a cold hard unemotional look at the question of whether there is a need to half the size of the Public Service in order to preserve the jobs of the remainder

MRS JACK Mr Speaker, in light of what the Minister for Finance has said in relation to the acceptance of the 22 February document I withdraw those proposed amendments. It must proceed and I'll back that. Thank you

MR NOBBS I was just going to say that I can't recall whether I actually table the 22 February document, which I'll do now anyhow. That's it and if there's no further debate I'll move that the question be put

SPEAKER There being no further debate I put the question that the motion be agreed to

QUESTION PUT

Would the Clerk please call the House

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

The result of voting Honourable Members the ayes seven the noes one with one abstention. The ayes have it thank you, the motion is agreed to

LEGISLATIVE ASSEMBLY (REGISTER OF MEMBERS' INTERESTS) AMENDMENT BILL 2006

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

MR GARDNER Thank you Mr Speaker. In the introduction of this legislation into the House last month I provided advise extracted from the explanatory memorandum on the purpose of the bill. It is a procedural matter in that the provisions of this legislation just provide the necessary mechanism and process for matters considered by the Committee of Privileges under the Legislative Assembly Registrar of Member's Interest Amendment Bill. If the scenario arises where the committee Mr Speaker believe that a matter doesn't warrant taking any further, establishes the process for alerting persons to the process that needs to be followed and how you go about alerting that, but also does provide an amendment, an important amendment where a matter is raised by the Crown Counsel before the Committee of Privileges enables a mechanism for the reference to the Crown Counsel under the provisions of the legislation to be dealt with by another officer within the Administration's Legal Services Unit

SPEAKER There being no further debate I put the question that the bill be agreed to in principle

QUESTION PUT
AGREED

Thank you. The Bill is agreed to in principle

Thank you. Do you wish to dispense with the detail stage. We so dispense with the detail stage and I seek a final motion

Thank you. Is there further debate at this time? Then I look to you for a final motion
Chief Minister

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

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

QUESTION PUT
AGREED

The ayes have it thank you, that Bill is agreed

JURIES (AMENDMENT) BILL 2006

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

MR GARDNER Thank you Mr Speaker. As I advised at the last sitting with the introduction of this legislation the purpose of the bill is to add classes of persons who will be considered to be exempt from jury service and to make some

changes in terminology. Mr Speaker its also changing some references from the title of Crown Solicitor to Crown Counsel which is in use these days and alters some terminology referring to persons with various disabilities. Mr Speaker it was my intention to deal with this to finality today however over the last week or ten days Mr Nobbs has raised a couple of additional matters in relation to this piece of legislation which would require some consideration of some detail stage amendment, particularly in relation to some of the processes in selecting a jury and the necessary age time limits and factors that attach under the current provisions and maybe a need to look at I guess making those a little more workable and a little more modern. Mr Speaker with that in mind and in the knowledge that the detail stage amendments that Mr Nobbs was looking to bring to the House's attention today and the delay in having those available it would my intention subject to other Members views to seek to adjourn the matter at an appropriate time

MR NOBBS Mr Speaker the Chief Minister I did have some concerns that the last jury list that was put out it was brought to my attention that people sixty years and over may apply to be struck off that list, but it was only for that particular sitting and whereas it was thought that once a person had reached that grand age that they should be allowed to be deleted from the proceedings altogether, thank you, and that was a proposal that was set regardless of euthanasia, I mean, that is a Commonwealth function. The thing is it was suggested then that sixty may be a little young. That 65 may be an appropriate age and that was a subject that I tried to get some provisions put into this bill that's before us now, to change that, so that the age could be extended to 65 and not sixty and also that once a person had got an exemption or whatever the terminology, actually from a particular jury list that, they need not apply again, because it seems to be that every list that comes out and thankfully there's not too many of them here but there's a few coming up I understand, that people could be exempt forever, that's what it amounts to and not just have to do it every time unless they sought, and that was the provision in there, unless they sought to be included in future. They would have the choice. That's the idea of it. Not to just automatically exclude people over 65 if they wished to be excluded, they could be but they could also apply to be excluded for ever and a day

MR BROWN Mr Speaker Mr Nobbs proposal is not before us at present. The proposal before us at present is simply the bill. I have no difficulty with the bill being adjourned. There are a lot of issues raised by Mr Nobbs proposal which will need detailed consideration and certainly I don't think it's appropriate that we even discuss them today

SPEAKER I think there seems to be general agreement amongst the Members so Mr Gardner if you could move a formal motion of adjournment

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

SPEAKER Thank you. Then I put the question that this matter be adjourned and made an order of the day for a subsequent day of sitting

QUESTION PUT
AGREED

The ayes have it thank you. That Bill stands adjourned

BAIL (AMENDMENT) BILL 2006

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

MR GARDNER Thank you Mr Speaker. Again as I advised at the last sitting with the introduction of this legislation I read from the explanatory memorandum the Bill is very short but the purpose is to correct references to certain sections of the Crimes Act of 1900 New South Wales in its application to Norfolk Island that were changes but had not been shown in the last consolidation of the legislation and I have nothing further to add. It's a simple referencing amendment but an important one and I commend the bill to the House

MR BROWN Mr Speaker this is simply housekeeping to overcome an error that occurred at an earlier time. I have no difficulty in supporting it

SPEAKER Thank you. It appears that we've exhausted debate there. There being no further debate I put the question that the bill be agreed to in principle

QUESTION PUT
AGREED

Thank you. The Bill is agreed to in principle

Thank you. Do you wish to dispense with the detail stage. We so dispense with the detail stage and I seek a final motion

Thank you. Is there further debate at this time? Then I look to you for a final motion
Chief Minister

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

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

QUESTION PUT
AGREED

The ayes have it thank you, that Bill is agreed

HEALTH (AMENDMENT) BILL 2006

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

MR GARDNER Thank you Mr Speaker. The purpose of the introduction of this bill at the last sitting of the House, a fairly extensive piece of legislation in its own right, was primarily to deal with a couple of issues. One was to update the schedules to the Health Act in relation to the infectious and infectious diseases to bring those up to date with current practice elsewhere and to bring that list up to date with current practice elsewhere and also the other important amending provisions are to deal with tattooing and skin penetration procedures and the establishment of a regulatory regime to oversee those and also to ensure that those things are properly administered and the types of provisions and provide the necessary regime for those persons involving themselves in skin penetration activities such as tattooing to provide them with a necessary framework for them to operate under which

will give surety, safety and security etc to the public at large. Mr Speaker this matter does fall under the portfolio responsibilities of the Minister for Community Services, Mr Buffett and I have nothing further to add to this but may defer to Mr Buffett in regards to the further progression of this legislation

MR D BUFFETT Thank you Mr Speaker as the Chief Minister has mentioned to us all, this matter has been significantly progressed before it has come to my hands. All of the homework has been done and the drafting of the legislation in the context that the Chief Minister has already described. My task is now to just endeavour to shepherd it to some finality and I confirm that the two matters are (a) related to infectious diseases and the other is skin penetration procedures. Depending on the views of Members of course, this bill would be ready to be finalised today if that is the wish of Members of the House

MR BROWN Mr Speaker the bill without doubt is a worthwhile advancement but there are a few aspects that concern me. The first in relation to tattooing is that the Bill does not seem to prohibit the tattooing of a person under a certain age. It seems to say if your fourteen year old daughter's going to get a thumping great tattoo it must be done nicely. It doesn't appear to say that if a person is under a certain age, either tattooing is totally prohibited or at the very least, requires some form of parental consent. I think that that is an essential addition to this bill. The second thing that has me puzzled at this stage but perhaps someone can explain the reason for it, is that there is a very detailed list of infectious diseases but that list includes some things that one would not at first think would require the same degree of reporting as some of the others in the list. There are some very significant things in the list such as aids. But the list includes common warts, cold sores and mumps. Now I think we need to look at whether some of those things are things, mumps in particular for example, that just happen as one grows up and I'm not certain that, that needs to be included in a schedule that deals with reporting of infectious diseases, with the Medical Superintendent being able to give absolute directions as to how treatment is to take place and so further so I'm wondering whether it might be an appropriate course for us to further adjourn consideration today so that the new Executive Member can have a look at those issues with a view to finalising it at our next meeting thank you

MRS JACK Mr Speaker, just in relation to what Mr Brown had said because when this came across my desk six weeks ago, I mentioned at that time, the age limit, the 18 years because some of this had been drawn from the Northern Rivers Medical Centre requirements and I noticed on their website that the need for parental approval for tattoos for children and young adults are under the age of 18 so I agree with Mr Brown, I think that's an important clause to make sure is in there. The other issues I just need to reread it and I agree to just defer it for a month if we can

SPEAKER Mr Buffett we might turn to you for some guidance in the matter

MR D BUFFETT Thank you Mr Speaker I think the two points made are important points, especially the age and parental consent factor. I'm very happy to examine those and make an adjustment in terms of a proposed amendment and examine further the list of diseases. I think Mr Brown raised that point. I'm very happy to do that and bring that forward with a view to finalising it at our next sitting. I propose that we adjourn this matter and make it an order of the day for a subsequent day of sitting

SPEAKER Thank you. Then I put the question that this matter be adjourned and made an order of the day for a subsequent day of sitting

QUESTION PUT
AGREED

The ayes have it thank you

LEGISLATIVE ASSEMBLY (AMENDMENT) BILL 2006

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

MR GARDNER Thank you Mr Speaker. This matter was adjourned at the last sitting on the recommendation of Mr John Brown at that time, primarily to allow an opportunity for public comment to be gleaned from the community in relation to the proposed amending provisions of this bill as far as they would amend the Legislative Assembly Act. Mr Speaker as Members around the table would be aware and I would think most people who have accessed the Norfolk Islander over the last couple of weeks I've had a couple of notices in there in both weeks edition's seeking comment from the community in relation to the provisions of this bill. I can report that I've only had four formal responses to that call for comment. I think in my view that is possibly because it's been overshadowed by other events but I would be interested in other Members views in relation to that. I have however, I guess, had informal comment, people who have rung me or stopped me in the street in relation to it, that have expressed to me clearly their preference not to adopt the provisions contained in this legislation and that is to provide the ability for each elector to cast nine separate votes for nine separate people. I would be interested in Members views, obviously and I'm sure Mr Brown would as to whether that I guess lack of detailed response from the community even though I appreciate it from those four persons who formally responded and that advise was copied to all Members of the Legislative Assembly as to whether that would constitute adequate consultation for the purposes of determining such important changes to legislation. In actual fact I believe all four of those responses clearly were against the provisions of this proposed legislation. I would be interested in Mr Brown's views about whether he wishes to progress this or whether we should actually be seeking a wider consultation process as I indicated or proposed, even though I'm not a great one for wanting to send matters to another body because it just delays dealing with the matter in some form or fashion but that said, I would be interested in Members views, thank you

MR BROWN Mr Speaker the voting issues is an issue that was addressed by the Joint Standing Committee and it was also addressed by our select committee. The Joint Standing Committee proposed a return to the first past the post system although it must be said, that the Joint Standing Committee might not have precisely defined what it meant by that. Our Select Committee made a similar proposal. I have absolutely no doubt that we were all of a view that what we meant by first past the post was accurately defined in the bill, that is, everyone gets their nine votes but can't give more than one to any one candidate. At a personal level if that was changed to two instead of one I wouldn't have great difficulty. I accept that other views have been expressed. Mr and Mrs Sanders for example wrote to the local newspaper and I have absolutely no doubt that if Mrs Sanders had put her mind, as I'm sure she had, to the mathematical question of how do you best assess the wishes of the community, her conclusion will at least mathematically, I expect, would have been correct. If we look back over the years various voting systems have applied to Norfolk Island. When self Government began in 1979 there was a particular system thrust upon the island. That system was thrown out and was replaced and the theory behind the present system is that it allows a substantial minority group to be sure of being able to obtain representation. I think one of the difficulties that has been shown over the years is that it

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

MR GARDNER Thank you Mr Speaker , the primary purpose for the series of adjournments that have been undertaken in relation to this bill before us have been primarily to ensure that the necessary detail stage amendments could be addressed. Mr Brown at the last sitting had indicated a difficulty in assessing drafting resources to enable him as an MLA to access those resources. I addressed those by making the offer as you will recall at the last sitting to provide or to facilitate that access to the resources. That's been done now and has also drawn to my attention the need in my own area to, at an appropriate time, to move a detail stage amendment as far as dates of the legislation are concerned. I have nothing further to add at this stage on the bill. I would be interested in Members views about that but would look to moving detail stage amendments at an appropriate time

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 move to the detail stage and both Mr Gardner and Mr Brown have indicated that they wish to move detail stage amendments and I'll turn to Mr Gardner first

MR GARDNER Thank you Mr Speaker I move that the Bill be amended to amend the title of the Act from 2005 to 2006

SPEAKER The question before us is that the amendment be agreed to

QUESTION PUT
AGREED

Thank you. Is there further debate at this time? Then I look to you for a final motion
Chief Minister

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

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

QUESTION PUT
AGREED

The ayes have it thank you, that amendment is agreed

MR GARDNER Just for clarification if you could I turn to you for a ruling as far as the amendment is concerned, it refers to an Act. I understand this is still a bill at the moment and whilst it's being dealt with on the table, Mr Speaker if I could move the additional amendment to that to change the word in the proposed detail stage amendment from Act to Bill

SPEAKER We have a motion that we change the wording from Act to Bill and I put that question to you now

QUESTION
AGREED

The ayes have it, so that small amendment is agreed. We've already agreed I think to the principle amendment, notwithstanding the terminology difference there and we now need to agree to the clauses as amended be agreed to so I put that to Members if there is no further debate on the matter. This is on the Chief Minister's amendment

QUESTION PUT
AGREED

We've now dealt with the Chief Minister's amendments. So we move on to Mr Brown's amendments and Mr Brown, you have the floor

MR BROWN Mr Speaker Thank you. I move the following amendment, which has been circulated to Members and that is that section 135 of the bill, the following be substituted, "this part applies in relation to the estates of all deceased persons who die after the date of publication in the gazette of notice of assent to this act". The purpose of that amendment is to ensure that the rules are not changed in respect of people who already have passed away because they cannot reach out from the grave and amend their wills so as to take account of any retrospective change which we may make. Retrospective change would in my suggestion, be unusual in situations such as this. I must disclose that I practice as a solicitor in Norfolk Island, from time to time I assist people to obtain grants of probate and to administer estates. I'm not aware that any of the estates in which I might be providing assistance at present are estates which would be affected by the existing bill, but certainly from the point of view of my own situation if there was such an estate I would earn fees from that, and if the legislation is brought in line with what I believe is the more usual situation then I wouldn't earn fees from that so I'm satisfied that I don't have a pecuniary interest that is contrary to the best interests of the House. So basically what I'm seeking to achieve by the amendment which I'm proposing, is to do away with any retrospective effect and to ensure that the bill will have effect in terms of what's known on the mainland as testators family maintenance legislation, that it will have effect in that regard only from the date on which notice is published in the gazette that the bill has been assented to, thank you

MRS JACK Mr Speaker, I can't support Mr Brown's amendment. I have spoken to some other legal people on Norfolk Island and their view is such that they can't see the reason for it. I they don't feel that it is retrospective and while I appreciate Mr Brown's arguments, I will go with the voice of two over one, and from other views where I've spoken to people as well and I won't support the amendment, thank you

MR BROWN Mr Speaker I don't know how Mrs Jack can suggest that a bill which has retrospective effect is not retrospective. Because this bill, let me give you facts as distinct from opinions, this bill in its present form, seeks to change the law in relation to a will executed prior to the date of commencement of the bill, and even in situations where the testator has died before the bill was introduced into the Legislative Assembly. That's clearly grossly inappropriate that is the only way to describe it. If I can give it a different example, a retrospective change to liquor legislation would be most inappropriate someone might be charged under the Liquor Act for something which was not an offence, for something that was quite legal, but later the Act gets changed and something is made retrospectively unlawful.

MR GARDNER Mr Speaker just briefly. Certainly my very clear understanding of the legislation is that this applies only to parts of an estate that is yet to be distributed. In other words, anything prior to, or anything that has been dealt with to finality is unaffected by this legislation. I take on board Mr Brown's views, his view, about retrospectivity. I don't in my own mind see the application as a retrospective application. It deals with matters that to ensure that there is fairness and I guess equity in the distribution of an estate, and of course at the end of the day the court is charged with making that assessment. In my view and from advise that I have sought in relation to it, there is nothing that should be feared by somebody that, to use Mr Brown's terms, in the grave, where there has been a desire or wish for that estate to be disposed of fairly and equitably amongst family members. That's all I have to say in relation to that. I don't support the amendment

MR NOBBS Thank you Mr Speaker I was awaiting the call but the Chief Minister has actually mentioned my understanding of it, and far be it from me to give a legal opinion, but I won't be supporting the amendment, because I thought that it's the undistributed part of the state which is dealt with under this act and if it hasn't been finalised well I can't see why it can't come under this bill, which will become an act hopefully today

MR BROWN Mr Speaker if the purpose of this bill is the change the legislation in relation to one particular estate, and Members will acknowledge...

MR NOBBS Point of Order. There's been nothing mentioned and nobody's sought a legal opinion in relation to a particular estate. I think bringing that to debate is bringing this into disrepute

SPEAKER I don't see that as a point of order of the moment Mr Nobbs. It's part of legitimate debate so I'll overrule you on this occasion

MR BROWN Mr Speaker if the House is looking at one estate and wanting to solve a problem in relation to one particular estate, it should pass legislation in relation to that one estate. It should not pass general retrospective legislation in order to solve the problems of one person, and make no mistake, we've all been lobbied about this. Don't pretend that I'm talking about something new that none of you know about. The appropriate way for that estate to be resolved is either for an application to be made to the Supreme court for orders under the law as it stands because that problem can be resolved outside of the probate legislation, or to pass specific legislation about that one estate. Don't make the mistake of beginning the process of introducing retrospective legislation and squiggle and squirm as you like, what is proposed is retrospective legislation. That's not the way to go Mr Speaker. That is poor Government. It is extremely poor Government. There is only one proper course to follow here and that is to support the amendment which I've proposed. Thank you

MR NOBBS There's nobody squiggling and squirming but I understand where Mr Brown is coming from because there's reputed to be others who fall into the same arrangement as the one that he's talking about. Now I don't know whether it's correct or not but it's not just one, I understand. The advise I take, I listen to Mr Brown and I listen to other lawyers and away we go, we have to make up our own minds and I don't support the amendment

SPEAKER Thank you. It appears that we've exhausted debate there. There being no further debate I put the question that the bill be agreed to in principle

QUESTION PUT

Would the Clerk please call the House

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

The result of voting Honourable Members the ayes one the noes seven. The motion is lost and that proposed amendment goes nowhere. We now move on to the remainder of the Bill and I put that question to you that the remainder of the bill as amended be agreed to

QUESTION PUT
AGREED

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| MR BROWN | NO |
|----------|----|

Thank you. The amended Bill is agreed to in principle and I ask the Clerk to record Mr Brown's vote of no. Mr Gardner I suspect we move on to a final motion

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

SPEAKER Thank you Chief Minister. Is there any further debate. Honourable Members, there being no further debate then I put the question that the Bill be agreed to

QUESTION PUT
AGREED

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|----------|----|
| MR BROWN | NO |
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The ayes have it thank you, that Bill is agreed and Madam Clerk if you could record Mr Brown's vote of no. That matter is now concluded

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

FIXING OF NEXT SITTING DAY

MR SHERIDAN Thank you Mr Speaker. I move that the House at its rising adjourn until Wednesday 19 April 2006 at 10 am

SPEAKER Thank you Mr Sheridan. Any debate Honourable Members

QUESTION PUT
AGREED

I think the Ayes have it. Our next sitting day is the 19th April 2006. We are agreed on that matter and so we move to adjournment

ADJOURNMENT

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

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

MR GARDNER Thank you Mr Speaker if I might. I spoke about it in the House at the last sitting in relation to our best wishes to the Norfolk Island Commonwealth Games Team's attendance in Melbourne. Tonight is the opening of those Games in Melbourne and I would hope if it's broadcast, I think it may be on imparga, I'm not too sure at this stage, but the opening I understand will be broadcast and so just to advise Members of the community to maybe tune in to support the Norfolk Island team at the opening ceremony, and on behalf of us all, wish them the very best of luck in their competition in Melbourne over the next fortnight

MEMBERS Hear, hear

MR BROWN Mr Speaker I would like to support the Chief Minister's words. I would like to add a couple of things to it. The proposals by the Commonwealth are proposals which many thinking people would conclude would lead to this being our last Commonwealth Games team. However, I have been pleased to hear that the Minister while he was in Norfolk Island gave assurances or what were believed to be assurances to the sporting association that indeed Norfolk Island would be able to continue no matter what may transpire, to compete in its own right at the Commonwealth Games and that is such a significant and magnanimous statement that it deserves recording in this place. Thank you

MR GARDNER if I might just add to that Mr Speaker if think that those comments extended to all of Norfolk Island's participation in its current international competition which includes the south pacific Games amongst many others. Thank you

SPEAKER Thank you for those good wishes Chief Minister. Any further debate Honourable Members. There being no further debate I put the question that the motion be agreed to

QUESTION
AGREED

The motion is agreed to. Honourable Members this House stands adjourned until Wednesday 19th April 2006 at 10 o'clock am

