



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
11TH NILA HANSARD – 15/22 NOVEMBER 2006**

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

SUSPENSION

SPEAKER Honourable Members as foreshadowed in last weekend's paper, it is the intention of the House this morning to suspend until 22 November 2006. As Members are aware, Ministers of the Norfolk Island Government are resuming their discussions with Minister Jim Lloyd tomorrow morning in Melbourne. The Norfolk Island Ministers will also have meetings with Qantas and OzJet officials on Friday afternoon in Sydney. Along with Secretary to Government, Mr Peter Maywald, they depart on this morning's aircraft and return to the Island on Sunday the 19th November 2006. Suspending the sitting this morning until 22 November 2006 will allow the Ministers to fully brief the House and the community on the outcomes of their discussions. Therefore Honourable Members this House stands suspended until Wednesday 22 November 2006 at 10 am.

RESUMPTION

SPEAKER: Honourable Members, we are resuming the sitting of the House from last Wednesday, the 15^h of November and we continue the business of the House

CONDOLENCE

There are no condolences this morning

PRESENTATION OF PETITIONS

Are there any Petitions please?

GIVING OF NOTICES

Are there any notices please?

QUESTIONS WITHOUT NOTICE

Are there Questions Without Notice this morning Honourable Members

MR SHERIDAN Mr Speaker a question to the Chief Minister. Chief Minister now that six months has passed since the coup on the 1st June and you've become Chief Minister, I note that only one new Bill and this Bill was already on the past Government's programme, and a few amendment bills have been introduced into the House over this period. Over this period the Speaker in particular has been asking for a legislative

have argued quite strongly to achieve but in terms of the community's want and will that has been the Government's prime focus in the discussions and negotiations

MR SHERIDAN Mr Speaker a supplementary on that one please. Chief Minister has the Commonwealth during discussions given any indication that the Norfolk Island community would be given the opportunity to have a referendum on the Commonwealth proposed changes once known

MR BUFFETT Mr Speaker the Commonwealth have not given any indicator about that at all

MR SHERIDAN Mr Speaker a further supplementary please. As Chief Minister would it be your intention to give to the Norfolk Island community the opportunity to have a referendum on the Commonwealth proposed changes and if so, when

MR BUFFETT Mr Speaker if one is to have a referendum one would need to have greater clarity about what the issues are and whilst we know the outcome of the cabinet decision as far as we are able to interpret them, as conveyed to us by Minister Lloyd there have been a series of negotiations and discussions since then. How the Commonwealth view will shape given all of that remains to be seen and it may well be that it deserves a referendum consideration. That needs to be determined when we reach that stage and have greater clarity to what it is

MR SHERIDAN Mr Speaker a further supplementary please. Chief Minister during your and other Ministers forays to Australia to continue talks to the Commonwealth in regard to Norfolk Island's future have any definite decisions been made, and if so what are they, and if not, are the continued visits justified considering that the Commonwealth will not project what changes are to be extended to Norfolk Island

MR BUFFETT There are a couple of things in response to that particular question Mr Speaker. The first is to say that this process is projected to be quite a lengthy one. We have had a February announcement from the Minister. We've had discussions to date, we have projections about a further cabinet submission and decision taking by the end of this year and in that context, it has been I think given greater clarity that the process which may have been thought by some to have been done and dusted by the end of the year has greater complexities, needs to cover a wide range of agencies certainly within the Australian sphere and the matter of tidying everything by the end of this year seems to not be as realistic as may have been thought and therefore the process may be much longer. It may well be from the discussions that have been had to date, that the process might go well into next year and there may be a series of cabinet proposals and a series of cabinet decisions. Now if in fact the Norfolk Island Government have not been a party to what has happened to date and if in fact it wants to take no further part in any discussions, negotiations or dialogue, then I think Norfolk Island's position will be seriously eroded. I can understand that maybe some in a political sense might want to bag the Government's efforts, but in fact I think they have been creditable and I think they have upheld the community's want to be protected from that which has been proposed by the Commonwealth. I think that it can be said that there has been a creditable task done. That doesn't mean that it would stop those who would want to have another view and push it in a political sense. The way forward therefore is one in which the Norfolk Island Government would want to have continual contact with the Commonwealth. That's been part of our policy, that there needs to be continual contact. It doesn't mean that we will get everything our own way but if in fact nobody is there talking at the table on our behalf then of course our view will not be represented and we wish our view to be represented. In fact we wish to win most of the arguments that we enter but we do recognise that in the context of things that may not always be possible so in terms of the question which is really placing doubt

upon the efforts of the Norfolk Island Government to date, I refute those and I equally refute that the Norfolk Island Government should stay its hand and not participate further in any dialogue or negotiations with the Commonwealth Government

MR NOBBS Mr Speaker a supplementary to that. I ask the Chief Minister when he says he has spoken with the Commonwealth doesn't he mean that he's speaking to one Minister and his department in all reality, not the total Commonwealth Government

MR BUFFETT Mr Speaker to date we have had our prime discussions with the Minister who is responsible for Norfolk Island in the Commonwealth sphere, Minister Jim Lloyd. We have had opportunities but they have been passing opportunities to speak with other Commonwealth Ministers but mainly that has been in the context of them paying a fortuitous visit to Norfolk Island. Our approaches in other areas have basically turned us to Minister Lloyd's continuing dialogue. However, let me say that at our last discussion Minister Lloyd recognised that there was room for us to be making the Norfolk Island point maybe in a wider sphere than that so a couple of things out of Mr Nobbs question. Certainly the Norfolk Island Government recognises that there is a wider sphere in the Australian Governmental sphere but we also recognise that in their organizational arrangements they place a great deal of their Norfolk Island negotiations in the hands of Minister Lloyd and we have been pursuing that in that context. Where there may be a need to go wider well, we will consider that as occasions demand and opportunities present

MR NOBBS Chief Minister in relation to your ten point plan and please correct me if I'm wrong but I thought you said on the air this morning that the Commonwealth had agreed to and I can't remember the exact words because I was too busy at the time, but really the impression I got was that they had agreed to some points within the ten point plan that you promoted. Have you at any time received any written confirmation that the Commonwealth Government through its representative that you have been dealing with, the Minister for Territories, has accepted in writing any of the proposals put to him

MR BUFFETT Mr Speaker I regret that Mr Nobbs was too busy to listen to what I had to say this morning but really to come to the crunch with his question, the negotiations that have been had have been face to face, have we gained written commitments from the Commonwealth, no we haven't gained written commitments, what we have gained are attitudes and views on which we are continuing to place our written submissions in various areas. The Commonwealth, their attitude is that the written detail will come out of the cabinet decision as far as we are able to understand

MR NOBBS Chief Minister just following on if I may from that, in relation to the Commonwealth's arrangements I believe that one of their concerns is for the governance of the island. Is it not fair to say that following on from Mr Sheridan that to take five nearly six months, and it will be six months before we get a legislative programme together, isn't that playing right into the Commonwealth's hands

MR BUFFETT Mr Speaker I don't believe so

MR SHERIDAN Mr Speaker a question to the Minister for Finance. Minister considering Norfolk Island's state of the economy in that most of the businesses are just now recovering from the downturn in trade of the past two years, do you believe that the worst is behind us and that the economy can look forward to increased business within the next twelve months

MR CHRISTIAN Thank you Mr Speaker, certainly that would be my hope. I think we've always acknowledged that getting visitors back to the island is the first step in any recovery and the comfortable feeling good would come some months after that recovery showed some signs that it's a sustainable recovery. At the moment I think that visitor numbers are up on corresponding periods last year by, in round figures, 30% so I would hope that confidence, if it hasn't already done so, started to flow back into the business community

MR NOBBS Mr Speaker I'm not too sure who to address this to, but I just address it to the Minister responsible for the Kingston pier. Mrs Jack, Minister for the Environment, given that there was some concerns that the completion of the pier might go beyond the 8th June celebrations at one stage and it's still not complete, when will the pier actually be completed

MRS JACK Mr Speaker the pier was never due to be finished by the 8th June, that was a break in the project plan that allowed for the ceremonies of Bounty Day to go ahead. I think originally the completion date was set for November, sorry it may be in August, I stand to be corrected, however the latest date is now the 14th December

MR NOBBS Mr Speaker following on from that, I've got two more on that particular point. Is there a penalty clause and is it being complied with considering the date you said Minister was August

MRS JACK Mr Nobbs there are penalty clauses in the contract and they will be adhered to. There's been no reason as yet to bring about the penalty clauses due to lateness of arrivals for the boats which fitted in, and then delays in unloading which amounted to several weeks if not a month added to it. There were delays for weather conditions which were written into the contract and as I am led to believe there have been no reasons to instigate any penalty clauses

MR NOBBS Minister can you just explain to the community how the Kingston pier can be used for some shipping, that is cruise ships and not for cargo ships

MRS JACK Mr Speaker, certainly Mr Nobbs. Cargo ships need to use almost all that space available of the jetty. Passenger ships the people can be directed and just require a small amount of area. The reason why the passenger ship was allowed to unload there was, not only was there a sign off in the agreement by Geotech to allow it but the ship also covered the indemnity insurance for all those passengers while unloading was being done or the disembarking from the lighters was being done and their passageway over the jetty. If you are going to unload the cargo ship as I said before you need much more if not all of that jetty space. We've had pouring occurring at various stages and that pouring requires a 28 day wet cure. There is still areas of the jetty undergoing pouring and that 28 day process has to be adhered to so yes, we can unload the passengers and that's my understanding of while I was away, 75 passengers and some 25 crew disembarked last week and had a marvellous time on Norfolk Island and it was great that we were able to get them on the island through Kingston jetty but there'll be no unloading or using of the jetty by general cargo ships until the jetty is all wet cured

MR NOBBS Mr Speaker a question to the Minister for Finance. Minister when will the community be advised of the mechanics and legislative amendments to reflect your statement that on 1 January the NSL will move to 9% and the FIL and customs duty on goods for sale would be removed and relief would be provided on duty paid on goods still on shelves and that input credits would apply

MR CHRISTIAN Thank you Mr Speaker, yes the intention was to have legislation introduced at this meeting. I've not been able to do so. I have some amendments to the NSL legislation today and as we are all aware the NSL will form a basis of the new legislation and I would still hope that certainly if I haven't got that up and running by 1 January it will be shortly thereafter and all of the points that Mr Nobbs has raised in his question I intend that the new legislation will cover

MR NOBBS Chief Minister do you recall that at the last meeting your Minister for tourism admitted that during an official visit to New Zealand he was accompanied on the visit to at least one wholesaler by the Colonial's Marketing Representative in New Zealand. Do you also recall that your assurance to the community when taking office that your Minister's would concentrate fully on their roles and not be involved in their private enterprise activities. What have you done in relation to an obvious conflict of interest

MR BUFFETT Mr Speaker I think at the time that it was explained that the appropriate Minister had endeavoured to make a number of alternative arrangements if I remember that detail correctly. They were not able to be made by some of the areas and so in lieu of not endeavouring to make appropriate calls he was able to call upon some other areas which he may well have had an interest but in the context that is described, I am quite confident that that did not mean a conflict in the task that he was about

MR NOBBS Mr Speaker a supplementary to that. And you have spoken to the Minister in relation to that

MR BUFFETT Mr Speaker I have spoken to the Minister and indeed when other matters are raised with me in that sort of context they are not ignored, they are raised and walked through to ensure that there is not a conflict and if there is any further perception of that steps put in place to endeavour to alleviate that

MR T BROWN Thank you Mr Speaker. This is a question to the Minister with responsibility for planning. Minister the Commonwealth has indicated they are to resume responsibility for customs, quarantine and immigration and Minister Lloyd has indicated that immigration could be controlled through other means, different to how we do it now such as planning. Minister what thought if any has been given as to what amendments would need to be made to the Norfolk Island Plan if it was decided that the Government wished to control immigration through planning and the environment legislation

MRS JACK Mr Speaker, Mr Brown there has been no detail given over this matter by myself and relating to possible policy changes should planning be responsible for population control. What the Government continues to do and was stressed quite strong in our meeting with Minister Lloyd and his senior advisors last Thursday, is how inappropriate in our lives the population control would be if done through planning. The discussion has resulted in us requiring to furnish the Minister with a paper regarding population planning, planning and its relation to immigration control so I am loath to do any work until we are further down the line with regard to that matter. We could have it that many resources may be used and their requirements for planning to be population control may not come about and so I could have the financial and human resources squandered and in this current climate I'm loathe to do it. I can understand that need in some areas as a case to be prepared but in this case I would not want to go down that track

MR SHERIDAN Mr Speaker a question for the Minister for Finance. I've actually got a couple. Minister with regard to the paying of Administration accounts would you expect the elected Government Members to set a good standard by ensuring that their own Administration accounts are paid in a timely period

MR CHRISTIAN I would expect so

MR SHERIDAN Mr Speaker a supplementary on that. Minister considering the time and effort utilised in processing accounts, would you encourage or endorse the planning of Administration accounts only when the final notice has been delivered and advise that legal action would be pending and or services discontinued

MR CHRISTIAN I don't really have a view on that. The Administration has a debt collection procedure. They use a range of options, letters, disconnecting the service and the courts and its up to an individual at the end of that process as to how he responds

MR SHERIDAN Mr Speaker just a supplementary please. Minister considering some concern within the local community that some elected Members are abusing their position and not paying Administration..

SPEAKER Mr Sheridan if I could just draw your attention to Standing Orders in relation to casting aspersions on Members of the Legislative Assembly contain the wording of your questions to specific matters without infringing Standing Orders that would be welcomed

MR SHERIDAN Mr Speaker thank you. I'll start again. Considering some concern within the local community that some elected Members are not paying Administration accounts until the final demand...

MR BROWN Mr Speaker Point of Order. Mr Speaker the Members question is actually casting reflection on each and every Member of the House

SPEAKER Mr Sheridan if I could just repeat my earlier words to you. Mr Brown is correct. If you would contain the wording of your question to I think in this instance, the payment generally of Administration bills rather than directing reflections on Members of this House they would be welcomed I think by each and every Member of this House. The provisions are in Standing Orders

MR SHERIDAN Mr Speaker considering some concern within the local community that Administration accounts are not paid until the final demand or advise that services will be disconnected and in keeping with the concept of open Government would the Minister undertake to table at the next meeting advise as to how many of the community of elected MLA's have what could be termed, outstanding Administration accounts

MR CHRISTIAN I won't provide that information Mr Speaker. There are privacy issues involved there. I'm also keen to know the source of Mr Sheridan's information because I think there's been a breach of confidentiality somewhere within the Accounts Section of the Administration because Mr Sheridan has obviously been given specifics

MR NOBBS Mr Speaker I ask the Minister for Tourism. When will you be reporting on a trip you made lasting one week in early October given that you stated at the October Legislative Assembly meeting some five weeks ago that you would not be making a statement but would be providing Members with a written report. Given that the trip was six or seven weeks ago, when can a report be expected, unless I have got one

MR BROWN Mr Speaker the draft report is being completed. It just needs to be edited and then it will be provided to Members

MR SHERIDAN Mr Speaker a question to the Chief Minister. Chief Minister would you please provide to the community an update as to where the Government is at with regard to the employment of a full time Chief Executive Officer

MR BUFFETT Mr Speaker I was able to settle with my executive colleagues both the draft advertisements for placement and also a document which sets out the package arrangements which relates to the position of Chief Executive Officer so that's where we are at in that. That advertisement is immanent to be placed

MR NOBBS Mr Speaker a question for the Minister for Finance. Minister is it correct that the current Airport Fire Service is a cost to the airport Undertaking that is not fully recovered. Is it correct that the raising of the category of the Airport Fire Service from category 5 to category 6 has raised the cost of providing the service considerably. Is it also correct that you were advised last June by from memory, Air Services Australia that category 6 is above that required for the Norfolk Island Airport and that category 5 only is required and why have you not acted on this advise

MR CHRISTIAN Thank you Mr Speaker, Mr Nobbs is correct. The Fire Service does form part of the airport GBE and the service is not funded at a full cost recovery basis. Part of the reason for that is that in prior years the emergency services part of the Fire Service was funded from within the revenue fund and a previous Legislative Assembly took the decision to incorporate the two fire services together and fund it from within the airport GBE and obviously at the time they figures that the airport GBE could afford it. In respect of the category whether it is category 5 or category 6 I think I mentioned in this forum or another forum in recent days that the executive director for infrastructure and environment, is in fact trying to clarify what level we have to comply with because air services of Australia has actually given conflicting advise from within the one organisation. We're trying to get to the bottom of it so when I get to the bottom of it, Mr Nobbs will be the first to know

MR SHERIDAN Mr Speaker another question to the Chief Minister with responsibility for the Government airline. Chief Minister can you provide an update as to the current set up of the Ozjet reservations system and who or what travel agencies are able to access this system

MR BUFFETT Mr Speaker the reservations system has been significantly adjusted over recent weeks. Let me just go back a bit and give you some background information so that I can put this into context. The Norfolk Island Government entered into an airline arrangement not because it wanted to but because it was needed. Nobody else really wanted to enter the lists. We were able as we advanced to make a very sound and stable arrangement with Ozjet. That is a continuing arrangement and one which we place value upon. It provided stability and continues to provide stability and reliability and we have a good rapport with that organisation. It became clear once we had achieved that, that we needed to refine the arrangement that we had, for a number of reasons. The reasons related to cost. The reasons related to the fact that we had a good working relationship in which we could develop with Ozjet. The reasons related to the fact that we needed to increase significantly the number of people that we bring to the island because the island's economic viability depended upon that. Not just one or two thousand but a significant figure. We needed to at least gain the best figure that we had gained, which was something like 40,000 in the best year and with capacity to do better than that if we were to have a continuing sustainable and viable arrangement with our principle industry of tourism. And so we entered into the arrangement of revising our reservations system. One of the arrangements in mind was that we would certainly continue with Qantas, and we have good rapport with Qantas and that we would endeavour to develop with Ozjet another side of the

aircraft and we would endeavour to encourage those who could give us visitors in bulk, whether that be in a wholesaling arrangement or in a group arrangement and that we would endeavour to place them accordingly on the booking system. It wasn't the most sophisticated booking system, but it was one that would adequately cope with the original concept. One of the difficulties that we have faced, certainly in past weeks, is that anybody who has dealt with the airline industry will know and the travel industry, will know that what appears on the surface is sometimes quite different from that which is below the surface and a whole host of interlocking commercial arrangements became clearer then maybe at the outset. That has meant that we have needed to make significant adjustments. And those adjustments have taken some time, and they've taken time not because we've wanted them to take time, but because the systems in the various areas, and the consultation that we've had to go through, does take time and it requires the co-operative effort of both Ozjet and Qantas as well as ourselves. And without a doubt in the community of recent weeks, there has been much angst about this. Our effort has been to try and ensure that there is the widest possible participation but also we need to ensure that those who are entering the lists, are those who can deliver the quantity and category of people that we need to have economic sustainability in Norfolk Island and bear in mind that in endeavouring to do that there is great interlocking commercial competitiveness going on, amongst other players, not necessarily with us. Amongst other players and many have made their pitch and bid with us. Some of them extremely justified I might say but others may have less justification in doing some of the things that they want to claim with us and we have endeavoured to ensure that we have the numbers delivered to us, that the appropriate incentives are given to those who can deliver the numbers situation. Now it's not an effort to try and exclude people. In fact we want to try and gain the maximum participation but you will see that if we are to survive and in the numerical situation is a major factor, then we do need to give incentives to those who can deliver that to us and that has been part of the challenges and dynamics. The reports given to me in the last day has been that a lot of those difficulties that we had earlier needed to cope with, have now been solved but that isn't a claim that they have all been solved at this moment. There are a number that continue to be worked upon. Last week whilst we were in Australia principally to attend to the ministerial meetings, we certainly took opportunity to talk to both Ozjet and Qantas to work through some of the areas of difficulty that had presented themselves in this overall picture and they were very productive in most part and some of the difficulties that had been there before have now been solved and hopefully over the few intervening days that has been reflected in the booking system. However senior officers are working on the outstanding areas, hopefully with a resolution to be reached within a few days of those. I've got to say as the Minister who has responsibility for the airline operation that whilst these have been great difficult times and that is very much regretted in terms of the difficulties the way ahead we see has benefit in terms of bringing people to Norfolk Island which is the overall aim. The overall aim for the airline is not necessarily to make a huge profit. The airline situation is designed from our perspective, certainly not to make a loss, but to be the principle vehicle of bringing people into Norfolk Island and that's what is being pursued

MR SHERIDAN

Mr Speaker virtually a supplementary to the Chief Minister on the airline. Chief Minister has Ozjet's contract been extended past the middle of next year and if not, is it planned to extend the contact and if so, when do you envisage this contract to be finalised and signed off on

MR BUFFETT

Mr Speaker we have discussed and continue to discuss the extension of the Ozjet contract. There are details to be sorted out in respect of that. A development of that situation is this, I mentioned that we would want to increase the number of visitors to Norfolk Island and so not only are we talking to Ozjet in terms of continuing what they do at this present, but we are talking about the prospect of increasing flights and the prospect of other flights from other ports on the east coast of Australia so that our

market place is wider than it is at this moment and we continue to build in terms of numbers for the tourist industry in Norfolk Island

MR NOBBS Mr Speaker a supplementary. Chief Minister as far as I'm aware we haven't had a meeting of the airline committee for nearly two months. When do you anticipate to have another formal meeting and clarify the issues as the community is very seriously concerned about the management of the airline. Not the operational side but the actual management of the airline, of Norfolk Air. When do you anticipate that there will be another meeting of the airline committee

MR BUFFETT Mr Speaker two things. Firstly I seem to recall that we have had a meeting within the last two months but I would need to check on whatever the timing of that is however in terms of the way forward, I'm very happy that we have a meeting within the next week to clarify some of the issues which Mr Nobbs may have concerns about

MR NOBBS Minister can you clarify, it is proposed that Norfolk Air will continue to co-share with Qantas, on your talk I couldn't quite clarify all the issues. However you've agreed to a gradual responsibility of sales on the aircraft by Norfolk Air and that you propose a progression to 75% of sales by Norfolk Air on flights as early as the New Year

MR BUFFETT Mr Speaker certainly our aim at this time is to continue to co share with Qantas. That was discussed with Qantas. The discussion with Qantas that we might achieve that status with Norfolk Air with those who can demonstrate that they are able to deliver in quantity and that's the process that we're about and that delivery in quantity is under constant review. Can I just make another comment at something I mentioned earlier. Mr Nobbs mentioned that the airline committee hadn't met for over two months. I've just had some checking of that and it appears that we last met on the 30th October

MR NOBBS Mr Speaker just a supplementary. When will the minutes of that 30th October meeting, seeing as it's now the 22nd November, when will the minutes of the 30th October meeting be available to the members of the committee who may not have had the opportunity to attend that meeting

MR BUFFETT Mr Speaker I'll check when those minutes can be available

MR NOBBS Mr Speaker a final supplementary on this. Minister are you aware of who actually are the principles of each wholesaler accredited to Norfolk Air. I'm not asking who they are, I'm asking you do you know

MR BUFFETT Yes I consider I know. Let me say this however, that my experience to date is, that what appears on the surface sometimes is not exactly what's underneath the water and on the surface yes

MR SHERIDAN Mr Speaker virtually a supplementary just a final one on the airline. Chief Minister to enter that domain name norfolkair.com which was registered on the 27th May 2006 it's registered at an address of 21 Palm Crescent Drive Corowa on the Gold Coast Australia, can the Chief Minister advise why this domain name is not registered in the name of the Administration of Norfolk Island

MR BUFFETT Mr Speaker I remember this being raised before and that there would be given some clarify to that and I will pursue it further

MR NOBBS Mr Speaker a question to the Minister for Finance. Minister when you took office the previous Government had before a very exciting proposal

to establish a solar system to replace the current diesel generators during daylight hours which is the majority of the demand period. Has this proposal been advanced

MR CHRISTIAN Thank you Mr Speaker, no the proposal hasn't been advanced and I think I've responded to this question once before in this house and the simply reason it hasn't been advanced is that the funding for that project was principally from British investors and those investors aren't prepared to invest in Norfolk Island when our place within the Australian taxation system is in some doubt

MR SHERIDAN Mr Speaker my final one for the day. A question to the Minister responsible for Telecommunications. Minister with the introduction of the mobile Telecommunications system which is envisaged to commence prior to Christmas do you not think it appropriate to commence to educate the public on what services on what services this mobile network will offer, and offer equipment to the public now so that the mobile system can be fully utilised upon commission

MR CHRISTIAN Thank you Mr Speaker, that's a sound idea and I'll get the Chief Executive Officer of the Public Service to get that information out to the public

MR NOBBS Mr Speaker I have a question to the Chief Minister. Chief Minister are you prepared to add to your response at the last meeting to a question on when the community may expect to see the commencement of the Legal Professions Act. To date I understand that only the title and the ability to commence the Act has been commenced

MR BUFFETT Mr Speaker since that was raised with me I have had some advise. Advise upon the balance of the clauses in that particular legislation that can be commenced and there are a number that can be commenced. There is still outstanding some areas that we need to liaise with the ACT in terms of some provisions but I don't think that that will necessarily prevent the others from being commenced and my aim is, if my recollection of that is correct, to give effect to that and give advise through executive council for commencement of those appropriate clauses

MR NOBBS Mr Speaker a supplementary. Chief Minister isn't it correct that the issue with the ACT Government has been clarified some months ago and that your answer to the question in that particular area was inadequate to say the least and also as you spent a week in Canberra on business for only two activities I was wondering why you didn't hold discussions with the ACT in relation to that issue whilst you were there

MR BUFFETT Mr Speaker I don't have any further comment to make apart from that that I've already mentioned Mr Speaker. If Mr Nobbs has a recollection of the matter being tidied in another way I'm very happy to check that out. I wouldn't want to doubt his word on the matter

MR NOBBS Mr Speaker another question for the Chief Minister in relation to legal aid. I repeat the question of the last meeting and hope that the Minister can answer it. Minister are there any procedures in place to review the applicants defence prior to receiving and after the application has been approved, particularly related to their plea and the number and cost of legal support provided. Are there procedures in place which allow such issues to be reviewed

MR BUFFETT Mr Speaker I seem to recall responding to this question. I seem to recall by responding and saying and if I remember I think I may have tabled but that part I might need to check the criteria for consideration of legal aid and also I tabled a report from the presiding person in terms of the legal aid group which set out the areas that legal aid had been provided and the financial application to each of those so there was quite

a fulsome explanation as to where all of that was at. Now if there is some component that is still outstanding about that well I'll check what Mr Nobbs has just read to me, and he might provide a copy of that to me and I'll walk through that issue again

MR NOBBS Mr Speaker I had another to the Chief Minister. You've made a similar sort of answer to that at the last meeting

SPEAKER Have you a further question Mr Nobbs. Are there any further questions Honourable Members

MR BUFFETT Mr Speaker I think I would like to elaborate on what I've just said Mr Speaker. Mr Nobbs said that I had made a similar answer last time. Well if I did make a similar answer last time let me make it clear that no further information came from Mr Nobbs in the way that I've just asked now so that I might examine it further. Nothing has come from Mr Nobbs to me about that and if in fact he feels that he would like to get further information by putting the question on notice, he is at liberty to do that but obviously he has not done that because it is not appearing on the notice paper. Now if he has information that he would like me to particularly pursue I would be very happy to have the information so that can be done

MR NOBBS Mr Speaker I just ask if it would be appropriate for me to keep asking the question month after month because that's what's going to happen

MR BUFFETT Mr Speaker it would be much preferable if Mr Nobbs would provide the detail to which he has just referred but I'm not going to pursue that just now Mr Speaker

SPEAKER Thank you Chief Minister. Honourable Members, any further Questions this morning. We conclude Questions Without Notice and there being no Questions On Notice, we move on to Papers

PRESENTATION OF PAPERS

Are there any Papers for presentation this morning

MR CHRISTIAN Thank you Mr Speaker, I table the financial indicators for the month of October 2006 and I move that they be noted

SPEAKER The question before us Honourable Members is that the Paper be noted

MR CHRISTIAN Thank you Mr Speaker, as at the end of October 2006 the actual income received by the Revenue Fund is some \$796,000 short of the income projections included in the budget. Customs duty income continues to struggle and is \$357,000 short of budget. A range of other taxes are short of budget by about \$20,000 each and they do not cause me any great concern. Income from the NSL is starting to flow and should continue to grow. At the end of September 2006 net revenue fund income from the NSL stood at \$20,000. At the end of October 2006 total net revenue fund income from the NSL stood at \$75,000. This indicates to me that the NSL income on a monthly basis is just above 50% of what it should be and if the trend continues the NSL should achieve its income targets within the next two months. Mr Speaker on the expenditure side we are \$339,000 below the budget resulting in a revenue fund deficit at the end of October 2006 of \$453,000. Mr Speaker actual cash balances within the revenue fund are always a topic of interest and I share the following information with you. At the end of August 2006 the cash balance within the revenue fund was \$482,000. At the end of September 2006 the cash

balance was \$746,500 and at the end of October 2006 the cash balance within the revenue fund stands at \$953,300. Mr Speaker another frequently asked question is just how much cash is available to the Norfolk Island Government in an emergency. Mr Speaker the financial indicators that I've tabled today indicates that total cash at bank at the end of October 2006 stands at \$12.1m. Some of these funds are actually held in trust in other accounts and are therefore not available to the Norfolk Island Government. Mr Speaker by my calculations cash funds available to the Norfolk Island Government from all sources at the end of October 2006 total \$7,152,100. Thank you Mr Speaker

SPEAKER Honourable Members the question before us is that the paper be noted and I put that question

QUESTION PUT
AGREED

SPEAKER Thank you. Are there any further Papers this morning

MR BROWN Mr Speaker I table the Annual Financial Statements for the Norfolk Island Government Tourist Bureau together with their Independent Audit Report and the Management Report which was also provided by the Auditors

MR CHRISTIAN Thank you Mr Speaker, I table the audited Financial Statements of the Administration of Norfolk Island Government and just inform Members that the Independent Audit Report forms part of the financial Statements and is included within the document

MR BROWN Mr Speaker I table the Annual Financial Statements for the Norfolk Island Hospital Enterprise together with their formal Audit Report and the Management Report which was also provided by the Auditors

MR CHRISTIAN Thank you Mr Speaker, I table the Norfolk Island Census – Population and Housing Report dated 8th August 2006 and move that the paper be noted

SPEAKER Honourable Members the question is that the paper be noted

MR CHRISTIAN Thank you Mr Speaker, this report provides up to date statistics for the island concerning the characteristics of the population and housing. In addition to those statistics the census report contains additional statistical information from official sources including the customs statistics, immigration statistics, RPI movements and a summary of the finances of the Administration. Mr Speaker the information contained in this report is required to meet the needs of Government and private organisations for policy planning and research purposes. I am sure the Australian Government will find interesting factual information within this report. It may assist them during their current deliberations of Norfolk Island's future. Mr Speaker this census shows that the permanent population which covers residents and general entry permit holders are only two persons different than it was five years ago. It also shows that the itinerant population which is mainly temporary permit holders has significantly reduced from 463 down to 287. this is a sign of the economic times where the permanent population can satisfy much of the available employment opportunities and therefore a smaller imported work force is required. In this way the itinerant population works as a buffer to lessen the effect of economic downturn on the permanent population. I also note that there were 240 unoccupied dwellings on census night and that the average occupation rate for occupied dwellings is 2.1 persons. When considering these two statistics it indicates that 500 people could move into existing dwellings on Norfolk Island without any

control by this Government as far as planning is concerned. There is also a marked increase in mortgages on the island, particularly those over \$1600 per month. One probable cause of this is the increasing use of equity in domestic dwellings for the purpose of business and personal investment. The census report has been produced in a timely fashion and depending on printing costs should be about 20% under budget. I would like to take this opportunity to thank the statistician and his staff for all the work that goes into the production of this report and I would particularly like to thank the census field collectors because delivery and collection of forms for this census was carried out in absolutely atrocious weather conditions and yet an excellent coverage of dwellings was achieved. The report is currently at the printers and is expected to be available within a month and will be on sale from the Administration when printed. It will also be available on the internet

MR BROWN

Mr Speaker the paper is a very interesting paper and I would like to join with the Minister for Finance in commending those who have been responsible for its preparation. It is a fact that over the last five years, our permanent population has grown by 2 people, that is, between 2001 and 2006 census. From 1986 to 2006 the number of temporary entry permit holders almost halved from 535 to 281 but interestingly, the period from 1986 to 2006 the number of Members of the permanent population aged 55 or more grew from 334 to 536. That is a very substantial growth and it occurred during a period where there was actually a fall in the numbers under 15 and a fall in the numbers between 15 and 34. I have no doubt that various information in the census will enable us to make a degree of analysis of those figures. At first one might say well, lets have a look at how many people are requiring social welfare at present and if that number hasn't gone up massively then maybe there's not a big problem but if we look in 1987 1988 the combination of social services benefits and HMA benefits was \$203,000. if we look last year it was \$1.882m. if we look at our performance against budget for the 1st four months of this year we exceeded our budget by \$51,000. We were fortunate in that HMA expenses were below budget but we do not really have an indication of how many expenses have been incurred not yet translated into an invoice so it is probably not realistic to think that the present trend in HMA payments will continue throughout the year. I caution Members that we do need to have a sound census reports like the one that's before us. We do need to sit down and figure out what it means and I would like to suggest to Members that if the only component of the population which is growing is the aged component, then somewhere down the track even if we haven't experienced it yet, there will be a day of reckoning where more and more of those people will require social services benefits. All of that is happening in an environment where the number of older people who are receiving DVA, the Dept of Veterans Affairs, is likely to be falling. I don't have that precise figure but logic says that number will be falling so we have a growing component in the older part of the population; we have less people by a long shot in the working component of the population, because we need to bear in mind that temporary entry permit holders pay all their local taxes too, we know that the average life span is increasing so once a person is on social services by spending enough money on HMA we will be able to ensure that their lifespan is much longer than the average lifespan of say twenty years ago, so there are a number of issues in there but it is very helpful to have this census report before we finalise our discussions with the Commonwealth. I've got no doubt that the Commonwealth would take a view that some parts of the report support what they are wanting to do and similarly I have no doubt that the report will show that we are managing in not a bad fashion at present, and as long as we are prepared to plan for the future, there's a reasonable possibility that the contents of the census report will support what we are wanting to do. Thank you

SPEAKER

be noted and I put that question

Honourable Members the question is that the paper

QUESTION PUT

AGREED

SPEAKER Thank you. Are there any further Papers this morning

MR BROWN Mr Speaker I table the inbound passenger statistics for the month of October and I move that the paper be noted

SPEAKER Honourable Members the question is that the paper be noted

MR BROWN Mr Speaker October was another month in which we showed growth over last year and we showed growth even though it was modest over the 2001/02 year. We fell behind the 02/03 year, the 03/04 year and the 04/05 year but the simple fact was that we probably didn't have sufficient lights available to sell to any passengers who we could have interested in coming to the island at the time. To date in the 06/07 financial year we have attracted 11,542 visitors compared to 9,050 in the same period last year, 12,546 in 04/05, 13,150 in 03/04, 11,839 in 02/03 and 11,036 in 01/02 so we are in terms of the financial year to date, again doing better than 05/06 and better than 01/02. The difficulty in my view is that we simply do not have enough flights to achieve the growth that we are targeting for the current financial year and in that regard the Chief Minister and others are working hard to look at new initiatives and I'm hopeful that those new initiatives will be announced in the relatively near future and that they will provide us with the opportunity to get very close to our targeted number for the current financial year. It's easy for me to say but in my view we need the Friday flight operating year round, we need one additional flight from Australia and to get to the next stage of the growth we will need to endeavour to convince Air New Zealand to operate one extra flight from New Zealand. The fact is that we have shown growth of 22% compared to last year, in the year to date. That growth will fall a little in November, again for the reasons I indicated, but hopefully the initiatives that have been taken by the ATA and the Tourist Bureau will show results in December, January, February, and hopefully the growth in those months will push us fairly close to the 35,000 visitor number that we are targeting. Thank you

MRS JACK Mr Speaker perhaps I could ask either Mr Brown or the Chief Minister to expand on a statement made by Mr Brown of the need as Mr Brown sees it for the Friday flights to be year round. This matter was raised in executives yesterday. It's a perception by the community that the flights were cancelled on the Friday and I just think the community needs to have some explanation on that perception and if one of them could just give the community the reasoning behind it

MR BUFFETT Mr Speaker I'm very happy to do that. When the air schedule that we have in place at this moment was put into place a number of months ago, the Friday flights were not scheduled into December, beyond the first week if I remember that correctly. And they were to recommence in the February mark. What I'm really saying is that for that period in December and beginning of next year they were never in the schedule at all. It's not a matter of them being cancelled. They weren't in the schedule at all. However, given our increase in figures we have been able to place in the system a couple of those Friday flights. We would have liked to have been able to do more than that but that is what has been done to date but this is the important thing to say. That when it recommences in the new year, it will be a part of the basic schedule. It won't be a Friday flight that's on for some period and off for other periods. It will be part of the basic schedule and we are really saying to people that there is a flight running. Come and fill it. In lieu of the reverse

SPEAKER Honourable Members the question is that the paper be noted and I put that question

QUESTION PUT
AGREED

SPEAKER Thank you. Are there any further Papers this morning

MR BROWN Mr Speaker I table the official tourist accommodation gradings as at 15 November 2006 assessed by Triple A Tourism

SPEAKER Honourable Members I have two papers for tabling this morning in my role as Speaker. The first of those papers is the Independent Audit Report which was referred to earlier by Mr Christian in tabling the financial statements for the Administration of Norfolk Island that under the Norfolk Island Act section 51(D)(1) it requires the Speaker to cause a copy of the auditors report given to me under subsection 51©(3) to be laid before the Legislative Assembly within 65 days after the day upon which I received that report and in accordance with that requirement I table that paper

SPEAKER The second paper this morning Honourable Members for tabling in my role as Speaker is under the provisions of the Provident Account Act 1958 and under subsection 4(a)(8) of that Act I am required to table the report at a sitting of the Legislative Assembly and I so do

Any further Papers for tabling this morning. No. We move on

STATEMENTS

SPEAKER Are there any Statements of an official nature Honourable Members

MR BUFFETT Mr Speaker I did have a statement in terms of negotiations with the Commonwealth. I've actually woven the statement in terms of the questions earlier expressed and there is no need for me to continue with that statement at this time

MR CHRISTIAN Thank you Mr Speaker, I actually left some information out of the financial indicators section so if I may make the remainder of what I have to say a statement. Thank you Mr Speaker this is for the information of Members in the community at large, attached to the Financial Indicators for the first time is an estimated income and expenditure statement for Norfolk Air and I've got to stress at the moment that this is an estimate that's a best guess provided by the Accounts Section because in the airline industry a lot of the funds don't flow into the Administration coffers until some two or three months after a passenger has actually flown. The statements, that is the financial statements, tell us that for the July to September 2006 period the airline operated at a loss of \$251,000 and this relates principally to the two for one offer that was made for July and August and for October 2006 the airline achieved a surplus of \$92,000 for its operations. Mr Speaker these figures illustrate quite clearly that the airline is being yield managed to benefit the entire Norfolk Island economy and not only to benefit the airline operation so in a few words, what that says in some months we are going to make good profits, in other months we will sustain losses but over the entire year the intention is to break even or make a small profit. Thank you

MR BROWN Mr Speaker I move that the statement be noted

SPEAKER
statement be noted

Honourable Members the question is that the

MR BROWN
Mr Speaker I would like to commend the Minister for Finance for producing those financial statements. We have been criticised from time to time for not having them but they are clearly now produced and they've been produced in a competent fashion. But what they show is that the air service is not a gold mine. It's not making the absolute fortune that some people expect and for that reason there's not the ability to make a lot of changes to it. It falls within the responsibility of the Chief Minister but if the Chief Minister was to throw away 10% of every fare, the whole air service would drop into a fairly disastrous loss so when we receive what could well be described as demand after demand to do things in accordance with the wishes of various people, we do need to be careful that we don't as a result put the whole service into such jeopardy that it might cease to exist. It does appear to be well managed at the moment, not everything pleases everyone, but I think that it is fair to suggest that some of the people who are a little noisy at present have done their ticketing in other ways in the past and leaving aside the last 15 months, I think it might be fair to suggest that some of them either ticketed through other wholesalers or purchased retail tickets and it should be said, that anyone can purchase retail tickets on the Norfolk Air side of the aircraft, but there are probably a number of ways in which the remaining problems can be fixed and we shouldn't assume that the only way to fix them is to cave in to a couple of noisy demands. Thank you

SPEAKER
statement be noted and I put that question

QUESTION PUT
AGREED

SPEAKER
any further statements this morning

Thank you. That Statement is so noted. Are there

MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

Honourable Members I have received the following Messages from the Office of the Administrator

Message No 44. On the 19th October 2006 pursuant to subsection 22(1) of the Norfolk Island Act 1979 His Excellency the Governor General declared his assent to the Land Titles (Amendment) Act 2005 which is Act No 20 of 2006. The message is dated the 30th October 2006 and signed by Grant Tambling, Administrator

Message No. 45. On the 31st October 2006 pursuant to subsection 21 of the Norfolk Island Act 1979 he declared his assent to the Juries (Amendment) Act 2006 which is Act No 21 of 2006 and the Healthcare (Amendment No 2) Act 2006 which is Act No 22 of 2006. The message is dated the 31st October 2006 and signed by Grant Tambling, Administrator

Message No. 46. On the 7th November 2006 pursuant to section 21 of the Norfolk Island Act 1979 he declared his assent to the Bookmakers Betting Exchange (Amendment) Act 2006 which is Act No 23 of 2006. The message is dated the 7th November 2006 and signed by Grant Tambling, Administrator

NOTICES

Honourable Members we move now to Notices

SOCIAL SERVICES (AMENDMENT NO 2) BILL 2006

MR BROWN Mr Speaker I seek leave of the House to present the Social Services (Amendment No 2) Bill 2006

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

MR BROWN Mr Speaker I present the Social Services (Amendment No 2) Bill 2006 and I move that the Bill be agreed to in principle

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

MR BROWN Mr Speaker this is the reintroduction of a Bill which was before the House in earlier times and it is aimed at giving effect to recommendations of the review which was carried out by the Social Services Board several years ago. In fact, in April 2002. Members will recall that the original bill was referred to the Impact of Bills Committee, the committee provided a report and apart from one error which I've noticed this morning, that report has been taken into account in redrafting the Bill. The other thing which has been taken into account is the need to make provision for an assets test for the deeming of income on non productive assets and or prohibition of disposable assets simply in order to obtain a pension and the Bill which is before us proposes to deal with those issues by enabling them to be handled through regulation. One of the key things that the Bill does is it addresses the question of the age at which the person should be entitled to receive a benefit and the qualification age for ladies would immediately rise to 63 and then progressively over the next two and a half years, rise to 65 so that at that stage both male and female persons would have a 65 year requirement to be achieved before applying for a pension. This Bill has only been distributed to Members this morning. I don't propose to speak any more on it today but Members will be able to look back at the debate on earlier occasions in relation to the similar bill and Members will also be able to look back at the report of the Social Services Board and at the report of the Impact of Bills Committee

MRS JACK Mr Speaker I hope that this Bill manages to be finalised unlike the other one. I appreciate the change to take away from the sexist attitude of aging or handling of male female relationships. I also find it pleasing that there is a clause in there to repeal if any dissatisfaction with the Minister or the authorised officer, stops going to the Administrator and to be dealt with by the ART. That is a move that even when other Commonwealth officers were over that they thought should happen, that we should take full responsibility so I am glad to see that, that clause has been amended and I just hope that this Bill continues to move forward. I also think it will be of assistances should we seek to start insurance, trying to get insurance for our Healthcare Levy Act once again. I think some of the problems that we have had in the past is too lenient a social service, not moving with the times and so I look forward to that coming into fruition. Thank you

MRS BOUDAN Mr Speaker there's just one little section in there that I feel that I need to make mention on. I haven't got the response from the Impact of Bills Committee before me and in the section where a person is qualified to receive an aged benefit, 11, down further in section c of that section, subsection c part 2 where it says that a person eligible for a pension must be ordinarily a resident for not less than ten years immediately before that date and for not less than 25 years during the claimants working life. I seem to recall some report from the Impact of Bills Committee stating that, that was too severe, that 25 years. I just need to note that

MR BROWN Mr Speaker I hadn't wanted to point to the particular error but that is the error that I had referred to when I said that an error had crept in. We do need to consider the Impact of Bills Committee's report. We do need to decide whether 25 years is the appropriate time period. I had actually asked the draftsman to change that to ten years, but there is a further difficulty and that is that there may be some people who have never had a working life and we perhaps need to look at the question of how we are going to define working life. If someone has never worked then it probably is unreasonable for us to suggest that they should therefore never get an aged benefit but we'll have to deal with that

SPEAKER Any further debate. If there's no further debate on this matter Honourable Members I turn to Mr Brown for the adjournment

MR BROWN Mr Speaker I so move

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

QUESTION PUT
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

IMPACT OF BILLS & SUBORDINATE LEGISLATION COMMITTEE

SPEAKER Honourable Members although it doesn't appear on the programme there is one notice this morning

MR BUFFETT Mr Speaker I move that this House resolves to do two things, firstly to discharge myself, David Ernest Buffett from attending the Impact of Bills and Subordinate Legislation Committee and to nominate and elect Geoffrey Robert Gardner as a member of that Committee. Mr Speaker this is really an adjusting matter in terms of Governmental arrangements that have occurred over the last two months. I have sought to be discharged from this particular committee and I have sought that yourself be nominated and elected in lieu

MR T BROWN Thank you Mr Speaker the Impact of Bills and Subordinate Legislation Committee has a number of Bills before it. It hasn't met for quite some time. If agreeing to this motion enables it to meet sometime in the near future I'm happy to support it

SPEAKER Thank you Mr Brown. Any further debate? The question is that the motion be agreed to Honourable Members and I put that question

QUESTION PUT
AGREED

Thank you. That motion is agreed to

Honourable Members we move to Orders of the Day

LISTING OF KAVHA ON NATIONAL HERITAGE AND WORLD HERITAGE LISTS

SPEAKER Honourable Members we resume debate from 18 October 2006 on the question that the motion be agreed to and Mr Nobbs has the call to resume

MR NOBBS Mr Speaker I don't intend to speak. I spoke at some length at the last meeting in relation to this but I will read the motion out in full and then make some brief comments on it. The motion reads that this House, in relation to the Kingston and Arthur's Vale Historical Area (KAVHA), not give further consideration to any proposal to nominate KAHVA on either the National Heritage or World Heritage Lists until such time as the current officially approved KAVHA Conservation Management Plan (dated it is understood 1988) has been revised and the revised document has been the subject of a formal approval process which includes an in-built appeal mechanism. The reasons for this motion being put forward are fairly simple. There is at the present time the nomination for the World Heritage the listing for the National Heritage and the revision of the Conservation Management Plan are all running in tandem. It is felt that we should look at our own back yard and fix up what we as a community require from the Kingston and Arthurs Vale Historic Area management plan before we proceed down the road to have any further consideration and it's been ongoing as far as I'm aware and I understand that there are meetings which the island has been committed to which the Chief Minister attends something like once a month over the next period which is I understand, at least six months. The view of this motion is very simple, that no further consideration be given to the World Heritage or the National Heritage listing until such time as the current official KAVHA Conservation management plan and that's actually dated 1988 so it's 18 years old and we haven't actually formally revised that since. Until that is formally revised, that no further consideration be given to those particular aspects. Thank you Mr Speaker

MR T BROWN Thank you Mr Speaker I agree with the general thrust of Mr Nobbs motion but how realistic it is I'm not too sure. If the Chief Minister would just sort of enlighten me as to how realistic it is for the brakes to be put on the National Heritage Trust nomination once the wheels are set in motion because I'm not entirely sure that it is possible

MR BUFFETT Mr Speaker there are two things about that. First of all there is already a National Heritage nomination. We have no capacity to put the brakes on that so something is going to happen there which is a regrettable situation but that's the facts as I understand it and so one of the factors, not the only factor, but one of the factors is an endeavour to put that in context so that it relates on to KAVHA and not the wider picture. That's step one. The second arrangement is that the CMP that we prepare will be how the area is managed, whether it be under National Heritage or under World Heritage or neither of those things. We will still need a CMP whether or no we have World or National Heritage. That's why I mentioned earlier in response to something that Mr Nobbs mentioned this motion is not needed to prepare a CMP. That has been on the books and is now considerably advancing so I don't know whether that's helpful to some of the concerns that you might have had in your mind

MR T BROWN Thank you Mr Speaker, no that is helpful Chief Minister because now looking at Mr Nobbs' motion it would appear the only realistic part is the introduction of the formal approval process which includes the inbuilt appeal mechanism for the Conservation Management Plan of the KAVHA area. I would be happy to support Mr Brown's motion just to ensure that's given consideration whilst the Conservation Management Plan is updated

SPEAKER Before I turn to Mr Brown for his proposed amendment is there any further debate on the original motion. Mr Brown

MR BROWN Mr Speaker I move the amendment which I previously outlined

SPEAKER If you would just bear with me Honourable Members I'm just getting that translated

MR BROWN Mr Speaker if it would be helpful I will read through the motion as amended. The motion reads that this House, in relation to the Kingston and Arthur's Vale Historical Area (KAVHA), requests the responsible executive member to ensure that the current officially approved KAVHA Conservation Management Plan (dated it is understood 1998) is revised as soon as possible and that the revised document be the subject of a formal approval process which includes an in-built appeal mechanism. Mr Speaker I may have said 1998 instead of 1988. At the portion where I said dated it is understood, I should have said 1988

SPEAKER Thank you Mr Brown. Any further debate? The question before us is that the amendment be agreed to Honourable Members. Is there any debate on the amendment

MRS JACK Mr Speaker just a query. Mr Brown did you say after the bracket, is revised, and the revised document what followed after

MR BROWN .. be the subject of a formal approval process which includes an in-built appeal mechanism

MRS JACK Are you not attempting there to pre-empt a decision. Shouldn't it be that you would be seeking that a formal approval process which includes the in-built appeal mechanism be tried for. We can't pre-empt that the formal approval process which includes an in-built appeal mechanism will be the only KAVHA CMP that's going to be acceptable

MR BROWN Mr Speaker that's quite correct. I would have thought that the amendment copes with that by saying that this House in relation to the KAVHA area requests the responsible executive Member to ensure that... Now it may or may not be possible for that to be achieved but if this is passed we are making a request for that to be done. That's the intention

SPEAKER Does that clarify the matter Mrs Jack. Is there any further debate on the proposed amendment

MR NOBBS Mr Speaker I understand that the Memorandum of Understanding requires that the Conservation Management Plan be approved by both Governments. Okay. There seems to be some sort of conflict and I just bring up on Mr Tim Brown and I'll just repeat, where a National Heritage place is in a State or Territory the Australian Government must use its best endeavours to ensure that a management plan is prepared and implemented in co-operation with the relevant State or Territory Government. So you've got no show. With that. Under the Memorandum of Understanding at the present time there is an opportunity for both Governments to have input into the final approval of it under this best endeavours. That's all

SPEAKER Thank you Mr Nobbs. Any further debate? The question before us is that the amendment be agreed to Honourable Members and the new amended motion will take the following form that this House, in relation to the Kingston and Arthur's Vale Historical Area (KAVHA), requests the responsible executive member to ensure that the current officially approved KAVHA Conservation Management Plan (dated it is

understood 1988) is revised as soon as possible and that the revised document be the subject of a formal approval process which includes an in-built appeal mechanism. Mr Brown is that correct. Thank you. The question before us is that amendment be agreed to. Is there any further debate on that question. No further debate. I put that question

QUESTION PUT
AGREED
MR NOBBS VOTED NO

Thank you. That motion is agreed to

We now move to the question that the motion as amended be agreed to Honourable Members. Any debate on that question. Then I put that question that the motion as amended be agreed to

QUESTION PUT
AGREED
MR NOBBS ABSTAINED

Thank you. That motion is agreed to

CUSTOMS (AMENDMENT NO. 2) BILL 2006

SPEAKER Honourable Members we resume debate from 18 October 2006 on the question – That the Bill be agreed to in principle and Mr Brown has the call to resume

MR BROWN Mr Speaker this is a Bill to increase the duty on cigarettes and it is intended that the increase be paid to the Medivac Fund in order to partly fund the cost of any necessary medical evacuations from the island. Members will recall that a previous Bill was passed by which the Healthcare Levy was increased in the form of an additional medivac levy. That has been passed and in due course funds will be received from that. They will not be sufficient to cover the whole of the cost of medical evacuations from the island. A decision needs to be made as to whether this bill if passed should apply to low duty cigarettes and on balance I would suggest to Members that it would be better that it not apply to low duty cigarettes at this stage, because otherwise there is a risk of the low duty cigarettes will not be competitive in a market sense with the duty free cigarettes which can be purchased at the inbound duty frees in Australia and I expect New Zealand. The question for Members is, can we do without imposing this additional tax. On a previous occasion some Members thought we could just fund it from elsewhere. Well I would suggest to Members that we are not finding that all that easy. The financial indicators for October which have been provided to us today, do indicate that we are not into good times yet. We are hopeful that the NSL will begin to restore our coffers but if we look at the figures which have been provided to us today, during the October month we actually went backwards by a further \$74,200 in terms of the available cash and in terms of the front page of the financial indicators, we had \$920,000 of income, \$1,016,000 of expenditure to end up with a deficit of \$96,000 and our deficit for the year to date is \$453,000 so I would urge Members before feeling that we can just sort it out in some other way, to think very carefully about this. There is no doubt these days that smoking is a health hazard, there is no doubt these days that the cost of providing health care to people who have been smokers is higher than the cost of providing healthcare to people who don't smoke. I accept that the passage of this Bill would be likely to reduce the amount of smoking on the island but those reductions have been shown in the past to not last at a high level for long, and after a while people pick up their bad habits again. Can I take you to the census report which was tabled earlier in today's meeting and can I give a bit of an indication of one of the problems which we have faced

over recent years. In the 2002/03 years table 6 at the back of the census report shows us that there were \$40,546,000 of imports and bear in mind that at that time, petrol prices and diesel prices would have been a lot lower than they are now, and whatever form of inflation has applied to the cost of imports from other places and when compared to 2002/03 year, would have been nil at that stage. Going back a couple of years earlier, the imports were \$41,260,000. In the year just passed, with fuel at close to double its earlier prices and with whatever degree of inflation in prices had occurred over the years, the imports fell to \$32,000,000. Just to give those comparisons again, 2001 \$41m, 2002/03 \$40.5m, 2005/06 \$32m. When we look at those figures it is easy to understand why the coffers at the Administration have not been refilling as quickly as they used to, and it's easy to understand why many within the commercial sector have been doing it hard. Some would say to us quite correctly that you need to bear in mind that some people might simply not be replenishing stock as they sell, they might be running down their stock. And I expect that to some extent, that will be true. But it will not explain the massive decline which has been seen in the figures which are shown in the census report, so what I'm saying to Members is that I don't think we have any option, I think that we do have to raise additional funds in order to ensure that the medivac fund can run responsibly. I urge you to support this Bill. At an appropriate time I will circulate a detail stage amendment in order to seek to exclude low duty cigarettes from the impact of the Bill. Thank you

SPEAKER Honourable Members before we continue I just wish to note that as this matter has a direct effect on Mrs Jack, she has voluntarily exited the chamber for the debate and discussion and certainly for the putting of the question at the appropriate time in relation to this matter. Is there any further debate Honourable Members

MR SHERIDAN Mr Speaker just briefly as I spoke a bit on this last month with regard to the financial implications as I saw it and I'm looking at this from the point of view that these monies raised would be solely for the Medivac fund. Not as a general revenue raising for the Administration as a whole and I know just looking at the audited Government figures for the year which were just tabled prior, that the Medivacs for the past or six years cost us \$60,000 and that was down from \$167,000 in 2005. Now already we have a levy on the healthcare levy of \$100 per year per person for the Medivac expenditure and I believe that at the time of discussion with that levy it was projected that that would bring in approximately \$140,000 per year. Considering those figures, would believe that \$140,000 per year, may, or may not, cover the cost of the medivacs on an ongoing basis. I believe the Minister previously has mentioned that he was going to come up with a contract with a medivac service in Australia to provide Medivacs at a certain cost, not just a cost that would go up and down. He was going to get a provider to actually come to an agreement and provide these costs, and I believe it was somewhere around the \$25,000 mark per flight so just considering that this is purely for a Medivac service and looking at the audited figures in the tabled financial statements for the year and going by that we've only expended \$65,000 for 05/06. I believe that the levy already that we have on our Medicare levy, the \$100 per year, is quite sufficient for our evacuation purposes. Thank you

MR CHRISTIAN Thank you Mr Speaker, I like Mr Sheridan had quite a bit to say at the last meeting. I know that the Minister for Community Services is genuine about trying to put funding away for medivac purposes, but the statistics that I had with me at the last time we discussed this, don't tend to indicate that we will actually generate any extra revenue. I think if you look at the statistics, it is obvious that the price of cigarettes has reached its elastic limit and by that, I say any further price increase actually reduces the dollar return to the Government. If you look at the historical information we have over the years, doubled or thereabouts the duty on cigarettes and our income has remained fairly flat in dollar terms so that means there's been a reduction in the amount of cigarettes consumed and our income has remained fairly flat in dollar terms so that means there has been a reduction in the amount of cigarettes consumed. I don't propose to support the motion on

MRS JACK Mr Speaker the possibility of getting another \$7.50 out of some Members of the community will place some financial hardship strange as it sounds, because even though to some it may be money that you can find in your glove box or ashtray of your car if you are a non smoker, you can right now, it's an impost that I've had several people come to me about, and say that it's a further imposition that they feel at this point in time is not worth pursuing. It is brought about because of a cost to the insurance for the healthcare, my understanding it's \$65,000 to \$75,000 with a subsequent \$200,000 extra request for us to pay in our excess and a need from there to self fund. My option would be to not support this motion and to look at it once again in July next year, when we can see how the overall economy of the island is looking, and hopefully that the reinvigoration of the economy and extra tourists have started flowing so that people's incomes have risen, because as one person said to me, we all sit down here and we've all got our money coming in every fortnight and there are people out there just staring at the walls, with reduced income from reduced hours and even though it's only \$7.50, four times a year to some that is an extra burden, and we put on several extra burdens to this economy recently and they just feel that we should hold off and I agree. Thank you

MR BROWN Mr Speaker we're about to look at an amendment to the NSL and I expect that the Minister for the Environment will be opposed to the NSL on the basis that it will cost people more. Well we've got to grow up Mr Speaker. It costs money to run this place and sometimes we've got to make a decision that don't please everybody. In this case, the reason for the introduction of the Bill is that we decided to self insure in terms of the Healthcare Fund. Now if we decide to go out and reinsure we'll have to put the levy up anyway, to cover the cost of that insurance. So let's be prepared to make some sensible decisions that need to be made. The Healthcare Fund has got to be run properly. It's got to have proper reserves, because otherwise people do not have the security. It is not possible for a person to simply move from the Healthcare Fund to a private insurer at such time as they have a pre-existing condition. There are all kinds of reasons why the Healthcare fund has to continue and why it has to be managed properly, and proper management requires that it has proper reserves. The whole purpose of this Bill is to do exactly that. Thank you

MRS JACK Mr Speaker. Thank you. Mr Brown, you decided to cut out the insurance. I did ask you for further paperwork as did the Chief Minister but it was you who decided to bypass using insurers behind the scenes with the healthcare fund and as a consequence of that I feel that even though I can understand the reasoning behind your wanting greater funding that we should have kept the insurance going for another year. Right now I don't agree with it. I don't agree with your proposal

MR SHERIDAN Mr Speaker I spoke I believe at length on this last month or the month before when it first came up and I haven't seen anything to change my mind so I won't be supporting the Bill

MRS BOUDAN Mr Speaker just to say that I think we are being premature here. I really feel that we should give the NSL a fair go first and just see where we are going with the NSL as far as funding is concerned. Thank you

MR BROWN Mr Speaker I'm fascinated that we need to give the NSL a fair go in the context of this. It is not proposed in any way that the NSL provides funds to replace these but nevertheless it's up to Members whether they support the Bill or not, I move that the question be put

SPEAKER Honourable Members the question before us is that the question be put

QUESTION PUT

Madam Deputy Clerk would you please call the House

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

SPEAKER The result of voting Honourable Members, the Ayes eight the Noes one, the ayes have it. I therefore put the question that the bill be agreed to in principle

QUESTION PUT

Madam Deputy Clerk would you please call the House

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

SPEAKER The result of voting Honourable Members, the Ayes five the Noes four, the Bill is agreed to in principle

Honourable Members we move to the question that the bill be agreed to

MR BROWN Mr Speaker I so move

SPEAKER Is there any final debate. Then I put that question that the Bill be agreed to

QUESTION PUT

Madam Deputy Clerk would you please call the House

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

SPEAKER The result of voting Honourable Members, the Ayes five the Noes four, the Bill is agreed to

NORFOLK ISLAND SUSTAINABILITY LEVY (AMENDMENT NO. 2) BILL 2006

SPEAKER Honourable Members we resume debate from 18 October 2006 on the question that the Bill be agreed to in principle and Mr Christian has the call to resume

MR CHRISTIAN Thank you Mr Speaker, the proposed amendments to the Norfolk Sustainability Levy Act 2006 are aimed at providing clarity to issues that have arisen since the Act was introduced. It more clearly defines the NSL as a levy on business turnover rather than a levy on sales transactions. Changes have been made in the area of definitions to reflect the above by substituting the word derived with the word received and a clearer definition of the terms leviable sale and NSL activity. Section 4 of the principle Act has been amended to reflect the above with the addition of the words "received" and the deletion of the word "derived" where it occurs. This section also assists in clarification of to whom the levy applies. Section 5 of the Act is amended to address issues arising from business with gross revenue below \$3,000 in any consecutive period of twelve months. These changes allow for businesses falling in the above category having no requirement to register or have a registered number issued. However, if their income does happen to exceed the \$3000 in any consecutive twelve month period they will be required to register and pay NSL for the period for which they were not registered. Section 7 of the Act is amended to address issues arising out of the use of reference to regulations where none exist at this time. Section 8 imposes penalties for the non lodgement of monthly returns. There are 25 penalty units for a natural person or fifty penalty units for a company. Part 6 of the Act which relates to price exploitation has been deleted however, section 15 on monitoring of prices has been retained and renumbered section 22a. Mr Speaker changes have also been made to schedule 1 and 2 of the Act. Schedule 1 changes being deleting item 1 the exemptions of cigarettes by amending item 6 to read any goods and services provided by the Administration, Commonwealth or public sector agencies, by deleting all words appearing after gift in item 7, by inserting the words and sold at face value after post office in item 8 and by inserting or commission after duty in item 9, schedule 2 changes being clarifying bank account based fees at item 2, changing the reference to the Customs Act in item 4 and better clarifying travel in item 5 and adding air and sea freight at item 6 and Mr Speaker I also foreshadow that at the appropriate time there are a number of detail stage amendments that I would like to make as well and at this time say thank you to the work done by yourself and Mr Sheridan in correcting a couple of typos that appeared in the detail stage amendments. Thank you

MR T BROWN Thank you Mr Speaker I didn't vote for the NSL in its current form but if these amendments will enable the NSL in its current form to operate more efficiently and with greater ease then I'm willing to support it

SPEAKER Any further debate? The question is that the bill be agreed to in principle. If there's no further debate I'll put that question that the motion be agreed to

QUESTION PUT
AGREED

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

We now move to the detail stage and those amendments you have circulated Mr Christian which are dated I understand the 25th October 2006. Mr Christian

MR CHRISTIAN Thank you Mr Speaker, I move that the detail stage amendments dated 25 October 2006 circulated be Members be taken as read and agreed to as a whole. I have nothing further to say Mr Speaker

SPEAKER Any further debate on the detail stage amendments

MR NOBBS Mr Speaker I just want to speak on the whole amendments if I may. I missed the call the last time because I was elsewhere I think but I just want to make it clear to the public outside and I think that Mr Christian probably did this at an earlier time but these amendments relate to the current legislation and the operation of the current NSL arrangements. They are not in any way related, although they may assist in, but in any way related to the implementation on the 1st January as far as I'm aware, and I'm taking that as being fact, that a new legislation or revised legislation will be brought in, in the next few weeks. Am I right in saying that Mr Christian

MR CHRISTIAN Thank you Mr Speaker, yes, that's my understanding

SPEAKER Thank you. Any further debate. The question is that the amendments be agreed to

QUESTION PUT
AGREED

Those amendments are agreed to

I now put the question that the clauses as amended be agreed to

QUESTION PUT
AGREED

The clauses as amended are agreed to

I now put the final question Honourable Members that the remainder of the Bill be agreed to

MR CHRISTIAN Thank you Mr Speaker, I so move

SPEAKER Thank you Mr Christian. Is there any further debate before I put that question. No further debate. The question is that the motion be agreed to

QUESTION PUT
AGREED

The Bill as amended is agreed to

IMMIGRATION (AMENDMENT) BILL 2006

We move to order of the Day No 6 and in consultation with Mr Brown, the Minister responsible for Immigration he has requested that, that matter not be brought on today

We therefore move to Order of the Day No 7

SOCIAL SERVICES (AMENDMENT) BILL 2006

SPEAKER Honourable Members we resume debate from 18 October 2006 on the question that the Bill be agreed to in principle and Mr Brown has the call to resume

MR BROWN Mr Speaker this started life as a fairly simply Bill in which it was proposed simply to delete clause 6(1)(d) of the Social Services Act and that clause says a person is not capable of being appointed as a community Member if he is an officer and Members may recall that the purpose of proposing this amendment was to enable a long serving Member of the board to be re appointed. Notice has been given of two detail stage amendments and I'll deal with those at the appropriate time, Mr Speaker

SPEAKER Thank you. Any debate on the question Honourable Members that the Bill be agreed to in principle

MRS JACK Mr Speaker Thank you. It is very hard to fill all the positions of the various voluntary boards on the island and we have reached the stage where occasions such as this is starting to crop up and we have to approach it realistically and I think it's a very valid clause that's been inserted and one that I will support. Thank you

MR NOBBS Mr Speaker I just wonder Minister in 6(4)©, a person is an employee or volunteer

SPEAKER Mr Nobbs we are at the stage where we are dealing with the agreement of the Bill in principle, not with the detail stage amendments at this stage. Any further debate on the question that the bill be agreed to in principle

QUESTION PUT
AGREED

The Bill is agreed to in principle and we move now to the detail stage and Mr Brown has earlier foreshadowed two detail stage amendments

MR BROWN Mr Speaker the first amendment which was prepared by the draftsman and which is dated 28th September 2006 endeavours to take account of some issues which have been raised by Members where Members expressed a view that some forms of employee should not be eligible for appointment to the Board and in particular, Members were speaking of employees who work in the social service area. The 28th September amendment proposed changing the definition of officer within section 3 of the Act so that officer has a meaning given to Public Service employees by the Public Sector Management Act then in section 4(4) which presently says the Executive Member is not capable of being chosen as a Member of the Board it was proposed to amend that to say that the following are not capable of being chosen as a Member of the Board, (a) the executive member (b) the authorised officer and (c) a person involved as an employee or volunteer in the provision of social services. Now Mr Nobbs has indicated that he has a question about that. I'm not greatly fussed whether a volunteer is caught or not. This is the suggestion of the draftsman not of myself, and I'm sure that the draftsman has suggested it on the basis of how it is done in other places but if Members wish to leave a volunteer in the provision of social services able to be appointed to the board then I wouldn't have a problem with that. The second proposed amendment is to clarify the definition of income. Recently the Crown Counsel provided advise as to precisely what is meant by income in the Norfolk Island legislation as distinct from legislation elsewhere and that advise was to the effect that the value of an interest in any property, certainly in any property received by way of distribution from a deceased estate, is included. It was felt that to treat a real estate

inheritance as income might not be appropriate, particularly if you take account of the local tradition of endeavouring to pass land down through the families and so the draft amendment dated 17 October 2006 seeks to amend the definition of income by inserting in section 3 of the Act after paragraph (a) a subparagraph (aa), the value of an interest in any property received by way of distribution of a deceased estate other than an interest in real property and those are the proposed amendments of which I wish to give notice and which I wish to move Mr Speaker

MR NOBBS Mr Speaker just in relation to the volunteer I would have thought that, that would exclude the people that you are putting on the board because they volunteer don't they

SPEAKER Thank you Mr Nobbs. I'll give the Minister an opportunity to respond to that

MR BROWN Mr Speaker I'm quite happy to delete the proposed subparagraph 4© so that a person involved as an employee or volunteer in the provision of social services is eligible for appointment. If there's some startling reason to introduce the change, I'll bring it back to the House at another time but for the purpose of today I seek leave to delete from my amending motion subparagraph ©

SPEAKER Thank you. Leave is granted for the deletion of that Mr Brown. I do apologise Mr Brown, I was busy on another matter before, but I do take it that you did formally move the detail stage amendments

MR BROWN Mr Speaker out of abundant caution could I so move again in case I did not do so previously, though I'm pretty sure I did Mr Speaker but there is no point in leaving room for error

SPEAKER Thank you Mr Brown. Any further debate. The question then before us Honourable Members is that the detail stage amendments dated 17 October 2006 and 28 September 2006 be agreed to with that deletion. Is there further debate. Then I put the question

QUESTION PUT
AGREED
MR BUFFETT ABSTAINED

Those amendments are agreed to

I now put the question that the clauses as amended be agreed to

QUESTION PUT
AGREED

The clauses as amended are agreed to

I now put the final question Honourable Members that the remainder of the Bill be agreed to

MR BROWN Thank you Mr Speaker, I so move

SPEAKER Thank you Mr Brown. Is there any further debate before I put that question. No further debate. The question is that the motion be agreed to

QUESTION PUT

AGREED

The Bill as amended is agreed to

FIXING OF NEXT SITTING DAY

MR NOBBS Thank you Mr Speaker. I move that the House at its rising adjourn until Thursday 21 December 2006 at 10 am, and I repeat, Thursday 21 December 2006 as the time decided on by all Members

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

QUESTION PUT
AGREED

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

ADJOURNMENT

MR T 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

MRS JACK Mr Speaker I may leave the room when there is a definite conflict that comes up over Bills presented before the House but I still listen in downstairs and I was somewhat upset to hear a smattering of laughter at the possibility of cigarettes being priced so high that people may grow..

MR BROWN Mr Speaker Point of Order. That is a reflection against a decision of the House

MRS JACK Mr Speaker I hope everyone has a happy and rested month of November and I look forward to seeing everyone on the 21st December

SPEAKER Thank you Mrs Jack, is there any further participation in debate Honourable Members. The question is that the House do now adjourn and I put the question

QUESTION
AGREED

The motion is agreed to. Honourable Members this House stands adjourned until Thursday 21 December 2006 at 10 o'clock in the morning

