



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

**CONDOLENCE**

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

MR BROWN Mr Speaker, it is with regret that this House records the passing of Shaune Troy Pedel on the 9<sup>th</sup> December 2006 at Royal North Shore hospital just weeks before his 35<sup>th</sup> birthday. He was the eldest son of Glen Pedel, only son of Patricia Pearson and brother to Jesse and Caitlin and father to Madison. Shaune lived the majority of his life in Sydney with his mother but enjoyed weekends and holidays with his father in Sydney and later on Norfolk Island. Shaune completed his school certificate at the Norfolk Island Central School and made many friends here. He moved back to Sydney to begin his building apprenticeship. Shaune returned home to Norfolk Island several years ago and worked with Restoration in Kingston. He renewed many friendships and loved the island life, especially fishing and being around his island family, particularly his brother Jesse and sister Caitlin. Shaune returned to Australia and eventually became the proud father of his beautiful daughter Madison now almost two years old. Shaune will be sadly missed and to his family and friends both on Norfolk Island and in Australia this House extends its deepest sympathy

It is with regret that this House records the passing of Nikolai Slavensky Jorgensen on Monday 11<sup>th</sup> December 2006. To Nick's friends this House extends its deepest sympathy

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

**PRESENTATION OF PETITIONS**

Are there any Petitions please?

**GIVING OF NOTICES**

Are there any notices please?

MR NOBBS Mr Speaker I don't know if this is the right time to do this but I give notice that I will not be proceeding with the Bankruptcy Bill 2006 at today's sitting as mentioned in your absence the other day. I mentioned it to Members that I needed a further report on this and it has not been made available to me at this stage however it should be here by the next meeting which is February and I will be proceeding with it at that time, and also I understand that the Bill has not been circulated to the extent that I thought it had been circulated and that will be fixed in the next two months. Thank you

SPEAKER Any further notices this morning? I have a notice Honourable Members in relation to a motion that I intend to move at a subsequent day of sitting in relation to the Public Accounts and Expenditure Committee and the establishment of that committee. That notice is of the following motion. That this House resolves under standing order 20B that (1) A Public Accounts and Estimates Committee be appointed to scrutinise and assess the financial administration of the Public Sector, and to promote reform where necessary, (2) The Committee shall comprise the Speaker (ex officio) capacity, and two other members to be identified, and (3) The Committee shall – (1) examine – (a) the accounts of the receipts and expenditure of Norfolk Island; (b) the financial affairs of authorities of Norfolk Island; (c) all reports of the Government Auditor which have been laid before the Assembly; and (d) such other relevant matters as the Committee deems relevant; (2) report to the Assembly from time to time with such comments as it thinks fit, in respect of any items or matters in those accounts, statements and reports, or any circumstances connected with them, to which the Committee is of the opinion that the attention of the Assembly should be directed; (3) inquire into any question in connection with the public accounts which is referred to it by the Assembly and to report to the Assembly on that question. (4) The Committee may consider any other matter relevant to its inquiry; shall have the power to send for persons, papers and records; and may invite submissions from members of the public. (5) The Committee has power to – (a) make visits of inspection within Norfolk Island, and with the approval of the Legislative Assembly given by resolution in the House, within other States and Territories of Australia; (b) retain consultants to work with the Committee as and when required; (c) establish a Committee Secretariat on such terms and conditions as are thought appropriate after consultation with the Chief Executive Officer of the Public Service of Norfolk Island. Members that's the draft motion that I have proposed to bring back to Members. I'll copy that to all Members for their information prior to introduction. Thank you

Any further Giving of Notices this morning. No. We move on

### **QUESTIONS WITHOUT NOTICE**

Are there Questions Without Notice this morning Honourable Members

MR NOBBS Mr Speaker I have one for the Chief Minister. Chief Minister two meetings ago after a number of approaches you stated you had developed a Legislative Programme. Given that it is now six months your Government has been in office and nine weeks since your statement at the October meeting, can you tell the community where we are at with the much needed revamp of the Norfolk Island legislation

MR BUFFETT Mr Speaker I have a statement which I'll tackle in statement time in which I will table our current Legislative Programme

MR NOBBS Mr Speaker a further one for the Chief Minister . Chief Minister I'll ask you again, when can we see the commencement of the Legal Professions Act and why has it not been commenced already

MR BUFFETT Mr Speaker the Legal Professions Act has actually been made by this Parliament. It has been awaiting the preparation of regulations. Regulations have now been prepared and they are in a state now to be presented to the Executive Council for implementation and immediately that is done I will then be able to table them in the Parliament

MR NOBBS Mr Speaker a supplementary. When do you expect this to be all completed Chief Minister

MR BUFFETT Mr Speaker as far as I can judge the processes at this time there is the prospect that it could be done at the next Executive Council meeting

MR NOBBS Mr Speaker I have one for the Minister for Tourism. Minister 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 nine weeks ago that you would not be making a statement, you would be providing a written report and you stated at the last meeting you were in the process of putting this through the spell check. When can we expect this report to be made available to the Legislative Assembly Members

MR BROWN Mr Speaker I had hoped to bring the report with me this morning but I haven't done so but it should be distributed to Members this afternoon

MR NOBBS Mr Speaker I have one for the Minister for Finance. Minister is it correct that what was developed and operating as a highly efficient debt recovery procedure has now become virtually non-existent and if this is correct, is the Minister not concerned that there will be a return to the bad old days when debt was a particular problem of the Government and those who are habitual non-payers were rewarded

MR CHRISTIAN Thank you Mr Speaker, I'm not exactly sure what Mr Nobbs is speaking about, but what I can say is that whatever processes and debt collection procedures were in place before, they are still in place as far as I'm aware

MR SHERIDAN Mr Speaker I have a question for the Chief Minister. Chief Minister do you intend to inform the Prime Minister of Australia about the Norfolk Island community's dissatisfaction and concerns as to how the Norfolk Island Government and community have been dealt with these past twelve months. In particular the heavy handedness of DOTARS in their endeavours to change the way Norfolk Island was to be governed

MR BUFFETT Mr Speaker all Members will know and the community in Norfolk Island will know that we have been through some quite difficult times in dealing with various areas within the Commonwealth Government. The thoughts that Mr Sheridan has just raised now, have been expressed to various areas within the Commonwealth sphere. We were dissatisfied with the approaches, the attitudes and the proposals. What the stage is at this moment however, is that we have had a decision out of that and the decision is that Norfolk Island's self-governing processes should not be disturbed and that is a good decision out of the processes should not be disturbed and that is a good decision out of the processes. The want to maybe revisit some of the difficulties of the past is not something that the Norfolk Island Government is contemplating at this stage however, it doesn't mean that we underestimate the difficulties that Mr Sheridan has just mentioned

MR SHERIDAN Mr Speaker a supplementary please. Chief Minister just to follow up with that last question. In relation to the last twelve months negotiations with the Commonwealth on the fact that they were to impose drastic changes to the way Norfolk Island was to be governed and as was advised yesterday nothing is to change and the status quo is to remain, have you had discussions with the Minister for Territories of the possibility for the payment of damages for the cost, time, resources wasted plus the recession in the economy that the Commonwealth actions has caused to the Norfolk Island Government and the local community's revenue base. Revenue that this small community can ill afford

MR BUFFETT Mr Speaker the points that have been raised by Mr Sheridan are indeed valid ones, in terms of costs and times and difficulties. In terms of discussing those with Minister Lloyd, Minister Lloyd's visit was one to deliver the Commonwealth Government's decisions and we all sat around this table here yesterday and heard that and we heard his public announcement. It wasn't brought forward as an opportunity for significant discussions in terms of outcomes of that and so I need to say that. What flows from that obviously in terms of those matters mentioned will require some mature consideration and discussion amongst Members as to how all of that should be pursued or otherwise

MR NOBBS Mr Speaker a supplementary please. Chief Minister will you be making a statement later in the meeting in relation to the Commonwealth Government's announcement yesterday, or the Minister's announcement, I think the Commonwealth made their announcement a week prior to that, but the Minister's announcement. Will you be making a statement to that later in the meeting and also the way ahead from now on

MR BUFFETT Mr Speaker yes, I will be doing that

MR SHERIDAN Mr Speaker again to the Chief Minister responsible for the airline. Chief Minister during an airline committee meeting on the 4<sup>th</sup> October you indicated that the Airline Manager's appointment had been extended to the end of the year to enable him to lead some person into that position. You indicated that by the end of November things should be advanced and that there was a need to advertise for an Airline Manager. Chief Minister can you give an update as to when we can expect the new Airline Manager to commence work

MR BUFFETT Mr Speaker I did make such a conversation within the Airline committee confines. I also gave an update I think at a later time obviously than that, amongst the airline working group that there may well be some adjustment in that methodology and I'm not at a stage to make a public announcement about that, but I did share some information with the Airline committee. I am certainly quite willing to reinforce that advise to the Airline Committee but it's not at a stage of public statement at this moment

MR SHERIDAN Mr Speaker a supplementary please. Chief Minister during the same meeting it was decided to lock in the longer term contract with Ozjet. Chief Minister can you please advise if the contact with OzJet has been extended, and if so, for how long

MR BUFFETT Mr Speaker the present contract with OzJet runs if my memory serves me correct, to the earlier part of May in 2007. We have foreshadowed with Ozjet and we have had initial discussions about a longer term arrangement. That is not a contract that is signed, sealed and delivered at this moment, and there are commercial arrangements that are yet to be worked through in terms of it but what I'm trying to say is, that it's a couple of months in advance before it concludes, and there are discussions about its continuity. I might say Mr Speaker if I might have the opportunity to say it, that we have enjoyed a warm relationship with Ozjet. They have delivered well in many of the areas, most of the areas. That doesn't mean that all is perfect in the situation. Those that are not necessarily perfect we're trying to remedy in the ongoing arrangement but we have had a very good relationship and we would want to continue that. Their aircraft have serviced our island. They have taken great efforts to make some upgrading arrangements in terms of the aircraft that they will fly to this place, including an updated aircraft due for delivery at the end of this month and should be in service in January. That particular aircraft is due to be painted with Norfolk Island colours so that in a further marketing sense, that will have a

profile. I'm just trying to say that we value very much the service that we have with Ozjet and would want to continue it.

MR SHERIDAN Mr Speaker a further supplementary please on the airline just while I'm there. Chief Minister can you explain who is responsible for the Norfolk Air website in relation to schedules etc, or any other changes for that matter

MR BUFFETT Mr Speaker I think there's an element of joint effort with this. I think we are depending principally on the site that is hosted in the Ozjet arena but officers in the Administration have some input into that and so really it's an Ozjet principle site but they have been very receptive to those things we feel need to be incorporated in it and that's the focus of their delivery

MR SHERIDAN Mr Speaker one last supplementary please. Why is the schedule on the Norfolk Air website only go to the 24<sup>th</sup> March 2007 and is it possible to book an air ticket on line after that date

MR BUFFETT Mr Speaker I'm not too sure if I'm able to answer all of that off the cuff. I don't know why it's up to march at this stage if that's how it sits but I'll inquire for you and let you know. Yes it is possible to book beyond that. I've had discussions with people of recent times that have secured bookings through as far as advanced to November of next year as an example, so yes it is. In terms of why it might not appear on the website, I have to find out some more information

MR NOBBS Mr Speaker a supplementary please. Just in relation to the airlines, Chief Minister there are ongoing and appears growing concerns in the community in relation to the management of Norfolk Air primarily as a result of allocation of seats. Claims within the community include the current cartels within the wholesalers which result in the inability of all accommodation houses to receive fair treatment and a claim of favoritism to specific tourist accommodation houses and poor treatment of independent travellers etc. they are just a few of the concerns. The current concerns are claimed to be the result of management decisions particularly taken by yourself. Will you initiate an independent enquiry

MR BUFFETT Mr Speaker I don't have in mind to institute an independent enquiry in terms of the airline at this moment

MR T BROWN Thank you Mr Speaker. This is a question for the Chief Minister. Chief Minister are you happy with the performance of the Norfolk airside of the aircraft given that in recent weeks there have been complaints from people who have apparently have had difficulty in obtaining seats on certain flights yet when they have managed to obtain those seats find that there are quite a number of empty seats on that flight

MR BUFFETT Mr Speaker that particular example that has just been given by Mr Tim Brown is one that was raised with me in fact by my executive colleague Mr Brown as we walked up the stairs this morning as we came up to the Chamber. I don't have an answer to that situation but if I can have details of that particular flight I could make some further enquiries about it and if that is the case then no, that is not a happy performance and one would want to try and better that situation

MR NOBBS Mr Speaker a question for the Minister for Health. Minister is it correct that you have offered the nurses at the hospital a pay increase and I've seen a document of details of this from outside this forum and if so, can you provide details of your offer and whether there has been acceptance

MR BROWN Mr Speaker close to two years ago the nurses at the Norfolk Island hospital made an application to the Public Sector Remuneration Tribunal for an adjustment of their wages by bringing them in line with the New South Wales award for nurses. The Tribunal had an initial hearing at which it was agreed that the nurses and management of the hospital would form a committee which would meet to look at a number of issues but in particular to look at efficiency issues. That committee was established, did meet and made a number of recommendations. A details report was provided by the New South Wales nurses federation, quite a helpful report in fact, and the hospital's board obtained a report from Ernest and Young who are Chartered Accountants not only in Australia but elsewhere. The two reports that I've just mentioned both concluded that the nurses at the Norfolk Island hospital were massively underpaid. In comparison with comparable local people and in comparison with what they would be paid having regard to the qualifications if they were working in New South Wales. Members will recall that in Norfolk Island the school teachers are paid full New South Wales award. The Police receive their full award rate and it has been clear for many years that if those payment structures were not tackled we would find other groups within the community who hold mainland qualifications seeking mainland pay so it was no surprise that the application was made. Members will recall that I have had a number of discussions with Members about that claim and following the most recent of those discussions, I had a number of, in fact, one face to face discussion and a number of telephone discussions with the New South Wales Nurses Federation following which it was proposed that the nurses remuneration be increased in terms of their base wage to 70% of the New South Wales Award, which is approximately what the after tax pay would be in NSW, that the structure of penalty rates remain unchanged rather than moving into the New South Wales structure, but of course the penalty rates be based on the higher base wage. That offer was put to the nurses from recollection on about the first few days of December to apply from that particular pay week, in terms of both the increase in the base wage and the penalty rates, and rather than almost two years of retrospectivity based on the whole of the increase the proposal put to the nurses was that they be paid back pay for one year based only on the base wage, not based on the penalty rates. The nurses met I understand on Monday of this week and I have been advised that nurses have accepted that proposal. It's now being documented to be submitted to the public Sector Remuneration Tribunal who I expect will quickly endorse it

MR NOBBS Mr Speaker a supplementary please. I understand that his was from information passed to me in recent times, that there will be an increase of it was called in my younger days actually received a 36% increase. Is that correct? It seems a little out of kilter

MR BROWN Mr Nobbs the Director of Nursing position in Norfolk Island is held by the Director of the Norfolk Island Hospital enterprise so that's David McCowan. He works under a contract and he'll be receiving no increase. There are a number of other positions on the list that you may have been provided with and there is a Nurse Supervisor position in Norfolk Island. That position carried a higher based wage in New South Wales than does for example a registered nurse at any year of a registered nurses career and for all of the nursing staff ranging from that position down through all of the registered nurses the enrolled nurses and the assistant in nursing there is a sheet that has been prepared showing the impact of the increase to 70% of the New South Wales award in terms of base wage

MR NOBBS Mr Speaker a supplementary please. The original claim from memory I understand and I appreciate that it's two years old now, there was included within the claim for such positions I understand as activity officers, clerical and domestic staff were included. Are they being dealt with at this point in time or will they have a separate claim

MR BROWN Mr Speaker there are from recollection in total, three claims. One from the nursing staff; one from I think the cleaning staff and one from the clerical staff. The situation in relation to the nurses is being resolved at present and will be finalised once the Public Sector Remuneration Tribunal endorses it in the event that it does endorse it. The other claims have not been finalised and I am shortly planning to write to those staff to advise that their claims will be considered in the context of the claims being made by the Public Service so I'm suggesting that the other hospital staff await the finalisation of the Public Service claim and there may well be a flow on result from that

MR NOBBS Mr Speaker a supplementary please. I guess the other professional staff such as doctors radiologists dentists etc, will they be offered a pay increase as well, or not

MR BROWN Mr Speaker there are differing types of staff within the Hospital Enterprise. Professional staff such as the doctors and the dentist are on contracts. From time to time those contracts need to be reviewed but they are not being reviewed at present and that in response would apply to all of the other staff that I expect Mr Nobbs is referring to. The claims to the Public Sector Remuneration Tribunal are claims by not contract staff

MR NOBBS Mr Speaker a supplementary please. Minister what's the estimated cost of your offers to date and how does the Government propose to cover such costs

MR BROWN Mr Speaker the cost is perhaps half a million dollars or more, less that it would have been had the claims gone to the Public Sector Remuneration Tribunal and been successful. The anticipated costs at this stage in terms of back pay I've had discussions about this this morning Mr Speaker and there is one aspect of it that's being rechecked, is I expect just over \$200,000 perhaps in the region of \$215,000. The Director of the hospital is to report to me as to what savings can be achieved within the hospital and as to the extent to which hospital charged will need to increase, in order to cope with the additional costs. I don't have a precise figure for the additional costs going forward but if a year of back pay is say \$215,000 without penalty rates, it's reasonable to expect that the costs going forward will be more than that because it will include penalty rates

MR NOBBS Mr Speaker a supplementary please. Will the Minister be making recommendations in relation to other areas in his responsible and propose an increase in the island's base wage which currently stands at \$8.00 per hour

MR BROWN Mr Speaker I had proposed to make a statement about that today but I'm happy to do it now

MR NOBBS Mr Speaker a statement would be fine thank you

MR SHERIDAN Mr Speaker I have a question for the Minister responsible for public works. Minister a couple of weeks ago you were on radio and a transcript of your address to the community was published in the local paper. During this address you indicated that there was some \$5.89m worth of work needed in various projects. \$1.89m was already earmarked as funded on various projects around Norfolk Island. Minister can you advise how these projects were selected and by whom

MR CHRISTIAN Thank you Mr Speaker, I think all of the expenditure items that I referred to bar one was contained within the budgets for the GBE's and the one

that I made special mention of which we arrived at as a result of representations made to me by the sellers of the technology was the gas conversion at the power house. I thought if we could receive savings of quarter of a million dollars per year on fuel consumed at the power house it was worthwhile pursuing so that one was included at my initiative. The others were produced by the service

MR SHERIDAN Mr Speaker a supplementary please. Minister can you advise why these projects were prioritized above other projects that require attention throughout Norfolk Island such as the Accounts computer upgrade, improved hospital facilities, etc

MR CHRISTIAN Thank you Mr Speaker, quite simply the areas that I tackle, were areas in my executive responsibility. The Hospital I think lies with Mr Brown and the computer upgrade for the Administration lies with the Chief Minister. I understand that over the last few years funding has been provided towards a computer upgrade programme but the money hasn't been spent principally because of staffing issues and part of the recruitment of the new Chief Executive Officer is intended to relieve the staffing issues so that the money that has been provided previously can in fact be spent on the computer system upgrading

MR SHERIDAN Mr Speaker a supplementary please. Minister considering that most of these projects that you've mentioned require major earthworks, concrete or rock product, do you believe that you have a conflict of interest in these works

MR CHRISTIAN No I don't believe I have a conflict at all Mr Speaker. The projects have been identified by the relevant officers within the Administration. I happen to agree with them and any conflict that I may have I disclose at the appropriate time and the Pecuniary Interest Register discloses my involvement with Island Industries so I think everything is quite transparent and open

MR NOBBS Mr Speaker one for the Minister for Tourism. Minister you recently gazetted official tourist accommodation gradings or star ratings as assessed by Triple AAA Tourism a mainland organisation. I understand there is a cost involved. The ratings appear to progress in the lower end of one star and the higher end of five. Can the Minister advise the community what is hoped to be achieved by such expenditure

MR BROWN Mr Speaker I'm uncertain as to whether Mr Nobbs is asking whether I would support doing away with the grading system. Could I just check whether that's what the question is

MR NOBBS Mr Speaker the question really is that we are expending money on this and I wonder whether he could advise the community what is actually achieved by a grading system

MR BROWN Mr Speaker compulsory grading has been a feature of the Norfolk Island Tourism industry for quite some years. I don't recall the date on which it was introduced but I notice that section 31A of the Act requires the executive member to cause properties to be graded and while ever that section's there I actually don't have a discretion. Some Members of the tourist accommodation and Tourism Association suggested this year that it would be a good idea to save money by not proceeding with grading for this year. That suggestion was not embraced by the Norfolk Island Government because it was felt that in a difficult time it is even more important that we make it totally clear that the Norfolk Island Government insists on the maintenance of appropriate standards in our tourist industry. There are several components to that Mr Speaker. We have minimum standards that every property must comply with and if a property wants to

hold a licence it must comply with those minimum standards. But we also have compulsory grading so that when a potential visitor is considering a holiday in Norfolk Island and is considering just where they might like to stay they are able to compare properties and in terms of the standards which have been assessed through the grading system, that grading was formally done by the NRMA in New South Wales and later the various Australian motoring bodies came under one umbrella organisation in terms of this sort of thing which is Triple AAA. They have an Australian wide system. It's been criticised and one of the criticisms of it is that the way that a hotel is graded is different to the way that a guesthouse is graded which is different in terms of the way an apartment is graded and throughout Australia if you look at the trade press you will see from time to time the criticism is that someone has stayed at a three and a half star apartment thinking it would be the equivalent of a three and a half star hotel and have found that the comparisons are just not there. I'm not too sure what we can do about that because we've chosen to go with the Triple AAA system and they are not going to change their system just to suit us but when you look at a grading publication and in fact when you look at the Gazette notice in Norfolk Island terms of the different types of properties. There is a cost involved in having that grading done. It's been felt that it's not a huge cost when compared to the benefits that are obtained through being able to show to potential visitors that there are standards in terms of the minimum standards and that there is compulsory grading so that you can validly compare one property with another. But the question has been asked in quite recent times about who will pay for the grading once we get to the first of April 2007, and if the present concept comes to fruition we will at that time be doing away with the bed levy. The views been taken until now that the payment of the bed levy provides funds from which that grading can be paid for but once there is no longer a tourist accommodation levy the question has been asked should the tourist accommodation houses be asked to contribute to the cost of grading. Mr Speaker no view has been formed about that at this stage. It's a question that was first put to me in the course of the last week or so. I wouldn't like tourist accommodation proprietors to go straight to their computers and fax machines, and go crook about a charge being introduced for it, as there's no decision been taken but I guess it is possible that come the half yearly budget review when we do start to look at what things are going to cost for the remainder of the financial year and start to project what they might cost for the following year we might have to look at whether we are going to seek to raise some or all of the cost of grading from the industry but as I said, there is no plan to do that at present. I hope that provides the response Mr Nobbs is looking for

**MR NOBBS** Mr Speaker a supplementary please. Minister you said that there are minimum standards and everyone must apply in other words, or they are deregistered, and you also mentioned about compulsory grading of all units. I notice in this that some units in some places there are units that are not rated. Are they being occupied at this time or are they deregistered

**MR BROWN** Mr Speaker in order to have registration a property must comply with the minimum standards. The property must also submit to grading. It is possible that not every unit in every property is graded each year, particularly if you are in an environment where there are a number of types of units in a property. In some properties they might choose to grade only a couple of types of units rather than to go through and grade absolutely every type. I can't explain to you the reason for that because I don't know it but I'm happy to make an enquiry. Similarly I'm happy to have a look at the number that might not have been specifically graded, if that is of concern to you

**MR NOBBS** Mr Speaker it is of concern but I can't get a question out at this point in time so I'll leave it

**MR T BROWN** Thank you Mr Speaker this is a question for the Minister with responsibility for the Environment. Could you please advise the House as to the

number of planning applications that have been lodged with the Planning Office, both building applications and subdivisions, since the Planning Officer ceased employment and how many of these applications have actually been dealt with

**MRS JACK** Mr Speaker I don't have those figures with me right now but I'm willing to go to the Public Service and make that information available to Mr Brown and publish it if you like. Unfortunately we are without a Planning Officer at the moment although as I understand it the appeal period for the position offered has expired and the applicant, the successful applicant has been offered the position so that person, he/she is not able to take up the position as I understand they are currently employed for some time, so for six weeks and the person, Mr Fred Howe who is heavily involved as an interim measure is on two weeks leave, possibly more as I understand so planning over the Christmas period has virtually come to a standstill but I will make the information available to Mr Brown

**MR NOBBS** Mr Speaker I have two to the Minister for Finance on roads if I may. Minister the form of private road now recently made a public road, Cat's Lane, has been upgraded. Can you advise the community if this upgrade is funded by the Norfolk Island Government or private landholders in the area

**MR CHRISTIAN** Thank you Mr Speaker, and I thank Mr Nobbs for that question because obviously it's of interest to a number of people. There's a bit of a history to the Cat's Lane upgrade. It originally started off as a joint venture among all of the landholders serviced by Cat's Lane and built on the island and the intention was to concrete the driveway. The intention also was before any works was commenced all of the money to upgrade Cat's Lane would be held in an account of some sort. I won't call it a trust account, but an account, and a formula had been devised setting out the contribution of each participant. To the best of my knowledge only two people actually put their money into the account and after a passage of time with no work having taken place one of the contributors then asked for his money back. So the money was withdrawn from the account as I understand it. The Works Depot then got involved and it became a traditional road rather than a concrete road. I visited the site whilst Mike Johnson was on holidays and Danny Forsyth was running the joint and it appeared to me that the work only entailed the part that was directly connected to Cascade Road and turned right to Malcolm Douran's property and the properties on the left were not going to be touched. The work was being done by a sub contractor with the Administration to come in and do the actual sealing part. I spoke with Mr Forsyth that in my opinion as the work had commenced and it would be in a realistic way maybe ten or fifteen or more years before the Administration would revisit that area, it was wise to complete the rest of Cat's Lane because I didn't want to be placed in a situation where I had somebody complaining to me that their part of the road had been done up but the bloke up the road had been left out so at the moment I have accepted responsibility for the Administration for the cost of the upgrade, I don't yet know what the cost of that upgrade is but the Works Manager will get that information to me but what I am proposing is that we do continue to do those works on a case by case basis, and on an as we can fit it in basis, and I have turned my mind to how we can fund it because obviously the contributions from the landholders in the area aren't necessarily guaranteed so I have a couple of options open to me. I can write a letter to the land owners and say, look the Administration's done the road up and I would like a contribution from you. I think your contribution should be x and accept what I get. Some may pay and some may tell me to go to billyoh. So as I've said, that's one way of doing it but I suspect that it's probably not the best way of doing it, so what I've been turning over in my mind, is a system that we can apply to all roads that fall into this category and I don't have a name for them, you can call them a secondary or tertiary road if you like, but principally, they are roads that are all non through roads, that is, dead end roads, and the roads are there principally for the benefit of the people who live in the area. General traffic doesn't access them or drive through them so as I have indicated I am

working on a system where we can recover the money for that and I think probably the best system is to devise a rate system for those properties where the Administration performs the work so that we can recover the money performing the service and also put aside sufficient funds to revisit them when maintenance is required and I think if we adopt that across the island it's probably a way forward. You know, Members are aware that in times of dry periods, dust becomes a problem, we have a major problem with that now in Shortridge, the neighbours in that area complaining to me bitterly about dusty conditions and conversely when we have wet conditions, it all turns to mud so I think we have a responsibility to treat them all as a part of Norfolk Island and they're entitled to a tarsealed road just like anybody else who is living on a tarsealed road at the moment who hasn't actually paid anything for the tarsealed road, but I think we should treat them the same with that slight difference that where they live on a road that's not a thoroughfare I need to develop a system to recover some money. Thank you. Work in progress if you like Ron

MR NOBBS Mr Speaker the second question on roads Minister is that Taylors Road between the Village and Channers Corner is graded, that word again. A five star, this one and it's one of the highest usage strips on the island and right up there with the roughest. Why is it that the road itself has not been touched whereas the parking areas along the side of the road are looking magnificent

MR CHRISTIAN Thank you Mr Speaker, a fairly simple explanation for that. Once again dust is becoming a problem in Burnt Pine in the dry conditions and also an issue that was taken into consideration was that those parking areas are predominantly used by pedestrian traffic and they are unlit and large potholes were developing and so becoming a public safety issue so the work was undertaken to improve the visual aspect, reduce dust and provide some improvement in safety for pedestrians. In respect of Taylors road itself, why no work has been done on that. The works programme that was developed by the Executive Director for Infrastructure and the Manager at the Works Depot scheduled that part of Taylors Road described by Mr Nobbs for upgrading in about June of 2007 so I didn't want to spend too much money on the actual road at the moment when we are going to resurface and reshape it fairly extensively in about six months time

MR NOBBS Mr Speaker I don't want to be seen to be picking on the Minister for Finance but Minister it's now 21 December and I ask again, when will the community be advised of the mechanics and legislative amendments required to reflect your statement and I repeat it was your statement, that on 1 January the NSL would move to 9%, the FIL and customs duty on goods for sale would be removed and relief would be provided on duty paid on goods on the shelf and that there would be input credits. When will we have details of what is a fairly substantial change to the current arrangements

MR CHRISTIAN Thank you Mr Speaker, I think I'll make a statement in respect of that at Statement time

MR NOBBS Mr Speaker just in relation to the fire service. Have you decided yet whether it's a high cost category 6 or the lower cost category 5 fire service as required for the airport

MR CHRISTIAN Thank you Mr Speaker, no I haven't got that clarification at this stage but I thank the Member for jogging the memory and I will pursue it

SPEAKER Thank you Mr Christian. Honourable Members, any further Questions this morning. We conclude Questions Without Notice and we move on to Papers

## PRESENTATION OF PAPERS

Are there any Papers for presentation this morning

MR CHRISTIAN Thank you Mr Speaker, section 2(b)(2) of the Customs Act 1913 makes provision for the executive member to exempt from payment of customs duty goods where the duty payable is less than \$200. Section 2(b)(5) of the Act provides that where the executive member has exercised this power he shall lay a copy of the exemption on the table of the Legislative Assembly and I so table those exemptions Mr Speaker. For the benefit of the listening public I'll just identify the items from which duty was waived. There are two items. The first one being four inflatable automatic life jackets for the St John's Ambulance with \$67 duty and in respect to the other its \$185.55 in respect of the importation of Christmas cake by the Lions Club of Norfolk Island

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

SPEAKER Honourable Members the question is that the paper be noted

MR CHRISTIAN Thank you Mr Speaker, the financial indicators for November show us that income from customs duty continue to struggle. The amount to date is \$471,000 short of budget. Total revenue fund income achieved to date is running at 82% of budget and to offset this revenue shortfall expenditure has been contained at 93% of budget. The net position at the end of November is a deficit of \$572,000 which indicates that the deficit has increased by approximately \$120,000 since the same period in October. NSL receipts to date total \$160,000 and I expect \$135,000 of the \$160,000 to be transferred to the revenue fund in December and that transfer may already have taken place. It is my intention to run a tight financial ship and I give notice now that from January on I will be looking for expenditure savings within the revenue fund for a further \$100,000 per month. Thank you

MR NOBBS Mr Speaker thank you. I notice in one of these that there is a claim by, I assume the Minister for Mistakes, that the Norfolk Island Government owes the New South Wales Government \$2m. I thought the figure was only outstanding of \$900,000 or something which we are paying virtually as I speak. Would that be correct

MR CHRISTIAN Thank you Mr Speaker, I can clarify that. The total debt to the New South Wales Education Department at the moment stands at \$1.7m and \$905,000 of that amount was paid on the 18<sup>th</sup> December, so in the past few days and the outstanding balance is not due yet, so we've complied with our normal trading terms and conditions with the New South Wales Education Fund

MR NOBBS Thank you for that Mr Christian. I'm pleased that you clarified the situation because the same process has been going on and I've been in this place for ten years now and it's been going on at the rate ever since that it takes time for the bills to come out and we have then paid them as they fall due as far as I'm aware. I was quite surprised when I heard it on the radio this morning that we owed all this money but anyhow there are difficulties with the revenue fund at the present time. I can see that, and I wish the Minister all the best. Thank you

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

Honourable Members I have received from the Office of the Clerk and the Deputy Clerk two reports, one from the Deputy Clerk in relation to her attendance at the Australasian Parliamentary Educators Conference held in Darwin earlier this year. She's to be commended on the quality of the report and that report contains some recommendations in relation to parliamentary education in Norfolk Island and also a proposal for Norfolk Island to bid to host the 2008 Parliamentary Educators conference here in Norfolk Island. I will be discussing that report with the Deputy Clerk and be bringing proposals back to the Membership of the Legislative Assembly in relation to that. The second report that I have received which is a compilation of a number of papers was from the Clerk's attendance to the 150<sup>th</sup> of the parliament of Tasmania that she attended earlier this month in Hobart. That documentation will be available from the Clerks office if Members are interested in reading about it and it is useful that we were able to attend that given the relationship not only between the parliament of Norfolk Island and Tasmania but also our historical links

MR BROWN Mr Speaker I table the tourism statistics for the month of November

SPEAKER Thank you Mr Brown. 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 first of all a statement which derives obviously from Minister Lloyd's governance issues announcement yesterday. By way of introduction can I say that this year Norfolk Island has commenced and commemorated the sesquicentenary of the arrival of the Pitcairn settlers. It has been a year of celebrations in that context, but it's also one marked by significant challenges for the community and Government of Norfolk Island. In February, Commonwealth Minister Lloyd announced that the Commonwealth planned to significantly reduce Norfolk Island's self-governing powers. The Commonwealth announcements created uncertainty in the community and responding to them has taken up a significant amount of the time and resources of the government this year. Indeed I've had questions on it as you will recall Mr Speaker, this very morning. The Commonwealth has now withdrawn its plans to change the governance arrangements in Norfolk Island and yesterday as Minister Lloyd announced that to Members here in this Chamber and on the air to the Norfolk Island community. So Mr Speaker with the uncertainty removed, we are now able to focus completely on the good government of Norfolk Island in the interests of the whole community. In doing so, I want to mention the things we have done, have been able to do in 2006 but importantly, and Mr Nobbs particularly asked that I outline the Norfolk Island Government's priorities for 2007 and beyond. Earlier this year we published a plan of action which is the "Norfolk Island – The Future" to deliver a sustainable future for the Island and it included three main planks, (1) Reinvigorate the economy, (2) structural reform and (3) that we should engage in dialogue with the Commonwealth. In terms of Reinvigoration the Norfolk Island economy we identified that reinvigoration of the economy needed to involve a wide range of steps, including greater efforts to promote tourism, to secure airline services and to assist the tourist and retail industries. We also committed ourselves to implementing revenue and expenditure reforms based on expert advice, to develop consultative processes and to seek to diversify the Island's economic base. We have been able to achieve in a number of these areas, but much more remains to be done. I will provide more detail later in this statement.

The second point I mentioned was Structural reform. We identified a range of areas where structural reform was desirable, and have made significant steps in restructuring the revenue base through the introduction of the Norfolk Sustainability Levy. We are about to convert that levy into a broad-based consumption tax, and at the same time we will remove the Financial Institutions Levy, the cold bed tax and the majority of customs duty. My colleague the Minister of Finance will provide more detail on this matter from time to time. We have significantly restructured the airline operation within the Airport GBE, entered into contractual arrangements with OzJet which have resulted in increased frequency of air services to Brisbane and Sydney. The Norfolk Air entity is steadily growing and has launched a website and we expect that by the end of January 2007, the aircraft servicing Norfolk Island will be painted in our distinctive colours. There is more structural reform necessary, and I will detail some planned initiatives later in this statement also. The third point was about engagement of constructive dialogue with the Commonwealth. As Chief Minister, I committed my government to work closely with Commonwealth officials and organisations and Ministerial people to address the concerns and issues raised by Minister Lloyd and we have done that through a process of constructive dialogue. We have vigorously pursued dialogue myself and my colleagues, with the Commonwealth and we have made visited Canberra on a number of occasions and we've talked with Minister Lloyd and senior Commonwealth officials. We provided the Commonwealth with a large amount of information on Norfolk Island governance and service delivery. We also facilitated two briefing sessions in Australia by Econtech for the Minister and for senior officers from several Commonwealth agencies and it is pleasing that Minister Lloyd took this information to Federal Cabinet, which has now agreed that drastic intervention by Australia is not warranted. In terms of 2006 let me also mention these things. Firstly about Norfolk Island air service and tourism initiatives. Tourism is, as you will know Mr Speaker and all Members will know, our most important single industry. It faced a crisis because of the closure of the private airline out of the East coast of Australia in June 2005. The Norfolk Island Government then under your governance Mr Speaker rose to the challenge by establishing air charter services, which continues to this day. We at that time preferred other options, but those were pursued without success. The charter services are still in place and doing well. It's steadily achieved growth in visitor numbers and the recent establishment of what we call Norfolk Air. And you all know because I've said it before, we are now actively pursuing options to expand the schedule. Visitor arrivals in each of the first five months of the financial year have been well ahead of those for last year, but we must acknowledge Mr Speaker that last year was a pretty grim year. But we have an additional 3,000 people choosing to holiday in Norfolk Island in that time. To the end of November, that number was 14,615. With more airline and tourism initiatives to be implemented in the next few months, I am confident that we will see continuing growth in visitor numbers, as well as greater diversity in the types of experiences offered and in those who come to our island. We are working with the Commonwealth toward the eventual World Heritage listing of the Kingston and Arthur's Vale Historic Area. This initiative has the potential to greatly increase our attractiveness and our long term tenure within the tourist industry. A word about Financial sustainability and structural reform. We have reviewed our recurrent and capital revenue and expenditure arrangements, and obtained professional advice through a detailed report from respected independent consultants that's Econtech on our financial position and on options for moving forward. The policies which were already in place, and subsequent initiatives, are in line with the economic projection made by Econtech. In August 2006, we commenced a new broad-based tax, the Norfolk Sustainability Levy (NSL). The initial rate is set at 1% to allow assessment of the effectiveness of the tax and to obtain reliable data on revenue collections. The trial period has also allowed us to assess areas where changes in the law or procedures may be necessary before introducing a full-scale consumption tax but we are now close to the end of the trial period for the NSL, and the government has announced that it will be transformed into a full Goods and Services Tax early in 2007. The new arrangements as has already been announced will include provisions for input tax credits. At the same time, we will be abolishing the Financial Institutions Levy and the cold

bed tax and removing most customs duties. The overall result of these changes, and the increases in visitor numbers, will be to ensure the financial sustainability of our governmental arrangements and to generate sufficient revenue to ensure that we can maintain and replace public infrastructure as necessary. This view is entirely consistent with the findings of the Econtech study. And I mention also that in terms of Econtech we are aiming to retain them to update the models they have adjusted and designed for us in our ongoing arrangements. A word about transparency and accountability in Governance. In the area of governance, we have taken a number of steps to improve transparency and accountability in the public sector have been taken. These have included the introduction of disclosure of pecuniary interests and a code of conduct, backed up by the powers vested in the Committee of Privileges and probity and complaints processes in the Public Service. We are now progressing proposals for obtaining independent review services from the Commonwealth Ombudsman and the NSW Independent Commission Against Corruption ICAC. We intend to vigorously pursue agreements with the Commonwealth and NSW to ensure that these measures can have some effect in 2007. Conservation and environment a word about this area,. During 2006, we have made major strides in encouraging recycling (particularly through the new green waste management scheme), water conservation and protection of the environment. I acknowledge the positive role played by the Commonwealth in providing funding for some of these projects and for its special purpose environmental grants to individuals and groups. The Minister for the Environment spoke on radio this week in much more detail about initiatives in environment and planning areas, and I understand that she also intends to provide further information in maybe this weekend's newspaper and others as that follows. But much of that is reasonable background. The future. The Commonwealth decisions announced yesterday will at last allow us to get on with the process of governing Norfolk Island for the good of all its people. They give us an enormous opportunity, which we do not intend to squander. But the Commonwealth has also put us on notice that it wants to see continuing improvement in services and governance. This is not just a goal for the government, it is an exciting challenge for the whole community. We all need to measure up and deliver, but now we can do it through our own efforts without the threat of crippling taxes imposed from outside. Now is the chance for the whole community, and I emphasize Mr Deputy Speaker, the whole community, regardless of the differing views which we might have held about what the Commonwealth was proposing, to reunite and to move forward to a more prosperous future. As a community we must build on the progresses that have been made in 2006, which saw the beginnings of a recovery in the Norfolk Island economy. I have already detailed the growth in visitor numbers. In the later half of the year, population numbers have begun to rise and are now close to those of 2005. We are seeing early marginal increase in numbers of holders of Temporary Entry Permits, and these are consistent with a rise in business activity. I have mentioned earlier a number of initiatives commenced in 2006 which will continue into 2007. In addition, I table a Legislative Programme which sets out some of our priorities for the future, including further progress on the justice package which was initiated by my predecessor. I expect to supplement this with legislation relating to freedom of information and anti-corruption measures. This document which I place on the table now, covers those Bills that were introduced into the House, it really covers 2006 to date, so some of this is historical but it includes Bills introduced into the Legislative Assembly in 2006, Acts passed in 2006. It then covers those that are awaiting assent and includes some detail upon regulations and then provides detail on some pieces of legislation that are going through processes not yet introduced into the Legislative Assembly but are either being drafted, have been drafted but await introduction, or indeed are being discussed in other forums. I table that document as I undertook to do on an earlier occasion. Indeed I had a question on that earlier today. We are in the process of selecting a new Chief Executive Officer, and I expect that when we have that new person we will be able to make progress with a review of the structures of the public sector and of GBEs. We now have the Econtech modelling to assist us to evaluate the impacts of policy options, and will be carefully monitoring progress of the recent initiatives, making fine-tuning adjustments as required. So that we can all move forward

together, I plan to establish several community-based action groups to work in a concentrated way on important issues. These groups will be given specific tasks and tight timeframes to develop and report on initiatives in areas such as the reinvigoration of the Norfolk Island economy including economic diversification and I know my colleagues have some comment to make in respect of some of these, structural reform and public sector service delivery. They will help us to identify and implement measures to continue the momentum. I believe that we have now moved to a new level of sophistication in our relationship with the Commonwealth. In 2006 we have opened many doors for dialogue, and will now be able to pursue joint action with a wide range of Commonwealth Ministers, instrumentalities and departments on projects for the benefit of Norfolk Island. Mr Speaker, I am confident that we have built a sound basis for change and progress that was commenced in 2006 and can now consolidate on the progress made so that we can all face the challenges of the future which are significant with optimism. Thank you Mr Deputy Speaker

MR GARDNER

Mr Deputy Speaker as Members would be aware at yesterday's announcement I was unable to be in attendance, however the news was passed on to me whilst I was in Auckland in transit from travel elsewhere. I must say my initial reaction yesterday was somewhat stunned, and certainly not an outcome that I expected and there's various reasons as to why I hadn't expected that however, I think all around I sit here and offer my congratulations to the Government and Legislative Assembly and all those involved in the process over a very lengthy period of time since the middle of February this year when the Commonwealth's intention were made public with the visit of Minister Lloyd to the island. The result some have met that ecstatically, others have felt significantly betrayed, there are sections within this community who feel let down, sections within this community who feel abandoned by the Commonwealth and we are all very much aware of those parts of this community that would have very much welcomed significant intervention by the Commonwealth in Norfolk Island's affairs, but in saying that significant parts of this community were ecstatic with the announcements that were made yesterday. For those who had been let down and for those who were ecstatic about the announcements yesterday, there is a might challenge before this Government before his Legislative Assembly to now make sure that we can regain the confidence of those people who felt let down by the Commonwealth and that we can demonstrate to them clearly that we are able to provide a system of Governance that is sustainable and will provide them with a level of services that they within themselves are comfortable with within Norfolk Island and I've always been a proponent of insisting that the level of services provided in Australia are not necessarily the best for the people living in Norfolk Island and I will continue to hold that philosophy. I thank the Chief Minister for his very extensive and comprehensive statement in relation to announcement yesterday and the way ahead. I think it is worth emphasizing that when this Legislative Assembly came into being in October 2004 that we as a Legislative Assembly, as a group of people, mapped out a way ahead, put in place a strategy, put in place a plan known as the twelve point plan, table in this House published in the community, that was basically to use the word, a blueprint to the way forward. That was in place since well before the Commonwealth intervention in February of this year. There are some warning bells though. As I said before we have to ensure that we take up the challenge to regain the confidence of those who have felt betrayed by the Commonwealth's actions of yesterday and also to maintain the confidence that I believe the majority of the people of Norfolk Island have in our system of governance in Norfolk Island and that will be a significant challenge. We have touched on some of the areas this morning in question time in relation to things such as things before the Public Sector Remuneration Tribunal not only with the nurses increases, there will be expected increases across the board and healthcare delivery services in Norfolk Island. There will probably be a flow on effect to other remuneration cases being considered by the Remuneration Tribunal in regards to the other staff at the hospital that are not part of the current agreement that the Minister gave us detail on, there will be possible flow on as the Minister for Community Services indicated with the claim

before the Remuneration Tribunal from the Public Service. All have the potential to significantly increase the tax burden in Norfolk Island to pay for the delivery of those services. And those are things that we need to bear in the back of our minds. Just how we are going to manage them and how we are going to manage the delivery of services to the people of Norfolk Island and at the same time ensure that we have an appropriate form of Governance as far as accountability and transparency mechanisms and such like which the Chief Minister has touched on. We can't afford to drop our guard. There are a lot of people looking at us now and they will be looking at us under a very very big microscope. Not just the current Federal Government. The Federal opposition in their statements have made it very very clear that they feel as though the Federal Government, that Minister Jim Lloyd has done the wrong thing by Norfolk Island and I think it's been made very clear to us in visits by representatives of the Federal opposition and in press releases that have been made particularly by the newly appointed Shadow Minister for Territories, Arch Beavis from Queensland, that things need to change and will change in Norfolk Island if there's a change of Government federally. We can't let our guard slip because that change may come about sooner rather than later in the Federal sphere and we will be forced to fight the same battle again. The future plan which was referred to by the Chief Minister as I said earlier, is something that I consider to be a subset of the Legislative Assembly's twelve point plan that was endorsed I think three or four months after the inauguration of the 11<sup>th</sup> Legislative Assembly in October 2004. Much of that plan remains to be done. I can understand that we haven't paid a great deal of attention to that for the last few months as most of our resources and activities and efforts have been directed towards maintaining a stand against the proposed Commonwealth interventions. The other area that I really wanted to touch on was that should the Federal opposition get into power with Federal elections next year, it does not necessarily mean that the Federal Government of today, if it were to be re-elected, will not want to revisit in the future exactly the matters that they have spent a great deal of their resources and time and a significant amount of our resources and time in dealing with over the last few months that if we do not regain the confidence of those that feel disaffected by the Commonwealth's moves yesterday, that if we are unable to maintain the confidence of the people of Norfolk Island that were ecstatic yesterday the change in Norfolk Island will be forced from within. There is and has been a significant groundswell of support for the various proposed measures of intervention by Jim Lloyd in February that has grown in part because of the struggle that many families have found in Norfolk Island because of the poor performance of the economy which I know this Government have been doing their utmost to address and turn around so that we can all enjoy the life that we've become accustomed to in Norfolk Island and hold very dear. But be warned, the change may come from within if we are not able to maintain the momentum. Returning to the twelve point plan, I think now that the air has been cleared somewhat in relation to Jim Lloyd's initiatives, that we have been given I guess what we could term a clean bill of health, with what we've told the Commonwealth with what we've impressed upon the other players and the Chief Minister talked about dialogue with the Commonwealth, in my ten years of experience in this parliament it has only been with the intervention of Jim Lloyd which has prevented me or any other executive members or Members of the Legislative Assembly from having any dialogue with whoever they so chose within the Commonwealth sphere, whether it be with various departments of the Commonwealth or various Ministers of the Commonwealth. That option has always been open to us and we have used that as extensively as we have possibly been able to. It really was just a matter of clarification because as I understand it, it was a directive that prevented Ministers of this Government and officers of our Public Service from having free and unlimited access to other Ministers of the Australian Federal Parliament and to other departments of the Australian Commonwealth bureaucracy. The events of yesterday are welcomed. I could be I guess a lot more flowery in my description of it and embrace it with a lot more enthusiasm. In one word I'm chuffed. The position that this Legislative Assembly took with the announcement of its twelve point plan shortly after we came into power has been fully vindicated by yesterday's events, because that blueprint set out all of those things that we had done to achieve this result and I am pleased that the

Government under the Chief Minister's stewardship has continued that momentum and now hopefully we will refocus on those twelve points. Hopefully those things that have been achieved within that plan can be replaced, with new priorities, with new focus, and we can get on about delivering the best form of Government for Norfolk Island. In this whole process it's important to recognise the non Executive Member of this Legislative Assembly that you don't have to be a Minister to have input, to have a sway on the outcome of things. I've certainly enjoyed since October 2004, all Members input into the process. It's been constructive sometimes a little confusing but that all comes with this job but be proud each and every one of you who's had a significant input into this process and as I say, now the challenge is before you to continue the momentum. Mr Deputy Speaker, through this forum I would like to publicly acknowledge the efforts of Mr Steve Mathews as the Acting Chief Executive Officer and staff at the Administration, the staff within this compound for their efforts and their support to the Government over the last few months. They are to be congratulated working in a very difficult environment, and in an environment where it is questionable and to whether adequate levels of resourcing are made available to them. I believe that has been a significant outcome for them and they are to be congratulated. Last but not least, in this whole process, and I think it probably would have failed without the input of Mr Peter Maywald, Secretary to Government. His tireless efforts in support of not just myself in the previous role of Chief Minister but I'm sure of the current Chief Minister and the executive members of this Legislative Assembly has been outstanding and I thought it appropriate that those words of gratitude be put on the public record because I am certain that without his efforts, without the efforts of as I said earlier, the staff within this compound, particularly Mrs Alma Davidson, that so much would not have been able to be achieved and I congratulate those people on their efforts. Thank you

MR NOBBS

Mr Deputy Speaker I don't want to make it sound as though we are coming up to an election, but the situation is this, that I think we should take yesterday's and that's what I thought we were actually debating really, the views Minister Lloyd expounded yesterday. As I said in this place earlier I was absolutely stunned in February this year when he came out with what I classified and told him was gunboat diplomacy and it still was and it carried right through to the end and the speaker is quite right that we have had grave difficulties in being able to communicate and get, well not so much communicate, is get decisions from other departments within the Commonwealth sphere because there has been a clamp placed on any information and the lights being put out on any decisions being made unless it passed through the Department of Territories. I think yesterday's decision was actually expected and people say this shouldn't be expected, but what the community should realise is that Minister Lloyd is a fairly junior Minister, he's outside the Cabinet, I think from what I can ascertain from whole deal in the past twelve months, is that he was given a fairly open invitation to come back with a proposal in relation to Norfolk Island. I think what appears to have happened is that there was some opposition from senior Members of the Cabinet and it was through their efforts that Norfolk Island was saved from the difficult situation that the Minister had placed the island in for the past ten months and for an even more difficult situation if all his proposals had come into being in the next twelve months. However, to say the island is saved is a long way short of reality because in effect there will be people who have given their support to this community, they've given support to the Government, they've given support to the Legislative Assembly and they've given support to the Administration of this island by supporting the proposal to not proceed with Minister Lloyd's proposed arrangements. Now for all those people who have supported us, there will obviously be a quid pro quo, and the quid pro quo is like the Speaker has just said, we need to perform and the island needs to perform, the Government needs to perform and all those people who put their faith in need to perform and it's most important that we don't just leave it, because as I said earlier, I've been in this outfit, this Legislative Assembly for ten years and we've had these sort of issues come up before. What has happened in the past is that it's gone now, the announcement's made, and something happens and it's out the window. It's gone. Nothing's done. And that's the

difficulty that we have and unless we get on with it and do something this time this issue will return and bite us. I don't know the three points that the Chief Minister has been harping on and reinvigorating the economy and gee I've nearly forgotten it, gee whiz I've heard it that many times, it's an obvious thing but we also need to look at revising the economy of the island. Relying totally on a tourist industry is not something that we need to progress. I think the tourist industry is a great industry for the island, it's proved very successful on the island here, its had its rises and its falls but there is a need to vary the actual tourism arrangements that we have at the present time. It's obvious that we need to do that. I've said it to the Legislative Assembly Members and I've said it to the community that we need to vary some of our tourist accommodation arrangements. That there is a need for a higher standard, small discreet hotel arrangements here and as I put it to the Legislative Assembly Members, the Kingston and Arthurs Vale Historic Area is an ideal place. I think there's a need for us to vary our economy inasmuch that we offer opportunities on the island here and we need to look at those and we need to progress them. I think the area around us, I mean people around us say ho, ho, ho, Rick Robinson, his oil and all that business, you know Mr Robinson has done a great job in keeping this before the community. I can tell you having actually broken through the Lloyd barriers in the last three months or so, I've got some reasonable data in relation to that. The visit of a ship the other day of a seismic exploratory boat the other day was something major that's happening in this part of the globe. It's something that we need to progress. The ocean for 200 miles around us is a major paddock that needs exploitation. There's fish there. There's potential for game fishing, this is all outside the box by the way, I don't want people to start jumping up and down about inside the box. The box is a minute area within an overall area that should be available to this island and that's for fishing and also for game fishing and those sort of things. Those are the areas that we need to progress and push ahead with. Those are the areas that I myself was working on as a Minister and I've still kept working on it since I've been a backbencher. They are something that the Government needs to pick up and take on and not look at it in the interests of whose going to benefit from this, or whose going to get a quid out of this, or what the island will benefit from it, whoever picks up a few dollars on the side, good luck to them. That's the way I look at these sort of things and if people are prepared to invest in those issues from within the island here, and it all can be done from within the island itself, we don't need to import large companies to do things like fishing or building hotels or things like that. It can all be done from within the community. Anyhow, I won't carry on at length, because as I say it's all beginning to sound like some sort of pre election thing but I think what has to be learnt from this is that in the twelve months that we are here, and I notice that Mr Sheridan as asked whether there's been an approach to the Prime Minister about some sort of recompense for the cost. I think the community should know that the cost of this was at least half a million dollars this financial year. That's my view. The cost of it. At least half a million. Probably if you total everything else up, it's probably closer to a million and that's the thing that annoyed me and on top of that we had a downturn in the community and we had further pressure put on us by this sort of activity and the people were told and they would not listen and that's what annoyed me. My sadness yesterday was that the Minister for Territories did not say that he was going to resign because I reckon he's held this community to ransom for nearly twelve months, or just over actually if you go back to the proposals that were put on just earlier than that, he held this place to ransom for twelve months and he didn't have the guts to sit down here and tell us that he was sorry. And also I would like to congratulate the mistakes made by some of the official representatives if we could call them that of the department and others because they made huge and horrendous mistakes. I believe there is a need for them also..... There was no feeling of guilt, there was no feeling of nothing yesterday that I got from the meeting we had here and that was the thing that really concerned me from yesterday's meeting. However, Mr Deputy Speaker I'm getting a bit emotional so I'd better shut up. Thank you very much

MR BROWN

Mr Deputy Speaker I think it's important that we not kid ourselves. What happened yesterday was that the Minister withdrew the proposals that had

been put to us in February. It did not guarantee, nor could he have guaranteed, that those proposals would not surface again. We know that they are largely in accordance with the policies which have been followed by the Dept of Territories for many years and the Minister did not say that the Department's policies have changed. Nor did he say that the personal views of those who work within the Department have changed and we know very well that the personal views of many of those people are fully supportive of what has been a published policy of normalizing Norfolk Island. What does normalizing mean. It means dragging Norfolk Island into mainland Australia and if you look at one of the enquires which was carried out in recent years, you look at the Christmas Island section of it, you will see quite a blatant statement that normalizing Christmas Island was very important so that the United Nations would not be able to basically stick its nose in. and I have absolutely no doubt that normalizing Norfolk Island has been seen by many within the bureaucracy over the years as an important thing to ensure that the United Nations doesn't have a look at Norfolk Island. We know that there's a federal election that must be held before the end of next year. We don't know which of the parties will be the successful party in that election, but we can be very confident that if it is the labour party, they will quickly revisit the issues that have been the subject of discussions for almost all of this year. The Minister did not give any guarantee that the liberals and the nationals will not review the situation once an election is out of the road. I daresay they have plenty of work to do in an election year. Plenty of requirements in terms of funds to get projects finished before this particular Government comes to an end and if we do not perform during the course of the next twelve months, we can be absolutely certain that we are going to be back in the firing line. We have told the community that we are going to reinvigorate the economy. Apart from running the air service, are we able to actually show anything that we have done to reinvigorate the economy. I'm not sure that we can. I know that we all want to do it. But we've got to actually do it. The Chief Minister feels that the good way to do that is to appoint a committee and that often is the good way to do things provided that the committee knows what it's task is. We don't want a rerun of Focus 2002 or Focus 2000 or whatever that particular report was called. One of the big things that happened during that enquiry was those who had different views and wanted to see change was just worn down until they gave up and we've got to make sure that, that can't happen to the committee's which the Chief Minister is wanting to create. They need to be committee's with very tight time frames and with very tight briefs that will not find that the length of their enquiries expands to fill whatever amount of time can be made available. We've said that we are going to reform the Public Sector. Now we've got a recruitment freeze. But I'm not sure that that's reform. That's sound financial management in the current economic climate, but it's not reform. Insisting on time off in lieu of overtime is sound in the current economic climate but it's not reform. Reform has to go a lot further than that, but we need to ensure that we don't simply appoint a committee that comes back to us and says look, the Public Service is as efficient as it can possibly be and therefore there is no need for reform. If we find that, that report comes back to us in September or October of next year, and we've done nothing in the meanwhile then we might as well send an invitation to Minister Lloyd to do as he originally planned, because if Minister Lloyd doesn't do it, whoever is in the new Government will. When Minister Lloyd spoke with us this week he told us that he had given us an undertaking that he would take our views to the Federal Cabinet and that he would push our views. He told us that he had done so and that he had been successful and that the Federal Cabinet as a result of this are not to proceed with the earlier proposal. I think that is great news that the Minister has recognised that insofar as the Australian Government has a responsibility in relation to Norfolk Island the task of the Minister for Territories must include promoting the interests of those who live here, and the view as to those wishes which he promotes has to be the view of the Norfolk Island Government. It can't be the view of five or six different pressure groups who spend time criticising the Norfolk Island Government failing to recognise that any Government is representative of those elected and if one is from the far left or the far right or the far anywhere of the Labour party for example, you do not get a long way when you go along to the liberals and say my section of the labour party demand that you do such and such. And

similarly in Norfolk Island . A small pressure group must not be able to start to control the complete destiny of the island by being allowed to endeavour to divide and conquer by having direct access to the Minister 's office and I think if anything comes out of all of this, apart from the need for us to actually perform, if anything else comes out of it I think it would need to be the recognition that the Federal Minister for Territories, needs to be talking to the Norfolk Island Government, and not to every splinter group that can be found or created because in the early stages of this discussion there was very much a divide and conquer approach being taken. So in summary, let's not kid ourselves. We've not had a massive victory, we've been given what might be as little as twelve months to sort ourselves out, and a better way to describe it might be to say that we've been given a rope and we've been told to go and hang ourselves. Now we can use that rope to create something or we can use it to hang ourselves but we do not have the option of doing nothing, and we do not have the option of failing to make decisions because we fear that they might offend some segments of the community. We have to act in the interests of the whole of the community to ensure that in 100 years time, people can't turn and look at this Legislative Assembly and say, if those buggers had only done something in that year they were given, we wouldn't be sitting here as part of the electorate of Canberra. Thank you Mr Deputy Speaker

MRS JACK

Mr Speaker I've think one could add onto what Mr Brown has just said that not only the divide and conquer that he referred to but one of the positive things that has also come out of this almost year long discussion, this process, is a political awakening of the community that some twenty seven years on, far more of the Norfolk Island community today have become more politically savvy and I think that knowledge and education process will give added impetus to this and future Legislative Assembly's to perform the questions, the knowledge, they are not afraid to ask questions, they have a way to ask them, they are discovering ways of sourcing information and I find that invaluable process and it can be used to assist us in a great way and I just acknowledge that because I think that if the Minister for Territories had come in and said oh listen guys, why don't we take this softer approach, there are some areas that we need to work together on, I don't think the desire to learn would have been there with the soft, soft approach and I think it's through the intensity of what the February announcement made, those feeling that arose, gave that political education process a tremendous amount of impetus and I think that must be acknowledged, and the community whether it likes the result or not, that education is there and I think it's a great plus for the community. Thank you

MR SHERIDAN

Mr Speaker I'll try to not to be as long winded as some who have spoken before me, and I'll keep it very brief. A few comments on the decision yesterday, and whilst I applaud the decision and I'm quite happy with it, I'm quite aware that there are vast numbers in the community who are not happy with it. I'm very skeptical on the decision purely because of what's gone down in the last twelve months with the Commonwealth reiterating time after time after time that they will do certain things and I expected that they would do at least some of them. Not to do anything has been a very big turn around by the Commonwealth Government. In particular I was very skeptical about it and you can be because this decision was relayed by the Minister yesterday without any substantiating or supporting documentation. It was virtually a one page advise to us that the status quo remains and this is after all the documents and reports were done by the various departments, the committees, over a vast period of years, not just the last twelve months, but they dragged up reports from the last ten, fifteen years, and all recommended change within the Norfolk Island environment. In a vast array of areas, but none of these have been undertaken so like I said, I am a bit skeptical about their reasoning. The last twelve months has been a very public consultative process but I believe that the Department of Territories will still be looking at Norfolk Island very closely and that future changes to Norfolk Island may not necessarily be done with as much consultation in the future. Specifically if this Government doesn't make changes as required to fulfill the community's expectations, in particular the financial area where I believe that the Commonwealth will impose future

changes at will and not necessarily with consultation if this Government cannot prove to them that we are sustainable. It's very hard for a small population on Norfolk Island to rake in millions of dollars per year that is required to make this island sustainable so what this Government really needs to visit, is to come up with ways to raise funds but not necessarily through taxing the inhabitants. There are a very small number of inhabitants that you have to tax so with those few words, like everyone said before, it's up to this Government to stand up and make the Norfolk Island dream possible. Thank you Mr Speaker

SPEAKER Honourable Members the question is that the statement be noted. Is there any further debate. Then I put that question

QUESTION PUT  
AGREED

Thank you. The ayes have it. Are there any further statements this morning

MR BUFFETT Mr Speaker I have a statement in terms of the Kingston and Arthurs Vale Historic Area. Members will be aware that the Kingston and Arthurs Vale Historic Area ("KAVHA") is a specified area of land so designated in the Heritage Register which is made under the Heritage Act 2002. The Heritage Register was formally made on 9 December 2003. KAVHA, of course, however has been identified for conservation and management purposes since at least 1979. Land holdings within KAVHA includes Crown Land, Crown Land Reserves, Crown Lease and Freehold. Since the making of the Heritage Register in 2003 under the Heritage Act 2002 and the making of Norfolk Island Plan in 2004 under the Planning Act 2002 there are additional planning requirements which result from land, such as KAVHA, being within the Heritage Register. The portions of land which are included in KAVHA are specifically listed in Schedule 1 to the Norfolk Island Plan. Members will be aware that there have been a number of developments with respect to KAVHA which include these. The nomination of KAVHA for listing on the Australian National Heritage List and public consultations in Norfolk Island regarding the proposed nomination of KAVHA for listing on the World Heritage list; and a review of the KAVHA Conservation Management Plan. Some land occupiers and owners within KAVHA have expressed concerns at these developments and some have expressed a preference that their land not be included within KAVHA. In this regard members will be aware that a number of landowners and their families have faxed single-page documents to Assembly members. These documents have been in a common form requesting their land be excluded from KAVHA. These faxed documents really don't have statutory effect but they are an expression of opinion of course from those who have dispatched them. However, one freehold landowner, part of whose land lies on the boundary of KAVHA has made a statutory request to vary the Heritage Register to remove their land from within KAVHA and from the Heritage Register. This is known under the Heritage Act as a "variation application". I haven't yet sought public submissions on the variation application as required under the Heritage Act. It is my intention to do so and to this end I propose to issue appropriate notices to landholders and to a call for public submissions as is required by the Heritage Act. Thank you Mr Speaker

MR CHRISTIAN Thank you Mr Speaker, I wish to make a statement in respect of the Norfolk Sustainability Levy and the future Goods and Services Tax. Mr Speaker, I wish to provide an update for Members, and for the wider Norfolk Island community, on progress toward establishing a robust revenue base to ensure that we are able to fund recurrent expenditure and to provide for infrastructure maintenance and replacement. As I have previously informed the Assembly, a key element in our revenue planning has resulted from a study commissioned by the Norfolk Island Government on its current and future financial position, which was produced by the highly respected

independent economic research company, Econtech. We have carefully considered the Econtech analysis and econometric models, together with the useful material arising from the work done for the Commonwealth by the Australian Bureau of Statistics and the Grants Commission. We are now ready to put in place the Government's revenue strategy for 2007 and beyond. The Econtech report shows that the economic fundamentals in Norfolk Island are sound, but that there is a need to generate additional revenue for public investment in infrastructure. Econtech modelled a range of options to achieve this, and the Government is actively pursuing a mix of the recommended policy changes, including promoting growth in visitor numbers and implementing reform of Government revenue measures. One key Econtech recommendation related to the future rate at which a Norfolk Sustainability Levy (NSL) should be set, or alternatively the rate for a broad-based consumption tax. The current NSL is effectively a turnover tax, which came into effect at a trial rate of 1% on 1<sup>st</sup> August. The relevant legislation requires a review of the implementation and effectiveness of the NSL, which is now underway. I have previously advised Members that the Government intends to change the basis of the NSL to make it a Goods and Services Tax, with provisions for input tax credits and drawback of customs duties. The Government is also committed to reducing or abolishing some other taxes which tend to fall more heavily on certain sections of the community. The GST which will replace the NSL will be a broadly-based consumption tax, to be levied at the same rate for all defined sales of goods and services. Based on all the information now gathered, I have arranged for drafting instructions to be issued for legislation to implement a Goods and Services Tax at a rate of 9% on a non-compounding basis. That is, the legislation will incorporate provisions for input tax credits. At the time of implementing the long-term GST rate, the government will abolish the Financial Institutions Levy. On the basis of the information we now have, and the further data which arises from the NSL trial period, I intend to present legislation to the Assembly at the earliest possible date in January 2007, with the effect of commencing the new procedures for the GST on 1<sup>st</sup> February. However, because of the pricing and advertising arrangements which apply to tourist accommodation, the new rate of GST will not be applied to that industry until 1<sup>st</sup> April 2007. At that time, the accommodation levy commonly known as the cold bed tax will be abolished. The legislation being drafted will further remove all customs duties with the exception of those which apply to tobacco products, alcohol, petrol/fuel and goods imported for private use. The new rate of GST will replace the trial NSL rate of 1%, and thus is an increase of 8% in the rate. Businesses looking at their forward budgets will need to take account of that figure of an 8% increase in rate. But they should also factor in the savings which will arise from the removal of FIL, cold bed tax and customs duties and the ability to claim input tax credits. Business operators should also note the provisions of the current legislation concerning price exploitation, which will be contained in the new GST bill. We will be taking careful note of price increases and business operators should be aware that action will be taken if there is evidence of unreasonable price rises. Mr Speaker, I am confident that the new arrangements I am proposing will provide a sound financial base for the Government to continue to provide a very wide range of community services and will give us sufficient funds to maintain and upgrade essential public infrastructure. I look forward to the support of Members when the relevant legislation is brought before the Assembly next month. Thank you Mr Speaker

MR CHRISTIAN

Thank you Mr Speaker, I have one further statement and it relates to economic development and in particular port facilities for Norfolk Island. Mr Speaker, Minister Lloyd's announcement of yesterday contained a clear message; "You have told the Commonwealth that you can be sustainable. Prove it – or we will do a McArthur" and return". Mr Speaker, the ball is in our court. We must rise to the challenge. In order to ensure our future financial security it is crucial that we continue to rebuild and grow our existing tourism industry. It is also crucial that we explore other options that reduce our reliance on the tourism industry as it is now structured. Mr Speaker it is my firm belief that in order to reduce our reliance on tourism as it is now structured, we must proceed with the construction of a deep water port in Cascade Bay. To achieve this, I have taken the first





quite capable of handling things no matter what circumstances confronted them but I thought Members might be interested to know about that. The second thing, which again relates to the airport is departure tax. As Members are aware, there have been discussions over recent months of the possibility of incorporating the departure tax into the ticket taxes so that we do away with the last memory a person has of Norfolk Island being the need to walk up to the little Tourist Bureau window, fork out \$30, get a lovely smile from the Tourist Bureau staff, I should put in an advertisement for them, get a stamp on their boarding pass and proceed along and for those who have been so filled with the joy and relaxation of their holiday as to have forgotten to pay their departure tax its even worse when the delightful young ladies have to call their names over the public address system and ask them to report to the departure tax window to pay their tax. That will involve savings in that it will not be necessary to pay a fee to the Tourist Bureau to collect the taxes. As I said it will remove the unpleasant memory of the last thing being the bite for the \$30; it will overcome the confusion which is still caused no matter how hard we try to overcome it, by people believing that having already paid a vast amount of money for their various ticket taxes they have paid all that needs to be paid, it will clearly once this proposal comes to fruition, be a part of those taxes in the ticket. It is hoped at the same time that our immigration cards might be simplified sufficiently to be able to do what is done in a number of other destinations where there is a tear off coupon from the arrival card which is simply handed in upon departure. It's going to take a little while to put all of that into place, but it is being worked on at present and I'm very hopeful that relatively early in the new year that change will be able to be introduced. Thank you

Mr Speaker I wonder if I can just add one thing to what I just said. I'm sure that as a result of those changes the next occasion on which the Minister for Foreign Affairs, Mr Downer visits, will be a cause for great happiness for him, particularly at the time of his departure

**SPEAKER** Thank you Mr Brown. Members if I might draw your attention to the ceremonial gavel that is sitting at the Speaker's table. There was a brief report in the Norfolk Islander a couple of weeks ago regarding the presentation of the gavel to me in my role as Speaker by Mr Mike Prior, a Councillor of the Rockhampton City council who was here with a museum study group. He has a passion for ensuring that all local Governments in Australia will eventually end up with one of these. I did point out to him that we aren't a local Government and at that time even though it was under consideration we did not intend to be, so hence my reference to the ceremonial aspect of the gavel sitting in the House today, however, I will exercise my mind in due course as to what use I might put this gavel to and be assured that it may be useful to subdue disorderly or unruly conduct by Members in due course, so I just wanted to draw Members attention to the gavel and that it will take pride of place within this House from here on in

Are there any further statements this morning Honourable Members? We move on

#### **MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR**

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

Message No. 47. On the 28<sup>th</sup> November 2006 pursuant to section 21 of the Norfolk Island Act 1979 I declared my assent to the Norfolk Island Sustainability Levy (Amendment No. 2) Act 2006 which is Act No 24 of 2006 and the Healthcare (Amendment No 2) Act 2006 which is Act No 25 of 2006. The message is dated the 28<sup>th</sup> November 2006 and signed by Grant Tambling, Administrator

Message No 48. On the 30<sup>th</sup> November 2006 pursuant to subsection 22(1) of the Norfolk Island Act 1979 His Excellency the Governor General declared his assent to the Legislative Assembly (Amendment) Act 2006 which is Act No 26 of 2006. The message is dated the 1<sup>st</sup> December 2006 and signed by Grant Tambling, Administrator

### **SUSPENSION OF SITTING**

That concludes Messages from the Office of the Administrator. Honourable Members I quickly canvassed Members earlier about the luncheon break today and I'm glad that you have all agreed that we suspend now for lunch and return at 2pm. Thank you. This House stands suspended until 2pm

### **RESUMPTION OF SITTING**

We resume Honourable Members

### **NOTICES**

Honourable Members we move now to Notices and Mr Christian this appears on the Notice Paper in your name

### **ROADS ACT 2002 – TRANSITIONAL PERIOD FOR PURPOSES OF SECTION 35(1) OF THE ACT**

MR CHRISTIAN Thank you Mr Speaker, I move the Legislative Assembly resolves that for the purposes of section 35(1) of the *Roads Act 2002* empowering the executive member during the transitional period to dedicate land that was an old road or an old service area as a public road or as part of a public road, the period before 27<sup>th</sup> day of February 2008 is, pursuant to section 45A(b) of the said Act, declared to be the transitional period

SPEAKER Thank you Mr Christian. The question before us Honourable Members is that the motion be agreed to. Is there any debate

MR CHRISTIAN Thank you Mr Speaker, we briefly touched on this issue in Questions Without Notice this morning. As Members would know in Norfolk Island we have lots of roads that have never been declared as public roads but are used as public roads. Some of the portions of land, and I call them portions because realistically that's what they are at times, are tied up in deceased estates, some are owned by individuals, and some are part of an existing block of land with registered easements across them so that other land owners in the area can gain access to their properties. In the past the Legislative Assembly had gradually taken on board some of these private roads, and had adopted from time to time a different criteria based on the number of dwellings served and so on. I think it's time that we accept that we have a responsibility to just take them all, that gets rid of the gray areas, that gets rid of the argument who owns this, who owns that, who's responsible for this, who's responsible for that. I've indicated earlier today that I will try and develop an equitable system of upgrading these roads, and this is one of a couple of the processes that we can use to have those private roads declared as public roads. The system that I've adopted on the advice of the service at the moment is the one that we are trying to deal with. If the Legislative Assembly passes this resolution the next step is for me to cause a gazettal notice to be issued identifying all of the affected private roads in the island and after a passage of time in this instance, the 27<sup>th</sup> February 2008 the ownership if you like of the land reverts to the Administration. The transitional period allows anybody that disagrees with what I'm proposing to come forward and say so, object to it or seek compensation if they feel they are entitled to any. The alternative to this method is to basically go out and

negotiate with every individual on a one by one basis and I just felt that under the circumstance it wasn't practical and that's why I've brought this motion before the House today. At a meeting of Members at an earlier occasion I think I indicated that a gazettal notice had in fact been published and I just wish to inform Members of the House that I was a little bit in error there, the list has been prepared ready for gazettal but the gazettal has not gone out. It is awaiting formal gazettal so that's where we stand Mr Speaker

**MRS JACK** Mr Speaker even though this is the introduction of Mr Christian's motion I have no trouble supporting it. I think it's great that there'll be uniformity throughout the island on this matter and also it brings into line all the roads and we'll be able to have a roads programme, prioritized dealing with all of it. There'll be no hidden surprises in the wings so I'll be supporting it. I don't know whether the Minister wants to finalise the matter today or to leave it for a month but either way, I'll be supporting it. Thank you

**MR CHRISTIAN** Thank you Mr Speaker, just for clarification it is my intention to deal with it today otherwise we will have to probably amend it to push back the 27<sup>th</sup> date

**MR SHERIDAN** Mr Speaker firstly I must declare an interest in this as I am actually the owner of one of these roads, Uncle Joe's Road but I fully support this motion. Over various times I've had first hand experience with the troubles that can come from being involved with a road that is used as a public road which is privately owned, with the maintenance of it, with the upkeep and then the distribution of the payments when the time comes around to try and get dollars out of people. The only question I would ask the Minister is whether after the 27<sup>th</sup> February 2008 does this land if resumed become the property of the Administration of Norfolk Island or like other public roads on Norfolk Island becomes the Commonwealth's property

**MR CHRISTIAN** Thank you Mr Speaker, I honestly hadn't thought about that aspect of it but I expect that it would become Administration property and not Commonwealth property but I can seek some clarification if Members would like and actually as I see we've got until the 27<sup>th</sup> day of February 2008 so I can adjourn it if need be because there's plenty of time

**MR BROWN** Mr Speaker it would not seem logical to suggest that we could resume property on behalf of the Commonwealth. I would have thought that if we were causing a resumption we would be the people paying the just compensation which would be determined by the Supreme Court and the land would have to then vest in the Administration of Norfolk Island. I would certainly be happy to keep going today

**MR NOBBS** Mr Speaker we've dealt with some of these. The motion was put up within the life of this Legislative Assembly in relation to this particular aspect. I can't find any part of the paperwork that was put up with it originally but it must be around somewhere just showing how many pieces of land are involved but I think the community should be aware that these roads that we are talking about was part of a subdivision arrangement that's been going on for years and they've been sitting there in the name of somebody, be they the owner of that particular block of land. The original proposal where some land has been transferred over to the Administration in the past, that's before the life of this Legislative Assembly when some changes were made, it was on the basis that a road was apparently to be done up to a standard as specified by the Administration. When that was achieved the road was actually transferred over to the Administration and I think there's only been less than half a dozen of those in the past that were completed. When this matter was brought up in the life of this Legislative Assembly it was brought up as a total package as Mr Christian is trying to do today, that's all the land, what was voted on from memory was the number was twenty or more and we left that in abeyance. Now I find it a bit difficult

because at the time it was said to all the landholders that came over that you would be put on the list and that there's no guarantee that these roads would be done up to any standard within some sort of time period. Why I'm saying, with Cat's Lane, Cat's Lane as the Minister explained, the residents in that area were keen to do it up themselves and in the meantime we actually transferred it over in this first lot of roads. That road has now been done up. Now if I was living on one of these other roads I would be a bit uptight about it because where are we and that's why I would prefer this, it might be dealt with today but before I move on this at all I think we need a proper policy in relation to when the roads will be done up because if they just come out of the woodwork like Cat's Lane and it's good luck to them that they pulled it off, the residents in that area I've got no worries about that, but as I say, there are other roads and this is going to add significantly to the roading requirements on this island. Now I know that people are living on these sorts of roads have complaints and have difficulties with it, but the Administration if they are taking the roads over we need a proper policy in relation to how they are going to be done up because there's some doozy's on this list, I can tell you that. They all aren't as easy as Cat's Lane. There are some doozy's on the other one too I can tell you that and they haven't been touched I don't think except for a bit of maintenance so there is a significant commitment by this Legislative Assembly to the roading programme if this goes ahead, I can tell you that, and I think that it should be looked at in a little bit more detail than has been thrust before us today, with all due respect

MR CHRISTIAN

Thank you Mr Speaker, there is some truth in what Mr Nobbs says, but like yourself and Mr Nobbs, and others here, I've been around down here coming up for nine years now. This issue continues to crop up and has done so for the past twenty five years probably and it will not go away until we address it. The people who live on these unformed private roads do so through no fault of their own. It was the Administration of the day that approved the subdivisions and the roads and in many cases whilst there were a requirement for roads to be brought up to a standard and then transferred to the ownership of the Administration in some instances there have been multiple transactions within the one property and the current owner of those properties was never a part of the original negotiations or the original conditions. Time's moved on, and it's us, the Administration that haven't moved on and if we look at some other aspects and I'll use Mountbatton Park, Hibiscus Drive as an example, I can remember going back some years I think it was the late Ken Cochrane and Don Taylor who were the principle architects of that subdivision. They actually did do the road up to the required standard and for some reason the transfer never occurred, that's the transfer of ownership to the Administration and the road has since fallen into such a state of disrepair from a public safety point of view it probably ought to be closed, but in a practical sense I can't do that because the people who live up there have to be able to get in and out of their houses, so what I'm trying to do is responsibly take on board all of the responsibilities that we are burdened with, no matter how we arrive there and I'm not arguing about the process of how we got here, I'm arguing about where we go from here forward and I'm prepared to shoulder the responsibility of blending these pieces of private roads into the public network and accepting responsibility for them. I also indicate that I have said publicly before that accepting the responsibility and accepting the ownership does not guarantee that you will have a tarsealed road tomorrow but you will be slotted into the roading programme in an appropriate place and one would hope that before the passage of too much time we do get around and attend to all of them. We have one road which I will mention in a moment, Hemus Lane. That one has turned out to be a real nightmare because when the Works Manager got the road surveyed the road is totally in the wrong place. In some areas where the road is meant to be is a large valley and all of the driveways that have been cut into the place have effectively ended up on the wrong side of the road. Do we deal with it or do we run away from it. My view is that we have to deal with it and that's what this motion here is about today. Thank you

MRS BOUDAN Mr Speaker I intend to support this motion. I think that there should be prioritisation as to which road should be upgraded. The state of the roads should be taken into account and those in dire need should be given priority. Thank you

MR CHRISTIAN Thank you Mr Speaker, I agree with Mrs Boudan and prioritizing of the roads to be repaired isn't a difficult task and obviously they are not all going to be done in the life of this Legislative Assembly and one would expect that when the programme is finalised or a draft programme prepared, it would be brought before the Membership for consideration with the rest of the road budget so there is that transparency, there is that accountability and there is that ability to prioritise

MR NOBBS Mr Speaker I just want to point out that the Mountbatton Park estate road whatever it is, Hibiscus Drive was one of those ones handed over some time ago and I don't think there's been any work done on it as yet and my impression is that Hemus Lane was actually transferred prior to that, over to the Administration some years ago so we need to address these as these things come up. We need to get across this and work it out so that we are not misleading people by saying, oh we are going to take your road and we're going to fix it up. That's the way I look at it

MR BROWN Mr Speaker firstly I should declare an interest in that I am a shareholder of and a director of a company, Island Industries Pty Ltd that is in the quarrying and contracting business. Mountbatton Park Estate was a subdivision that goes back if my recollection is correct, into the 1960's. prior to the old Land Subdivision Ordinance which later became an Act. In those days one didn't need an approval for a subdivision. One lodged a plan in the registry, was told that you couldn't do that, so one then went to the High Court of Australia eventually, I think Wallace and Dickson was the case, and the High Court of Australia said no, everything that needed to be done to cause that subdivision to be effective had been done. That was before I came here to Norfolk Island but I remember reading a case. Since then instead of the Administration ensuring that when people bought land in that subdivision they signed some kind of an acknowledgement that they knew that there were problems with the access and they knew that the road wasn't a Government road and that they knew that somebody other than the landowners wasn't going to come along and tarseal it, instead of those things happening we allowed transfers to be registered. Initially some of the lawyers on the island advised clients that, that was one of the difficulties with buying in a place such as the Mountbatton Park estate. Later the real estate agents concerned about lost sales looked after the conveyancing without charge and that ensured that people didn't get too worried about the fact that the Government wasn't maintaining the roads. I'm not talking of any current real estate agent when I say that but that's indeed what happened. The Hemus subdivision certainly goes back prior to 1975 so at least 31 years, and like Mountbatton Park the road itself remained privately owned. Mr Nobbs may be correct, it may have been transferred in recent times. If it has been, I'm not aware of it but that doesn't matter. The fact is that at some stage the road in the Hemus estate was formed, it now turns out that the survey wasn't done before the road was put in. that is just another indication of the difficulty that we have now after many many people have bought and sold and bought land in that area. I think the Minister for Finance is right. I think that we've allowed too many years to pass. We've got to start to solve the problems. We've got to stop talking about them. We've got to actually solve them and if the passage of the motion today is going to do that then I will support it

MR CHRISTIAN Thank you Mr Speaker, I can give certain assurances in respect of new subdivisions. New subdivisions under the current Planning arrangements require roads where a subdivision is to be brought up to a standard as part of the planning and approval process so if the roads aren't completed to a satisfactory standard the subdivision doesn't happen. It's as simple as that so that mechanism or that protection mechanism is now in place and part of the conditions of approval is that once it's up to a

standard it will automatically transfer to the Administration. What I'm talking about now is roads that don't have that mechanism and that protection and in almost every case there are situations that have existed way back to the sixties and probably before and it's high time we dealt with it in a mature and sensible manner

MR NOBBS Mr Speaker I appreciate what the Minister has said, that's from that 2003 or whenever it was or whenever the last plan came in. I'm talking about before that. There are subdivisions that have been approved that have this same sort of problem. They are not a problem now but they are going to be a problem in the future and those ones have got to be dealt with as well otherwise, it will just keep going back to bite you. Thank you

SPEAKER Any further debate. If there's no further debate on this matter Honourable Members I'll put the question that the motion be agreed to

QUESTION PUT  
AGREED

MR NOBBS ABSTAIN  
MR BUFFETT ABSTAIN

MR NOBBS Mr Speaker I'll abstain on this because I'm one of the guys with the road that's going to come back to bite you and that's what I'm saying

SPEAKER You are abstaining Mr Nobbs

MR NOBBS Yes Mr Speaker I'm abstaining

SPEAKER Your abstention is noted Mr Nobbs and yours Mr Buffett. Do you wish the House called? The Ayes have it Honourable Members that motion is agreed to

#### **EXTENSION OF AUSTRALIAN SUPERANNUATION GUARANTEE SCHEME TO NORFOLK ISLAND**

MR BROWN Mr Speaker I move that this House requests the responsible Executive Member to promptly enter into discussions with the Australian Government with a view to obtaining extension of the Australian Superannuation Guarantee Scheme to Norfolk Island, but subject to contributions to the Scheme being phased in over a period of five years from the date of commencement, and subject to employer contributions being made as an addition to the payment of existing salaries and wages but being treated as increases in those salaries and wages

SPEAKER Thank you Mr Brown. The question before us Honourable Members is that the motion be agreed to. Is there any debate

MR BROWN Mr Speaker the question of introducing compulsory superannuation into Norfolk Island has been around for nearly as long the question of introducing third party motor vehicle insurance. Just as the Chief Minister is introducing a Bill today to deal with the question of compulsory third party personal injury motor vehicle insurance, I have brought this motion to the house in order to actually progress the question of superannuation. The Legislative Assembly over the years has had presentations from a number of people who have sought to introduce exclusive superannuation schemes to Norfolk Island, that is, schemes that they would manage obviously for a fee and their suggestion had been that everyone on the island be forced to join the scheme that they

would manage. That would be quite contrary to the current thinking in Australia where choice in terms of superannuation is regarded as very important. And it would not bring with it some of the concepts such as portability, and it would not bring with it an ability to prevent someone who was planning on leaving Australia from cashing his superannuation in, if he's able to do it, some people have been able to, some people haven't, and within single families, I've been told of one person being able to do it and the other person not, but the aim of superannuation is to preserve a person's superannuation funds until they retire so that they have them for their benefit during retirement. There's absolutely no point in a person leaving Australia to come to Norfolk Island cashing his super in then in ten years time looking for Norfolk Island's social service benefits, and similarly should a person go from Norfolk Island to Australia for a period and particularly if he intends to one day return, but whether that's the case or not, the sensible thing is to ensure that he can't cash his super in just because he has left Norfolk Island. The New Zealand situation is more complex. I have carried out considerable research into the situation in both Australia and New Zealand and into the proposals which have been made by in the main, insurance agents and insurance brokers to establish exclusive schemes here in Norfolk Island. I have had discussions with recognised industry experts in Australia. I've actually had discussions in New Zealand as well and I have had discussions with Senator John Watson of the Australian Senate who is regarded as perhaps the leading person in either of the houses of the Australian parliament in terms of superannuation. I have looked at the benefits of establishing a scheme that is Norfolk Island based, so that all of the funds stay in the scheme and nothing disappears into the taxation coffers in Australia. I've looked at how that fund could either invest in Norfolk Island or overseas but not in Australia so that its income was not taxable in Australia, but I've also looked at the question of whether such a fund could avoid being treated as an Australian superannuation fund in any event for some purposes and Members may recall that there have been suggestions over the years that even the provident fund may well be caught under certain Australian superannuation legislation and it has been a matter of regret to me that that particular issue which involved the Superannuation Industry Supervision Act 1992 amongst other things has never been properly resolved. It got to the stage of one of our Administration staff finding someone who he thought said the right thing to him within the office of the Deputy Commissioner of Taxation in Australia and then the your superannuation in order to encourage superannuation in most cases you won't pay tax file appears to have been buried from there on, and it is possible that every Member of the Provident Fund has some form of taxation liability as a result of us not having sorted that problem out. While my discussions were taking place there were changes occurring in Australia and in Australia now if you make a contribution to a superannuation fund for which you are not claiming a tax deduction, you don't pay the 15% inwards fee that is paid by someone in Australia who is seeking a tax deduction. Now in Australia perhaps with some reasonable benefit limit, I'm not sure of that, but now in Australia when you draw down on your superannuation in order to encourage superannuation in most cases you won't pay tax on what you draw from your fund. And it has long been the case that the earnings from your superannuation fund in Australia are taxed at a fairly minimal rate again, in order to encourage savings for retirement, and at the end of the day, those to whom I spoke in Australia encouraged me to come to a view that the very best solution for Norfolk Island would be either to introduce our own legislation to mirror the Australian legislation or to seek the agreement of the Australian Government to extend their legislation here. The benefit of extending the Australian legislation is that you don't have to come up with a set of agreements between the Norfolk Island authority and the Australian authority and if you are going to provide choice, you don't have to go through the exercise of approving Australian superannuation funds because they're already approved. Let's turn for a moment to the reason for superannuation. It's to enable people in their retirement to maintain a decent standard of life with minimum need to draw on the public purse. At its most basic, that's what superannuation is for. In Norfolk Island we are already seeing a significant growth in the older part of our population; in fact were it not for the growth in the older part of our population over the last few years our population would

have fallen. We are seeing that growth and we are seeing more and more people who find a need to make application for social service benefits. Now later today we will be dealing with some proposed amendments to our social services legislation which are the result of a report which has been provided by our social services Board which was in fact provided by the board in 2004. But in my view it is essential that we tackle the problem of a total lack of compulsory superannuation in Norfolk Island and it is essential that we tackle it now. If I have the benefit of a motion from the House, that will make my discussions with the Australian authorities a lot simpler. If the House is a bit reluctant to make superannuation compulsory or if the House is reluctant because we haven't yet come to a final conclusion as to how to handle the provident fund, then that will be unfortunate but so be it because I'll still have the discussions. Let me talk for a moment about the Provident Fund. The Provident Fund is a fund into which both the Administration employees and the Administration contribute. If a person leaves before a certain time they can't retain the employer contribution but once they've served a certain period, if they leave they get a pay out a lump sum pay out of the whole of the employer contribution and the employee contribution plus the accrued interest. Now in the long term it is not in the interest of good Government that lump sums continue to be paid out in that fashion. After all there are employer contributions made to the Provident Fund and time and time again we have seen people take those contributions and make use of them in whatever wise fashion they may wish but eventually find the need to claim against social services. We've got to remember that people working in the Administration right now have an expectation that they will be able to draw on their provident fund when they choose to do so. Perhaps at the end of the day the answer to the Provident Fund will be to rule a line under the Provident Fund at the date of which compulsory superannuation is introduced to allow Members a certain period be it a period of months or a period of years in which they can resign from the Public Service and collect their funds but perhaps after some period the Provident Fund should simply be rolled into the superannuation and I'm not suggesting that period should be six months; I'm not suggesting it should be five years. That's a question that will need to be addressed in consultation with Administration staff further down the track. Now this motion suggests that compulsory superannuation be phased in over a period of five years. There's precedent for that Mr Speaker. It is exactly how it was done in Australia. In Australia it was recognised that the introduction of compulsory superannuation was an essential move for the Government of the day and it was recognised that it would involve additional cost for the employers so it was phased in over a number of years until it reached the current situation where the employer under the Superannuation Guarantee legislation is bound to contribute an amount over and above someone's wage of an additional 9% as a superannuation contribution and when that was introduced in Australia that superannuation contribution was treated as a pay increase and rightly so. So although the employers had to pay out extra money, they were protected to the extent of that extra money from pay claims. Just as it was the case in Australia and perhaps more so, if compulsory superannuation is introduced in Norfolk Island and if it is to rise to 9% of an employees wage over a period of five years, that's going to be a cost to the employer. That's the reason for needing the phasing in period and that is also the reason for needing that superannuation contribution to be treated as if it was a pay increase. And Mr Speaker those are the reasons for the motion. It's a question for the House whether the House wishes to support it

MR SHERIDAN

Mr Speaker as Mr Brown says, this has been around for quite a while. In the main I support the motion. I do believe that we do need some sort of superannuation here on Norfolk Island. How the motion sits at this point in time I could not agree to the whole paragraph. I wouldn't have any problem with the executive member entering into discussions with the Australian Government with a view of obtaining the scheme to come to Norfolk Island if he would like to delight all words after Norfolk Island I believe that all those other matters are subject to a great amount of discussion. How much we contribute, whether it's phased in over five years, whether these payments are made to be part of a wage claim etc etc I believe that all of those other little areas is part of the big

debate that would come after he prepared a submission for this house to consider of implementing a superannuation scheme for Norfolk Island. I have no worries with him at all approaching the Australian Government with regard to having a look at implementing this scheme here, but I would like to see everything after Norfolk Island deleted so there is no condition set to it at this point. Thank you

MR BROWN Mr Speaker I would have no difficulty with deleting words after Norfolk Island and perhaps inserting "on appropriate terms". If that would satisfy Mr Sheridan I would be more than happy to seek leave to amend the motion to that effect

SPEAKER I might return to you when others have had an opportunity to speak on the substantial motion Mr Brown

MR SHERIDAN Mr Speaker yes Mr Brown, that would be quite sufficient I believe. I think you may then get the support of the House

MRS JACK Mr Speaker I had a proposal to alter the motion but listening to Mr Brown and re reading several times the words contained I'm of a similar view to Mr Sheridan. Mr Brown suggested to include "on appropriate terms". I mean, I view those appropriate terms as covering those areas as coming back to us with recommendations on the best type of implementation because it works in Australia doesn't mean to say that the same thing could work here. There may have to be some detail changes, alterations, but I would concur that those would be covered in the recommendations and as we are looking to a view to obtaining and it is not a definite you will go to the people and get this scheme, it's a view to obtaining an extension, I would have no problem also in supporting the changes and the changes that have been suggested by both Mr Sheridan and the Minister

MR T BROWN Thank you Mr Speaker I would have no problem in supporting the motion in how it is now or how it is with the amendment for Mr Sheridan. This issue's been around longer than me I believe and I think the sooner we tidy this the better. Thank you

MRS BOUDAN Mr Speaker I'm prepared to support this motion with the suggested amendment Thank you

SPEAKER Before we look to the detail stage amendment to the motion is there any further contribution from Members on the substantial motion

MR NOBBS Mr Speaker I've always been in favour of a superannuation scheme for Norfolk Island but I believe firmly that the funding should be retained on the island itself and I just wonder with the Australian superannuation scheme and accepting all those companies that have some credence under that scheme that all the funding just won't automatically proceed offshore. That's my concern and I'm also very concerned about the Australian superannuation scheme in that there is a potential for another FIA failure and that's something that I wouldn't like to see happen and I would have thought that our own local scheme here would be preferable but it's never really got off the ground even though there have been some scheme's offered and with the idea that they would be taken over by the local Government similar to the healthcare scheme and those sort of areas and I would have thought that that was the go, but if we are looking at just obtaining some information which would be very good for the population as a whole, island wide as to what really is involved in the Australian superannuation guarantee scheme, what does it actually mean to the individuals and what does it mean to the employers who may not have been involved in this sort of scheme before and I say there's probably heaps of them so that information is definitely needed before I would support it in any sort of way but if it's just to go over there and I think I've got different views on what a view is, but as long as

we are not being tied into it I could support it. Let's put it that way but my preference would be to ensure that the funding and we establish our own particular TIO here to deal with that sort of thing. That's the way I look at it

MRS JACK Mr Speaker I'm just wondering if it is too unrealistic to seek a possible percentage of the gross to stay here as part of an option. I don't know if that's just being laughed out of the ball park but if such a percentage could be sought I think that could be valuable as a guarantee that reinvestment within the community would be helped and perhaps if Mr Nobbs' concern with variations on the definition of a view, it could be with a view to investigate obtaining extension. It may be a mute point but perhaps the Minister could just tell me if asking for a percentage to stay on Norfolk Island is a realistic proposition to put to people

SPEAKER I think your question is regarding the feasibility of exploring the option. Mr Brown have you anything to add to that

MR BROWN Mr Speaker I'll turn firstly to Mr Nobbs' comments and Mr Nobbs may be interested to know that I spoke with some New Zealand brokers who Mr Nobbs himself had introduced to the Administration, I spoke to the brokers only yesterday, and my recollection at an earlier discussion is that they had told us that the funds manager who they were recommending was a particular life assurance company which although 100% is New Zealand owned, had at least one approved fund in Australia and so the group that Mr Nobbs has spent some time speaking to is a group which in the event that they do have an approved fund in Australia would be able to provide superannuation services here if the proposal came to pass. The Australian authorities allow not only choice of funds, but they have provision in some circumstances for self managed funds and although I don't pretend to be an expert in Australian superannuation there certainly is room for discussion about the question of whether there could be self managed funds in Norfolk Island which indeed retain their funds here. They would need to comply with the rules but if they were authorised as self managed funds they could do what the Minister has suggested and similarly any other approved fund if it decided after discussion with the Legislative Assembly that it wanted to have a special fund that focused more on Norfolk Island than anywhere else, there would be the power to do it. What people would think about that environment is just what would be the comparison between the returns on a fund that might at the end of the day have on average a 4% return through having solid bank deposits and a little bit of equity invested on the island on the one hand and a more normally managed fund earning considerably greater returns. However, you might find that a superannuation fund might express an interest in purchasing the Bond Store and that might be a superannuation fund that does focus on maintaining as much as possible of its funds in Norfolk Island. There may well as the concept of privatisation moves forward, be room for superannuation funds of local people to invest in things such as the Bond Store, and other infrastructure. I hope that answers both of those questions. Mr Speaker could I seek leave to move two amendments. Firstly upon the second line after the words "Australian Government" delete the words "with a view to substitute the words "about the feasibility of" so there it says "enter into discussions with the Australian Government about the feasibility of obtaining extension of the Australian Superannuation Guarantee Scheme to Norfolk Island" and delete all words after "Norfolk Island" and insert "on appropriate terms". I believe that will cater for the comments that Members have kindly made this afternoon

SPEAKER Leave is granted Mr Brown

MR BROWN Mr Speaker I so move

SPEAKER The question Honourable Members is in relation to the two amendments as proposed by Mr Brown. The motion in its entirety would then read



Examine the options available to governments and owners of the land so affected in order that an equitable solution can be reached

SPEAKER Thank you Mr Brown. The question before us Honourable Members is that the motion be agreed to. Is there any debate

MR BROWN Mr Speaker I'm aware that the Chief Minister intends shortly to propose an amendment and I could indicate at this stage that I will be happy to embrace that amendment in my motion because the proposed amendment achieves what I'm endeavouring to achieve. If I could have leave to amend the motion at this stage by deleting my number 3 and inserting instead the words, delete all words after (3) and inserting in their place, "examine the options available to Governments and owners of the land so affected in order that an equitable solution can be reached

SPEAKER Thank you Mr Brown. Just in relation to that, Mr Buffett's proposed amendment had read, © I think that should probably read (3). Thank you. So you are deleting all words appearing after 3 and inserting all of the words contained in Mr Buffett's motion

MR BROWN Mr Speaker that's indeed the case, commencing with the word examine. Mr Speaker this is an old chestnut. Interference in the ability of land owners in this area to use their land as they wish has now gone on since at the latest the very early 1980's and successive people have dilly dallied in fixing it. I think that we all accept that the Kingston and Arthurs Vale Historic Area is here to stay. I don't think any of us suggests that people should be able to do as they please in the KAVHA area but I think it is reasonable to ensure that the only land which is affected is well identified. I think it is reasonable to suggest that a person with a large block with only a small part being affected should be able to somehow use the rest of their land in the same way that anyone else on the island can use their land. I think it is reasonable to suggest that a person who simply is not going to be allowed to build upon his land, should be compensated, he shouldn't be left bearing the misery year after year of wanting to do something that might have been a lifetime dream, on his land and being unable to do it because its in the KAVHA area. It's time that we worked out how we do more than advance KAVHA itself, it's time we worked out how we look after the interests of the people who are affected by KAVHA. I should disclose Mr Speaker that I'm a solicitor and my firm although not myself is actually involved in some litigation at present in relation to the KAVHA area. This motion is not related in any way to that litigation. Mr Speaker I don't think I need to say more than I've already said. I think it simply is time that we started to look after the interests of the people whose land is being affected. It's time that instead of just talking about it, we work out a solution. I understand that the Minister for the Environment is the responsible executive member. I have every confidence that if this motion is passed she will indeed quickly attend to it and I'm well ware that she has in fact already produced information which will enable her in a split second after the motion is dealt with to be able to say I've already attended to one and two because she's already prepared a very helpful paper in relation to those which has been circulated to all of us and which enables all of us to quickly assess just what land we are talking of so I'll say nothing further at this stage Mr Speaker

SPEAKER The question Honourable Members is that the amendment be agreed to. Debate. No further debate

QUESTION PUT  
AGREED

MR NOBBS ABSTAIN

MR NOBBS Mr Speaker in view of the (3) that's in there because it was a question of resumption on just terms, but seeing as you've passed the other one I won't bother and I'll abstain

SPEAKER Thank you Mr Nobbs. Your abstention is noted

MR BROWN Mr Speaker one more thing. One of my brothers in law, is the owner of land in the KAVHA area. Again this motion is not related to him and certainly hasn't been discussed with him but I should disclose that

SPEAKER Thank you for your declaration Mr Brown. Honourable Members I think the ayes have it in relation to the amendment. The amendment is agreed to

The question now before us Honourable Members is that the motion as amended be agreed to and for your benefit I'll read the amended motion in its entirety. The motion is that this House requests the responsible Executive Member to urgently prepare a report for the House which (1) Identifies the portions of freehold and leasehold land which have restrictions on their use because they are positioned in the Kingston and Arthur's Vale Historic Area; and (2) Identifies whether or not these restrictions apply to the whole or part of each portion; and (3) Examine the options available to Governments and owners of the land so affected in order that an equitable solution can be reached. Is there any debate

MRS JACK Mr Speaker as Mr Brown told the public before, points one and two I have already dealt with and passed out the information to Members. May I just point out that the map I supplied Members is a map that is currently accepted by the KAVHA and Registry Office here. It may not be in total 100% agreement with the Department of Environment and Heritage and I will be contacting that Department and going through the ministry or parliamentary secretary, Greg Hunt, to obtain the map that they use in order to have the ultimate map just to ensure that Members are given as much accurate information as possible. I would just like to point out, not so much an error but perhaps to clarify something that the Minister for Community Services said before about a person not being able to build on land in KAVHA. That is true of some blocks as we are aware, some freehold blocks, but in actual fact there is not a blanket ban on building in KAVHA. We have seen that there is a different set of planning requirements to land outside KAVHA and we have actually seen a local couple build a house on leasehold land in KAVHA over the last couple of years. They went through the hoops and were able to build but there are anomalies and I feel that it is through some of those anomalies that I'll be able to hopefully make some progress on behalf of leaseholders or landholders. One must remember too that the lease type plays a part on what can be done on a person's portion. Some of these crown leases are rural with conditions for improvement and those conditions for improvement are not the ability to put a building a building on but the ability to clear the land and maintain that block in good state and it is really grazing rights that they have. Others are rural residential and if they have that there is the ability for them to build on that block and the block I was referring to before was crown lease and the lease type was rural residential. It was portion 79b, the very top of the list that's attached to your information. But there are also, from in the early days when the crown leases were made the third category was other. That tended to be commercial and commercial had a variety of uses or headings. It could have been full commercial or accommodation or it could have seen the addition of a little box selling trinkets out the back or perhaps making pottery. They all came under that heading, but one thing I would like to just bring to the community's attention also is that we have freehold and leasehold land, we have freehold with commercial premises on it and we have leasehold with commercial buildings on it and in my scheme of things the least priority I would give to premises for changing of tenure and assistance at the moment would be those with commercial premises or having a proper commercial aspect because they really are not

hindered by that, they are earning in the main excellent money through accommodation houses and while it may be of concern to those leaseholders with holiday apartments on them they are having a use and gaining monetary gain on that property. The anomalies I refer to that I believe movement can be made would be if Members would like refer to a portion on the second or third map it's portion 177, it's crown, it's a rural lease and you can see how part of it is in KAVHA zone and some of it isn't but under the lease agreement all you can use it for is grazing. Now I believe that if we can look at that property and change the tenure to freehold and then the people would have two places on which to build perhaps a house if they wanted to or to sell it and then the new buyer would have that option. On the part that lies outside KAVHA they would be able to build a house as of right, no development approval, just go ahead but if the building of their hearts or dreams was inside KAVHA well they still have that option because there's not a ban on building but they would have to go through a different set of planning requirements and its giving people the ability to do more than just run their cattle and I really believe that's an option and one that I'm looking forward to progressing so I have no trouble in accepting Mr Brown's motion, I look forward to it, I look forward to perhaps working with the Chief Minister who has interest in KAVHA and talking with the landholders of the various types to seek not what is it they want but what can we all live with as a way forward. Thank you Mr Speaker

MR SHERIDAN Mr Speaker just quickly looking through the three notices today, I hope there's not some sinister overtones there, we seem to be cleaning out the cupboard, because this has been around for a long time but on the subject of KAVHA, this present motion, I certainly don't have any objection to it. I believe it is a necessary evil that we have to do and landowners do have rights and some of the landowners have had these lots of land for a vast period of time so I believe that the sooner we put this to bed the better and we have to start today to get really serious about it then let's do so and let the Minister get on with it. Thank you

SPEAKER Thank you Mr Sheridan. Any further debate. No. Then I put the question that the motion as amended be agreed to

QUESTION PUT  
AGREED

MR NOBBS ABSTAIN

The Ayes have it Honourable Members the motion is agreed to with Mr Nobbs' abstention noted

### **NORFOLK ISLAND GOVERNMENT TOURIST BUREAU (AMENDMENT) BILL 2006**

MR BROWN Mr Speaker I present the Norfolk Island Government Tourist Bureau (Amendment) 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. Debate Honourable Members

MR BROWN Mr Speaker at a recent meeting the House passed a motion expressing a desire to amend the Tourist Bureau legislation so that appointments to the Bureau, that is to the Board would be made after having been endorsed by the House. That is the purpose of the Bill and I don't wish to add anything further

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 at this stage I move the adjournment
- MR NOBBS Mr Speaker why are we passing a simple thing that the executive member has to appoint. It's on a motion that we already debated and it's a bill
- MR BROWN The others were motions, this is the Bill
- 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
- MR NOBBS NO
- SPEAKER Would you like the House called Mr Nobbs
- MR NOBBS I would withdraw it, not support it
- SPEAKER Are there any abstentions? I think the Ayes have it. Debate is so adjourned Honourable Members

**ROAD TRAFFIC (AMENDMENT) BILL 2006**

- MR BUFFETT Mr Speaker I present the Road Traffic (Amendment) Bill 2006 and move that the Bill be agreed to in principle
- SPEAKER Thank you Mr Buffett. The question before us Honourable Members is that the Bill be agreed to in principle

MR BUFFETT Mr Speaker this Bill will require all owners of vehicles to take out third party insurance and to produce evidence of it being taken out before being granted registration or renewal of registration of their vehicles. It's a Bill designed to provide protection to users of the road whether as drivers or as passengers in vehicles or as pedestrians. The principle amendment is the inclusion of a new paragraph 8(1)(a)(b) which requires proof of having taken out third party insurance to be presented before registering or reregistering any vehicle. It should be noted that a motor vehicle is widely defined as a mechanically propelled vehicle intended or adapted for use on roads and is reasonably capable of being used on roads. That might sound rather bureaucratic but that's what the legislation encompasses and because the definition also includes trailers the requirement to hold third party insurance in respect of a trailer as a separate arrangement is excluded. As the protection of the community by way of third party insurance is important the Bill provides severe penalties for driving or allowing a person to drive an uninsured vehicle. If an insurance expires or is cancelled before a vehicle's registration comes up for renewal the owner must surrender registration of a vehicle. The Bill also clarifies that if a third party policy is intended to cover both the owner and the driver of a vehicle. This is of particular importance where for business reasons for example, an owner may permit an employer or a customer to drive a vehicle in circumstances where they may be liable for damage caused by the driver in those sets of circumstances. Finally the Bill does make it clear that compulsory third party provisions don't affect a person until the first expiry of the registration after the Act commences. The cost per vehicle which is not a Government cost but is really a commercial one in terms of taking out this insurance with a commercial firm, is expected to be in the vicinity of \$130. This Bill is designed for introduction today and to sit on the table in the normal course of things and to be addressed when we next come together. This has been long awaited I might say, a third party insurance arrangement. We have tried a number

of methods to try and bring it into place and none of them have really been that successful. I'm not trying to claim that this is the perfect system but it hopefully will give a high nineties percentage of coverage within the island and we may be better off than we presently are in all of the circumstances

MR CHRISTIAN Thank you Mr Speaker, I intend supporting the Chief Minister's motion in respect of third party insurance but I would ask him to take on board some of my concerns and give an explanation when the matter next appears before us. The area in which I have concerns is the exemption of trailers from the requirement to be (a) registered and (b) have insurance. I have had personal experience of a friend being killed by a trailer that had disconnected from a car and speared through his vehicle and oncoming traffic and that situation could easily occur in Norfolk Island and I wonder whether the Chief Minister could make some enquiries as to how trailers are treated on the mainland because if they are covered by the insurance of a vehicle towing them whether they are disconnected or connected I have no difficulty with it, but if the Australian system requires trailers to have separate third party insurance if they are to be used on the roads well I think our legislation could mirror that as well

MR BUFFETT Mr Speaker if I could just respond by saying that I'm very happy to examine that and I thank you for raising it

MR BROWN Mr Speaker I was first elected to this place in January 1982. that's almost twenty five years ago

MR CHRISTIAN No super

MR BROWN Many would like to see me retire. I was not re-elected at one Legislative Assembly so for all but three years of that period I've been a Member of this House and at some stage in every one of the Legislative Assembly's that I've been a Member of we've all spoken of the importance of introducing compulsory third party motor vehicle insurance. Today is a historic day and I would like to commend the Chief Minister for finding a simple way to do it. At various times we've tried to re-invent the wheel with the most complex of systems. It was eventually realised that it was far better at that moment to forget about the nominal dependents situation, solve 99% of the problem, get it introduced, and then move on at a later date and work out what we can do to cover the nominal dependent situation. It will be my pleasure to support this Bill when it eventually comes to a vote. Thank you

MR SHERIDAN Mr Speaker I also will be supporting this motion. I believe it's some protection that we need out there on the roads. I just have a query for the Chief Minister. It might be nothing but I see you have to have proof that you've taken out third party insurance prior to registering a vehicle. I'm just thinking the other way. Do you have to show proof that the vehicle is registered before we take out third party insurance. Do the insurance agencies require that the vehicle is road worthy before they insure the vehicle. I don't know. There's that catch 22 and maybe it's something to look at

MR BUFFETT Mr Speaker if I could answer that. I'm unsure of the answer but I'll make some enquiries so that we know which may come first or how we would handle it and I thank Mr Sheridan for that suggestion

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

MR BUFFETT Mr Speaker I move that debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting

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

QUESTION PUT  
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

### **IMMIGRATION (AMENDMENT) BILL 2006**

SPEAKER Honourable Members we resume debate from the 22 September 2006 on the question that the Bill be agreed to in principle and Mr Brown you have the call to resume

MR BROWN Mr Speaker Members will recall that this Bill was first dealt with at our September meeting. It aims at tidying aspects of the Immigration Act. It deals firstly with the question of lapsed permits and it provides an ability if it is passed for the executive member to revive a lapsed permit rather than a person needing to make an application for a fresh permit and the Bill states that although the executive member would have the power it would be a power which would not be subject to appeal so if the executive member said no, I don't really think I can revive that, a person would need to accept that and make an application for a fresh permit. It deals with the question of fees which are to be charged upon an application to extend or renew a permit in order to clarify that the fee which is charged for an application to extend or renew a permit is the same fee as you would pay on that date, to apply for a new permit at the same time and thirdly, it endeavours to enable regulations to be made in order to prescribe guidelines for the various things which are set out in the Bill but in the main to provide guidelines for the granting for a permit, the imposing of terms and conditions on a permit and so forth. Mr Speaker there are a few detail stage amendments that I would like to seek to move at an appropriate time

MR NOBBS Mr Speaker could I seek clarification. The Bill is headed 05/07/2006, is that the correct Bill

MR BROWN Mr Speaker the Bill I'm looking at is headed Immigration (Amendment) Bill 2006

MR NOBBS No, at the top. The date of the Bill

MR BROWN Oh. 5 July 2006

MR NOBBS Mr Speaker it's several months I think since we discussed this. I thought that there was some concern by my colleague Mr Sheridan in relation in his absolute discretion and I thought at the time that it was agreed that there would be some reference to the Immigration Committee. Could I just leave it to Mr Sheridan if I may Mr Speaker

MR SHERIDAN Mr Speaker if I may, Mr Nobbs is correct, I believe in discussions gone by that where it states his absolute discretion in paragraph 5(2) I believe that we were going to change that to read something like the executive member may at any time after consultation with the Immigration Committee, give to the former permit holder an immigration permit reviving the permit despite the breach. Something along those lines. I believe that the Minister had indicated that he was willing to change the bill in that way

MR BROWN Mr Speaker that will be included in the detail stage amendments that I circulated

MR CHRISTIAN Thank you Mr Speaker, I just wondered if Mr Sheridan and Mr Brown can shed a bit of further clarification because I would have thought that in the instance of a TEP there would be no automatic reference to the Immigration committee. GEP's certainly would be but TEP's are a different kettle of fish and we may have an unnecessary function or a function that's not as robust as it should be

MR BROWN Mr Speaker it's always difficult when Members seek to have an amendment made to ensure that, that amendment doesn't cause another problem but here we have a situation where we are intending that the executive member's decision as to whether or not to revive a permit should not be an appellable decision and I think that in that circumstance it is quite reasonable to refer it to the immigration committee before the executive member makes a decision. Whether or not we should make a further amendment on the next time we are looking at this Act to enable an authorised officer to revive a permit after reference to the executive member perhaps in the case of a temporary entry permit I'm not sure but certainly it could be done but the key to this is that it is not intended to be an appellable decision so we do need to ensure that we are not creating a situation where an executive member after watching his team lose a game of football that he'll have an unreasonable afternoon so I don't have a difficulty with the suggestion that Mr Sheridan has made

SPEAKER Thank you Mr Brown. Is there any further debate? The question before us Honourable Members is that the Bill be agreed to in principle and I put that question

QUESTION PUT  
AGREED

The Ayes have it Honourable Members the Bill is agreed to in principle

We move now to the detail stage and Mr Brown is seeking leave to move a detail stage amendment dated the 19<sup>th</sup> December 2006 and will include the detail stage amendment referred to by Mr Sheridan and I believe a numbering of a clause Mr Brown. If that is correct leave of the Chair is granted to move those detail stage amendments

MR BROWN Mr Speaker I've circulated part of the detail stage amendment to Members and I've been reminded during the course of the meeting that there are two aspects which were omitted. So having obtained leave I will read the detail stage amendment which I think is relatively simple now that we've already discussed large parts of it. One, that Clause 5 of the Bill be amended as follows, for "84" in proposed section 23(3) substitute "85"

SPEAKER Mr Brown if I could just stop you there. I believe it should be for 85 substitute 84

MR BROWN Mr Speaker I wonder if I could start again. I move the following detail stage amendments, one, that Clause 5 of the Bill be amended as follows, for "85" in proposed section 23(3) substitute "84" and two that Clause 6 of the Bill be amended as follows, for the words "the same as for the original permit" in proposed subsection 89(2), substitute "the fee for the issue of such a permit applicable at the time of the application for extension or renewal". Three that Clause 7 of the Bill be amended as follows, for "(3)" on the sixth last line on page 2 of the Bill, substitute "(6)". That's just to correct an error in the numbering which could perhaps have been dealt with in the Speaker's amendment but it

was felt preferable to deal with it in this fashion and fourthly, that clause 5 of the Bill be amended as follows, for “and in his absolute discretion”, in proposed subsection 23(2) substitute “after consulting with Immigration Committee”. And I believe Mr Speaker that deals with all the issues that Members have raised today and earlier and I don't think there's a need for me to address them further

SPEAKER Is there any debate on the proposed detail stage amendments. Members fully understood those detail stage amendments. Honourable Members if there is no debate, the question therefore is that the amendments be agreed to

QUESTION PUT  
AGREED

The Ayes have it Honourable Members the amendments are is agreed to

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

QUESTION PUT  
AGREED

The clauses as amended are agreed to

Honourable Members I now put the question that remainder of the Bill be agreed to. Any debate Honourable Members.

QUESTION PUT  
AGREED

The remainder of the Bill is agreed to

MR BROWN Mr Speaker I move that the Bill as amended be agreed

Honourable Members the question before us is that Bill as amended be agreed to. Any debate Honourable Members.

QUESTION PUT  
AGREED

The Bill as amended is agreed to

### **SOCIAL SERVICES (AMENDMENT NO 2) BILL 2006**

SPEAKER Honourable Members we resume debate from 22 November 2006 on the question that the Bill be agreed to in principle and Mr Brown has the call to resume

MR BROWN Mr Speaker at our November meeting Members will recall that the Social Services Amendment No 2 Bill 2006 was tabled. That Bill arose mainly from the recommendations of the Social Services Board which back in 2002 provided a very helpful policy review and an earlier stage of this Bill was in fact dealt with by the House quite some time ago and was referred to the Impact of Bills Committee. The Impact of Bills Committee met on a number of occasions and tabled its report at the sitting of the House on 21 and 22 December 2005. The Impact of Bills Committee basically supported the Bill but made a number of comments and its report was intended to be a response to the provisions of the Bill which was then before the House and it was intended that a second report would

be tabled in relation to those aspects of the Social Services policy review which had not been dealt with by the first bill and in the main those aspects were the introduction of the concept of deemed income, the introduction of a restriction on the disposal of assets and the introduction of an assets test. The committee was concerned, that is the Impact of Bills Committee was concerned that one of the aspects of the Bill may have been too severe and that was the requirement that a person had lived in Norfolk Island for ten years immediately prior to lodging an application; that they be a resident within the meaning of the Immigration Act and that they had lived in Norfolk Island for a period of from recollection, 25 years during their working life. That was the original provision. And the committee without picking on a particular number of years felt that the suggested period was too demanding. The committee also recommended that the equalisation of the age at which males and females could become entitled to benefits should be gradually implemented rather than implemented in one go. The recommendations of the Impact of Bills Committee were taken into account in preparing the current draft of the Social Services Amendment No 2 Bill and in addition to those recommendations the current draft makes provisions for regulations to be made in order to cover those issues which are not presently in the bill itself, of deemed income restriction on the disposal of assets and asset tests and that will be found in section 22 of the Bill on page 11 which makes various provisions. Perhaps it doesn't deal with all of the issues that I had understood that it dealt with, now that I've read it again, but it does deal with the question of the asset test. It does deal with the question of defining income by relation to a period where there had been some suggestions at different times that perhaps income needed to be looked at daily, weekly, fortnightly but not necessarily yearly, and it deals with HMA benefits. The issues of deemed income and prohibition on disposal assets may need to be dealt with by a further amendment at a later date but Mr Speaker, I wonder if I could ask Members to turn to section 11 of the bill on page 8, Members will see there the phasing in of the higher age. The reason that it will begin at 63 is that it has firstly been in train for quite some time but secondly that phasing in period is exactly the same as the period which applies in Australia so it was chosen to follow precisely the Australian phasing in and the final thing is that some years ago when the Bill was first introduced into the House Notice was given that the changes would apply from the earlier time so people have not all of a sudden today found that it is proposed to increase the age to 63 for ladies. Firstly it has been given notice of before, secondly it was in the earlier bill and thirdly all that we've done now is recognise that some time has passed and we continue to precisely apply the Australian situation. But can I ask Members to turn down about five inches to subsection c on page 8 and that's the one that still at this stage contains the 25 year period requiring that a person has been ordinarily resident for not less than 10 years immediately before their application date and not less than 25 years of their working life. And I've just circulated to Members a suggested amendment to that which takes account of the concerns expressed by the Impact of Bills Committee and also takes account of concerns that were raised by the Crown Counsel when the Crown Counsel provided advise about the social services Board's policy review of April 2002 and in that if I could quote the words of the then Crown Counsel, the imposition of the 25 year residential requirement would have the effect of denying a substantial number of residents an aged benefit upon retirement. It could be seen as being inconsistent with a widely accepted responsibility on the part of governments to provide minimum levels of income support for needy persons on their retirement and inconsistent with the stated objection of successive Norfolk Island Governments for increased power of internal self Government. A 25 year residential requirement is far greater than the residential requirement presently existing in comparable Australian and New Zealand law. In particular many persons may have the status of resident by birth under the Immigration Act who have chosen to leave Norfolk Island in order to pursue further education and or employment opportunities and they would effectively be denied the opportunity of returning to Norfolk Island later in their working life unless they were self funded retirees. Taking account of the comments of the Impact of Bills Committee and taking account of the comments of the Crown Counsel I will seek leave to move a detail stage amendment and the effect of that would be that a person would have to be a resident within the meaning of the Immigration

Act, he would have to have lived in Norfolk Island for not less than ten years immediately before that date, and that's intended to mean that he would have to have lived here for the ten years immediately before he applied, and during the total of his life since the age of 21 he would have had to have lived here for a total of 21 years so a person could spend all but five years of his period after 21 away from the island, come back for ten years, and be able to apply for a pension. Alternatively a person who hadn't lived in Norfolk Island before would in fact need to live here for 15 years before he would be able to seek a pension, so someone who had lived on the Island, gone away for a while and come back, would as is the present law, have to be here for ten years and would have to have obtained residency before applying for the pension but if he hadn't lived here at some stage since turning 21 for a period of at least five years, he would have to also spend that five years. I expect that that change would be seen as acceptable by the Impact of Bills Committee and its Members are here and they'll certainly tell me if they are not happy with it. I expect it would be seen as a reasonable reaction to the comments of the Crown Counsel which were considered in terms of the review of the Social Services Policy Review and I would suggest to Members that it is a responsible balance between the need on the one hand to ensure that when immigration permits are handed out that people are able to satisfy the relevant authority that they will not become a drain on the community. A reasonable balance between that, and recognising the fact that sometimes people's circumstances change and they do need to seek assistance that they might not have previously anticipated. That is the only detail stage amendment that I will be seeking to move Mr Speaker

**SPEAKER** Thank you. Any debate on the question Honourable Members that the Bill be agreed to in principle before we move to the detail stage amendments

**MR SHERIDAN** Mr Speaker just quickly Minister I'm just perusing this just now and I'm looking at the table on page 8 where you have the date of birth, if you would happen to look at it, I'm just wondering if those dates are right. They follow down the left hand column if born before 1 July 1944, 1 July 1944 to 31<sup>st</sup> December 1944, then it jumps to 1 January 1946 and then 30<sup>th</sup> June 47, 1 July 47 to December 48, then 1 January 1949. I'm just wondering if that's supposed to be in six monthly increments and not, you've missed out a whole year there somewhere and then whether or not in paragraph c born on or after 1 January 1949 is correct in respect of age, once she has reached the age of 65 years

**MR BROWN** Mr Speaker I'm not sure whether other Members wish to join the debate whilst I check that. It obviously needs a correction

**MR NOBBS** Mr Speaker this is something else that's been around for some time. As a matter of fact the first review that I can recall was in 1998 and a similar sort of recommendations including the 25 years was in that at the time. It went nowhere and I think it was four years later that the then committee decided four years later that they would resurrect it and so it's been in the making some eight years. At the time it was thought that the 65 years for females was against the Discrimination Act that we were led to understand applied to Norfolk Island and that we thought at the time that it all should move to 65. I remember back then this business of increasing it to 63, 64, 65 whenever it was came along, and there was no problem with the discrimination side of things, so I've got difficulty. I mean, we need to get these things in and operational. I quite agree that there seems to be some sort of problem in this column one, but as far as the other parts of it is concerned I would give it a go and see how it goes because there was concern at the time that people were coming here and just staying for ten years and hopping straight on the pension and it was felt that they had access to arrangements such as this from whence they came but it wasn't transportable and the question really was at the time, is it fair that people could come here and then the community would have to look after them bearing in mind, that the age of

death has gone up considerably since the 65 pension age was originally put in. I think at the time it was put in as a person retired and got a pension at the age of 65. I think the life expectancy and somebody may have studied this, was only about 67 or something and now we are looking well into the 70's and even in the 80's. Which is a great thing. So I think I agree that if you want to cut this back to 25 years and the claimants working life. I have no problem, let's get it in and get the thing moving and you can always change it later on if its so necessary but its been hanging on for eight years and we need to do it. Thank you Mr Speaker

MR BROWN Mr Speaker there is a correction which will be needed to the table. It is as Mr Sheridan has suggested. It's intended to be six monthly increments so the line that presently says 1 January 1946 should be 1945, the one that presently starts as 47 should be 46, the next one should be 48 and paragraph C should be 48 not 49 and I'll incorporate that into a detail stage amendment

SPEAKER Just in relation to the Mr Brown it might be worthwhile in pointing out underneath that table the reference there is to 1949. The previous page under A the reference there is to 1944 and the clause notes, attaching to the Bill under clause 11 it refers to the eligibility being the same by 2014 which might suggest that the 1949 date in the table is correct which would take 65 from 1949 plus 65 to 2014. if there's any further debate whilst Mr Brown considers that Honourable Members. Any further debate on the motion that the Bill be agreed to in principle

MR NOBBS Mr Speaker shouldn't it just be 1945 and then go on from there

MR BROWN Mr Speaker the 1944 date is correct. Subparagraph capital A says a person born before the 1<sup>st</sup> July 1944 reaches pension age when she has attained the age of 63 years, and if you look at the table date of birth a person born before 1 July 1944 qualification age 63, so that's correct. The aspect that is incorrect is that 2014 in clause 11 of the clause outline should actually be 2013 perhaps

MR BUFFETT Mr Speaker I know we want to get this done, but may I caution against amendment on the run and on the floor of the House. Maybe if we move to the situation of tidying this Bill in principle, which we haven't quite got to that stage and if we have to pause to get this detail tidy, I suggest we do that even though it might mean another sitting. It would be better to do that I feel, but we've signalled our advancement in it

MR BROWN Mr Speaker the only question in my mind at this stage is checking whether that clause outline issue of 2014 is 2013 and if I could work through that whilst Members are completing the debate. Mr Speaker 2013 does appear to be correct here. My treasurer has assisted me with that calculation and therefore I would ask Members to note that the clause outline in clause 11 should refer to the year 2013 not 2014. That error Mr Speaker has simply crept in because of the error in the table

SPEAKER Honourable Members is there further debate. There being no further debate I put the question that the Bill be agreed to in principle

QUESTION PUT  
AGREED

The Bill is agreed to in principle and we move now to the detail stage and Mr Brown has earlier foreshadowed two detail stage amendments and is now seeking leave. Leave is granted Mr Brown to move those detail stage amendments

MR BROWN Mr Speaker I move that clause 11 of the Bill be amended as follows; firstly in the table by amending the final three lines to read on the third last line to say 1 January 1945 to 30 June 1945, on the second last line to say 1 July 1945 to 31 December 1945 and on the final line to say 1 January 1946 and later. The second proposed amendment is to subparagraph C appearing immediately below the table by amending 1 January 1949 to 1 January 1946 and the third amendment is the amendment which I've circulated by amending subsection 16(1)(c) to say is a resident of Norfolk Island under the Immigration Act 1980 and was ordinarily resident in Norfolk Island – (i) for not less than 10 years immediately before that date; and (ii) for not less than 15 years since attaining the age of 21 years. Those are the detail stage amendments which I wish to move Mr Speaker

MR CHRISTIAN Thank you Mr Speaker, I would just like to throw some hypotheticals at Mr Brown and see what sort of an explanation or response he comes back with. What we are talking about here is qualification for aged welfare benefits and it appears that when we look at amendment C that he's circulated, the over-riding criteria is that first and foremost you have to be a resident of Norfolk Island as determined under the Immigration Act 1980. if we look at the principals of qualification for welfare and aged benefits I think the underlying principle is that during your working life you make some contribution to the economy that will at the end of the day pay you the aged benefit and if we look at points 1 and 2, I think they can mean a couple of different things. The way I've interpreted this is no matter what, point 2 is the dominant one and says you've got to work for fifteen years before you get a pension. Past 21. And in addition to that, ten of those years you have to have worked immediately prior to applying for the benefit and then if we look at what's left out of point 2, our laws at the moment allows someone to leave school at 15 and commence work and yet here, we are proposing to leave or ignore six years of someone's potential working life out of their contribution towards and aged benefit. What I'm asking the Minister is what's the magic if my interpretation is right, that no matter what you've got to be a resident and you've got to work for 15 years somewhere in your life before applying for a benefit and in 15 years work in a particular economy is the over-riding criteria what's the magic in whether you make that 15 year contribution at the beginning of your working life or at the end. It's all about work and about contribution to an economy

MR BROWN Mr Speaker the initial draft of this Bill talked of someone needing to have worked in Norfolk Island for 25 years during their working life. The detail stage amendment doesn't make reference to working life and the reason for that is there are some people who might be a housekeeper. Who look after their family for the whole of their life and never work and if we left this - Mr Speaker I was recognising in that the fact that a person as a homemaker might well work a lot harder than someone who goes off to work from 9 to 5 but I was saying quite clearly, that a person who doesn't have a job, that is a job for which they receive pay from an employer as distinct from their role as a homemaker, might never qualify the way the Bill was originally worded and so I'm suggesting to Members taking account of the suggestions in earlier times by the Crown Counsel, taking account of the Impact of Bills Committee and taking into account general principles of fairness, I'm suggesting that we can't say to someone who hasn't been in employment, sorry you can't get a pension. If they attain the necessary age, and if they fill the other requirements they must surely be as entitled to seek a pension as anyone else. It's very important in the case of this bill to remember it's a schedule 3 Bill. Whatever it is that we do with it, will be looked at and in my view we need to ensure that whatever we do is reasonable because if it isn't reasonable because if it isn't reasonable we run the risk that in twelve months time we will still be waiting for assent and then we might find that we have to amend it in order to attain that assent. So all that the detail stage amendment would require is that you be a resident within the meaning of the Immigration Act, that you have lived here for at least 15 years since you attained the age of 21 and that you have lived here for a total of no less than ten years immediately before you apply for the pension and that ten years could be part of the

15 or for some people, might not be because someone who lived here for 15 years after they turn 21 and then went away from the island and came back later on wouldn't be able to say I want a pension straight away because they would still have to comply with subparagraph 1 and live here for ten years immediately before making the application, which is the current law. Mr Speaker in terms of the table I said earlier that the table was based on the Australian table. That is certainly the case. It is possible that in my drafting instructions some of the years have varied slightly from the way it is set out in the Australian table and so I need to make clear that although it is based on the Australian table, contrary to what I said earlier, it may not be exactly the same but the principles are the same

SPEAKER Thank you Mr Brown. Further debate. There being no further debate I'll put that question then that the amendments be agreed to

QUESTION PUT  
AGREED

The amendments are agreed to

We now move to the question that the clauses as amended be agreed to

QUESTION PUT  
AGREED

The clauses as amended are agreed to

We now move to the question that the remainder of the Bill be agreed to

QUESTION PUT  
AGREED

The remainder of the Bill is agreed

I seek a final motion Mr Brown that the Bill as amended be agreed to

MR BROWN Mr Speaker I so move

SPEAKER Thank you Mr Brown. Is there debate. Then I put the question that the Bill as amended be agreed to

QUESTION PUT  
AGREED

The Bill as amended is agreed to

Honourable Members as we were advised earlier today by Mr Nobbs in giving notice he is intending not to bring on Order of the Day No 4 which is the Bankruptcy Bill 2006 so we therefore move to the Fixing of the next Sitting day

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

MRS BOUDAN Thank you Mr Speaker. I move that the House at its rising adjourn until Wednesday 14 February 2007 at 10 am

SPEAKER Thank you Mrs Boudan. Any further debate Honourable Members. There being no further debate I put that question

QUESTION PUT  
AGREED

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

**ADJOURNMENT**

MRS JACK Thank you Mr Speaker I move that the House do now adjourn

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

MR BROWN Mr Speaker it's but a few days before Christmas. I thought I heard Santa just a moment ago. I heard the ho, ho, ho and no doubt those attending the Leagues Club over the next few will hear that same ho, ho, ho on many occasions. I wanted to say two things. I wanted firstly to compliment Members on what's been achieved today. I've got no doubt that there are plenty of people in Canberra waiting for us to make the grade and if we can achieve at future meetings as much as I feel we've achieved today in the spirit that we've achieved it today, I think we'll be going a long way to make those people very sad. We have made some real progress, we've dealt with some issues that have been around for twenty-five years or more, and I would like to compliment Members for that, but secondly I'd like to extend to all of my colleagues, all of those in the Public Service who have assisted us throughout the year, all of those who are Members of our boards and committees, to the Norfolk Island community and to all of our visitors, the very best wishes for a happy and holy Christmas and for all of us, a very prosperous New Year, thank you

MR BUFFETT Thank you Mr Speaker. My purpose in entering the adjournment debate is to also offer some Christmas greetings. Firstly of course Mr Speaker, to colleagues who are around the table, and we've been around this table now for the full period of 2006 and this is to be our last sitting. We have gone through a number of trials and tribulations during 2006 but we have come through them and I would like to offer the warmest of wishes for Christmas and for 2007 to all of you sitting around the table. May I add those greetings also to officers of the Legislative Assembly and officers within the executive compound, to the Chief Executive Officer and officers of the Public Service in its widest range, for those who undertake statutory roles in the courts, upon boards and a range of things that are very important for the functioning of the Norfolk Island community. Those obviously who are within the various sectors within the community. Those who are employers, those who are employees, those who are in various areas, within the community. Warm wishes to you for a Christmas season, and to extend that to those who are extremely important to us, our visitors. They are the people who provide life and sustenance to this place and have done now for something like 50 or 60 years. They are welcome with us over the Christmas and New Year period and those who have visited us in 2006 may they come again and visit us in 2007. Warm Christmas wishes to everyone

MR NOBBS Mr Speaker thank you. I would just like on behalf Marlene and myself to extend best wishes to the community in general, but I would like at this stage to take a few seconds if I may to just thank, and I haven't had the opportunity before I don't think, to thank the staff in the compound here itself and particular to those who look after the executives at that time and that's Alma and Peter of course and the others, Gaye Robin and Pat in the other areas and I'm not going through everybody's names so those I would also like to thank are particularly those in the public service and those officers who I have direct contact with. I thank them very much for their assistance and courtesy at



the Christmas and New Year. Be safe. Drive safe and we'll see you when the year turns. Thank you

**SPEAKER** Thank you. From me, my grateful thanks to the staff in this compound who have supported me in the last few months in my role as Speaker and also to Mr Tim Brown in his role as Deputy Speaker for stepping in on those occasions where I haven't been able to make it. Thank you very much. Also a very warm thank you to Rueben for his patience over the last few months down here with his steady supply for V to keep him awake at times. Thank you for support and assistance Rueben over times and just in finishing up, an appeal to everyone who is listening in the community to take extreme care on our roads over the Christmas period. We've been criticised heavily over our roads, over a number of years. We have programmes in place thanks to the efforts of Ron and Neville in more recent times, to try and improve the standard of roads on the Island but unfortunately we do encounter potholes from time to time. We have encountered dangerous driving activities on the island and I would appeal to everybody to try and contain their enthusiasm on the roads as they improve over time. Particularly over the festive season, but to all and sundry a very Merry Christmas and we look forward to a Happy and prosperous New Year for all the people of Norfolk Island. Thank you very much

**MEMBERS** Hear hear

**SPEAKER** Honourable Members is there any further participation in debate. The question is that the House do now adjourn and I put the question that the motion be agreed to

**QUESTION  
AGREED**

The motion is agreed to. Honourable Members this House stands adjourned until Wednesday 14 February 2007 at 10 o'clock in the morning

