



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
11TH NILA HANSARD – 28 FEBRUARY/7 MARCH 2007**

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

PETITIONS

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

GIVING OF NOTICES

Are there any notices?

QUESTIONS WITHOUT NOTICE

Are there any questions without notice?

MR NOBBS Mr Speaker I have a question for the Chief Minister. I note the Bankruptcy Act has now commenced and I thank you for that. When can the community expect to see the commencement of the Legal Professions Act

MR BUFFETT Mr Speaker I indicated at the last sitting that there appeared when I was at the stage of presenting regulations to bring this particular piece of legislation into effect that there may not have been some consultative processes that I thought would be appropriate to take place. Once that has been done from my perspective then that piece of legislation will be ready to roll

MR NOBBS Mr Speaker a supplementary please. Chief Minister have you progressed other consumer protection legislation in relation to other professions which are not covered on Norfolk Island which you have been requested to progress since you accepted your current position some nine months ago

MR BUFFETT Mr Speaker I'm trying to come to grips with what that question was. Was it a statement or a question

MR NOBBS No, I said have you, have you progressed other consumer protection legislation in relation to other professions than those currently covered of course which you have been requested to progress since you accepted your current position some nine months ago

MR BUFFETT Mr Speaker there may have been some other consumer protection arrangements. I'm happy to collate those, and let Mr Nobbs have them. That may well not be able to be exhibited in the House given our present electoral predictions but I'm very happy to let him have that information

MR SHERIDAN Mr Speaker again a question for the Chief Minister in his responsibility for the airline. Chief Minister during the last sitting of the House you provided an update in terms of airline arrangements. Part of this update was the announcement of Mr Ewan Wilson to become the General Manager of Norfolk Air. Chief Minister prior to the airline committees endorsement of Mr Wilson were you aware of Mr

Ewan Wilson's past history particularly, in regard to his position as CEO of Kiwi Air and its collapse

SPEAKER Mr Sheridan, just in relation to Standing Orders the discussion on the terms of employment of an officer that may be seen to be somebody who will be engaged by the Administration is covered by Standing Orders 72a. There are a couple of ways that that can be dealt with Mr Sheridan and I'm trying to provide you with some guidance on this if you wish to pursue the matter. One of those is to seek a motion to suspend those parts of Standing Orders that would prevent the question being asked today, or probably the preferred option and I would be guided by the House on that, is to go in camera to have discussions in relation to employment aspects or matters of an employment nature that are covered by Standing Order 72a

MR SHERIDAN Mr Speaker begging your pardon, I would like to suspend Standing Orders but really I'm not really asking anything about the employment of Mr Ewan Wilson, I was just asking the Chief Minister if he was aware of his past history prior to his being engaged

SPEAKER Just bear with me Mr Sheridan at the moment. My interpretation of Standing Orders Mr Sheridan is that you are referring to a conduct of an officer, not necessarily one that's been engaged but conduct that may or may not have been considered when considering the appointment of somebody to a statutory position or as an employee of the Administration or the Norfolk Island Government in this instance

MR SHERIDAN Mr Speaker I beg to differ. All I really was asking was a yes or no answer as to whether the Chief Minister was aware of his past history

SPEAKER Taking that into consideration Mr Sheridan I think that if that is all that you are looking for is a yes or a no answer that I could probably direct that question to the Chief Minister but please be aware that any further discussion on that would require consideration of the suspension of Standing Orders if you wish to pursue that matter further

MR SHERIDAN Mr Speaker then might I move the motion that we suspend Standing Orders

SPEAKER It is your intention to pursue the matter SPEAKER

MR SHERIDAN Yes

MR BUFFETT Mr Speaker would it be useful for me to mention that I'm very happy to respond to Mr Sheridan's query but I would be also happy to make a statement Mr Speaker which will encompass the situation if that would be useful in terms of how you would like to handle it. I have no difficulty in handling it either way but I'm in your hands Mr Speaker

SPEAKER Thank you Chief Minister. I think that's an appropriate way and it does provide you an opportunity when the statement is made Mr Sheridan to pursue the matter further and I've outlined to you the options that are available to you if you wish to pursue the matter

MR SHERIDAN Mr Speaker if the Chief Minister is willing to make a statement then we can go from there

MR NOBBS Mr Speaker I have one for the Chief Minister. Your statement at the last meeting on the relation of the future management of Norfolk Air and the future role of Mr John Carlos you stated and I quote "Mr John Carlos was

withdrawing from the General Manager role. What does this mean and I've been asked, was he sacked and if so, was there a payout like you previously exercised when sacking a Chief Executive Officer and the payout amounted to some \$150,000

MR BUFFETT Mr Speaker I announced that Mr Carlos would conclude his role as General Manager. That has happened. He concluded his time, I think the date was the 16th February so his role has concluded. Has there been a payout given, and the quotation of an astronomical sum was mentioned by Mr Nobbs, no there has not been a payout in respect of anything like that at all. Mr Carlos payment will conclude, today is the last day of this month and that is the concluding day in terms of any payment that he might claim for, for time that might be spent in his duty

MR SHERIDAN Mr Speaker just a supplementary please on the last question to the Chief Minister. In regard to the previous General Manager of Norfolk Air can you advise as to how much general expenses were paid to him over the course of his contract over and above his contractual salary

MR BUFFETT Mr Speaker I don't have that figure. It can be extracted however. I'm not too sure how I would provide that figure, but it's not a figure that would not be able to be extracted

MR SHERIDAN Mr Speaker if the Chief Minister would in regard to those expenses if he would take it on notice and provide that to me before the next three weeks is finished that would be fine

MR NOBBS Mr Speaker in relation to the airline to the Chief Minister and unfortunately the Minister for tourism is not here, but have you done anything to review the policy of supporting preferred wholesalers and the present policy to have those who have been successfully organising tourist visits to Norfolk Island to book through those preferred wholesalers

MR BUFFETT Mr Speaker when I announced the change in General Managership arrangements and the two main components there were that the new person would be based on island, that was an essential component, and the individual would change, I also advised that there were two reviews that were urgent to be undertaken and they are now being undertaken and in part some of those have made adjustments already. Those two areas of review are these. One is the co share arrangement with Qantas, how Ozjet and Qantas relate in that context to Norfolk Air and that is a matter of some significance and needs to be walked through with our major co share Qantas. That's one. The second is the area which Mr Nobbs has referred to in terms of our relationship with various wholesalers. That process has commenced. There have been some adjustments already and both the new General Manager and the General Manager of Norfolk's Tourism Authority are working hand in hand with others in the industry to give that area a review as well. The time frame that I set to have that concluded is within a couple of weeks, that is, within the middle of March, and I expect that that would be undertaken within that time frame

MR NOBBS Mr Speaker a supplementary please. Chief Minister is it correct that one of those entities who have been refused preferential status was responsible for selling most of the visitors to the recent Opera in the Ruins run by the Tourist Bureau

MR BUFFETT Mr Speaker I'm not really going to be led into individuals in terms of this particular area but I can say that there have been adjustments within the last two days and it probably does relate to the areas that Mr Nobbs has just raised, in other words, I think that there has been a satisfactory solution promptly attended to in that area

MR SHERIDAN Mr Speaker a question to the Chief Minister with responsibility for Heritage matters. Chief Minister during the last sitting of the house in response to a question with regard to heritage matters as to how much your trips to Australia has cost the community, you stated that the attendance of my part and on the part of the other officers have been Commonwealth funded so that's not been a charge against the Norfolk Island public purse. Chief Minister is it not a fact that you have claimed travel allowance from the public purse each time you have travelled to Australia at the Commonwealth's expense for heritage meetings

MR BUFFETT Mr Speaker yes I have claimed those arrangements. Let me just give you this background. When the Commonwealth indicated that it would wish Norfolk Island to be part of the consideration for the serial listing of convict sites for a World Heritage proposal, it also indicated that it would be prepared to provide funds for that. And in terms of attendance at meetings of the nature Mr Sheridan has just mentioned, it provided a bulk sum of money up front which was lodged with the Administration and so each time that either myself or others who may be involved in that process so travel, those funds are drawn out of the Administration from the funds that the Commonwealth have already provided if that would be useful

MR NOBBS Mr Speaker another one for the Chief Minister. Chief Minister given the Government's agreement to the nurses claim in the information before the house to increase the basic wage, a bill sorry, under the Employment Act, have you progressed negotiations with the Public Service in relation to a pay claim now two years old on which there's been considerable negotiation in the past but the service agreed to put its claim on hold due to the Government's financial problems. Has the Public Service agreed to continue with the claim being on hold and if not, have you made progress and what has been achieved

MR BUFFETT Mr Speaker there have been recent discussions with the Public Service Association both with myself, my colleague the Minister for Finance and also the Chief Executive Officer of the Public Service, Mr Matthews. The most recent discussions have been in the last week or so. I think the outcome can be succinctly said, is this, that the Public Service Association have been in a position of seeking something for quite some time. They did put it on hold when Norfolk Island entered into quite a difficult financial situation and they have deemed it appropriate to now raise it again and the dialogue has been along those lines. Our initial discussions indicated to the Public Service Association that whilst we had improved our financial situation there had been no funds provided for an increase in salaries or adjustment in salaries, and that was made clear by myself and by the Minister for Finance. The last discussion I had was really along the lines that that situation that I've just described has not changed, in other words, there's been no funds allocated for that purpose and whilst the financial situation is gradually improving there were not a huge amount of funds to be available for that purpose. I also indicated to the Public Service Association that it was my interpretation that the Membership of the Legislative Assembly may not be in a mood for the grant of an increase although Members are able to speak for themselves upon that matter and there may be some method in the Public Service Association seeking an objective evaluation of their claim by the Tribunal. And that was I think the tenor of the last conversation that was had

MR NOBBS Mr Speaker just on that. Wouldn't you suggest that there may be some degree of unfairness if one group within the Government arrangements receives what is apparently a supported pay increase for some of its Members and yet we can't afford it in other areas. Shouldn't there have been an across the board by the Norfolk Island Government an across the board arrangement to deal with all the claims that have been sitting around for a number of years, either to accept them or reject them

MR BUFFETT Mr Speaker if in fact Members want to give me such advise to do that, I would be very happy to do that. I just remind Members that there is a Tribunal that has a process of objectively examining claims and it would not be inappropriate for that to be done. If Members would want to give me instructions to do as Mr Nobbs has indicated, then I would be pleased to have that advise

MR NOBBS Isn't it correct Chief Minister that, that was my suggestion to you and the other Government Members responsible some four or five months ago when this issue of the hospital and other claims were first brought up. Don't you agree that, that advise was given to you by myself

MR BUFFETT Mr Speaker Mr Nobbs has put that in a nutshell. That was Mr Nobbs' advise. I'm really referring to whether the wider Membership would want to give me more collective advise as to how they would want me to handle that matter

MR SHERIDAN Mr Speaker again, one for the Chief Minister. Last year when you announced your bid for World Heritage listing for KAVHA you formed I believe what you referred to as a community consultative committee comprising five Members. I believe we were informed sometime in the middle of last year. Chief Minister what criteria did you use to select the committee and did you consult with users of the area or landholders before selecting such designated representatives

MR BUFFETT Mr Speaker the Membership was designed to be a reasonable cross section of people who may have interest in the area. They include the Commonwealth, Mr Owen Walsh from the office of the Administrator is in that category, the person who has management of the Kingston and Arthurs Vale Historic Area, Mr Puss George Anderson in this context. Also representation from the landowners and Mr Alan Bataille is in that category. In terms of business activities that relate to the area Mrs Marian Christian who undertakes activities is representative of that area, and in terms of somebody who has capacity to be able to talk widely in the community Mr Wally Beadman who as you know has a newspaper arrangement that has capacity to be able to gain views and be able to spread views about that particular activity and that was the range that people had represented in that process

MR SHERIDAN Mr Speaker a supplementary please. Just a couple of quick follow ups please Chief Minister how many times has this committee met and has the committee actually consulted with the community with regards to the listing

MR BUFFETT Mr Speaker I'm unsure of the number of times that it has met, but maybe say three or four times and the group has been particularly active in the consultative process when the person who has been engaged to undertake the professional consultative process, that is Miss Crystal Buckley, has been on island, and undertaken a number of arrangements that have been advertised in the local press. Whilst she was here, in co-ordination and accompanied by representatives from that group there have been ads in the paper, there have been meetings with various groups throughout the island, to undertake this, many of those were at Christian's cave if I remember correctly and there have been private and individuals who have been available to Miss Buckley,. Now the consultative group hasn't been involved in every one of those but they have been part of the process to facilitate some of those and their role is continuing.

MR SHERIDAN Mr Speaker a further supplementary on the same matter please. Chief Minister on your virtually monthly meetings in Australia on World Heritage to whom do you report your reasons for each trip and achievements if any, for the trips, and also on a number of these occasions you have been accompanied by the Chair of the committee. Is this absolutely necessary

MR BUFFETT Mr Speaker in a general sense I have let Members know when this is happening and certainly my executive colleagues I have kept up to date in terms of the progress for examination of nomination for World Heritage. In terms of the chairman accompanying me, the benefits there are of course that a wider group can share what is happening in the process and be able to participate in the process and I think that's beneficial to the processes

MR SHERIDAN Mr Speaker just one further one on that, Chief Minister is it correct that KAVHA in itself has no legal status except that part contained within the three reserves and that the remainder of KAVHA outside the reserves is managed under a MOU between the Commonwealth and Norfolk Island Government, an arrangement which has never been supported by formal agreement by any of the landholders. In other words, are you able to supply evidence of formal agreement by landholders to include their land within KAVHA

MR BUFFETT Mr Speaker that's quite a wide ranging question and I think it might be more useful if I took some of that detail on notice, but let me just try and respond in a couple of areas so that you won't think I'm just trying to put it aside.

SPEAKER I'm just discussing with Madam Clerk here the need to be mindful of seeking a legal opinion and to be guided by that in any response that you make

MR BUFFETT Mr Speaker yes. Yes. Did I say legal opinion did i.

SPEAKER No you didn't. the question was couched in such a way that potentially there could be a breach

MR BUFFETT Mr Speaker yes, well one of the reasons that I'm a little hesitant about this does relate to a legal question. Matters akin to that are in fact before the court, hence one of my hesitations and I would not want to be thought to be addressing it in a subjudice matter however, it might be useful for me to say that the Kingston and Arthurs Vale Historic Area is described in a number of places. It is described under the Heritage legislation, that is, Norfolk Island's heritage legislation, it is described in the Conservation Management Plan which is a joint document joint between the Australian Government and the Norfolk Island Government. I'm just trying to think how it may be described in terms of the Australian's EPBC Act because it also takes into account the Kingston and Arthurs Vale Historic Area when it's called upon for some judgement in the KAVHA area. I would suspect that it takes its queue from the CMP which is a joint document of both Governments so there are really, what I'm trying to describe is that there are a couple of areas that actually describes the Kingston and Arthurs Vale Historic Area. At present, as far as I'm able to tell, the descriptions tally one with the other. It may well be that given some proposals that are on foot, that may change but I'm not able to predict that

MR SHERIDAN Mr Speaker just a further supplementary. Just to face the crux of that question there Chief Minister was, was there any formal agreement by landholders to include their freehold land within the KAVHA boundary

MR BUFFETT Mr Speaker I think that that may be open to various interpretations and I think it's one of the questions that's being examined in the court case so I'm not too sure that it is appropriate for me to offer a view about that

MR NOBBS Mr Speaker I just ask the Minister responsible for roads a couple of questions. When will the Waste Management Centre road be due for completion and what's the next roading project on the list

MR CHRISTIAN Thank you Mr Speaker, I expect that the Waste Management Centre road upgrade will be completed within the next fortnight. Work is underway as we speak and I think other than sealing the area between the cattle grid and approximately the turn off to the electricity workshops which were sealed last week the only remaining work will be to install the two new cattle grids and then complete the transition from Douglas Drive to the entrance to the grid and as I said, I expect that to happen in the next couple of weeks. Where do we go from there. I think the Executive Director's programme, and I don't have that programme with me at the moment, but it doesn't include at this stage any other major works that I'm aware of other than getting prepared for the continuation of the Burnt Pine upgrade sometime after the new financial year and the roads works team would in the meantime continue on with cyclical maintenance and pavement improvements around the island in general

MR NOBBS Mr Speaker a question for the Chief Minister. Have you made available to the community as you said you would at the last meeting, the latest report of the liquidators of the Norfolk Island company Norfolk Jet Express which was compiled following a public examination of the directors, and if not, why not

MR BUFFETT Mr Speaker I have such a document which I will table later

MR NOBBS Mr Speaker is the Government pursuing the directors of the company given that the liquidators view was that it appeared the company traded whilst insolvent, which is I understand, a serious offence under the Companies Act

MR BUFFETT Mr Speaker I'm advised by the Chief Executive Officer that there is no further pursual of this matter, given the assessment as to whether it might have a satisfactory outcome and as to whether there may be funds that could be recovered to meet the outstandings

MR NOBBS Chief Minister is it proposed that you or any of your Ministers will be making an official trip off island between now and the election. If there are plans would you please provide details

MR BUFFETT Mr Speaker there is nothing that is on my horizon for that. There may be unforeseens but there is nothing on my horizon for that. I have not consulted with my colleagues about that at this time

MR NOBBS Chief Minister have you responded to the Minister for Territories in relation to a letter which you mentioned at the last meeting you have received outlining his demands for the island to progress into the future

MR BUFFETT Mr Speaker there has been a response to Minister Lloyd's letter and I will circulate a copy of it to all Members

SPEAKER Thank you Chief Minister. Honourable Members, any further Questions this morning. We conclude Questions Without Notice and we move on

PRESENTATION OF PAPERS

Are there any Papers for presentation this morning

MR CHRISTIAN Thank you Mr Deputy Speaker I wish to table a report of the Review Into The Operation Of The NSL and move that the paper be noted

SPEAKER
Mr Christian

The question is that the Paper be noted. Thank you

MR CHRISTIAN

Thank you Mr Speaker, I think what I'll do is I'll read the report into Hansard. The Norfolk Island Sustainability Levy Act 2006 ("the Act") came into effect on 1 August 2006. The Norfolk Sustainability Levy (NSL) is a transaction tax levied on all eligible business activity at the rate of 1%. The Act places certain requirements upon the responsible executive member.

Review of the Act

The executive member must review the Act to determine whether the policy objectives of the Act have been achieved; whether the terms of the Act remain appropriate for securing those objectives; and whether any, and if so, what changes, are desirable in order to achieve its desired objectives

Public Meeting

The review which must involve at least one public meeting, is to commence as soon as possible after 1 December 2006, and shall, among other things –

- a. review the rate of the NSL
- b. compare the inflationary impact of the options of imposition of the NSL without input credit or with input credit'
- c. make recommendations on the re-imburement of customs duty previously paid by importers
- d. assess potential exemptions which may be necessary due to hardship or special circumstances
- e. make recommendations regarding the reduction or abolition of any other taxes, levies and duties
- f. report on the level and difficulty of compliance within the private sector.

The outcome of the review is as follows –

1 NSL Policy Objectives

From an income perspective the NSL levied at a compounding rate of 6% would fulfil the policy objectives.

The review also concludes that a shift to a broadbase consumption tax is fair, equitable and essential.

The review recommends that the NSL be replaced by a 9% non-compounding GST.

2 Public Meeting

A public meeting was held at Rawson Hall on Thursday 8th February 2007. At the meeting a paper was circulated which outlined the performance of the NSL to date and made projections based on that performance. The paper went on to explain the difference between the NSL and GST and the paper also contained working examples showing the difference between a compounding and non compounding tax.

The members of the public present at the meeting raised many queries and received responses. Those present at the meeting also indicated an overwhelming preference for a 9% non compounding GST.

There was a general recognition at that meeting that foodstuffs would be adversely affected because food was able to be imported at a lower rate of duty than other goods. The executive member was requested to sample a basket of goods and quantify the impact of a 9% GST.

A basket containing the following products has been sampled:

Milk, cereal, ice-cream, frozen vegetables, chicken, fruit juice, cordial, toilet paper, dishwashing liquid, laundry powder, pet food, chocolate, soft drink, tomatoes, onions, lettuce and potatoes.

The 9% GST applied to food would result in an average cost increase of 4%.

3. Review the Rate of the NSL

Research conducted by the NSL working group concluded that a 7% NSL would raise sufficient revenue to fill existing budget shortfalls as well as replacing income that would be lost if customs duty, accommodation levy and FIL were abolished.

This conclusion was consistent with the projections made by Econtech Pty Ltd in their modelling of the Norfolk Island economy and contained in their report which was presented to the Norfolk Island Government on 5th September 2006.

The Econtech report indicates that a 6.2% NSL or a 10.5% GST would raise a similar amount of revenue.

After considering the fact that import duty is not to be totally abolished but will remain on goods imported for private consumption, along with duty on cigarettes, tobacco, alcohol and some petroleum products, the review concludes that a non compounding rate of 9% should be set.

4. Inflationary Effects of Compounding/Non Compounding NSL

Where a business is both the importer and retailer of goods imported for resale there would be no difference in inflationary effect irrespective of whether there were input credits or not.

However, for business that have a longer supply chain an NSL without input credits would have significant inflationary impact.

Local manufacturers or producers who are not direct importers would be the most adversely affected by such a tax.

Worked examples contained in the paper distributed at the public meeting demonstrate that the tax component in a compounding scenario could be as much as 43% higher than in the non compounding example.

5. Re-imburement of Customs Duty already paid

The review recommends that 25% of NSL/GST liability be retained by businesses to fund duty refunds and that the ability to qualify for a refund should require a business to lodge acceptable proof of stock holding with the Chief Revenue Officer. The ability to claim a refund will expire after five years.

6. Exemptions Due to Hardship or Special Circumstances

The review recommends that no allowance be made for hardship and any hardship issues be dealt with by other mechanisms ie. Welfare.

The review recommends that a separate schedule of NSL/GST free Goods and Services be created that is able to be amended by way of regulations and that the Banyan Park Preschool and registered Daycare facilities be included on that schedule.

7. Abolition of existing taxes, levies and duties

The review recommends the abolition of the FIL, Accommodation Levy and Liquor Licencing fees. Tourist accommodation houses and licenced liquor outlets should then apply for a licence in the same manner as other industries ie. Hairdressing. New fees would be created accordingly.

8. Level and Difficulty of Compliance

The review has found that 99% of business that should be registered are registered. Compliance has not proved difficult for the private sector but some businesses are slow in filing their returns.

There is also the constant comment that some are reluctant to lodge their returns when others that should be registered have not registered.

The review recommends prompt enforcement action be taken in respect of non-compliance and if the rate is increased the review recommends that "How to Comply" information be produced and distributed and that a panel of experts be made available at no cost to business to assist with compliance issues. Thank you Mr Speaker

SPEAKER
any further debate

The question is that the Paper be noted. Is there

MRS JACK
Mr Speaker I would just like to ask the Minister in relation to that very last paragraph, how would he go about setting up that panel of experts and how much funding would he think would be necessary to put aside at our expense in order to assist with compliance issues for those businesses who are having difficulties. Thank you

MR CHRISTIAN
Thank you Mr Speaker. I thank Mrs Jack for that query and I'm happy to respond. My thinking at the moment is that I would approach the three, I think qualified and practising accountants in the island and I stress qualified and practising, if there are any more than three I'm happy to approach them, but I have approached three who are currently advertised in the Norfolk Island telephone book

and all three have indicated a willingness to be part of a panel of professionals if you like who would be available to assist businesses who require assistance. I expect that how the situation would operate is that businesses requiring assistance would contact somebody either at the Legislative Assembly building here or at the Administration to request such assistance and they would at that time be able to express a preference as to which of the available professionals they would wish to come and speak to them, and the person in the Administration would then contact the relevant professional and authorise them to visit the business that needed the assistance. How much would it cost. That's an unknown quantity at this stage but I just give you some indication. At the moment we have 708 registered businesses with the NSL office and we suspect that there are another 6 businesses who should be registered but aren't registered and if we assume that we might have to spend a couple of hours or so with each one of those businesses and we assume that we are going to make available the professionals for say around two hours per business, and maybe more for some and less for others, I would say that we would have to be prepared to spend somewhere in the order of \$50,000.

MRS JACK

Mr Speaker I just take the Minister back to page three where he refers to the average cost increase in food resulting in 4%. This came out at the meeting and it caused some concern. While we all recognise the need for this broad based consumption tax just with the way that medical and healthcare costs have risen and medical costs have just risen at the hospital, the healthcare levy has risen a couple of times in the last eighteen months and I'm just concerned, a little about the increases being placed on the community and is the Minister able to look at how quickly inflation is rising on the island

MR CHRISTIAN

Thank you Mr Speaker, I can take all of that on board and it's something that I expect the next Legislative Assembly to monitor very closely

MR NOBBS

Mr Speaker the Minister may have answered it, but on page 5 Mr Christian you say in the first paragraph that the review has found that 99% of the businesses, and you say that six of them are outstanding. And then it goes on in the second paragraph, and I don't know whether this is a filler or whether it was an afterthought, there is also the constant comment that some are reluctant to lodge their returns when others that should be registered are not registered. Does that mean that there's a feeling within the group that there may be more than six businesses that haven't been registered or why is that comment in there

MR CHRISTIAN

Thank you Mr Speaker, that comment is in there to demonstrate the difference between registration and lodging returns. What I've said is that most businesses are registered that should be registered but some are a little bit slow in filing their returns, and the ones that comply with the legislation quite often comment that I'm doing this, but I'm doing it under sufferance if you like, because so and so up the road hasn't registered, or hasn't put the return in, so the comment was put in there to reinforce the third paragraph which is that we need to get the enforcement process up and running

MR NOBBS

Mr Speaker just following on from that, there's no reference to the minimum level, the minimum level at which the NSL kicked in was \$3000 per year. There's no comment in relation to that in here and one of the reasons it was put in at \$3000 was that we needed to get as much information on the economy on the lower section as we could get. Apparently it's been left at \$3,000 but there's no comment in here in relation to that. I'm just a little concerned that the FIL when it was bumped up to 1% resulted in some other sort of activity going on with the result that I understand that the majority of the 60% in the top half of the economy were avoiding FIL whereas the majority of the receipts of \$800,000 which people seem to think is okay, that should have been \$2.5m came from the lower 30% of the economy and I'm just

wondering if there have been any consideration by the group as far as whether that should be raised from \$3000 up to what was thought might be more a appropriate figure of something like \$10,000

MR CHRISTIAN Thank you Mr Speaker, what I've got to say is that the report of the review of the option of the NSL is restricted by the Act to dealing with the items listed in the Norfolk Island Sustainability Levy Act 2006 so the report deals with specifically with the points raised in that. Setting a threshold was not a point identified in the Act. However, now that Mr Nobbs has raised the point, the \$3,000 has been bandied around by Members of the working group and by MLA's in general and the \$3,000 was thought to still be an appropriate level but it would be one of the aspects of the new legislation I suppose which would continue to be monitored

MR T BROWN Thank you Mr Speaker just on page 4 Minister point 7, the abolition of the existing taxes, levies and duties, it says that new fees would be created accordingly for tourist accommodation, liquor licence outlets, seeing as they wouldn't need to pay those particular fees, how would the new fees be calculated and created because hairdressing fees for example there, I remember in the early days of this Legislative Assembly that was an example that was brought up because they were only being charged \$1 I think. I don't know if that's the case now, but that was the case and I would be interested in hearing your thoughts

MR CHRISTIAN Thank you Mr Speaker, in respect of tourist accommodation I would imagine that yes, it would be added to the schedule of fees that we had and be reviewed from time to time. Mr Brown has hit on a problem that we do have, in that a lot of our fees that we charge don't actually have automatic increases built in to them, and we tend to not review those fees for many years so that's something that the Legislative Assembly or the next Legislative Assembly will have to deal with but that was the principle there that you register and you pay an appropriate fee and the GST only attaches itself to any business activity that you might perform. Coming back to a liquor Licencing fee, the Liquor Licencing Act I think already has provision in there which provides a fee in itself, because I think it is 20 fee units or 6% whichever is the greater so by taking away the 6% we automatically revert to the fee unit that is contained in the existing legislation so I hope that explains to Mr Brown the philosophy that is being applied here

SPEAKER Any further debate Honourable Members. The question is that the paper be noted and I put that question

QUESTION PUT
AGREED

Thank you. That Paper is so noted. Are there any further Papers this morning

MR BUFFETT Mr Speaker in accordance with section 41 of the Interpretation Act 1979 I table the Legislative Assembly (Amendment) Regulations 2007

Mr Speaker in accordance with the requirements of section 31(1) of the Legal Aid Act 1995 I table the Report on Norfolk Island Legal Aid for the six months ended 31 December 2006

MRS JACK Mr Speaker may I move that the Paper be noted

SPEAKER Honourable Members the question is that the paper be noted

MRS JACK Mr Speaker if I could just ask the Chief Minister if you could highlight how that currently stands. My understanding of legal aid is that there

is a figure and when it drops we have to put more money in and am I correct in saying that the Commonwealth also puts money in and I'm just wondering given the current matters on hand, how is that figure, is it nearing being met and will we have to consider extra input in this financial year

MR BUFFETT Mr Speaker the report that I've just tabled provides detail of legal aid cases that have been applied for, those that have been approved and the amounts of money that are related to conduct those matters. At the end of the period that we're talking about here, that is, at the 31st December, there's a requirement each six months to present a report and that's what this report is, so at the end of that period there was something like \$290,000 in the legal aid fund. That's the document that has been tabled. However, and without wanting to be pre-emptive of further reports, I have indicators to me that certain substantial amounts have since then been drawn against the fund for example, at least \$127,000 drawn down of that amount since then, and there are foreshadowed other funds to be drawn against that. We are talking about the Legal Aid fund. Don't confuse that with anything else that may be happening on island at present and there is every likelihood that before the end of this financial year, the amount of funds that have been laid aside for this purpose may well be expended. The arrangement under the legal aid is that the Commonwealth contributes funds and we contribute funds and once it draws down to a certain threshold then we both start to recommence our contributions and there is every likelihood that at the commencement of the next financial year that both of us will be required to do that. It may well be that prior to that we may need to make some funds available from the Norfolk Island Government to meet the costs in terms of this particular legal aid legislation

SPEAKER Honourable Members further debate. The question is that the paper be noted and I put that question

QUESTION PUT
AGREED

SPEAKER Thank you. Are there any further Papers this morning

MR BUFFETT Mr Speaker I was earlier asked about the liquidators report in terms of Norfolk Jet Express Pty Ltd and whether that document was available and how I would handle that. I have asked for a document to be available and I am happy to table it and I do so now. It is entitled Notice to Committee of Inspection in respect of Norfolk Jet Express Pty Ltd from KordaMentha and this document is dated the 16th January 2007

MR CHRISTIAN Thank you Mr Speaker, in accordance with section 31 of the Interpretation Act 1979 I table the Airport Amendment Regulations 2007 and the Immigration Fees Amendment Regulations 2007

Mr Speaker I table the Financial Indicators for the month of January 2007 and move that the Paper be noted

SPEAKER Honourable Members the question is that the paper be noted

MR CHRISTIAN Thank you Mr Speaker, I wish to make a few comments in respect of the January 2007 revenue fund financial indicators. On the income side the financial indicators tell us that we've achieved just over 100% of our budgeted income with customs duty, FIL, other taxes and interest received performing well ahead of budget. This has occurred as a result of income estimates being revised downwards and not as the result of additional funds flowing into the public purse. Expenditure has also been reduced where possible and the revised 06/07 budget

indicates that we will complete the 06/07 financial year with a deficit of \$698,000 however, if we look at the pro rata results over the past seven months, a slightly different picture emerges. On a pro rata basis the deficit should stand at \$407,000 compared to \$552,000 for the corresponding period last year and the estimated position at the end of January 07 has the revenue fund in actual deficit to the amount of \$190,000. Mr Speaker I consider this to be an acceptable outcome and indicates that we are trending in the right direction. If we look at the page titled Capital Works and Purchases, you can see that the revenue fund allows for expenditure of \$83,000 but we have spent only \$19,200 of that amount. If we now turn to the page titled Revenue Fund Estimated Position, this page tells us that the revenue fund has current assets totalling \$2,447,500 and we have known liabilities totalling \$2,148,200. I am pleased to inform the community that the revenue fund is able to meet all of its known commitments and still retain \$300,000 in reserves. If we now please turn to the Norfolk Air page we can see that the airline operation continues to perform well. For the month of January the airline achieved a surplus of \$75,000 on gross income of \$1.2m. For the period of July 2006 to January 2007 the airline has achieved a surplus of \$574,000 on gross income of \$9m. Mr Speaker I think it's fair to say that Norfolk Air is one of, if not the largest business operating in Norfolk Island and gross income for the next twelve months could exceed \$20m. If we now look at the page entitled cash at bank, the cash held in non trust accounts stands at \$9.7m and includes \$1.1m held as travel prepayments for Norfolk Air. Funds held for future travel are now listed separately at the cash at bank page and after adjustment for future travel funds, the cash at bank totals remain consistent with the longer term average of approximately \$8.3m. Thank you Mr Speaker

MR SHERIDAN Mr Speaker just one query there Minister. I note that you say the average on GBE's is currently \$530,000 short of the first draft budget review however this shortfall will be made up from April 07 when the 9% GST is expected to commence. Minister can you explain how that shortfall is expected to be made up when most of the earnings from the GBE's are GST free. Most of the earnings from the Administration departments are GST free except for, I believe the Liquor Bond so does that mean that you are going to make a half million dollars from the one Government Business Enterprise, the Liquor Bond, in three months

MR CHRISTIAN Thank you Mr Speaker, Mr Sheridan can you just rephrase the question for me please or repeat the question for me please

MR SHERIDAN Minister you stated there that the GBE's are currently \$530,000 short of the first draft budget review however you expect this money to be made up from April 2007 when the 9% GST is expected to commence. Now considering that the GST will not apply to most of the Administration GBE's how do you expect to make up this half a million dollar shortfall

MR CHRISTIAN Thank you Mr Speaker, what happens is this becomes quite a transitional period and so the picture that's painted becomes a little bit confusing. What you notice there is that customs duty revenue obviously will drop, FIL will drop and disappear, and earnings from GBE's will vary, but one of the confusing factors and I will try and get the financial indicators reformatted, is that the income from the GST or the FIL currently appears in earnings from GBE's because it's sort of a GBE so I'll be asking the Finance Manager, if he could reformat this so that the GST tax is identified on the financial indicators as a separate line to reduce that confusion.

MRS JACK Mr Speaker I would just ask the Minister on the page titled Revenue Fund where there is a net position positive of just short of \$300,000 there is in the debtors just shy of \$300,000 prepayments, grants etc and so really while that is to be considered part of our assets, in actual fact that can't be touched, by us. It is already, wouldn't you agree, or I stand to be corrected, that that is already earmarked most of that as grant funding

MR CHRISTIAN Thank you Mr Speaker, that may be so but at the moment until we spend it I count that as an asset

SPEAKER Any further debate. 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

STATEMENTS

Are there any further statements this morning Honourable Members

MR BUFFETT Mr Speaker I have a statement on airlines and it may well encompass some of those things that Mr Sheridan raised with me earlier. In fact I rather stray in terms of the provisions of Standing Orders Mr Speaker you might alert me to that. I'm very pleased to report this morning that a number of steps and that is forward steps, have been made for the air services between Norfolk Island and Australia by Norfolk Air. We are entering a productive relationship with our major contract partners, especially Ozjet airlines and that leads to an improved air service between this place and the east coast of Australia and it means achieving incoming seats to in turn meet our challenging tourism targets. At the previous Assembly I let Members know that we had adopted a new management structure for Norfolk Air and that we were developing jointly with OzJet and the senior Administration officers a plan that would take us forward. The first step has already been implemented and that is the appointment of a General Manager located in Norfolk Island. In this context OzJet has agreed to fund the salary of this position for up to three months and has nominated one of its senior managers Mr Ewan Wilson to undertake the role and Mr Wilson has been appointed as General Manager. He is scheduled to arrive in Norfolk Island this weekend, and obviously will be operating in his task on island from Monday 5th. He is however, about his task already. I mentioned earlier today in question time that the former General Manager Mr Carlos, concluded and that conclusion was on the 16th February. I am aware that there's been some discussion in the community about the General Manager's role, and about Mr Wilson in particular, and I think it needs to be said as a preface to some other remarks, that there is a growing and a productive relationship between OzJet and Norfolk Air. We are on the point of signing a long-term contract with OzJet for provision of enhanced services at competitive prices. Given our growing commercial relationships we've accepted this offer from OzJet to provide an experienced and capable executive. This will be on a short term basis. We see this for a number of months to assist us to consolidate and improve the structure and performance of Norfolk Air. Also in the context of a couple of questions that were raised with me earlier in the day the new General Manager has commenced work on these two tasks, that is, urgent action to remedy current rigidities in the booking system due to co-share arrangements or other causes, and particularly in relation to the potential loss of bookings caused by difficulties in accessing both sides of the aircraft. That's step one. And the other step is an urgent full review of the wholesale arrangements including wholesale performance and equitable commission levels based on results and full access to all classes of seats for a well performed wholesalers and arrangements for co-operative advertising and Mr Wilson in conjunction with Mr McInnes of Norfolk tourism is about these tasks. Some words about Mr Wilson. He has come to this task with some experience in the airline industry, particularly in New Zealand. He founded and operated New Zealand's first discount airline, that is Kiwi International Airlines. That was the airline mentioned earlier by Mr Sheridan. That began services from Hamilton to Australia in August 1995. Subsequently Air New Zealand established Freedom Air to compete with that service then in 1996, there was widespread discounting on Trans Tasman

routes which ultimately caused Kiwi International into closure. As part of the wind up of Kiwi International, Mr Wilson was found to have made some incorrect statements in terms of formalities and this led to some action by the Securities Commission. I have consulted in recent times with the Securities Commission and they report that the suspension that was provided in terms of Mr Wilson in those earlier times, was lifted some years ago, in February 2003 and the Companies Office in New Zealand also advised that Mr Wilson is currently a director of four companies. He is an elected Member of the Hamilton City Council and of the Waikato District Health Board. I'm saying those things to help demonstrate that in his home sphere he has public confidence and has been appointed to statutory boards of recent times. Mr Wilson did make some disclosure about his background to us whilst he was on island. Can I now go on to say that OzJet has confidently nominated Mr Wilson as its senior executive to be involved with Norfolk Island and we are continuing on that path. Can I now go on to give some further indicators of the growing relationship with OzJet. OzJet has told us that they have advised others as well as ourselves that there is to be a wingtip modification to their aircraft and that aircraft is being now painted in Norfolk Island colours. The wingtip modification will give the aircraft an additional lifting capacity of approximately 1500 kilograms. The aircraft that I'm talking about is to make a what has been termed as, a special gala flight to Norfolk Island on March 5th, that's next Monday. So it will arrive next Monday in its new colours, but also it will bring some 60 travel writers and tourist industry guests with a network throughout Australia obviously to experience some of the delights of this place but to also be able to go and publicise them in the wider sphere. That particular flight will leave Melbourne airport on Monday the 5th next, and arrive here about quarter past two in the afternoon. Norfolk tourism has arranged a public welcome for those guests that I've mentioned and of course, for the newly painted aircraft. And I do invite Members Mr Speaker, to be present whilst that welcome is made and I invite the Norfolk Island community to see the new aircraft in its new colours and to be part of that welcoming arrangement also and to also make welcome those writers who are to come and see this place. All tied up in that there is to be a charity concert on the evening of the 5th with tickets available from the Tourist Bureau and a range of visitors and others will experience the artists that are being brought to make those performances. Could I go on now to say that bookings are fully opened for the service to Newcastle, which is to commence on the 7th May. Norfolk tourism has commenced a publicity programme and a marketing programme. There is great interest in this service, not only in terms of what we would term a catchment area, but also the facility that it might provide for people to more readily transit their coming from places such as Melbourne. It might be easier transiting Newcastle than maybe transit in Sydney. May I further remind Members that the Friday service to Sydney is again operating and a new Friday service to Brisbane will commence towards the end of March and the times have been adjusted in terms of that, to the 25th March to be an 8.00 o'clock start in lieu of a much earlier start that we are experiencing at present. The blurb tells me that there might be a little more time in bed. Whether that's going to be the case or not I don't know but certainly the departure time is more respectable. That's an outline Mr Speaker, to see progress that we are professionally pursuing with the airline services to Norfolk Island

MR NOBBS
noted

Mr Speaker could I move that the Statement be

SPEAKER
Statement be noted

Honourable Members the question is that the

MR NOBBS
Chief Minister I understood from that statement that you said that OzJet would be funding Mr Wilson for the first three months. Is that correct. In actual fact in relation to an earlier situation that we had here with Mr Sheridan's question that Mr Wilson won't be an employee of Norfolk Air at all in the Norfolk Island Administration, as I understand it, he'll still be an employee of OzJet and

has there been an application to immigration and what will his immigration status be, has there been an application for that, and what will it be

MR BUFFETT Mr Speaker a couple of things out of that. Firstly this is about partnerships. Partnerships with OzJet and OzJet has nominated the person that we are talking about. His salary will be met by OzJet for those three months, but we will be providing on island services such as accommodation and the like, so again, it's a partnership arrangement. The matter of an immigration application is one that I assume is one being undertaken by the individual, and will be processed in accordance with those arrangements

MR NOBBS Mr Speaker thank you. I have no problem with the particular issue I just wanted to clarify if I can as to what his immigration status would actually be and also clarify the fact that he would be paid by OzJet and as such I see it that he would still remain as an employee of OzJet be he on some sort of loan arrangement to us and I assume there will be a contract drawn up in relation to that arrangement Chief Minister. I think we've spoken of it before. Has this been done.

MR BUFFETT Mr Speaker yes, that's been documented. Again I stress that this is a partnership arrangement obviously for the benefit as we see it, for Norfolk Island and its air services, and we have a very good relationship with OzJet and this is another demonstration of their good will in the process of providing a service to Norfolk Island

MR CHRISTIAN Thank you Mr Speaker, I would just like to say a few words. There has been quite a bit on activity in the community over the past few days with various bits of information being downloaded from the net and distributed. I see that as interested Members in the community trying to draw something to our attention through genuine concern and all they really wanted us to do, or to be sure that we were aware that there were issues out there surrounding Mr Wilson. I've got to say thank you to the people who drew that to my attention but I was aware of Mr Wilson's past, he did disclose it to Members of the Airline Working Group when he first arrived on the island and as the Chief Minister has said, that's all in the past, he done the crime if you like and served the time, he's able to hold public office in New Zealand, he's able to be a company director and all of those sorts of things, but I see only good coming out of Mr Wilson's involvement with the Norfolk Air in Norfolk Island and what hasn't actually be spelt out yet, is the role that he's intended to play. Some of you may be out there wondering why the heck we've got this guy coming for two or three months and why is OzJet paying him. The real situation is that there is an intention by the Administration to employ somebody as the General Manager of the airline within that period. Mr Wilson will fill the role until somebody is appointed to that position and then Mr Wilson will mentor that person and train them in the ways of airline management and the reason he is able to do that is that in New Zealand Mr Wilson actually lectures at two university's that I'm aware of in New Zealand and actually teaches airline managements so I don't think we could actually get a better person to assist us. I would hope that it's a local who actually gets the job as airline manager and then we take advantage of Mr Wilson's expertise to impart some of his knowledge to someone who is hopefully a local, as I've said so that we generate more employment and provide a mechanism for upgrading someone's skills so that all round I think it's a pretty good deal. Thank you

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

QUESTION PUT
AGREED

SPEAKER Thank you. Are there any further Statements of an official nature this morning

MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR – NO 50

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

Message No 50. On the 20 February 2007 pursuant to section 21 of the Norfolk Island Act 1979 I declared my assent to the following, the Bankruptcy Act 2007 which is Act No 2 of 2007 and the Norfolk Island Government Tourist Bureau (Amendment) Act 2006 which is Act No 3 of 2007. The message is dated the 20TH February 2007 and signed by Grant Tambling, Administrator

We now move to Notices Honourable Members

REPORTS OF STANDING AND SELECT COMMITTEES

SPEAKER Honourable Members are there any reports of Standing or Select committees. I have one report Honourable Members. As Chairman of the Impact of Bills and Subordinate Legislation Committee I wish to provide the House with an update on the committees deliberations on the four bills, the Magistrates Court Bill 2006, the Criminal Code Bill 2006, the Criminal Procedure Bill 2006 and the Sentencing Bill 2006 which were referred to the committee by the House last year. In view of the complexity of these Bills the committee took a decision to engage a legal consultant to advise on the Bills. Mr Don Wright was engaged for this purpose. To date the committee has received comprehensive reports on the Magistrates Court Bill 2006 and the Criminal Code Bill 2006. a report on the remaining two bills is expected shortly. Whether or not the Twelfth Legislative Assembly would pick u this legislation and authorise the incoming Impact of Bills Committee to continue with consideration of this legislation will of course be a matter for the twelfth Legislative Assembly to consider.

NOTICES

SPEAKER Honourable Members we move to Notices and I draw your attention to Standing Orders 110 in relation to Notice number one and two. Standing Orders 110 says that if a Member is not in his place when a notice of motion given by him is called on it shall be withdrawn from the Notice Paper unless the House supports the notice to being postponed. I am in the hands of the House as to how they wish to deal with this matter, whether they wish to postpone it or because Mr Brown who has carriage of both of those notices is not us, whether they should be withdrawn

MEMBERS They should be withdrawn

SPEAKER Thank you. Therefore those matters are withdrawn from the Notice Paper. We move to Orders of the Day

ORDERS OF THE DAY**GOODS AND SERVICES TAX BILL 2007**

SPEAKER Honourable Members we resume on the question that the Bill be agreed to in principle and Mr Christian has the call to resume. Mr Christian.

MR CHRISTIAN Thank you Mr Speaker. As all Members would be aware, this I suppose is the culmination of a process that started not long after this Legislative Assembly took office. The process was commenced by Mr Nobbs when he realised that if we were ever going to get our financial house in order, that we would need to make some reforms to our taxation system. As such the Legislative Assembly

decided to move ahead with the I suppose you would call it, trial run, of the NSL and some of the aims and ambitions of the NSL have subsequently been confirmed, I suppose, for want of a better word, by the Econtech modeling and that has suggested that a consumption tax of some sort, whether it be a non compounding one or a compounding one, would be beneficial for Norfolk Island. The report into the review of the operation of the NSL has indicated that this is the way forward and it has made a number of recommendations and two real recommendations I suppose is that we change the operation of the NSL which is currently a compounding tax into one which is a non compounding tax and incidentally, it sort of recommends that we should adopt the terminology of a GST or Goods and Services Tax as opposed to NSL purely because the NSL terminology causes some confusion amongst our visitors where the words GST are universally recognised around the world so it's not to say that one is better than the other, it's not an effort to put my personal preference above that of Mr Nobbs' it's simply a recognition and through the course of discussion over the past few months it has actually been convenient to refer to the compounding one as the NSL and the non compounding one as the GST for identification purposes, so Mr Speaker I will flag at this stage that there are some detail stage amendments which we will need to deal with at the appropriate time, and at this stage I don't have anything more to say.

MRS JACK Mr Speaker as the Minister has just mentioned there's a lot of detail stage amendments and we had a meeting yesterday going through the Bill line by line and I just came across one matter that although very slight hasn't been corrected and picked up in these detail stage amendments so how would the Minister propose to go about correcting that

MR CHRISTIAN Thank you Mr Speaker, the detail stage amendments are extensive. There are a number of ways we can deal with them. The Speaker has the ability to make Speaker's amendments or we can suspend the meeting so that Legislative Assembly Members can further consider in detail the most recent version of the detail stage amendments

SPEAKER Minister it may be appropriate that when we get to the detail stage amendments we give consideration to the various options that might be available to us. The discussion Honourable Members is still on the principle question that the Bill be agreed to in principle. Is there any further debate before I put that question

MR NOBBS Mr Speaker I just want to pick up a point that Mr Christian made. I don't care whether we call it NSL GST or whatever, it's a bit like the old saying, you can call me what you like as long as you call me late for dinner and if we don't do something about our taxation arrangements there was always going to be the problem that we wouldn't have any dinner to eat at all so whatever way it goes, and the NSL was put in as a simple tax, it was put in at 1% to judge what the economy was like because at the time we had no great detail of it. Subsequently the Commonwealth came in and did their own review of it, but at the time that the NSL was first put in that information wasn't available to us. I thought that the NSL exercise went reasonably well at 1% the only difference I had with it, was that in the original proposal when it came in was that it was a cash arrangement and not an accrued arrangement and I think that there may have been some slippage in the early part of the NSL exercise but hopefully that's been caught up but given the condition of the economy and the debt situation that seems to be around, that maybe some of the figures that actually gathered were a little bit down, but that's neither here nor there at the present time. I support this proposal, I think it's very important that we review it at quarterly arrangements, or the incoming Legislative Assembly should review it at a quarterly arrangement and make some adjustments. The Australian GST is now in legislation and the notes and what have you are in a quite large document and this is a fairly simple bill but there will be a need to develop notes and the like as the GST progresses. It's been said, why don't we do a straight take on the Australian arrangement. I don't agree to that. They have a fairly

complex, even more complex than what we have at the present time, and I think for a small island the simplification of it as much as possible is where we need to go. I commend the work of the working group, they've been working on this proposal for the last couple of years, we've lost a lot of the original Members of it and others have been added to it from time to time, but they stuck to it and I think that the end result has been excellent and I commend them for that and I would hope that all those, and there seems to be an acceptance now in the community, that we need to change our taxation arrangements. I think that some still feel that there are grave difficulties doing it this way, the way we've done it, but I think that there may be cases in the future which will show up where there are problems but we need to review those and that's why the three months each year review period is most important. It was always suggested that those affected by the legislation, there would be mechanisms to not refund the funds but to look at how they were affected and to put in place some mechanisms where they can be reimbursed in some way or other. Now the pension arrangement is that there is a possibility in that particular area but in the general wage arrangement, and that's where I have concerns, if we are going to increase the cost of living and it will increase, I think that food as Mr Christian said is going up 4%, over the current price or that's what I understand, and it went up by 1% presumably although unfortunately a lot of other issues seem to have been taken into account, and it seemed to go up a lot more than 1% but there's to be 4% over that 1% increase and I think it is most important that we look very closely at the social issues and the impacts that will flow from that, and it's an area which the new Legislative Assembly will have to take on board straight away and look very closely at how they will cover this particular aspect. Apart from that Mr Speaker I haven't a great deal more to say. Thank you

MR SHERIDAN

Mr Speaker it's been a long time coming but firstly I would like to congratulate the architects of this piece of legislation that's come before us. Initially Ronnie Nobbs and then Neville Christian has taken up the running. But in particular the NSL Working Group, the GST working group that's stuck with this through the period since it commenced, and I would just thank them for their stamina in seeing this through. As we all know no new tax is ever popular as are increases in existing taxes and this is the main reason for this Bill, is to change the way that Norfolk Island residents are to be taxed, to get away from the direct tax and get a more broad based taxation scheme in and I can only see benefits for all in this concept. The GST model that has come forward, is I believe a better concept than the original NSL bill. In the main because the bill needed to have input credits and also because of the compounding effect that the NSL would have for the local producers. I still have some concerns over it, and as this is a living document and as Mr Nobbs said, the Australian GST is miles high you might say, and this forum's responsibility is to keep an eye on how it can be changed and changed for the good throughout the course of it, but my main concern is the effect on the low income earners with the rising inflation and this is one area, that the Legislative Assembly and the Government will have to keep a very keen eye on. The effect on low income earners and pensioners. We have to keep a very firm eye on the inflationary effects, of this new tax and as indicated through the report, if food goes up by 4% that makes things a little hard for those people on low incomes. One loaf of bread less per week and a couple of dozen eggs and things like this. Just the staples of surviving. Of course our primary producers, now we've taken off the duty component for importers. They might find it a bit harder to compete against people importing their goods for resale when they have to start from scratch and whether it's raising beasts to growing vegetables to artwork or pottery or whatever, I believe that primary producers could be affected and this is another where this forum will have to keep an eye out. I have a couple of concerns with the exemptions and I have brought up a couple of these before. One of the concerns that I have is for private rentals. I like to see that taken on board and reviewed to see whether it's affecting the ability of low income earners or people who rent to live effectively. Another one that I would like to see considered or I haven't really brought it up before, is basic food items such as bread, milk, eggs, could maybe exempt. The basics of living. But in just finishing off there, I believe if the community pays again, and pays what is required and no back handed payments, no

back yard jobs, without the dues being collected the effects overall should benefit the community greatly and I believe that in the years to come it will show that this was a good move. Mr Speaker just before I do finish I think all Members received a letter from a local and I would just like to make a couple of comments on it. I don't like getting letters like this. This person seems to be trying to push his ideas across and I believe it is very irresponsible but in the letter it states that he believes any Member who passes the Bill in its present form can be motivated by nothing but self interest, irresponsibility or corruption. Now I take offence at this Mr Speaker. This is in particular to cigarettes. This particular bloke wanted to see cigarettes virtually erased you might say. I take offence to this. I don't have any self interest. I have no interest in it. We've already debated the duty on cigarettes in this House a few months ago and whilst some believe that a 500% duty on cigarettes is not high enough, the smokers out there still are community Members and they can expect some fair play by the people who make these taxes, that they will be treated in a fair way and not in a non discriminatory way so in that respect I believe a 500% on cigarettes is a fair duty. As I said, I took offence at this. He mentions corruption in here and I can assure anybody out there listening that I am not corrupt in any way, in any thing or decisions that I make down at this Legislative Assembly or in anything that I do and like I said Mr Speaker, I think this letter is a load of rubbish and I should not have even replied to it, but I just thought that something should have been said about it. It's total rubbish. Thank you Mr Speaker

MRS JACK Mr Speaker Thank you. I'll just add my support to the words said by the Members preceding me and say that this Bill once passed will be a continuing work in progress, and it will have the review system in place, but I also wish to thank the Members of the community who have made their opinions known, throughout this very extended process. The meetings that the Minister has had. I mean, I can't remember another time when so much interaction between the House and the broader community has come about. Apart from this particular Bill. It's been an incredible experience. There's been a lot of debate and I would just like to thank all concerned and I look forward to supporting it Mr Speaker

MRS BOUDAN Mr Speaker I would just like to say that I will be supporting the bill. I wish to give credit to Mr Nobbs for the work he has done in getting the NSL going which has enabled us to progress to the GST so really the seed was sewn there and it's been a long process. Once the reviewing which will I expect be regularly need to be including areas like the threshold and private rentals and essential foods. I agree with that. Thank you

MR T BROWN Thank you Mr Speaker I would just like to ask the Minister, apart from the customs legislation which is before us today, are there any other affected pieces of legislation that we would need to amend as a result of the changes in GST such as before the liquor licensing was mentioned and tourist accommodation and if so, where are we with those amendments, or what sort of guarantees do we have that they would actually go ahead

MR CHRISTIAN Thank you Mr Speaker, I'm happy to respond to that. The way the Legal Services Unit and the legal Draftsman has dealt with the other pieces of affected legislation by way of consequential amendments and changes which appears in the detail stage amendments to the GST bill that is currently before the house so what happens is as a consequence of us passing this today section 9 of the Financial Institutions Levy Act is repealed, section 7b of the tourist accommodation Act is repealed, the 6% provision in the Liquor Licencing Regulations 2006 basically disappears, so that's how it's dealt with. I'm informed by the Legal Services Unit that when the next set of consolidated laws are produced, these amendments automatically flow into the other pieces of legislation as if we had amended those pieces of legislation. However, I would recommend that as part of the review of this in three months, four months, six months, or whenever it happens that the new Legislative Assembly does in fact probably revisit these issues and ensure that those other principle pieces of

legislation have in fact been amended and where possible I would also recommend that they just be removed from the statute books altogether. Thank you

MR T BROWN Thank you Mr Speaker. Minister when NSL was introduced by Mr Nobbs certain assurances were made during that time that as part of a package of measures that there would be reforms and restructuring with reference to our current expenditure arrangements and the Public Service in particular. Apart from the section 8 changes which have been made relating to spread of hours respectively, what has been done and what is further planned to be done in order to reduce expenditure and provide the community with value for money with respect to their taxes and what assurances do we have that any initiatives or programmes put in place now, will continue once the life of this Legislative Assembly has ceased

MR CHRISTIAN Thank you Mr Speaker, I can briefly respond to that. Most Members would be aware that what this Legislative Assembly has achieved in respect of the Public Service is to remove overtime payments where they were not necessary, where you have the Public Service to agree to spread of hours and what we have also been doing for the last two and a bit years, is having a recruitment freeze, so that if somebody leaves the Administration we don't just automatically replace them and what we've tried to do is pick up the work done by those people and share the work with people remaining in the Public Service. Now I don't have a specific figure before me at the moment as to what those savings have been over previous years, but I suspect that they're probably in the order of \$1 bucks which is significant, so we have made progress there. The Chief Minister with responsibility for the public service has indicated that there are further reforms that need to be looked at, and in particular we need to look at some sections of the Administration and decide whether those functions are better done on a contract basis by people outside so that the Administration only pays for services that are absolutely required when it requires them rather than being lumbered with the wage cost of keeping somebody in full time employment when we may not be able to a) not be able to keep them in full time employment, and actively engaged and b) to support them with the resources they need to do the job where that resource is capital intensive. As far as I'm aware the Chief Minister is in the process of setting up independent committees to review various sections of the Administration with a view to coming forward to the House with recommendations on how we go forward. Obviously the election will now interfere in that process and I'm not able to give any guarantees at this stage that those reforms will continue beyond the life of this Legislative Assembly. Thank you

SPEAKER Is there any further debate Honourable Members on the question that the Bill be agreed to in principle. If there is no further debate I put that question that the motion be agreed to

QUESTION PUT

AGREED

MR T BROWN

NO

Mr Brown would you like the House called.

MR T BROWN Thank you Mr Speaker Robinson Crusoe will be fine

SPEAKER Thank you Mr Brown. I think the ayes have it. The Bill is agreed to in principle. We move now to the detail stage and Mr Christian is seeking leave to move a last minute detail stage amendment circulated to Members this morning. Leave is granted Mr Christian

MR CHRISTIAN Thank you Mr Speaker, I have spoken to Mrs Jack about some of the issues that she identified to me before. They are in fact minor in

nature and don't in fact distort or make a difference to what the intent is and some of them might be just a little bracket or something like that, left out, and a couple of words that should be inserted in one area which more clearly clarifies the meaning but they can actually be dealt with later and I'm happy for us to then proceed on that basis and I move that the detail stage amendments dated the 22nd February 2007, 4th version be taken as read and agreed to

DEPUTY SPEAKER

Is there any further debate Honourable Members

MR GARDNER

Mr Deputy Speaker just in relation to the motion moved by the Minister. We have had extensive discussion as Members of the Legislative Assembly over a good period of time to ensure that we get as close to right as is possible and as the Minister has already indicated and I think other speakers have indicated, there will need to be an ongoing need to monitor the impact and implications of this legislation in the Norfolk Island community but also a need to revisit some of the affected legislation or some of the legislation that will be affected by the consequential amendments and also the repeal of legislation which will be one of the affects of this Bill. The detail stage amendments before us are a compilation of some earlier proposed detail stage amendments and a number that were discussed in detail by Members yesterday. Just my brief cross checking of those amendments that are before us against those that were discussed particularly yesterday, still indicate that there were a couple of errors and I think though minor, may in fact be significant in the overall scheme of things, particularly when making reference to various sections where those references may appear to be incorrect. There are from my reading of those detail stage amendments only two areas that need close attention and if I could draw the Minister's attention to clause 7 of the bill before us and I'm looking at page 6 of the bill, and it is sub clause 7(5). I believe in sub clause 7(5) the figure at the end of the fourth line which reads, first assessment under subsection (10) should read (1) and at the appropriate time if we could consider that Minister as a detail stage amendment to these detail stage amendments. The second item which I believe is important to give consideration to is clause 12 on page 8 sub clause 12(3) where there is a reference to, and I know that that's dealt with in these detail stage amendments but I think there is an incorrect reference both in the principle bill before us and the detail stage amendments where it refers to subsection 9(1), I believe that should refer to subsection 10(1). Other than that, I'm very pleased that those issues and concerns of Members around the table and corrections have been taken on board and I congratulate the Minister on certainly his hard work and as other speakers have referred to, the work undertaken by Mr Nobbs in the early heady days of the introduction of this type of legislation into Norfolk Island. Thank you

MRS JACK

Mr Deputy Speaker if we are going to get into the nitty gritty of it then I would like to draw Members attention to clause 10(1) and I believe yesterday when we were discussing, this matter, clause 10(1) the second line, when we were talking about the 21st day of each month, that we were debating the 21st day of the following month, and on the next line after the word next we were having some discussion on the rotation of it, so that went alright did it. Sorry I'm being shaken at by a head over there

MR GARDNER

Mr Deputy Speaker I'm sorry for that interjection Mrs Jack, I do apologise for that, I think our discussion yesterday about the days was in relation to the 28th day before prosecutions would be commenced. This clause in the bill refers to submitting a monthly return no later than the 21st day of each month, and if you go down a bit further, on the registered persons behalf during the preceding month so it already addresses the fact that this is intended to be the 21st day after the month when the sale shave actually been registered. Mr Deputy Speaker I'm just not certain of the actual process here. I know I'm proposing further detail stage amendments. Is it appropriate at some time to seek the necessary leave to amend the detail stage amendments as I've outlined in my previous debate.

DEPUTY SPEAKER Thank you Mr Gardner. You don't actually need leave to make those amendments, but also Mr Christian could opt to incorporate the amendments that you have indicated into his detail stage amendments

MR GARDNER ...and formally move them at that time

DEPUTY SPEAKER That's one option open to us as well. Any further debate on the question that the detail stage amendments dated 27th February 2007, 4th version be taken as read and agreed to

MRS JACK Mr Deputy Speaker it's being pedantic but clause 14(1) in the detail stage amendments refers to it as being amended by inserting after "the" where first occurring ' executive member on the advice of" I believe there should be another word "the" placed in there so that it would read that "the executive member on the advise of the Chief Revenue Officer". I know it's pedantic but it needs to be in there

SPEAKER Thank you Honourable Members for your patience in regard to this matter. If I could just clarify with you Mrs Jack where it was proposed that your further amendment be included

MRS JACK Mr Speaker the detail stage amendment on page 2 under point 8 reads that the subclause 14(1) be amended by inserting after "the" where first occurring " executive member on the advice of" and then insert the word "the" before closing the quotes

SPEAKER Honourable Members are we clear on those additional detail stage amendments. As Mrs Jack has explained in that clause 8 of the detail stage amendments the insertion of the word "the" after "executive member on the advise of" the inclusion under clause 4 of the detail stage amendments of the number (1) which will replace the (10) and in clause 7 of the detail stage amendments in reference to (b) in reference to subclause 3 where the figure 9(1) substituting 10(1) for that figure. Is there any further debate on the detail stage amendments

MR BUFFETT Mr Speaker you said 10

SPEAKER Clause 4

MR BUFFETT Yes

SPEAKER Sorry. That's is an additional amendment. That refers Chief Minister if I could just with the legislation to clause 7 of the Bill on page 6 it is subclause 7(5) and where I think the appropriate wording should be where (10) appears substitute (1). Subclause 7(5) of the Bill

MR BUFFETT Thank you. Subsection 1

SPEAKER That's correct. Are Members comfortable to proceed on that? The question before us then Honourable Members is that the amendments be agreed to. Unless there is any further debate I will put that question

QUESTION PUT
AGREED

The amendments are agreed to

Honourable Members the question now before us is that the clauses as amended be agreed to

QUESTION PUT
 AGREED

The clauses as amended are agreed to

Honourable Members the question now before us is that the remainder of the Bill be agreed to

QUESTION PUT
 AGREED
 MR BROWN NO

Is that a no from you Mr Brown. Would you like the House called. The remainder of the Bill is agreed to

I seek a final move Mr Christian

MR CHRISTIAN
 amended be agreed to

Thank you Mr Speaker, I move that the Bill as

SPEAKER

Thank you Mr Christian. Is there any debate

MR BUFFETT Mr Speaker this is really the final question to be put to the House Mr Speaker in terms of this matter and it is obviously a significant benchmark. I too would like to add my compliments to those who have been involved in the very long road in bringing it to this particular point. It has been mentioned that Mr Nobbs has been involved in an earlier time and I compliment him. We all know that Mr Neville Christian has carriage of it and has been through the very hard yards of drawing together all of the recent discussions including public meetings and with interest groups and I offer him compliments in bringing it to this final stage, but all Members are I am sure mindful, that this is one of the principle planks in Norfolk Island \s way forward I restructuring its revenue base and without this we would not be able to fulfill our aims to have an ongoing sustainability and it's in that context obviously that those who may not be comfortable with every particular clause are willing to move ahead because it is essential to move ahead. Mr Neville Christian and others have highlighted that as we do move along there is room for adjustments and there may well be things to be tidied. Those who have embarked upon the GST course in other countries have equally found that they have need to respond to matters that have come out of the woodwork after the day of commencement and that is probably going to be no less for us then it has been for them. I commend those Members who have given attention to this Bill and commend those who are in the community who have been understanding and not necessarily promoting. It has already been said that nobody likes taxes, but have understood that the reason that the Norfolk Island community needs to move forward in this way and obviously this Bill will have my support as it has to date and will have on its final call

MR T BROWN

Thank you Mr Speaker whilst it may not actually sound like it, I do support the idea of a broad based consumption tax, the GST and the changes from the NSL to the GST which whilst making it slightly more complex, does make it a fairer system. However, because we've not done anything else apart from the recruitment freeze which has been in place for some time as Mr Christian earlier indicated and which cannot be seen to be a permanent thing and also the Section 8 changes, but seeing as I haven't seen any other measures to reduce expenditure and can't be given any assurances to the ending of this Legislative Assembly to ensure that the community get value for money for their taxes, I can't support this

SPEAKER

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

QUESTION PUT

AGREED
MR T BROWN

NO

Mr Brown would you like the House called. No. Madam Clerk would you note Mr Brown's response. Thank you. The ayes have it. The Bill as amended is agreed to

CUSTOMS (AMENDMENT) BILL 2007

SPEAKER Honourable Members we resume on the question that the Bill be agreed to in principle and Mr Christian has the call to resume. Mr Christian.

MR CHRISTIAN Thank you Mr Speaker, this is consequential amendments after the passage of the GST piece of legislation and I flagged at the appropriate time I would be moving one small detail stage amendment to the Customs Amendment Bill

SPEAKER The question is that the bill be agreed to in principle. Is there any debate

MR T BROWN Thank you Mr Speaker in light of the result of the last Bill I will be supporting this

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

QUESTION PUT
AGREED

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

We move now to the detail stage and Mr Christian is seeking leave to move a last minute detail stage amendment circulated to Members this morning. Mr Christian leave is granted

MR CHRISTIAN Thank you Mr Speaker, I move that the detail stage amendments be taken as read

SPEAKER Honourable Members the question before us is that the detail stage amendments as circulated to Members be taken as read. Any debate Honourable Members.

MRS JACK Mr Deputy Speaker I have a copy of the Customs Act before me, unfortunately the one page that is missing is the one that includes subsection 2(2) that is referred to in this detail stage amendment and I just would like assurances from the Minister that 2(2) is actually the section that refers to the body or organisation and that it's all cross checked and cross referenced please

MR CHRISTIAN Thank you Mr Deputy Speaker, as I understand it, it doesn't actually refer to specific bodies, it refers to exemptions given by the executive member and the Administrator and thus the mechanism within the Customs Act

MRS JACK So is there a list provided that can be publicly available by various business houses for example or is that one still to be drawn up

MR CHRISTIAN Thank you Mr Deputy Speaker as I understand it those exemptions from duty have to be brought by the relative Minister before the House and the House debates it

MR GARDNER Mr Deputy Speaker I might be able to help in clarifying that. I jumped on Isys last night to check the Customs Act of 1913 and there's been a lot of additions to that, trust me, over many years, but that subsection 2(2) does refer to bodies such as the Administration, the Commonwealth, a body corporate established for a public purpose by or under an Act or churches for use in religious services and those matters exempted from payment under section 2(a) and 2(b). 2(a) deals with household exemptions and 2(b) as the Minister has quite rightly referred to, deal with those exemptions given by the Administrator which has to be done by resolution of the Legislative Assembly or by the executive member. It deals in part with the importation of things like your allowance under the Customs Act to bring in cigarettes, alcohol and those sorts of things, and other household goods, so they aren't subject to those provisions so I hope that's assisted you in clarifying that point. Just if I could go back to the detail stage amendment as proposed by Mr Christian I apologise for wavering off the line a little, but I think it's also important to point out that in clause 4 of this bill which talks about amendment of section 2 that there probably is a need to delete the words "Goods", on that line appearing after d because the introduction into subsection 2(2) in the Act itself, the Customs Act 1913 actually talks about goods, then there's a dash, then there's this a, b, c, d, series of things so really it's just an amendment that would require the deletion of that so that there's no repetition in the words when actually reading the Bill itself and at the appropriate time I would like to have that included in the detail stage amendment subject to Mr Christian's agreement that the word goods be deleted from that line, first occurring in clause 4 of the amending Bill

DEPUTY SPEAKER
to if there's further debate

I put the question that the amendments be agreed

QUESTION PUT
AGREED

The ayes have it, the amendments are agreed to

MR GARDNER
that amendment

Mr Deputy Speaker I just clarify that, does include

DEPUTY SPEAKER
the question that the clauses as amended be agreed to

QUESTION PUT
AGREED

The clauses as amended are agreed to

I now put the question that the remainder of the bill be agreed to

QUESTION PUT
AGREED

The remainder of the bill is agreed to. Thank you. Could I therefore have a final motion please Mr Christian

MR CHRISTIAN
as amended be agreed to

Thank you Mr Deputy Speaker, I move that the Bill

DEPUTY SPEAKER
Bill as amended be agreed to

Is there debate? Then I put the question that the

QUESTION PUT
AGREED

The Bill as amended is agreed to. Thank you Honourable Members

IMMIGRATION (AMENDMENT) BILL 2007

DEPUTY SPEAKER Honourable Members we resume on the question that the Bill be agreed to in principle and Chief Minister I believe that you intend to move on

MR BUFFETT Mr Deputy Speaker in the absence of the Minister for Immigration, I'm happy to continue carriage of this Bill with an effort to bring it to finality today. This particular piece of legislation is a repealing piece of legislation and it relates to an earlier piece of legislation that we passed and has now been superceded basically and that has been explained on earlier occasions and we are now at the final stages. I commend this Bill

MR GARDNER Mr Deputy Speaker just looking at the Bill it's very short. It gets to the point and I know in clause 3 of the Bill the immigration Amendment Visa Act 1994 was a Bill that was never commenced. It was assented to but never commenced. My query which I direct to either the Chief Minister or to Mr John Brown, the Minister responsible for immigration at this stage centres on clause 4 of the amending Bill which refers to the consequential changes of the passage of this legislation suggesting that section 6 of the Immigration Amendment Act 1997 is repealed, now for all my efforts I've been unable to find a copy of the Immigration Amendment Act 1997 but looking through the legislation tables and the Immigration Act itself I understand that that Immigration Amendment Act 1997 amended sections 4 and 15 of the principle Act, the Immigration Act 1980. Now if I could just take some time, section 4 of the Immigration Act deals with interpretation and it covers three or four pages of the Act and section 15, just bear with me one minute, deals with visitors permits and there's the best part of a full page and a half of detail contained in that section of the principle Act itself. There's no detail that I can see that I've been able to find as to exactly what the Immigration Amendment Act 1997 and that section 6 has impact on. Is it section 4 or section 15 of the principle Act being the Immigration Act 19890 and exactly what provisions are in repealing this that would be removed from the principle act

MR BROWN Mr Deputy Speaker I've relied entirely on the draftsman to ensure that any necessary consequential amendments are included in the bill. Perhaps if the bill could be stood down on the paper for the time being I will try to obtain some detail to respond to Mr Gardner's question after lunch.

MR GARDNER Mr Deputy Speaker I'm sure that all the appropriate intent is there in making sure that what happens here follows what the intent is in the minister removing the legislation. My primary concern is interpretation deals with such as the prescribed person, it deals with other definitions such as permits, what a resident is, and those sorts of things and I would hate there to be an unintended consequential amendment that may be causes problems elsewhere

DEPUTY SPEAKER Any further debate Honourable Members. Mr Brown was it your intention to adjourn the matter

MR BROWN Mr Deputy Speaker I think on balance it would be better to adjourn the matter today and I would move an adjournment

DEPUTY 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

MRS JACK Mr Deputy Speaker I'm sorry but I was of the understanding that this was to be the last meeting of this Legislative Assembly

MR BROWN Mr Deputy Speaker I expect that there are going to be items which will require a further meeting but if it transpires that today is the final meeting of this Legislative Assembly then the result of the adjournment is that this bill will lapse and it will have to be picked up by the next Legislative Assembly but I would prefer it that there be no questions about whether or not the Bill is precisely correct

DEPUTY 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

EMPLOYMENT (AMENDMENT) Bill 2007

DEPUTY SPEAKER Honourable Members we resume on the question that the Bill be agreed to in principle and Mr Brown has the call to resume. Mr Brown

MR BROWN Thank you Mr Deputy Speaker, the bill deals with the question of overtime and it deals with the minimum wage. When we last met we discussed the impact of a change in the minimum wage on the wages for young people and enquiries were made within the community which indicated that we would need to change the percentage of the minimum wage which is paid to young people if we wanted to avoid this increase in the minimum wage in fact causing a loss of opportunity for employment for young people. I wonder if this matter could stand in the paper until this afternoon because I wish to introduce a detail stage amendment in order to take account of those suggested changes

DEPUTY SPEAKER So Mr Brown you move that this be postponed until later in the sitting

MR BROWN Mr Deputy Speaker could I move that this matter be postponed on the Notice Paper until later in today's sitting

DEPUTY SPEAKER Thank you Mr Brown. The question is that this matter be postponed on the Notice Paper until later in this sitting

QUESTION PUT
AGREED

The matter is postponed

ROAD TRAFFIC (AMENDMENT) BILL 2006

DEPUTY SPEAKER Honourable Members we resume on the question that the Bill be agreed to in principle and Mr Buffett has the call to resume. Mr Buffett

MR BUFFETT Mr Deputy Speaker thank you. Just a reminder to Members that the basic substance of this particular piece of legislation is to ensure that all owners of vehicles take out third party insurance. That's what this legislation is about and it has been on the table now for a period of time. Since our first introduction there has been a want to make a couple of adjustments. One particular adjustment is that if we are in fact going to require people – [aeroplane noise overhead] Mr Deputy Speaker I'm sure

the airline just wanted to add substance to my words this morning – but the main thrust of this particular piece of legislation is to ensure that we have third party insurance. The additional amendments particularly have asked that we address a cap in terms of the amounts that can be pursued if there is a need to pursue recompense in any particularly difficulty, accident or the like and so there will be proposals for adjustment and I have to talk to Mr Brown about this because he has foreshadowed some amendments, and I have some foreshadowed since then which picks up the capping provisions. They repeat his, but then go on in terms of the capping provisions, but the basic of the legislation is about third party insurance and I commend the basic bill on that basis. When we get to the detail stage, then we will talk about the amendments but just to foreshadow that, the amendments that I am going to proposed to Members are those that are dated the 14th February which supercede all of the others. They pick up the most recent ones made by Mr Brown, so those are repeated but they add the bit about capping so that's what it's about and we'll come to that in detail when we come to the detail stage. I commend the bill in principle to the House Mr Deputy Speaker

MR BROWN Mr Deputy Speaker this bill is long overdue. The discussion has gone on for more than twenty years and it is fitting that it be concluded today. I had given notice of intention to move some detail stage amendments but the Chief Minister has picked those up in his detail stage amendments as I understand it, and on that basis there will not, at the appropriate time, be a need for me to move any amendment. I'll be more than happy to support those to be moved by the Chief Minister

MR BUFFETT Mr Deputy Speaker I thank Mr Brown for that. I'm equally happy to handle this in reverse but if you want to move the additional ones as well as your own, I am quite comfortable about any of that

MRS JACK Mr Deputy Speaker I applaud the overall idea for this amendment bill before the house however I have some concerns that I've raised in meetings and I've spoken to a Member of the Legal Services Unit and my concerns have not made so I find trouble with agreeing to many of the detail stage amendments that are proposed and I will discuss those in greater detail as we get on to those amendments Mr Deputy Speaker

MR NOBBS Mr Deputy Speaker it was referred to by one Member a few minutes ago that this has been around for twenty years; well I can assure that Minister that we did some research on it and it was over fifty years ago in the council days that there was concern about the same sort of problems and they believed that something should be put in place but in that particular exercise which included my old dad, the thought was that it was going to be too much of an impost on the community at that time and they were hoping that if things would improve it would be more conducive to introducing this arrangement but anyhow, I don't know whether things have really changed but it's something that is necessary and a lot of vehicles on the island, currently do have third party arrangements and so that whilst some it may prove difficult I would hope in some cases it's felt that its something that needs to go ahead and its something that the road safety committee has been pressing for, for some time and also other areas within the community. I support the proposal. I will listen with interest to Mrs Jack's dealing with the detail stage amendments and I'm just wondering whether the capping arrangements are sufficient for this sort of thing, but anyhow, thank you

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

QUESTION PUT
AGREED

That motion is agreed. The Bill is agreed to in principle

We now move to the detail stage and Mr Brown has some detail stage amendments

MR BROWN

Mr Deputy Speaker I'm sorry to have caused confusion but the Chief Minister was kindly attending to the matter because of the fact that I was late arriving at the meeting and he has graciously handed me the paperwork and invited me to move the detail stage amendment. It is my pleasure to move the detail stage amendment which has been circulated to Members. Mr Deputy Speaker the detail stage amendment deals with a number of issues, the key ones are that it prescribes the maximum amount which a person can be required to hold, in third party personal injury insurance, and it is intended that it be \$1m for a vehicle with seats to carry no more than eight passengers and \$5m for a vehicle with seats to carry eight or more passengers. It corrects a reference in the principle Act by changing a reference to subsection 8(6) to being a reference to subsection 8(5). It seeks to impose a cap on liability. Mr Nobbs is quite correct in suggesting that we should ensure that not only do we impose a cap but the cap will stand up and I will be more than happy to seek further advise about that but the detail stage amendment has been drafted by the draftsman and if my recollection is correct he has based it on some limitation of liability action which was drafted at an earlier time which hasn't yet been finalised. A definition is inserted of the term "serious injury" and a definition is inserted of the term "transport accident" and then the date 2006 in the title of the Bill is changed from 2006 to 2007. I seek Members support in terms of those detail stage amendments

MRS JACK

Mr Deputy Speaker if we could move to the first, number 1 amendment where it talks of motor vehicles other than buses fitted with seats to carry eight or more passengers, and that's under heading one, and under heading two in respect of buses fitted with seats to carry eight or more passengers. If a bus is a vehicle but only carries eight or more or is there a vehicle that can carry less that can also be considered a bus. My concern here is that there is no definition of a bus in the definitions and yet we constantly meet it. I think it comes up also again in clause 40(b) but in the regulations a bus is a vehicle that carries fifteen or more passengers so I'm just wondering do we have to alter that definition, so I would just like that clarified by either the Minister or the Chief Minister. When you come across the page to the definition of serious injury, I find it and I think I said this in the House before, just too subjective and I couldn't support that definition and transport accident, is a definition given meaning an incident directly caused by the driving of a motor car or other motor vehicle. So I think I discussed it with the Minister for Community Services before that if you are driving along and an incident involving a bicycle happens in front of you and you have to swerve either into a parked car or an oncoming car I mean, and given in the definition of what a motor vehicle is, it's a mechanically propelled device or whatever, I haven't the definitions with me, so does that cover it. I'm just trying to figure out all these examples. Are all these concerns too much or are they realistic

MR BROWN

Mr Deputy Speaker the late Sir Joe Bjelke Peterson once made a comment about the crow and he said something to the effect, it looks like a crow and it squawks like a crow, chances are it's a crow and my initial reaction to the query about buses is somewhat similar. What I would like to do nevertheless is to point out that the \$5m is aimed at a bus with seats to carry eight or more passengers, so if a bus has less than eight seats, then it's included in the \$1m but if it has eight or more seats, it's included in the \$5m figure. Now you might say, what of a car that has eight or more seats, I'm not sure that there are any cars on the island with eight or more seats, but if there are it may well be something that is deserving of attention. At this stage I'm keen to get the amendment passed, particularly to cover the possibility that Members might not be of a mind to have another meeting of this Legislative Assembly and I would hate to think that this Bill would lapse because of a concern over whether a particular vehicle is a bus or not. That is, if it is indeed a problem, it is something of which can be attended to later. Mr Deputy Speaker the terms serious injury and transport accident I actually had discussed this with the Minister for the

Environment and I understood that she was to meet with the Public Service and I apologise I didn't realise that those concerns were not resolved as a result of that meeting. If I am in this place after the next election I will be more than happy to address the question of serious injury, if there is a better way of defining it. Similarly I'll be happy to address the question of the definition of transport accident if there is a better way of defining it. With respect though, it seems to me that the definitions have been provided by the draftsman, he has done so after giving it all reasonably details consideration, all of this is not something that cropped up overnight as it were. I have little doubt that he would have taken the definitions from one of the legislation of one of the Australian states or territories, but if the meeting is not going to conclude before lunch time I would be quite happy to look over those issues over the luncheon adjournment. Perhaps the best thing would be if I allowed other Members to speak and then we'll see whether Members are of a mind to adjourn for lunch or whether Members wish to conclude the matters they have beforehand

MRS JACK Mr Deputy Speaker look I have no problem in agreeing to number 3 on the detail stage amendment so if we could do it on a clause by clause then I can say my no's to those and agree to that particular one, so when it comes to that part Mr Deputy Speaker

MR GARDNER Mr Deputy Speaker I need to propose a couple of further detail stage amendments and again it's basically a detail stage amendment that will ensure that there are correct references to sections within the principle act. Mr Deputy Speaker if I could draw Members attention to clause 4 of the amending Bill and in particular sub clause 4(2), it makes reference to subsection 8(5) and suggests that we will be inserting a new subsection 5(a). At the end of that paragraph in 5(a) it makes reference to paragraph (1)(ab). That reference should be to paragraph 8(1)(ab) and the same detail stage amendment in my view would be required in subclause 4(2) and the new proposed subsection 5(c) which refers again to paragraph 1(ab) should read 8(1)(ab) and that would be consistent with the provisions in the amending Bill under the transitional clause which then refers to the appropriate clause, paragraph 8(1)(ab)

SUSPENSION FOR LUNCH

DEPUTY SPEAKER Honourable Members there appears to be a problem with broadcasting. We've gone off air. If Members would like to suspend now for lunch and come back at, say, 2.00 pm

MR GARDNER Mr Deputy Speaker you will make me go through all that again. I'm happy to at the appropriate time

DEPUTY SPEAKER I've no doubt about that Mr Gardner. We suspend for lunch Honourable Members

RESUMPTION

Honourable Members we resume and Mr Gardner has the call to resume.

MR GARDNER Mr Deputy Speaker if I could just recap on my spiel before the luncheon break. My proposed additional detail stage amendments centered on the references within the amending bill itself to paragraph (1)(ab) and both of those detail stage amendments were to amend those references to read 8(1)(ab). Now there are two references within the amending bill and I think I have indicated both of those to the Minister responsible for carriage of the matter and he currently has my copy of the bill with him so that he was able to check the detail of that in the luncheon interval so I have nothing further to add at this stage but would hope that they would be embraced by the Minister who has carriage of this matter so that they can be dealt with appropriately. Mr Deputy Speaker the Minister had indicated prior to lunch on the request

of Mrs Jack that we deal with the detail stage amendments clause by clause so I understand. That might assist and guide how we might finalise this matter

DEPUTY SPEAKER Thank you Mr Gardner. Any further debate Honourable Members on detail stage amendments number 1. I put the question that the amendment be agreed to

QUESTION PUT
AGREED

MRS JACK NO

I believe the ayes have it. That amendment is agreed to

I now put detail stage amendments number 2. Is there any debate on that clause Honourable Members. Then I put the question

QUESTION PUT
AGREED

That amendment is agreed to

I now put detail stage amendments number 3. Is there any debate on that clause Honourable Members. Then I put the question

MRS JACK Mr Deputy Speaker I apologise. I didn't realise that my concerns about serious injury and transport accident were actually, because of the page situation, were actually attached to this so while I do agree with the need for it, and applaud it for being brought forward because those two matters are tied in and haven't been dealt with to my satisfaction, that whilst I agree with the principle I won't agree when it comes to the vote

DEPUTY SPEAKER Thank you Mrs jack. Is there any further debate on this clause Honourable Members. Then I put the question

QUESTION PUT
AGREED

MRS JACK NO

I believe the ayes have it. That clause is so agreed

We now put detail stage amendment clause 4. That is the changing of the date Mrs Jack. Is there any debate on that clause Honourable Members. Then I put the question

QUESTION PUT
AGREED

That clause is agreed to

We now turn to Mr Gardner's detail stage amendments. Is there any debate on those Honourable Members.

MR GARDNER Mr Deputy Speaker, Mr John Brown, the Minister responsible for the carriage of these matters is now back in the House and I think he's had an opportunity to have a look at those two detail stage amendments I proposed earlier and if he's comfortable with those, I would be comfortable for the House moving to accept the amendment

DEPUTY SPEAKER Any further debate Honourable Members on Mr Gardner's proposed amendments. There being no further debate on that clause Honourable Members, I put the question that the amendments proposed by Mr Gardner be agreed

QUESTION PUT
AGREED

Those amendments are agreed to

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

QUESTION PUT
AGREED

The clauses as amended are agreed to

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

QUESTION PUT
AGREED

The remainder of the Bill is agreed to. Mr Brown

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

DEPUTY SPEAKER Is there further debate Honourable Members. There being no further debate I put the question that the Bill as amended be agreed

QUESTION PUT
AGREED

MRS JACK NO

Mrs Jack would you like the House called. Your vote is noted. The Bill as amended is agreed

GREENWICH UNIVERSITY (REPEAL) BILL 2006

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

MRS JACK Mr Deputy Speaker this Bill was introduced I believe last October and Members made it clear at that time that they wished to give it more consideration and what has changed since last October regarding this repeal Bill is nothing, because the Act that this Bill seeks to repeal has had no legal effect since the 2nd December 2002 because it was at this time that the Australian Government enacted legislation, namely the Higher Education legislation Amendment Act No3 the purpose of which was to regulate the delivery of higher education in the Australian external territories. What this resulted in was seeing the Norfolk Island The Greenwich University Act 1998 to become consistent with the Australian legislation and thus it has no legal effect and this has been the case since the 2 December 2002. Might I just add Mr Deputy Speaker that the repeal of the act does not deny the proponent of the company to lodge an application to operate as a university. What has altered is that the university needs to be established under Australian Government legislation. Mr Deputy Speaker we did

debate at length during the October sitting and I'll be interest to hear what our Members might have to say and then I will be happy to progress the matter to finality. Thank you

MR BUFFETT

Mr Deputy Speaker. At the outset I wonder if I could inform the House that I have received a letter from the Hon Julie Bishop who is the Minister for Education Science and Training and also the Minister assisting o assiting the Prime Minister for Women's Issues Norfolk Island the Federal Parliament and she has written o me about the repeal of the Greenwich University Act 1998. I will table a copy of this letter Mr Deputy Speaker so that Members will be able to see it in its widest sense but there is another reason for tabling it also. In the letter from the Minister she seeks three things. She seeks cooperation in repealing the Greenwich University Act, that is the first thing, the second is to remove Greenwich University Pty Ltd from the Norfolk Island company register is the second thing, and thirdly correcting the Norfolk Island Legislative Assembly hansard in terms of information in terms of a debate that we earlier had about this matter and in that context I would like to table this letter so that it is seen to be informative on those three issues and I request Mr Deputy Speaker that the contents of the letter be read into the hansard. If I continue you now Mr Deputy Speaker to maybe address some of the more detailed of the piece of legislation that's in front of us. This whole area is quite a vexing issue. It has a significant mountain of what I would call opposites. For example, the Commonwealth encouraged the move of this particular University of Greenwich to Norfolk Island, in fact it was from America where it had been established for some number of years and now they are seeking to put it aside. We know that the Commonwealth and the States in the Australian situation are in some constant conflict over funding and standards and it may be that to some extent we are caught up in those exchanges from time to time. There is the possibility given the long standing running of this matter that there may have developed attitudes one way or another in terms of this particular establishment. I hear conflicting reports, some that Greenwich has lodged an application for accreditation and others that say it hasn't. without a doubt the proposed Greenwich legislation has been overridden by Commonwealth legislation and Mrs Jack has just explained that to us and that is accurate. However in all of this, and whichever way it sits, it is rather difficult to see how it sits in its total context. We've heard one view here and another view there. But notwithstanding all of that, Norfolk Island's interests are entitled to be observed and implemented and our interests would be served in the establishment of acceptable tertiary institutions in this island, especially given telecommunications and information technology standards as they are available today. To maintain a presence of interest in a legislative form, may be desirable for Norfolk Island in its wider context. We are always talking about broadening our industry base. Members have had some informal talk about this and we've had discussions in the House before so I'm not trying to be conclusive about those, but one of things that has been mentioned I'd like to raise in this more formal forum and put it into a proposal, and the proposal is this, that at the first available opportunity, a piece of legislation be brought forward which would encompass tertiary education in Norfolk Island to enable the establishment of tertiary facilities here. Now before people try to think that we would want to be doing battle with the Commonwealth over this issue that's not what I am about, because step one in that process would be that those who wish to be so established would need to meet the appropriate standards and there is no reason why we should not accept the Australian standards in that context We accept Australian standards in a number of other professional areas. We accept Australian standards in terms of registration of medico's and dentists and others in other professional spheres. The accompanying thought that I have with that, and that others have discussed also, is that at the same time that, that is brought forward, then this specific legislation which relates to Greenwich may then be relinquished, but what Norfolk Island would hang on to would be a process where if people could meet standards they would have the capacity to so erect an educational institution on Norfolk Island. We've seen the benefits of widening our industry base, including in this particular area of tertiary education. I'm not trying to relive what has happened, but when it existed before there were quite a number of people who are locally employed, in the process and that must be thought to be beneficial. It is not trying to put aside the matter that standards must be met but in moving in that direction,

we could demonstrate that we wish to maintain our interests in tertiary education where it might broaden our industry capacity in Norfolk Island but it would also show that we are working co-operatively with the Commonwealth without of course having them dictate to us. I would then propose that this matter be adjourned so that this other piece of legislation which might come forward can be seen in the context of one moving in to give us substance to do things of that nature but without being specific as to a particular institution because it is not designed to commit us to an institution, it is designed to commit us to a system which would be recognised in terms of its standards. Once we have done that, then we would be in a position to relinquish the specific legislation and I give that thought to Members for consideration

MR BROWN Mr Deputy Speaker the Chief Minister has made reference to some correspondence. I understand there has been an amount of other correspondence but I don't know whether that correspondence suggests to us that an application for mainland approval has been made, or whether it suggests that it's intended to make an application or whether it doesn't deal with that question at all but I would certainly appreciate hearing about

MRS JACK Mr Deputy Speaker I was contacted yesterday by the Chief Minister asking if I had heard from a person who I believe is operating on behalf of the proponents of Greenwich University and I hadn't but I received a communication from the office of the Administrator today advising me that the Dept of Education Science and Training had been contacted and did in fact contact Privitelli solicitors and a copy of the letter directed to the Hon Julie Bishop was forwarded but they are seeking Minister, it's just an idea of a proposal is going to be put forward. There's no detail and good luck to them. I think it's brilliant. But that can go ahead even though the Act is repealed because the Act in itself is already a stagnant piece of legislation. The idea while the Chief Minister may think it great of bringing one in and taking one out, I couldn't agree to. Just looking back in an email that was made available and sent to all Members by Dr John Walsh saying that it took thirteen months for the act to come about. The legislative process took thirteen months involving the two Governments. Another thirteen months of keeping a piece of legislation that's inactive on the books, I find quite strange and as I say, the Greenwich University can put their application in, they can go through the system and get the approval and then they can operate. The Act that we have makes no difference to that at all and I look forward to them succeeding. I really do. This isn't about a specific industry going ahead. This is just about a piece of legislation that has no longer any legal effect and I believe it should be removed. Thank you

MR BROWN Mr Deputy Speaker it's been suggested to me that there's been correspondence within the last week, actually stating that an application has been made. I wonder if the Minister could tell us whether that's the case

MRS JACK Mr Deputy Speaker I have had, and this is when the Chief Minister contacted me yesterday, I've had no letters and no faxes put into my box or into my in tray in my office. I've seen some letters that the Speaker showed me before we resumed following lunch today and I had not seen those. I've emptied my box every morning and I have not seen it, so I'm sorry. No. I have not personally been made aware of those. In fact, I was advised by the Speaker that he thought everyone had been given those letters. Have you been given them Minister? No.

MR BROWN Mr Deputy Speaker I was sent copies of some documents during the lunch break from a solicitor in Melbourne but I haven't seen any confirmation of the proposal by way of a letter from anybody in Melbourne

MRS JACK Mr Deputy Speaker again I can't remember the date in which I received a letter, handed to me by the Chief Minister regarding a company in Melbourne in December that they were looking forward to starting up

something with Greenwich University but in relation to other pieces of correspondence that was supposed to come from a solicitors in Melbourne, I've had nothing like that. I've had nothing since that letter which I've just referred to, in which I have concerns over that letter that I received in December January

MR NOBBS Mr Deputy Speaker just to try and clarify something in my mind. Can anybody tell me if this application that's supposed to be going through and nobody's seen it, but it's supposed to be going through, if that's accepted, what will the University or whatever that piece of document creates, what will that operate under. Will it operate under the Greenwich University banner or will it operate under the Australian banner seeing it's to be approved. By the letter that the Chief Minister read out it would appear that it won't operate under the Greenwich University Act anyhow so I don't know what all the kafuffle is about. I'm a bit concerned that in that letter is a reference to the Companies Act and the Companies Act still remains a Norfolk Island Act as far as I'm concerned so I don't think, and I don't want to give a legal opinion in this particular area, but it's not really any of their concern that part of it, but the other side of it is that we've argued before, of what relevance is the Act sitting on our statutes and I don't think it has any relevance at the moment or even into the future and I would suggest that just to clarify my mind completely, I would suggest that the proposal discussed the other day, if I remember rightly and I think it was brought out by Mr Christian that we should create a new act. And you know what's going to happen. If we leave this Act on the books, nothing is going to happen but if we get rid of it and say this has got to happen, so be it. I mean, we need to look more in legislating on training issues as well as university issues. there are heaps of things inn that particular area that we need to get some clarification on and have legislative backing on, so I don't know. I would suggest that there is no great advantage in retaining the act on the books at the present time and it will act as a stopper because it's there, it's fine, nobody to worry about it, but if they get crippled a bit, the new incoming Legislative Assembly, and I hope some of you guys are Members of it, if they are crippled a bit with needing this act, needing this act, then something will happen. Thank you

MRS JACK Mr Deputy Speaker the actual Act, the Greenwich University Act is specific. It's specific to one company. The Greenwich University Pty Limited and they actually refer in the interpretation section, to Greenwich University Norfolk Island, Greenwich University Hawaii, the International Institute for advanced studies all come under that one banner of Greenwich University Pty Ltd. Now if other people wanted to come along, in the way that the Chief Minister is trying to say, they wouldn't be coming in under the umbrella here, they would need to have the approval of Australia and then coming in and just being able to set up because once they have the approval, to register as a company. But this wouldn't help anybody else to come in.

MR BROWN Mr Deputy Speaker I'm troubled by this. There seems to be definite confusion about whether or not an application has been lodged. It is regrettable that, that confusion exists. But if an application has actually been lodged under the Australian legislation I would be very reluctant to support repealing the existing Norfolk Island legislation. Earlier today we adjourned the debate on the limmigration (Amendment) bill. I would certainly like to finish dealing with that bill before the end of this Legislative Assembly. I wonder whether the proper course is to suspend the debate on this Bill and in fact at an appropriate time, suspend this meeting until next week, and ask that the Minister obtain all of the information that is available so that we can make a better informed decision

MRS JACK Mr Deputy Speaker I will just take if I may, a moment to refer to, no I can't find it Mr Deputy Speaker, I'm sorry but I believe that any further delay is just that, it's a delay and it's not clarifying anything more and I move that the... oh sorry I beg your pardon. Sorry, I didn't see the Minister for Finance wanting to

debate, but we've already delayed it once and I think we should just deal with it, yes or no and end the matter, Thank you. I apologise to the Minister for Finance

MR CHRISTIAN Thank you Mr Deputy Speaker I would like to make a contribution to the debate in relation to the matter that's before us. I think one has to accept that whether we want tertiary education in Norfolk Island or not, the Greenwich University Act that currently exists is absolutely useless to anybody wanting to set up a university in Norfolk Island if Australian legislation makes it ineffective. So it's the end of the story. I'm more than happy for the legislation to be repealed and dealt with to finality today. Let's look at the ramifications in the Norfolk Island context. I totally agree with the Chief Minister and Ron Nobbs that we should introduce and pass legislation enabling tertiary institutions to operate in Norfolk Island as a matter of urgency. I have no difficulty with that and that legislation shouldn't be corporation specific. It should be a facility that's available to all but having said that, we may need no mechanism at all in respect of tertiary education because if we are going to use a trigger mechanism in there to access our legislation which is that you first must have approval under an Australian system, well then, all you need in Norfolk Island if you are going to be accredited in Australia is approval to conduct business in Norfolk Island. You don't even need any tertiary education provisions at all. It's just a business. And the Australian standards become the criteria with which you must comply so I'm happy with the course of action that Mrs Jack has outlined today. I'm happy to repeal this piece of legislation because it is ineffective and has no standing in any shape or form. I'm happy to move ahead as I've said, with creating new legislation but if people want to have some form of tertiary education facility in Norfolk Island at the moment, I'm not yet convinced that we actually do need that legislation. I think if they can comply with the Australian mechanisms that are in place at the moment, it doesn't matter whether you are in Canberra, Queensland, New South Wales, South Australia or Norfolk Island there's not a barrier that actually prevents you from operating. That's where I stand on the issue

MRS BOUDAN Mr Deputy Speaker just to say that I don't sit comfortable with this move. It just seems to have issues there that run deeply and I can't see why it can't be left where it is. I don't think I'm going to support this move

MR BROWN Mr Deputy Speaker could I move that debate be suspended until 10.am next Wednesday

DEPUTY SPEAKER Thank you Mr Brown. The question is that debate be suspended until 10.am next Wednesday the 7th March 2007. Is there any debate on that Honourable Members

MR GARDNER Mr Deputy Speaker I was prepared to deal with this to finality today but I'm busily scouring through the Education Ordinance to see whether there are references to registration of other educational facilities. It really just deals with schools from my preliminary viewing of the ordinance, and it's the Education Act 1931 and it only provides for reprinting up until 1985 so it's the best part of 20 years out of date and the Chief Minister has indicated that there hasn't really been a change, but I think there probably is some value in suspending to give consideration to this and there's a couple of reasons for that. One is to establish without question whether an application has been made and it could be argued that whether an application has been made, so what, that gets dealt with, but obviously that's a question that concerns Members. The second issue is to get some definitive advise, maybe from Julie Bishop, the Federal Minister for education who interestingly enough, just wants to amend our hansard because it doesn't suit what's said there. I wonder if there's reciprocal arrangements because there's been plenty said about Norfolk Island in the Federal Parliament that's been false or misleading but that's another matter, but it would give certainly an opportunity for some definitive advise onto exactly what impact that would have in Norfolk Island if that were to succeed. Now as I sit here I don't believe that having the Greenwich University Act there or not will make one

iota of difference to that but I'm prepared to give it an appropriate airing and get that advise. I'm quite happy to do that and I think it's an appropriate course of action. Thank you

MRS JACK Mr Deputy Speaker Mr Gardner spoke of two matters. I just refresh my mind as to the first one, but he's also going on about the Hansard that she found incorrect and why it needed changing but what was the first matter you raised I'm sorry

MR GARDNER ...whether there was in fact a lodgement of an application to be registered under section 106ZQ of the Higher Education Legislation Amendment Act No 3 of 2002 and the reason for that is that I have copies of correspondence before me that was given to me this morning which suggests from this correspondence that, that has happened. Now the confirmation of that is devoid of a letterhead, is devoid of a signature and I think it's something that we need to check to make sure that it actually has happened and I'm happy as I said to give time to assure that of that date, the 23rd February 2007, there's actually been a formal application for the registration of a tertiary education or for the endorsement of a tertiary education facility under the Australian legislation

MRS JACK Mr Deputy Speaker I'm just wondering if we get confirmation that an application has been sought for certification, what difference does it make to the repeal of this because it all comes down to the fact that it's going to need to be established under the Australian Government legislation

MR GARDNER Mr Deputy Speaker I think the crux of my argument is that I haven't got documentation anywhere that tells me that for the purposes of establishing a tertiary institution on Norfolk Island the Greenwich University Act is not required in any form or fashion . if somebody can say to me that it's definitely not required, definitely will have no impact or effect the registration or the endorsement or whatever the technical terms are under the Commonwealth legislation I would be happy to support the repeal of the legislation. I haven't got that documentation, I have something from Julie Bishop, I've heard the other side of the argument, I've heard one side of the debate now. Which one's correct. Well obviously people are going to have differing views on that but look, another week, it's not going to be the end of the world and all I need to know is, has that application been lodged. I've got documentation that's been given to me from a reputable source, that says, yes it has been. If that's confirmed that it has been, the second part of the question that I want answered is what effect that would have if it succeeds and does it require the Greenwich University Act to give it some sort of status in Norfolk Island. If it doesn't, happy to progress with the repeal. No issue with that whatsoever. If it does, I want to know the arguments about why it should be maintained.

MR BROWN Mr Deputy Speaker could I amend the motion that I put just a moment ago, such that I move that this House suspend until 10.00 am on Wednesday, 7 March 2007

DEPUTY SPEAKER The question is that this House suspend until 10.00 am on Wednesday, 7 March 2007

MRS JACK Mr Deputy Speaker could I ask the reasons for the Minister's changing this, I mean, is it to reintroduce anything, or to seek anything, I mean you've changed it dramatically from just looking at this particular issue I believe

MR BROWN Mr Deputy Speaker the only other matter remaining on the Notice Paper at present is the Employment Amendment Bill and that's been suspended until later in the sitting so that can be dealt with as easily next Wednesday as it can today. I will need to check whether it is necessary for me to seek leave to introduce one of my earlier motions today, either today or Wednesday. My major concern is the Tourist Bureau which presently does not have enough Members on the island to meet. I

can cure that by appointing a deputy for the time being for a Member who's away so I'm not greatly concerned about the next week but I would be concerned if it went longer than that without having a full compliment there. I had given notice of a motion about Departure Tax but it doesn't greatly concern me whether that's dealt with by this Legislative Assembly or the next one but I would like to deal with the employment one and the Tourist Bureau appointment

DEPUTY SPEAKER Thank you Mr Brown. The question is that this House be suspended until 10.00 am on Wednesday, 7 March 2007. Is there any debate Honourable Members

MR NOBBS Mr Deputy Speaker I'm a bit concerned that we're continuing to bring on such things as the Tourist Bureau Board because I find that we are extremely close to another election, it's two weeks away and it may be seen that we are trying to influence the incoming Government with Boards that are put in place and so I would suggest that whilst the Tourist Bureau Board is short so they say, it can be covered as I understand from the Minister by a deputy situation but we should remember that it's been one Member sort for at least six months and it's been two Members short for two months and we've had meetings in between and that even though there was a change in the order in November, December in relation to legislation that legislation was available in October and could have been brought in very quickly so I would suggest that if we are going down that road that any new type of legislation or proposal such as the Tourist Bureau Board should not be brought on but that's my view. If you want to come back and do the Greenwich University and the immigration that's fine but that should be it as far as I'm concerned

MR CHRISTIAN Thank you Mr Deputy Speaker I'm happy to come back and deal with the rest of the issues at a later date. I'm also happy to deal with the Tourist Bureau one and would even suggest to the Minister that the motion be amended and have an additional person added to it. I don't share Mr Nobbs' view that we shouldn't be appointing board Members at the moment. What Mr Nobbs needs to do is take into consideration the fact that this is the Nobbs amendment to the old legislation and under the old legislation the Minister could make the appointment. Now what Mr Nobbs has caused to happen is that the Minister can't make the appointment unless the Legislative Assembly makes the recommendation and now Mr Nobbs is refusing to exercise his discretion to make a recommendation. He's running away from his responsibilities. What a ludicrous situation. We're here until the next election to do jobs and we should get on with the work and stop looking at excuses to procrastinate

MR BROWN Mr Deputy Speaker I move that the question be put at this stage

DEPUTY SPEAKER Thank you Mr Brown. The question is that the question be put

QUESTION PUT

AGREED

MR SHERIDAN

NO

Mr Sheridan would you like the House called. We note your vote

MRS JACK Mr Deputy Speaker I didn't answer before but I vote no. I would like the House called

DEPUTY SPEAKER Madam Clerk would you please call the House

MR BUFFETT AYE
MR GARDNER AYE

has been provided on the detail of the proposal. Copy enclosed. And that has been included in other parts of a series of information I have given to Members earlier this morning. The second question you asked was, Does Greenwich University Act need to be in place for an application from Greenwich University to proceed. The response is, No. The existence of the Greenwich University Act 1998 would not assist any future application by Greenwich University, or any other proposed higher education institution to operate on Norfolk Island. Under chapter 6 of the Higher Education Support Act 2003, the Australian Government holds legislative authority for the approval of higher education institutions on Norfolk Island. No Norfolk Island legislation is necessary for Australian Government consideration or approval of any application. The third question was, would the present of the Act assist in an application be dealt with. The response is No. Retaining the Greenwich University Act 1998 would not assist any future application by that institution. The fourth question was, What effect would the Act have in an application did succeed. The response is None. If the Australian Government approved an application for Greenwich University or any other higher education institution to operate on Norfolk Island, the approval would be made under Commonwealth legislation. As the Australian Government holds legislative activity for the establish of universities on Norfolk Island the Greenwich University Act 1998 (Norfolk Island) could not be used for this purpose. Retaining the Greenwich University Act 1998 could confuse matters because it is based on a scenario that existed back in the late 1990's when Greenwich University moved its operations from Hawaii. The first object of the Greenwich University Act 1998 (Norfolk Island) is to facilitate and I quote here "to facilitate the transfer of administrative and academic functions of the Greenwich University (Hawaii) and the international Institute for Advanced Studies to the Greenwich University (Norfolk Island). That was the end of the quotation. Even if Greenwich University were approved to operate under Australian Government legislation the objects of the Greenwich University Act would not be applicable. The fifth question was Does the Act need to remain on the statute books for Greenwich University to operate on Norfolk Island. The response is No. there is no requirement for Norfolk Island to have legislation in place to allow Greenwich University to operate. There is no reason to keep the legislation on the statute books. The sixth and final question was would Norfolk Island need to have legislation in place to allow a higher education institution to be established. The response is No. There is no requirement for Norfolk Island to have legislation in place to allow a higher education institution to be established. The Higher Education Support Act 2003 is the only legislation required. Mr Speaker at the last meeting also a series of letters were referred to. Letters that I had not seen even though apparently some were addressed to me, and there was a problem with people having to deal with certain letters. I've undertaken to hand out all the letters that I've had into the package of information given to Members this morning but those letters also have been sent back to DEST to the department, and Miss Lois Sparkes continues on to say that "I would also like to correct an assertion that I understand has been made by Privitelli solicitors in letters to the Norfolk Island Chief Minister dated 23 February and 1 March 2007. This is the claim that the Australian Government Minister for Vocational and Further Education, the Hon Andrew Robb MP received a letter or was made aware of this matter in recent weeks and discussed it with the Minister for Education, the Hon Julie Bishop MP during a Cabinet meeting in Perth. We have checked this claim with the offices of Minister Bishop and Minister Robb and they advise that no letters have been received by either of them in relation to Greenwich University as claimed and that the Minister have not discussed it with one another. In addition, Minister Robb is not a Member of Cabinet and was not in Perth at the time of the recent Cabinet meeting and therefore would not have been able to discuss it during the Cabinet meeting as claimed. In his letter of 1 March 2007, Mr Privitelli also noted that he spoke to an employee of this Department and I am concerned that this statement could be misinterpreted as being about discussion of an application. I would like to make it clear that the only contact between Mr Privitelli and this Department on this matter took place when an employee of this Department telephoned his office simply to obtain a copy of the letter of 14 February 2007 referred to above, because the letter had not been, and to date has still not been, received by the Minister". And that letter was sent on the 6th

March. Yesterday Mr Speaker. So I feel that a lot of those letters and their content are highly questionable but as those were the questions that you sought answers to Mr Speaker and so I await further debate from the Members

MR BROWN

Mr Speaker it is certainly clear from the bundle of documents which have been provided to us, that at the very least, there has been a communication between persons acting on behalf of, the entity which for ease of reference we are calling Greenwich University and the Commonwealth Government. Mr Privitelli is obviously of the view that he has made an application. I'm not aware of their being a form which must be used in order to make such an application so I don't think that it would be appropriate to criticise Mr Privitelli for not using a particular form. I'm not totally convinced that the suggestion that the existence of legislation would make no difference to the existence or otherwise of legislation would make a difference to an application. I don't have all the legislation in front of me but it has been suggested to me that an application can only be made by an entity which has been the subject of an Act of parliament. Now if that's the case, by repealing the legislation we would be effectively killing off the prospects of the entity obtaining Commonwealth approval. We should bear in mind that it came to Norfolk Island with the encouragement of an earlier Norfolk Island Government and I must say, with the encouragement of the Commonwealth. There is absolutely no doubt about that fact. It came to Norfolk Island with the encouragement of at least a senior representative of the Commonwealth. The principles for want of a word, behind the entity which we are referring to as Greenwich University, are fiends of mine and it is not appropriate that I vote on the matter but I do feel that it is appropriate that I say these words. I'm extremely troubled. In the event that the legislation is repealed, I believe that we should give a guarantee that if it is necessary to pass further legislation in order to enable these people to finalise their application to the Commonwealth and have it dealt with, we should undertake to pass that legislation because otherwise we really are taking property away from people without compensating. I know that some will say, oh no, it's valueless property, but if it is the case that a joint venture is very close to fruition and that the only thing standing in the road is the Commonwealth approval and we then remove the ability to obtain that Commonwealth approval, I think that it is hard to reach a conclusion other than that we would have taken property away from people without property compensation. In fact, the Norfolk Island Act specifically prohibits us passing legislation of that kind whether it prohibits us from repealing the legislation that we are discussing I would not wish to say but I am troubled. I think that we should at the very least give that undertaking and I think that we need to be very conscious of the fact that if we do create financial damage by what the House is going to vote about today, in my view there is a need to be looking at the question of how do we assess and how do we provide appropriate compensation. Thank you

MRS JACK

Mr Speaker the Minister for Community Services raised a point that also talking with the Chief Minister this morning, his concerns on the establishment and the way that other universities throughout Australia are recognised but those are established by Act of Parliament are able to be done in Australian states and mainland territories, my understanding is that, that ability does not extend to the external territories, and if the Greenwich University were to gain approval and then require the establishment legislation that that would be done from the Commonwealth. They would be the ones to enable the legislation for that process. The Minister also spoke of something being near fruition. Well in a talk that I had with one of the proponents of Greenwich University he referred to it as a moribund company which from the oxford dictionary is to the point of death. So if it can be like a phoenix well I think that's marvellous but it will be done under legislation done through the Commonwealth. Thank you

MR BROWN

Mr Speaker unfortunately I am even more troubled than I was before. We have seen that the relationship between Greenwich University and this particular Commonwealth Department is not one filled with goodwill. The

Commonwealth Department instead of getting straight back to Mr Privitelli and saying, look, we think you should have used a form you might not be aware that the form exists, we're going to email you a copy, can you get that back to us today, which is the response you would have expected, instead the Commonwealth really has thrown as many obstacles in the road as the particular office could think of at the time. If we are not satisfied as to the question of whether or not it is necessary for an entity to have legislative recognition before it can be approved under the national protocols we need to be very careful because frankly on looking at the correspondence, I doubt that the Commonwealth is going to waive that requirement if it is indeed a requirement. And we do not have the ability to commit the Commonwealth to waiving it. What if an application goes in and the Commonwealth says look, sorry, you've got to be recognised under legislation in the place that you come from and then Greenwich University says, oh but we had legislation and you convinced the Norfolk Island Legislative Assembly to repeal it, and the Commonwealth department says well that's a shame, because if you had had that legislation we might have accepted your application. Now whether that is the case or not, I'm not able to warrant, but I'm extremely concerned that it may be. Thank you

MRS JACK

Mr Speaker I move that the question be put

SPEAKER

would like to contribute to debate

Sorry, there are others in the House Mrs Jack who

MR NOBBS

Mr Speaker Mr Brown mentioned support from the Legislative Assembly in the past from the Greenwich University and I was a Member of that Legislative Assembly and I fully supported it. I was also my relationship with the principles of the then Greenwich University is the same then as they are now I would hope. The situation is that what happened was that the Commonwealth pulled the rug out from underneath not only the Greenwich University but also the Norfolk Island Legislative Assembly a few years later, with the result that we have now an Act on our statutes that carries no weight whatsoever. I would have thought that just quickly reading through the correspondence, that if there was something in place which may be a barrier to the dealing relatively quickly to an application if its forthcoming from the principles of this joint venture that's been spoken about that an Act on the books here in the name of that particular entity and I assume that, that entity will retain that name, may in fact be a prerequisite for actually holding up the application because the Commonwealth has stated on several occasions that the Act should not exist. We talked about the need for a local or a Norfolk Island Act which deals with tertiary education and training. I spoke of it last time. I still believe that it needs to come into place. It may not be applicable to the actual application but once the application is made, I think it is most important that the Norfolk Island Government of the time has the ability to actually be involved in the final decisions in relation to the establishment of any entity be it a newly revived Greenwich University or any other arrangement and so I would suggest that what we should do is repeal the current legislation and I would recommend to the new incoming Legislative Assembly that they very quickly look at a Norfolk Island legislation which covers tertiary and other training requirements. Thank you

MRS BOUDAN

Mr Speaker just to say that I don't feel comfortable about supporting this bill and I won't be able to support it Thank you

MR BUFFETT

Mr Speaker I think the reality is that the more we go on in the Norfolk Island context with this matter, certainly at the present time, the water is becoming more muddy, it is not becoming clearer. There have been said, that letters have been sent, it is difficult to see that those letters have all been received. I have tabled at our last sitting, correspondence from the appropriate Australian Minister as requested by that Minister. I have circulated copies of correspondence from other participants to Members. I have got to say that I have not necessarily seen all the original copies of those but they have been copies that have come to my office and I have circulated them so that Members have had the benefit of seeing what I have been

able to see. It is difficult to know whether there is other correspondence that might be around. I'm just not able to know about that but notwithstanding all of that, what is very clear is that this is an issue between Greenwich University and the Commonwealth. An issue between Greenwich University and the Commonwealth. And those two parties will have to walk through whatever provisions and proposals are around to come to some conclusion one way or another in terms of that matter. At this stage the legislation that Norfolk Island has on its books has been explained to not have statutory substance now as it has been superceded by an Australian piece of legislation and that's how it is. There is also some interpretation and I'm not able at this stage to come to grips with it because I can't claim that all of the detail has come to me, but there is some interpretation that there may be still some value for that notwithstanding that it might not have the wider statutory substance, but that piece of legislation to remain on our books until the matter between Greenwich University and the Commonwealth has been determined, one way or another. It appears to me that it may not be of huge effect whether it's there, or it may not be of huge effect if it's not there and so for abundant caution, it may well be safer to let it lie until this matter is settled. Now I can see that, that may not be the view of all of the Members indeed, it may not be the view of the majority of Members but if in fact there is room for disadvantage to be made of an act on our part then I think we should give benefit of the doubt to allow the matter to be resolved before we took that action and that's my view at this moment, Mr Speaker

MRS JACK

Mr Speaker I move that the question be put

SPEAKER
Members and I put that question

The question is that the question be put Honourable

QUESTION PUT
AGREED

MRS BOUDAN NO

Thank you. That was a no Mrs Boudan. Would you like the House called. No. Madam Clerk will note your vote thank you. That motion is agreed to

SPEAKER Therefore we will put the question Honourable Members that the Bill be agreed to in principle. No further debate I take it at this moment

MR BROWN Mr Speaker if I may there is just one further issue. Mr Speaker I've just noticed a letter from Privitelli Solicitors to Chief Minister Mr David Buffett of 1 March 2007 which suggests that if the Bill to repeal this legislation proceeds, the joint venture will immediately come to an end. I'm not sure whether other Members had seen that. In the light of my comment about compensation I just wanted to make sure that, that was on the record

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

QUESTION PUT

SPEAKER Madam Clerk could you please call the House

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

MRS BOUDAN
MR BROWN

NO
ABSTAIN

SPEAKER The result of voting Honourable Members, the Ayes four, the noes four and one abstention, the motion is lost

EMPLOYMENT (AMENDMENT) Bill 2007

SPEAKER Honourable Members we resume on the question that the Bill be agreed to in principle and Mr Brown has the call to resume. Mr Brown

MR BROWN Thank you Mr Speaker on the last occasion when we discussed this matter, we turned to the question of minimum rates of pay for persons under the age of 18 years. Members are aware from correspondence with the major local employer of young people who suggested that the percentages in the event that the minimum wage is increased to \$10 that the percentages should be changed in the case of persons under the age of 18 years, so that amendments does not act as a deterrent to the employment of young people. I've circulated to Members and I will move at the appropriate stage, a detail stage amendment assessing to amend those percentages in line with the suggestion that had been made to us so that young persons under the age of 16 years will received 65% of the adult wage, under 17 years, that is, from 16 to 17 years would receive 71.5% and between 17 and 18 years would receive 80%. In each of those cases Mr Speaker that represents and increase in the minimum wage for those young persons. Thank you

MRS JACK Mr Speaker there has been some Members of the community who have come to me troubled that their children who work in this situation and often are doing the same work as the seniors are being denied an appropriate increase in income and its being limited and they think that they should be given that same pay rise because after all, they are doing the same work as the seniors, whether it be cash registers with some competency levels or such

SPEAKER Just if I may remind Members that we are not yet at the detail stage amendment side of things, the debate is on the question that the bill be agreed to in principle. Is there further debate

MR NOBBS Mr Speaker I agree that the minimum rate should be increased. It's long overdue, but I'm a little concerned about the second, the working hours and an employer shall not require an employee to work for an employer for longer at any time then is not within the working week, but then section 1(2) not apply to those with a written contract. In that it also says that the employee must give the employer seven days notice in writing of the employee's attention to work different hours, that is my understanding of it, but I'm not too sure what the situation is if an employer wants the employee to work different hours. Is that covered in this. Can somebody explain whether that's covered in this amendment

MR BROWN Mr Speaker the proposed amendment in terms of working hours is an amendment to section 23 of the Act by deleting the existing sub sections 2,3 and 4, and substituting new subsections 2 and 3. The new subsection 2 repeats the existing situation in which an employer cannot require an employee to work outside of his normal working hours so any additional hours can only be worked by agreement between them, and the next subsection that is proposed is a subsection which enables an employer and an employee to agree that additional hours will be worked. If the employee does not wish to work additional hours, that's the end of it, so it is only possible for those additional hours to be worked if a written contract has been entered into and if as part of that contract there is agreement to longer hours, and if the employee has not changed his mind and said look, although I signed the contract earlier, I've now changed my mind, my circumstances have changed or whatever, because the

employee can give seven days notice of intention to withdraw from the agreement to work additional hours, so there is nothing in the existing act, or in the amendment which would enable an employer to require an employee to work additional hours. It has to be agreed to and it has to be agreed to in writing

MR NOBBS

Mr Speaker just a further query on that. Is it not correct Minister that if we delete section 2 which is subsection 2 of 23, and I've only got a pretty rough copy of it here, but there will be no provisions in there for the 150% of the normal hourly rate..... where an employee works longer than the prescribed period of working days of 150% of the normal hourly rate paid to the employee there'll be no provisions in there for what is prescribed as overtime payments. Would that be correct?

MR BROWN

Mr Speaker that is correct. Because the whole purpose of this amendment is to provide an increase in the minimum wage of \$2 per hour and at the same time, to provide flexibility, to employers in return for that increase by removing consistently with what has occurred in the Commonwealth by removing the compulsory payment of penalty rates in the form of overtime to people who work additional hours, so you won't have to work additional hours, if you choose to work them, the payment you receive will be what you negotiate with your employer but the employer will not be able to pay you less than the minimum wage. All that the minimum wage and the Employment Act itself intends to cover in this situation is to provide a safety net so that someone shall not be paid less than the minimum wage, and to provide by virtue of this amendment, to provide people with the ability to work for additional hours, for the same employer without the employer being responsible for the payment of penalty rates. What happens at the moment as most Members will be aware, is many people work their normal working week for one employer, and then go and get a second job and it's not unusual for employers to find that their employee goes to work for employer B, and employer B's employee comes to work for them so that the staff can work the hours they want to work, and circumvent any requirement for the payment of overtime. It's felt far more sensible that they be able to work those hours for their original employer

MR NOBBS

Thank you for that. I think we agreed at the last meeting that it was giving with one hand and taking with the other and whilst I've no problems to written contracts specifying certain employment arrangements, I still believe that there's a need for a safety net particularly for people on the lower level of employment that if they do work additional hours that they have some recompense at least for actually doing that, guarantee in their salary. Now the situation is if it was a major increase in this particular area, there might be some difference but I think that the \$8.50 was put in, I don't know, was it eight years ago. 1997. That's a long time. I mean the Legislative Assembly Members will probably be the only ones in the community who haven't had a raise since then but that's beside the point, but I believe that even though it is the safety net figure, it's the base rate line, and it should have some substance at least, and I believe the person who could be paid that \$10.50 per hour, if they do additional hours I think, I'm sure, that unless they negotiate a contract and it's up to them to do it, that they should be guaranteed of additional monies if they work additional hours under the employment arrangement that they have, and therefore I definitely support paragraph 4 but I can't really support deletion of subsection 2 of the original section 23 of the principal Act. Thank you

MR GARDNER

Mr Deputy Speaker I just want if I can, to take a moment to may be discuss the issue a little further with Mr Brown as the responsible Minister on this in relation to the repeal of those parts of section 23 of the principle Act because subsection 2 is one of those that is being repealed that is basically is providing the safety net for an employee, and what really sparked the alarm bells and made them ring very loudly in my head was the Minister's reference to the fact that under the arrangement if you worked longer than your normal agreed working week, that you couldn't be paid less than the minimum wage. The protections that currently exist in the Act, ensure that you can't be paid any less than what your normal hourly rate of pay is.

Now if we can clarify that and to lock in a mechanism that ensures that an employee will not receive under that new contractual arrangement a dollar figure less than their current normal hourly rate, it's something I'm prepared to give some consideration to, but if the intent is that there is an ability with these amendments to be able to reduce somebody's hourly rate of pay after they've worked their normal hourly week, to the minimums wage, that is wrong. I would just like to try and tease that out further with the Minister if I possibly could because I think the safety net needs to be retained to ensure that the people working longer than their normal week aren't disadvantaged

MR BROWN Mr Deputy Speaker there is certainly no intention to cause a person who is on, let us say, twelve dollars an hour, to only be paid \$10.50 an hour if they work more than 40 hours. There is an employment contract which virtually everyone signs, and that employment contract sets out the wage rate which is to be paid, but the point is a valid point, it does deserve some research rather than dealing with it instantly, it's unfortunate that this is the last meeting of this Legislative Assembly and that the problem hadn't come to light earlier or I could have obtained advise about it for you. I think the best thing I can do at this stage is to seek leave to withdraw the Bill

MR CHRISTIAN Thank you Mr Deputy Speaker I think what Minister Brown has suggested at the moment is probably a worthy course of action. I support the intention of what he is trying to do, but Mr Gardner has in fact raised one of the deficiencies that was in this when it was earlier commenced quite some years back and that arose through I believe employers using the legislation by doing exactly what Mr Gardner has identified. Where somebody for instance was on \$15 per hour and they did some additional work, there was an expectation that person would do the additional work at their normal rate of pay but some bosses in fact paid them their additional work at the minimum rate which was not the intention and it was a distortion of the legislation so that needs to be clarified. I am also aware of some instances where I think the law is abused where the time and a half penalty provision was adhered to by some employers, but it was adhered to by using one and a half times the minimum wage, which actually meant the person was working for less, then their normal wage, even when the penalty rate was taken into account, so that needs to be clarified, so I think the course of action that Mr Brown has suggested is an appropriate one to do so that we don't do something which has an unintended consequence. Thank you

MR BROWN Mr Deputy Speaker I seek leave to withdraw the Bill at this stage and to leave it as a matter to be taken up by the next Legislative Assembly

DEPUTY SPEAKER Thank you Mr Brown. Is leave granted Honourable Members. Leave is granted.

PRESENTATION BY LEAVE

NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ACT 1980 – APPOINTMENT OF MEMBER OF THE NORFOLK ISLAND GOVERNMENT TOURIST BUREAU

DEPUTY SPEAKER Mr Brown I understand that you are seeking leave to move a motion under the Norfolk Island Government Tourist Bureau Act 1980 an appointment of a member of the Norfolk Island Government Tourist Bureau

MR BROWN Mr Deputy Speaker I seek leave to move the motion which has been printed on the Notice Paper and for the benefit of those who are listening to the broadcast of the meeting, the motion which I seek leave to move is that this House in accordance with subsection 4(2) of the Norfolk Island Government Tourist Bureau Act 1980 recommends to the executive member that he appoint Wallace James Beadman as a Member of the Norfolk Island Government Tourist Bureau. I seek leave to move that motion

DEPUTY SPEAKER
is granted

Is leave granted Honourable Members. Leave

MR BROWN

Mr Deputy Speaker I now move the motion which I've just outlined and if I may I will speak briefly to it. There are two vacant positions on the Tourist Bureau at present. One has been filled by a Member of the Legislative Assembly and it is suggested that that vacancy be left for the time being so that a new Legislative Assembly may make its decision as to whether it wishes to appoint another Member of the Legislative Assembly to the Tourist Bureau or someone else but I would like to fill the remaining vacant position. The name of Mr Beadman has been suggested after discussions which were held by the Chairman of the Tourist Bureau and the manager of the Tourist Bureau.. Mr Beadman as we all know is one of the publishers of a local newspaper and he has in the time in which he's been in Norfolk Island, demonstrated that he has skills as a wordsmith and he clearly has business skills to go with that. Mr Beadman through his newspaper and through the NAG group has made many suggestions about how tourism should be run and I certainly share a view which is held by many that if someone professes to know precisely how things should be done he should be given the opportunity to join with other people to enter debate with them as to whether his ideas are correct, or require modification or rejection and in that fashion the best of a person's ideas can be taken advantage of and any which upon more careful reflection, might need a little further development can be shelved for the time being and developed later. I seek the support of Members in recommending the appointment of Mr Beadman

MR NOBBS

Mr Deputy Speaker I spoke last week about this particular issue and I oppose the motion not the appointment of Mr Beadman, of whether he should be a Member or whether he should not, but just on the principle of the issue that we are two weeks away from an election and I believe the principle is that the matter should be left in abeyance until the incoming Legislative Assembly deals with it, and which they could do very quickly. The incoming Minister could make a recommendation. The issue that I have really is that the recommendation was published in the paper before it was even discussed by the Members of the Legislative Assembly and whilst there is no requirement to do that under normal arrangements I think that procedures do permit that. There was discussion subsequent to the last meeting in relation to this and the reasons for the appointment or non appointment previously were laid out. I think it's fair to say that there were actually three vacancies on the tourism board which can be seven Members. One was never actually filled when the current Minister appointed a new board in June last year. The second one never took up his position, and subsequently that position has been vacant for some time and the third Member was the Member for the Legislative Assembly and his appointment finished in December. Members will say that the hold-up has been with the proposal that I put as a motion originally, and that the Minister should seek the approval of the Legislative Assembly or any Minister I believed should seek the approval of the Legislative Assembly for the appointment such as the statutory bodies, the Tourist Board, the hospital board and in fact all boards before they are made. I think it is the fairest way to do things in an open Government arrangement. I think most of them seem to be down that line. The Tourist Board for some reason or other has never seemed to be required or in my time anyhow, in my memory been required to be put before the Legislative Assembly for discussion and this is usually in the closed situation because of the arrangement involved. I disagree with the concern that Members expressed that there was a hold up in this. I think the issue need not be dealt with at this time. I won't be voting against it as we had discussions on it on Monday but I will not be voting on this particular motion and it's purely on a principle. I get along quite well with Mr Beadman and I think that he would make a very good Member of the Board but for me there's the principle involved. Thank you

MRS JACK Mr Deputy Speaker I'll be supporting the Minister's motion here. I've spoken to the current chair of the Tourist Bureau Mrs Marion Christian and sought her reasons why she wanted me to support it. I've also spoken to Mr Wally Beadman yesterday and there should be some interesting views being put forward and perhaps some interesting applications on how those views are to be proceeded with so I look forward to it and the Minister has my support

MR CHRISTIAN Thank you Mr Deputy Speaker I too intend supporting the motion to appoint Wally Beadman to the Tourist Bureau. I understand where Mr Nobbs is coming from but I don't share his view and I don't share his view for the following reason. The process that we're about now in appointing somebody to the board is a new one. It is the first time it's been done under the new mechanism and if we count backwards from when this House made certain decisions, this is about the soonest that any new appointment could happen and the only thing that's got in the way that causes Mr Nobbs some concern is the actual forthcoming general election. Having said that, we are still Legislative Assembly Members up until midnight on the 21st March, I think that's the date, and given that this is an important part of rebuilding our tourism industry, I don't think it is appropriate that we hold off making a decision that we are legitimately able to make. So once again I will be supporting the motion. It's worth considering at the motion Mr Deputy Speaker that Mr Beadman does have some specific skills. He's a very clever marketer from what I can see and we've just been successful in gaining a sum of money from the Commonwealth to assist in the promotion of Norfolk Island and that's \$300,000 from the Commonwealth with \$100,000 from the Norfolk Island Government and \$100,000 from the business community of Norfolk Island and that gives us half a million dollars which we can inject into marketing Norfolk Island. As I understand it, that marketing programme is earmarked to get under way around somewhere between the 20th and 29th March and television will feature prominently in that advertising activity so serious decisions have to be made between now and then as to what the content of the ads will be, what other complimentary advertising should we engage in so there are a range of issues out there at the moment that need decisions to be made, and we need to make those decisions having taken on board, bearing in mind that these are all voluntary positions on the board, the best cross section of views that we can possibly harness and so it's in that light that I will support Wally Beadman's appointment to the Tourist Bureau

MR BUFFETT Mr Deputy Speaker certainly I endorse Mr Wally Beadman as a Member of the Norfolk Island Tourist Bureau. Mr Beadman is involved in business with a newspaper particularly that looks at tourism awareness within Norfolk Island. He has demonstrated marketing skills and as Mr Neville Christian has just outlined to us in terms of promotion in the tourist industry, funds has been allocated, some significant funds in comparison with other places and those figures may not be large but for us they are significant and what is required in our particular industry at this moment, in terms of economic sustainability is immediate delivery and we need to not be deferring promotional arrangements and we need to position people accordingly. We need to position them forthwith so that revitalisation of the Norfolk Island economy can be significantly got under way and continue to improve.

DEPUTY SPEAKER Thank you Chief Minister. Is there any further participation Honourable Members. There being no debate I put the question that the motion be agreed to

QUESTION PUT

AGREED

MR NOBBS

ABSTAIN

Mr Nobbs I note your abstention. The ayes have it the motion is agreed

ADJOURNMENT

DEPUTY SPEAKER

We now move to adjournment. Mrs Jack

MRS JACK

House do now adjourn

Thank you Mr Deputy Speaker I move that the

DEPUTY SPEAKER

debate Honourable Members

Thank you Mrs Jack. Is there any adjournment

MR BUFFETT

Mr Deputy Speaker we have all foreshadowed that this Legislative Assembly will close on the 21st March and we've also foreshadowed that this will be the final sitting unless of course unforeseen issues arise and in that context I would like to make some acknowledgement and thanks as we come towards the end of the life of this Legislative Assembly. The foremost challenges presented to this, the 11th Legislative Assembly really reached its height in 2006. the challenge of reinvigoration of our economy, undertaking a range of reforms, and the Australian Government's challenge over sustainability in Governments. With these major matters and a huge range of others of course, many have played essential roles. Members, that is the Speaker, Deputy Speaker, Ministers and Member. There have been officers of the service and officers of this Legislative Assembly. I especially mention the Chief Executive Officer who has acted in his role for a long period of time, the Secretary to Government, particularly in the Governmental area and the Clerk to the Legislative Assembly, particularly in terms of relationship to the Members. There have been off shore advisors and counsellors including the firm of Crosby Textor, EconTech, WrightStell and others and of course there have been individuals in the Norfolk Island community and very active groups within the Norfolk Island community who have added to the substance of what we've needed to be about during the life of this Legislative Assembly. The Australian Government original governance action has been turned and invigoration and reform is in the midst of delivery and so there are huge challenges to continue in the 12th which will be the successor and I encourage those who are elected to build upon the foundations which have been created. Without doubt Mr Deputy Speaker a new Legislative Assembly will want to do it their way, but the foundation now prepared offers a significant opportunity to continue to move Norfolk Island forward. And so I thank my Member colleagues around the table at this, what we project to be the final sitting and to those who are elected to the twelve Legislative Assembly I wish them success in caring for the Norfolk Island community

MR CHRISTIAN

Thank you Mr Deputy Speaker. I would like to take the opportunity to thank the community for allowing me to serve it for the past two and a half years. I would also like to thank Members of the Public Service who have supported me in carrying out my ministerial responsibility and I would also like to thank my fellow MLA's for working with me and in closing I wish all candidates in the forthcoming general election, good luck

MRS JACK

Mr Deputy Speaker I too would like to take this opportunity to acknowledge my fellow Legislative Assembly Members and acknowledge our shared debate and participation throughout the past two and a half years. We may not always have agreed but we certainly have shared some interesting times. I would also like to thank the Members and those Members who were chairman of the various boards that come into my portfolio, the Planning and Environment Board, the newly formed Toon Trust Environment Board, the Cascade Cliff Safety board. I must also acknowledge the staff within this compound, the tremendous assistance they have given to me throughout the past two and a half years. They have been unstinting in that support and I take this time to sincerely thank them for it. As I would also like to acknowledge the staff of the Administration, those that I've met with on a regular basis, Mr Davidson and the fellow campaigner for this election, Fred Howe, under the auspices of the Chief Executive Officer they have also been unstinting in their support and it must

be acknowledged. I too have sought a lot of help in recent days from the office of the Administration and I would just like to thank Owen Walsh and his support staff as I must also acknowledge His Honour the Administrator during my time as Minister and also finally to my family and the community at large Mr Deputy Speaker, for their constructive criticism at times, their phone calls and the feedback, I would just like to thank them also for the support. Thank you very much

MRS BOUDAN

Mr Deputy Speaker it has been an honour and a privilege for me to be one of the nine Members of this Eleventh Legislative Assembly. To each one of my colleagues I express my heartfelt thanks for your patience tolerance encouragement and understanding of me. I guess one never gets to see the big picture but thanks for me anyway. I especially thank our community Members for their love and support of me throughout the life of this Legislative Assembly. It has seen some very challenging times. I also take this opportunity to wish all those candidates standing for election to the Twelfth Norfolk Island Legislative Assembly well. May the successful nine be blessed with all the gifts and talents required to get on with the job of governing for what is best for Norfolk Island and its people. Thank you

MR NOBBS

Mr Deputy Speaker if I may I would just like to add my thanks to the Chief Executive Officer and the staff at the Administration for their efforts, particularly when I was serving as a Minister, I think we had a reasonably good relationship. A bit turbulent at times I guess but that's the life in any organisation or family. I would like to also thank the Members of the DAA working group and also the Road Traffic Committee and Financial Working Group and if I've missed any others I'm sorry about that but I do appreciate their assistance in the time particularly when I was a Minister. I would like to thank the staff of the compound that we work in here, the clerks and also the assistance in the Government areas, the Secretary to Government and also the Research Assistant, their service to us as usual has been excellent and I thank them very much for their support over the time. I thank the community for their advise. It's always been fairly athletic at times, fairly lively at times, but I appreciate their advise and whilst one cannot take on everybody's views I hope that I've attempted at least to analyse and come out with some constructive thoughts of my own, following that advise. I would like to thank the Members of the Legislative Assembly for their co-operation over the past two and a half years or whatever it is, and I would particularly like to thank those who have continually supported me during that time in both the Legislative Assembly and also within the community at large. I would like to wish the incoming Legislative Assembly Members the best of luck. I wish all Members who put their names up. It's not an easy thing to actually stand for election and go through the procedures over the month or so that you have to, and I appreciate that we have got a field which I believe is a good field and I wish them all well. I would like to thank particularly, my wife and family for the support that they've given me, sometimes have been good, sometimes it ain't been too good but that's life. Finally I think that my views on the incoming Legislative Assembly would be that they would have a fairly difficult road to hoe. People who vote them in may think that there is some magic fix. If there was a magic fix I'm sure we would have had that well in hand by now, but unfortunately there is no magic fix, it's a long hard road, and it will be a long hard road until we can broaden the actual economy of the island and get us back to a situation where we have a prosperous community from the top of the heap to those of us who are down the bottom and I would suggest that it can be done and it will be done but this goodwill has to be shown not only by the community amongst themselves but also to the Legislative Assembly Members who will be taking up the challenge in a few weeks time, midnight tonight. Thank you Mr Deputy Speaker

MR SHERIDAN

Thank you Mr Deputy Speaker like those before me, I would just like to pass on my thanks, firstly I don't know whether it's thanks I should give or berate the three persons who nominated me to this Legislative Assembly. I undertook that job two and a half years ago and I've thoroughly enjoyed it so I suppose I must thank them. Thank you very much. In saying that around the table I would like to thank my colleagues, the support staff down here at the Legislative Assembly, without the

girls down here I don't believe the place would function, sorry Peter, you also, Peter's invaluable. Then it goes round to the community. Without the community we wouldn't be sitting down here so I thank all the community Members and lastly, but not least, is my family and my children for putting up with me these last few years. I wish the Twelfth Legislative Assembly good luck and do gude f' Norfolk

DEPUTY SPEAKER
debate Honourable Members

Thank you Mr Sheridan. Is there any further

MR GARDNER

Mr Deputy Speaker I would just like to echo the expressions of thanks and gratitude that has already been well verbalised this morning from Members but particular thanks to those of my staff, Madam Clerk and Madam Deputy Clerk for their assistance in my short tenure as the Speaker of the Legislative Assembly. It certainly has been an honour to serve in that position on this Legislative Assembly and a job that I think everybody should aspire to at some time in their political career. It certainly gives you a different insight sitting in the to chair and then sitting down in what would better be called the bear pit but certainly an invaluable experience. Madam Clerk, thank you very much for your support and assistance and that extends obviously to all the staff in this compound and it's been a difficulty two and half years for Norfolk Island for all of us who sit around this table and that task has been made easier by I guess your joviality from time to time, the staff in the compound and also your ability to hit us over the heads with a bit stick when that's been needed. We do pay close attention to some of the advise that's paid to us Madam Clerk and other staff. To Members of Boards that have served this community a tremendous effort again. It's been an increasingly difficult task to try and fill those roles and they are all vital roles in support of the workings of this body of people. Mr Deputy Speaker it's true to say that I've learnt some significant and very valuable lessons over the last three years, only things that help to build character and I hope that if I'm elected again, that I will be able to again learn further lessons which will make my job much easier in going forward. One important vote of thanks that I would like to extend, even though we've had significant tussles with him, we must remember that the Commonwealth, her officers, her Ministers, her Members of the Federal Parliament have provided significant support for Norfolk Island over the last three years and particularly in the last twelve months, some \$20m or thereabouts of support to the community and without that support may have had us in a very different financial position and I would like to extend my thanks in particular to Minister Lloyd, his staff, as I said, the other federal Members of Parliament, Members of Joint Standing Committees that have visited Norfolk Island because without them, we may not have been able to remain on our toes as we have been able to over the last three years. That vote of thanks also extends to His Honour the Administrator, Owen Walsh and his staff in the Administrator's office, because they really are the main conduit between us as far as our communications with the Commonwealth and ourselves are concerned. There is an urgent need for the future and for the Twelfth Legislative Assembly to refocus attention on planning for the future and to get out there with some tangible, real solutions to the problems that befall us and in conclusion, I wish all around the table good luck. My humble thanks for your support over the last three years in the various roles that I've held, good luck all ucklun, good luck Norfolk

MR BROWN

Mr Deputy Speaker firstly I would like to confirm to the community that the Regional Partnership Programme operated by the Commonwealth Government has provided a grant of \$300,000 to the Norfolk Island Government Tourist Bureau to assist us in a significant promotional campaign which will take place over the next few months. Details of that grant were contained in the Norfolk islander last weekend but I would certainly like to thank Minister Lloyd and his staff for their efforts in assiting with the approval of that grant. I would like to thank Minister Lloyd and his staff in fact for all of the assistance that they have provided to us during the life of this Legislative Assembly. The relationship has not always been a jovial one, but I think that we have reached a stage now where we can begin to rebuild that relationship and we certainly need to do so. I would like to thank the other Commonwealth Ministers

with whom we've dealt and also the Members of the Joint Standing Committee who have visited us on a number of occasions. To the office of His Honour the Administrator and all of His Honour's staff, and to Mrs Tambling, I would like to say thank you. Particularly to all of the Boards that have assisted me, the social services Board, the immigration Board, Hospital Advisory Board and the Tourist Bureau, thank you for willingly fulfilling what are at times, absolutely thankless tasks, but tasks which nevertheless are essential for the community to function. I would like to thank the staff at the hospital and the Bureau who don't form part of the Public Service but who have done their best to provide me with every assistance which I've needed. I believe we have a hospital of which we can be proud and I certainly believe that the efforts of the Tourist Bureau over the next twelve months will well and truly become apparent in the visitor figures which are published from month to month. I would like to thank the staff with whom I've worked, both the staff of the Legislative Assembly and of the Administration and particularly those in the Healthcare, Workers Compensation, social services and immigration areas with whom I've perhaps worked the most closely apart from the Hospital and the Bureau. I would like to thank all of those who are involved in the Hospital Auxiliary which over the years has made very valuable contributions to the Hospital and this week together with Ozjet have raised some thousands of dollars with a concert which was held on Monday night so thank you all and we certainly do value your efforts and we will continue to value it. Finally I would like to thank Ozjet. At the beginning of this Legislative Assembly we went through some quite difficult times. We did indeed have difficulties with our air services for various reasons, we don't need to go into those but we have worked with Ozjet since May last year. We've made a number of promises and have kept every one of them. The most notable this week was the arrival of the new aircraft painted in Norfolk Island colours and when delivering the aircraft to us they bought in the region of sixty passengers in the main, travel writers, but some of them were Ozjet staff who hadn't perhaps visited the island before but the visit of those travel writers was an excellent PR exercise on the part of Ozjet themselves, Norfolk Air and the tourist bureau and I'm sure that we will see and continue to see the results of that for quite some time, so I simply say thank you all, to my colleagues we've had an eventful two and a half years, but thank you for that and to those who are standing for election at the next election, good luck. Thank you

DEPUTY SPEAKER

Thank you Mr Brown. Is there any further debate Honourable Members. In that case I would like to thank the community, those who have supported me and even those who don't. It keeps you grounded and gives you perspective. I would like to thank all those who have helped me down here, either by expressing to me their views or helping me down here with my role. I would especially like to thank the two ladies sitting beside me today, because they've done virtually everything for me, but wipe my nose. Just in closing I would like to thank everyone. Thaenks f' mii orl yorlyi. There being no further debate I put the question that the motion be agreed to

QUESTION PUT
AGREED

Therefore Honourable Members the motion is agreed to. This House now stands adjourned

