

MRS JACK Mr Speaker I can tell Mr Sheridan that at the moment the facility has not yet been handed over to the Norfolk Island Government and Mobil Oil is still the importer of fuel into the island

MR SHERIDAN Mr Speaker secondary to that one, Minister as indicated by the Minister for Finance last sitting has a detailed report been received from Mobil outlining the condition of the tanks

MRS JACK Mr Speaker the report regarding the condition of the tanks is part of the report that we have sought when the handover has been completed, that will include details of past and future repairs and maintenance due on those tanks and will outline our financial position that we will be required to undertake and because the tanks are still with Mobil, that report has yet to be finalised and handed over

MR SHERIDAN Mr Speaker a further supplementary, Minister wouldn't it be prudent for that report to be received well in advance of the Government accepting responsibility for these tanks

MRS JACK Mr Speaker it may be prudent and what one would desire however until the contract has been signed that remains a confidential document owned by Mobil and they do with it what they will. They are not forced to hand over that document to us or obligated to us to hand over that document. They are doing it for good PR. For ongoing good PR that we paid over the decade between Mobil and the Norfolk Island Government and Martins Agencies, the provider of distribution and dealership to Mobil and Norfolk Island

MR SHERIDAN Thank you Mrs Jack. Mr Speaker a further supplementary on that, will the conditions of these tanks be confirmed by an outside body who has no financial interest in the tanks

MRS JACK Mr Speaker those tanks have been reviewed by an independent authority, and independent company throughout the life of the ownership by Mobil and they have bought in their own independent auditors and assessors and that is the best that we can be guaranteed, that independent auditors have been used in reviewing those tanks

MR B CHRISTIAN Thank you Mr Speaker a question to the Minister responsible to the Public Service. The Minister undertook as part of his policies to review the Public Service for efficiencies and service deliveries. What result do we have to date

MR NOBBS Thank you Mr Speaker and thank you Mr Christian. The Public Service review is well under way at the moment with regard I suppose we've commenced it with the gathering of data through the briefings and the subsequent meetings with the CEO and executive and we had various discussions regarding best operating framework for the Public Service, resourcing in the many areas of service delivery, the processes currently in use and how we could best use our manpower, and associated resources, we've currently been well under way with Deloitte with regard to a process mapping exercise which will help us to integrate many of our applications and hopefully preclude us from double handling of data. In other areas we've engaged directly with the management of for example, the bond to allow them to utilise different hours and come up with a different pricing schedule. We've had varying discussions with many of the areas including electricity with regard to forward planning and discussions on green options. What I might endeavour to do Mr speaker is to give a more formal report on where we are up to with regard to that review, so that I understand it is quite a topic of discussion in some areas that people are hoping to see instant gratification with regard to Public Service changes. We have to handle them with a good methodology and responsibility of the handling of the service, handling of the services to the

community and the adequate use of resources that we have so I will endeavour to provide a more formal report to the Membership at the next sitting on how this is going

MR ANDERSON Mr Speaker will the proposed runway and safety area project be going to public tender

MR CHRISTIAN Thank you Mr Speaker, whether the work goes to tender as a whole job lot or is broken up into components and expressions of interest sought from local contractors will be a matter for the Administration at the appropriate time

MR ANDERSON Mr Speaker a supplementary question to that, can the Minister assure us that this work is essential to be undertaken

MR CHRISTIAN Thank you Mr Speaker, in short, I was expecting some questions from Mr Sheridan and he may have a few but just to respond to Mr Anderson I can say categorically that the work is essential

MR SHERIDAN Mr Speaker I do have a few on RESA, for the Minister and firstly Minister in regard to the runway end safety area that has been proposed to be completed could you advise the community as to why an exemption has not been sought from CASA

MR CHRISTIAN Thank you Mr Speaker, I will attempt to shed some light on this and I'm happy to share any information that I possess with Members of the community and Members here so I welcome any questions. Mr Speaker I think the Norfolk Island Government was notified some time in 2002/2003 that RESA would be required for airports providing international services by 3rd May 2008. We've had two or three Governments since that announcement and each of those Governments has looked at the problem in different ways. The options paper put out by CASA basically stated a number of options. You could provide RESA, you could apply for a dispensation, based on the safety case, you could provide a mechanical arresting system at the end of the runway, or you could shorten the operational length of the runway to provide the runway end safety area. I think they are the main options. Operationally shortening the runway isn't an option for Norfolk Island and already through summer periods without our 737 200 aircraft that Norfolk Air operates we are limited without what we can uplift out of Norfolk Island. We are aware that when Ansett operated 737 300's to Norfolk Island they could not conduct maximum take off weight operations between Norfolk Island and Melbourne because the runway was at that stage about 150 metres too short without taking into account the current RESA requirements, so shortening the operational length of the runway isn't an option. Basically it boiled down to two options. Either provide the full RESA or apply for dispensation. And I need to shed a bit more light on apply for a dispensation Mr Speaker. You cannot apply to CASA for a dispensation based on the grounds of cost. You have to actually put up a safety case. And when the Norfolk Island Government first became aware of the RESA requirements, the costs that were being bandied around were very significant. They were in the area of \$14m to \$16m and when you combined that with the requirement to upgrade the surface pavement with the overlay that was recently completed that being about \$12m it was really beyond what Norfolk Island could manage. At that stage work did progress on putting together a safety case and things chop and change within CASA depending upon who the staff member is at the time that you are dealing with. Some say yes, put in an application, we think it will be received favourably, others say no based on what we've seen, and the topography around Norfolk Island even if you did lodge an application we probably wouldn't approve it. Now I'm aware that there are some residents in Norfolk Island at the moment who are a little bit concerned about RESA Mr Speaker and I can shed some light on that as well. I was at a social function Saturday a week ago and one of the affected landowners, and I'll name the guy, because it's no secret, Derek Greenwood, asked me if it was true that

the Norfolk Island Government intended going ahead with RESA and at that function I said to him yes, the Norfolk Island Government intended going ahead with full RESA and that was the end of the conversation. What I did not know Mr Speaker at that time was that Mr Greenwood was in possession of a plan prepared in 2004 which showed full RESA actually encompassing his house. I had never seen that document and I can understand Mr Greenwood in the absence of my elaborating, leaving that function quite distressed and stewing about it over the next few days. He subsequently visited Kingston and met with Vicky Jack, Andre Nobbs and subsequently had telephone conversations with me, so I think we've got Mr Greenwood's concerned under control because at his end of the runway we will only actually be projecting what is already there towards his property, 30 metres and that's all. We do not intend covering his house with soil or relocating it or compulsorily acquiring it. Mr Speaker We then had more survey work done over a period of time and it then became apparent that rather than the half a million cubic metres or whatever earthworks that were required to provide for RESA some of it actually already existed and the most recent indications are that we will only have to move somewhere between 45000 and 65000 cubic metres of earth so that is a vastly smaller amount than what had previously been bandied around, so the current Norfolk Island Government started to think, well that is within the realms of possibility for us to fund. We estimate the earthworks at this stage would cost in round figures about \$900,000 and there will be some additional costs, to get some consultants to put together the engineering drawings, the surveying drawings and some environmental assessments which are necessary to lodge a development application. That is the basis there. We have the option of providing the full RESA or we can apply for a dispensation. I will now shed some light on the dispensation option and the providing of a full RESA option. We've considered the options very carefully and the Norfolk Island Government has decided that providing full RESA is the only option that actually improves aviation safety in Norfolk Island and actually reduces the reliance on human judgement and human judgement when it comes to aviation safety is very important because most accidents are actually caused by poor human judgement rather than mechanical failure. Now if we went down the course of seeking a dispensation I've got to tell you that it's fraught with danger. Firstly there is no guarantee that any dispensation that is applied for will be granted. If granted, there is no guarantee that any dispensation will be permanent, and we are all aware of changing requirements in the world of aviation and the respective aviation security and the like, who would have thought that when we took over the airport from the Commonwealth in 1992 that we would have been lumbered with all the requirements that we are now forced to comply with. If you have more than one overrun incident per ten million landings or take off you cannot apply for a dispensation and if you already have a dispensation it is possible that you could actually lose the dispensation and then be forced to put the RESA in and how you provide RESA in a reasonable time frame in that situation whilst keeping the airport operational I'm not quite sure. The core of any dispensation would be a manual written probably by myself, Glen Robinson and Peter Davidson advising pilots how to operate their aircraft when landing at Norfolk Island. In short the manual would state, the runway is grouped, well maintained and can be treated as dry in all weather conditions for operational purposes. Upon touch down apply maximum wheel braking effort and maximum reverse thrust and you should stop before the end of the runway. Of course, the ridiculous thing in all of this is if you have no brakes or you have no reverse thrust or some other malfunction then the how to manual, counts for absolutely nought and would almost certainly result in Derek Greenwood or Moochie Christian receiving unwelcome visitors and that's the situation there.

MR SHERIDAN Mr Speaker I do have a few supplementaries there. Minister just following on from that well thought out response, can you advise the community the process that would be followed prior to any commencement of work on the RESA extension

MR CHRISTIAN Thank you Mr Speaker, yes certainly and I welcome that. Members will recall that during any earlier briefing on the RESA matter I had

suggested to Members that work at the airport would be able to continue without a Development Application being lodged through our normal planning process because the work was covered by the Development Control Plan for the Airport. On reading that document in more detail last week it became apparent that, that Development Control Plan didn't in fact cover the work that we are proposing now as that work would need to have been included in an airport upgrade plan prepared by GGHD in 2004 and RESA does not form part of that so the situation now is that a full blown Development Application will be lodged. It will be accompanied by an Environmental Impact Assessment and that Environmental Impact Assessment will be detailed enough to satisfy the requirements of planning legislation and it will also be detailed enough to satisfy the requirements of Commonwealth and the Environmental and Protection of Biodiversity Act so that's the situation there. The surveyor is arriving on island on Sunday to do the preliminary design work and to put pegs into the ground which would show to anybody that's interested in looking the extent of the earthworks. At the Bishops Court end I expect that to be fairly straightforward. At the eastern end of the runway or the Moochie Christian end it's a bit more complex and this is where we run into difficulties. The Chief Minister and I have visited the airport and been briefed by airport staff and we have satisfied ourselves where we think the extent of the earthworks will be. We think and this will be confirmed by the surveyor over the course of the next few days, that the extent of the earthworks will be approximately on an extended centre line of the runway, halfway across the existing Peters Highway or Ferny lane, whatever you want to call it, so in the past where I have suggested to Assembly Members that we may have to purchase two blocks of land from Moochie Christian, and I have in fact had those properties valued in case we had to do that, and we may now only have to negotiate with Moochie to purchase as little as five metres of land from his road frontage and that would allow the earthworks to be accomplished without the expensive concrete retaining wall that had been previously spoken about and the relocation of the existing Peters's Highway four or five metres beyond where it currently is now, so we would just duplicate everything that's currently there and move it slightly eastward so that's the situation there Mr Sheridan

MR SHERIDAN Mr Speaker a supplementary please. Would you give a firm commitment that landowners adjoining these areas will be fully compensated if necessary and advised prior to any work on the RESA extensions

MR CHRISTIAN Thank you Mr Speaker, absolutely. The Development Application now will give every Member of the Norfolk Island community the opportunity to comment. I will over the next few weeks be putting out a series of press releases keeping the community informed of the issues. And I might say Mr Speaker, that I should put people's mind at rest when it comes to the acquisition of property at the eastern end of the runway as well. The landowner there, Moochie Christian, has agreed to sell us a freehold block of land that is not within KAVHA if we require it, or part thereof. The large block of land directly at the end of the runway is crown lease land. Under the Crown Lease Act of 2002 a number of things can happen. If the Norfolk Island Government requires the land for public purposes, we can actually acquire it and there are three ways we can do that. At the expiry of the lease and the lease happens to expire on the 2 or 3 September this year, the Norfolk Island Government would notify the Commonwealth that we require the land for public purposes and not to renew the lease; or if the lease is renewed we can serve three months notice that we require the land for public purposes and proceed as such, or we can notify the Commonwealth that we require a portion of the land for public purposes or we can just enter into commercial arrangements with the landowner and purchase the whole lot or part thereof and agree between ourselves. To clarify the situation I had the property valued with the full agreement of John Christian and I have received one valuation. The second valuation is being done by the Queensland Valuer General and he arrives on the Island in the not too distant future and that will enable us to move forward. Under the non renewal clause of the Crown Lease legislation if we advise the Commonwealth to not renew the lease we are obliged to pay whatever capital improvements have been made to the Commonwealth. The

property that we are looking at, at the moment, the improvements include concrete driveways, a dwelling, a large farm type implement shed and legend has it, a gold mine but the valuer didn't find the gold mine. I did in fact notify the Commonwealth that we did require the land for public purposes and requested that they not renew the lease. I have since been informed by the Administrator that he was instructed by the Federal Minister Jim Lloyd to renew the lease. The implications there for the Norfolk Island Government is that if we do proceed to acquire the land, we are now not only required to pay for the improvements that are there, we are in fact required to pay out the rest of the 28 year lease so the land has become as good as freehold and that's why I'm now keen rather than to buy the whole lot we negotiate with Mr Christian to buy a portion of land that we require and indications at the moment are that he met with the Chief Minister and myself on Monday and we are going down that road at the moment

MR SHERIDAN Mr Speaker a supplementary please. Minister can you advise as to who'll be drafting the engineering drawings for those extensions

MR CHRISTIAN Thank you Mr Speaker, I'm more than happy to respond there. The survey drawings will be done by Don Taylor so that will show the extend to earthworks and the style of the earthworks and the drainage required. It will also show the relocation of the road and any boundary adjustments that are necessary as a result of this work. Patterson Britton who were the engineers responsible for the project management of the Kingston pier extension have been engaged to provide engineering drawings and method of works plans as to how the work will be performed. They will also be engaged to periodically oversight the work and they have engaged a separate firm of geotechnical engineers to advise on any special requirements that the site might require

MR SHERIDAN Mr Speaker I have a question for the Minister responsible for the Cascade Cliff Safety project. Can you advise if a detailed submission of claims has been submitted for costs in relation to the court case involved with the contractors for the Cascade Cliff Stabilisation project

MRS JACK Mr Speaker following the success of the court case the cheque was received however the costs incurred is still being with the lawyers tax experts. I was advised, and I think I forwarded the letter to Mr Sheridan that there had been some delays with the tax official and were due to be continued a week following that letter. I think that was early to mid July. I haven't heard anything further since then but it's an ongoing matter Mr Speaker and I can find out through our Legal Services Unit exactly where it is placed and notify Mr Sheridan

MR SHERIDAN Mr Speaker I have another question for the Minister for Social Services. Minister can you advise as to whether or not proceeds from gambling are deemed to be income for the purposes of social security pensions etc

MRS JACK Mr Speaker I would have to get advise on that one; I know that when a person wins lotto for example, I don't know whether this is relevant, but for the purposes of taxation in Australia the actual prize isn't taxable, it's the proceeds or the income derived from investments that is deemed as income so just for clarification I would hate to say anything incorrect. I'll go and seek advise

MR SHERIDAN Mr Speaker one to the Minister responsible for the airport. I've given him a chance to get his breath back, Minister in regard to the clearing of the trees at the Barkman property can you advise if this job was advertised to the wider community and also can you explain why the Forestry Department was not utilised to do this work

MR CHRISTIAN Thank you Mr Speaker, yes I'll answer that in a number of areas. Firstly I need to declare an interest in that Island Industries is the firm

that performed the work and they employ me from time to time to perform maintenance on their equipment, but I am aware that the Airport Manager sought quotes from various contractors in Norfolk Island some months ago to perform the work that is on the boundary parallel to the runway. Those trees fall within what's called the I think the obstacle limitation service for the runway and need to be trimmed periodically. As I understand it the Airport Manager in consultation with the Executive Direction within the Administration took the view that it had been fairly costly over the past few years trimming the trees and they would remove them and replace them with a more suitable hedge. That work was completed and the Works Superintendent I think is Mike Johnson, approached Island Industries staff and that staff did not include me, and requested that they carry on and continue removing the olive trees on an adjacent boundary which runs away at a 90 degree angle. Why Forestry wasn't engaged to do the work I don't know Mr Speaker. That's a matter for the Administration

MR SHERIDAN Mr Speaker a question to the Minister responsible for lighterage. Can you advise if the launches for lighterage are to be replaced by motorised barges

MR CHRISTIAN Thank you Mr Speaker, I'm more than happy to respond there. Members will recall last week that we were looking at the budgets for the GBE's and in the lighterage budget is a capital request for \$40,000 to replace the old aluminium launch that we currently use. As part of the entire budget process we are considering equipping lighterage with more modern aluminium barges. One of the principle purposes for doing that is that current lighters really don't satisfy modern occupational health and safety standards and exposes the workers to unnecessary risks. Our public liability insurance for the lighterage service has steadily climbed to the stage where it's now approaching \$30,000 per year. The insurance assessor that we use has stated to the Administration that the cost of insurance remains as it is because we have a fairly good safety record within lighterage but if an incident were to occur the insurance premium would balloon massively. We also have a situation where cargo coming to Norfolk Island is getting larger and more awkward. We have a length limit as I understand it on goods imported into Norfolk Island of about twelve metres. Routinely now that is being breached. We can only carry it when we tie two lighters together and the cargo overhangs either end of the lighter so it's a situation where we are basically outgrowing lighters. What I have done is sought some quotes from manufacturers on providing barges and I don't have those quotes yet but when I do we will continue our deliberations. Basically what I've asked the guys to do is to design something which has a flat cargo area, fourteen metres long and three metres wide so that's more or less the same width as an existing lighter but able to comfortably take the 12 metre length limit that we have imposed at the moment within the confines of the barge so that it doesn't have to overhang. I've also asked them to design into the cargo area, a safe haven for the deck hands so they have somewhere to actually hide or protect themselves from falling cargo and I've also asked that the helmsman be protected with some form of enclosed structure for falling objects and I've also requested that the barges to saving length be powered by 4 stroke outboard motors and that would allow the Administration to provide or hold in stock a couple of spare outboards should some go unserviceable so that's the situation there, we are looking at that Now if we look at lighterage as a whole one of the catalysts for all this is that lighterage workers some weeks ago requested a small pay adjustment which would bring them into line or in parity with the stevedores who work the ship. I requested the Public Service to run some numbers for me to see what the impact on lighterage charges would be. The impact to bring the lighterage workers up to parity with the stevedores is that lighterage charges would have to rise by I think in round figures .90c to \$1.00 per cubic metre. And you would think, well that's not such a bad thing considering that we haven't reviewed our lighterage charges or our pay rates since 2001 but if you look at the lighterage GBE budget to date it has a cash nest egg of about \$140,000 I think from memory but because our last rate increase was in 2001 and our costs have risen substantially in the intervening period, if we do not adjust our lighterage rates now, basically, the \$140,000 nest egg will disappear at the rate of

able to find that property fairly quickly. There was a degree of public consultation. I think I can recall issuing press releases in respect of it some time ago. The total cost as I understand it of the project was \$12,500 something like that. That funding has been approved last year and I think this year. Who's driving the process now I don't know but I suspect it's Alan Bataille and the Administration

SPEAKER Thank you. Honourable Members, any further Questions this morning. I would just like to mention for the benefit of the listening public that when we refer to RESA we are referring to the Runway End Safety Area and I should probably have pointed that out before.

We conclude Questions Without Notice and we move on

PRESENTATION OF PAPERS

Are there any Papers for presentation this morning Honourable Members

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

Mr Speaker if I may I would like to provide a summary of the Employment Tribunal report as tabled. The findings of this report suggest the need for, and the advantages of employment contracts or formal workplace type agreements. Employment complaints in the main have resulted from misunderstandings between employers and employees with regard to hourly rates of pay, which may or may not contain loading in place of entitlements. A clear suggestion from this report is that the Employment Liaison Officer ensure that employees under the official contract be made aware of the inclusion or otherwise of loading, if it is to be part of that contract at the time of signing, and to ensure that the employee clearly understands this particular aspect of the agreement. This also applies to local employees who do not require a contract and quite often receive an hourly rate that includes loading for entitlements. The Employment Tribunal reiterates previous statements that local employees should have employment contracts that are signed by both parties and lodged with the Employment liaison officer. Mr Speaker. To quote the Employment Tribunal report from paragraph 4 "If this is not done, then the hourly rate is deemed to have no entitlements included". The Employment Tribunal notes some concerns with the conciliation board with regard to, in some cases, the lack of impartial mediation. Mr Speaker, the Employment Tribunal also recorded their disappointment regarding a matter that was appealed to a higher court thereby effectively bypassing our Employment Act and the principles associated with it in regard to Norfolk Island. The Tribunal also made note that there is room for improvement within our Employment Act in certain areas while recognising that areas of the Act address specific principles of employment relating to Norfolk Island. Mr Speaker, I am very grateful to the members of the Employment Tribunal for their conscientious service during the past year. I have read their report with interest and will consider the issues they have raised. I intend to seek some more feedback on those matters from the Tribunal members and the wider community. If necessary, I will arrange for the necessary legislative amendments to be drafted for consideration by the Assembly at a future meeting. Thank you Mr Speaker

MR CHRISTIAN Thank you Mr Speaker. Mr Speaker under the Goods and Services legislation the Chief Revenue Officer is required to provide the Finance Minister with a quarterly report into the operation of the GST and the GST legislation also required the Finance Minister to table that report at the next meeting after receiving that report and Mr Speaker I now table the Chief Revenue Officer's report and move that the report be noted.

SPEAKER Honourable Members the question is that the paper be noted

MR CHRISTIAN Thank you Mr Speaker, the report is a two page report. I could just table it or I could read it into hansard and I would be guided by you.

SPEAKER Please read it into hansard Minister

MR CHRISTIAN Thank you Mr Speaker. The GST Quarterly Report for the period April to June 2007. In accordance with S19 of the *Goods and Services Tax Act, 2007* (The Act), as Chief Revenue Officer, I am required to report on the operations of The Act for the April to June 2007 Quarter to the Minister for Finance by 31 July 2007. Accordingly, I provide the following information:

(a) As The Act commenced on 2 April 2007, this report covers receipts for the months of April and May as well as amounts paid by NBN holders for the June period but prior to the June due date in July 2007. Approximately \$60,000 has been claimed in duty draw back. The figures stated below are net of duty draw back.

Revenue: April 2007 \$298,027.45, May 2007 \$327,940.51, and June 2007 \$ 1,406.37 giving a total GST received at the end of June of \$627,374.33.

(b) Penalty Notices: 14 penalty notices were issued on 16 July 2007 for non payment of April 2007 GST. Minor delays were experienced in issuing these penalty notices due to required changes having to be made to the Regulation which occurred at the end of June 2007. Two of these penalty notices were unable to be served. Penalty notices are being issued each month as and when they are due.

(c) A consultant was engaged in June 2007 to prepare GST procedure documents, develop position descriptions for the two staff required to operate the GST office, review the legislation for deficiencies and possible changes and produce checklists documentation for users. This work has been completed in draft and is currently being reviewed by GST staff prior to issue and loading onto the web where appropriate. Legal staff are currently reviewing his critique on the legislation and I am expecting their recommendations as to proposed changes to the legislation. The consultant also developed a financial model to be used for the end of year accounts identifying the contingent liability relating to the duty draw back as well as the net present value of the contingent liability.

(d) The GST office is relocating to Burnt Pine and staff have worked with the landlord in relation to the office layout. It is expected that the office will be available for occupation by 6 August 2007. Office furniture will in the main, be provided from within Administration however a counter and reception desk has been ordered locally for approximately \$6,000.

(e) NSL finalisation: During this period, the GST office worked to finalise outstanding matters in relation to the NSL. For information purposes, NSL revenue was as follows:

August 2006	\$ 51,317.37		
September 2006	\$ 61,112.96		
October 2006	\$ 70,923.71		
November 2006	\$ 70,963.32		
December 2006	\$ 73,619.86		
January 2007	\$ 61,723.99		
February 2007	\$ 61,482.80		
March 2007	\$ 83,802.55		
April 2007	\$ 17,204.63		
May 2007	\$ 4,811.00	Total NSL	\$556,962.19

Eleven summons were issued to Businesses who had not remitted NSL for the months August 2006 – March 2007. 10 paid their NSL before the court date (one was after the date due to being absent from Island). The other summons was not served because address is unknown. Over \$22,000.00 was received in NSL from these 10 Summons.

Temporary staff originally engaged to undertake the duties of the NSL office have been utilised in the GST Office. In total, \$1,184,336.55 was collected by staff within this unit since the commencement of the NSL and subsequent GST legislation. It is expected that the Unit will be staff substantively within the first quarter 2008 operations. Submitted in

accordance with the requirements of The Act and for the information of the Minister. Mr Speaker that paper is signed Rhonda Wheatley, Chief Revenue Officer and Chief Executive Officer

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

MRS JACK Mr Speaker I find it extremely encouraging that the estimates given by the Finance Minister in the previous Legislative Assembly, that was regarding NSL he forecasted closed to \$600,000 would be gained, being roughly \$49,000 off. He is to be commended and the ongoing success of the GST. It is the island's future and the way in which the office is now issuing summonses or notices if required are to be commended for their thorough work here and all are to be commended

MR CHRISTIAN Thank you Mr Speaker, I thought seeing Vicky has mentioned GST and so on I should probably give you an update on where total GST revenue stands to date and I've already indicated in there the April May numbers and they were of duty drawback. The numbers I will read you now are inclusive of duty drawback. So I'll just read what I have now. For April we received \$304,835. This is in gross. For May \$371,433, for June \$353,330 and July at this stage and bear in mind that the collection period for July is now so it's still running, \$219,615 so from GST we have collected \$1,249,213. You might ask how that compares with the budget forecast. I think from memory I don't actually have the budget papers with me, but I was expecting an annualised monthly average of about \$450,000 per month so you can see that the numbers I have read out now at the moment we are running at about \$80,000 per month short of what I expected to be. It could be a number of reasons for that Mr Speaker. We're in what would be the quiet period of the year and we may have some better months and some lesser months but one of the difficulties that's come to light in respect of collecting GST is the remittance form only requires you to actually identify the GST collected and I have asked legal to prepare a new form which hopefully I can take to executive council next week which actually just adds another line and that is asking businesses to identify their gross sales for the month. Now it doesn't change the requirement at the moment to pay the GST when you receive the money, it just identifies to the Administration what your gross sales were so that I have some idea down the line, three months, for invoice sales or so on, what I can expect to get for a particular month and that will also allow me for accounting purposes which is really really important to count it as an asset, so they are the little changes that are going on in GST at the moment.

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

QUESTION PUT
AGREED

Thank you. Are there any further Papers this morning

MR CHRISTIAN Thank you Mr Speaker, I table the inbound passenger statistics for July 2007 and move that the paper be noted

SPEAKER Honourable Members the question is that the paper be noted. Debate. Mr Christian

MR CHRISTIAN Thank you Mr Speaker, I am tabling these on behalf of my colleague Geoff Gardner who is off the island at the moment and as I understand it is doing very well in hammer throwing. He may have won a silver medal. Nothing like pumping yourself up! Mr Speaker visitor numbers for July 2007 are down 503 on 2006

figures, but have exceeded the July 2005 figure by some 427 visitors. Visitor numbers were reduced from New South Wales, Victoria, Queensland, South Australia and Western Australia however, visitor numbers from Tasmania and New Zealand exceeded those that were achieved in both 2005 and 2006. Mr Speaker there are two main reasons for the decline in July 2007 visitor numbers. Firstly, I as Minister for the airline instructed the airline not to dump deeply discounted seats into the market place as had happened in 2006 because feedback from the travel industry and high fare paying visitors indicated that it was negatively received and we actually did ourselves quite a bit of damage. Secondly, the long awaited Regional Partnerships Funding to promote Norfolk Island did not arrive in time to maintain our advertising efforts and the Tourist Bureau did not inform me that they had in fact run out of advertising funds. Mr Speaker what have we done to ensure a better result next year. Mr Speaker I can inform you from April to June 2007 that's inclusive, Norfolk Air released an early bird special. This special was targeted at the group market that travel in May, June, July and August of 2008. At this time, that is eight months before first travel in excess of 1,600 visitors have booked. This is a significantly improved situation compared to that which we found ourselves in during March 2007 looking at forward bookings for travel in May, June July and August of 2007. Mr Speaker my colleague Mr Gardner, Minister for Tourism and Health has already stressed to the new tourism board that our promotional efforts must be maintained before, during and after the traditional July low period and consideration is being given to varying the end of the Tourist Bureau's financial year to avoid it coinciding with the traditional low period. Thank you Mr Speaker

MRS JACK

Mr Speaker part of the package of papers that the Minister has just tabled also includes the Norfolk Island tourism visitor exit survey and that has followed through a number of topics from motivation to visit Norfolk Island, accommodation rating, choice, age group, holiday experience, discretionary spending, occupation and where from. And it's interesting to note Mr Speaker when it came to accommodation rating that of the total people questioned, the percentage of people who responded to the survey, some 83% responded to the survey of the total of 28,000 cards completed, that a small percentage, .8 found their accommodation rating poor and that 1.1% found the holiday experience here below expectation. Now that in itself may seem an acceptable risk if you like, for the industry. My concern with these figures, even though they are small, is the flow on effect that poor PR can have on our at times very fragile tourism and considering that tourism is our major industry I think that we really need to gear up and ensure that those figures are monitored and are being considered and where possible positive action is being taken. So it was interesting for me last week to have an executive from the Triple A rating here, whom I met, Mr George Campbell and two of the ratings officers that are currently employed by Triple A who arrived last week and continue to remain on the island I also met with these particular ratings people and discussed with them concerns that I'd been handed during the last couple of weeks, regarding accommodation and these complaints came from owners within the accommodation industry on Norfolk Island, employees in some of the places that were mentioned by other owners as well as visitors and so I took these concerns both to the executive representative of Triple A and to the two ratings persons. I note and it was with some relief that they informed me that those types of concerns are not just being faced by Norfolk Island. They are being faced throughout the industry and they have actually started to upgrade their own requirements in ratings. So I look forward to that movement that poor response for accommodation rating being decreased, especially as last week the Chief Minister had to intervene on behalf of two different lots of visitors who were complaining severely about their standard of accommodation so we must become more involved and ensure that standards are being met and maintained and if necessary, upgraded. There are options available to this house and I would hate to see those options being introduced because I believe positive solutions are available. As for noting where the people are coming from with the new service soon to be starting out of Melbourne I'll be really looking at those figures out of Victoria and hoping that the 8.0% of the people surveyed who came from Melbourne certainly grows Mr Speaker. They are

an extremely positive market and as my son is one of them I'll be looking forward to his contributing. Thank you

MR CHRISTIAN Thank you Mr Speaker, Mrs Jack has drawn my attention to the last page on the bundle of documents that I have tabled and it's a visitor exit survey and it samples the period I suppose from July 2006 to June 2007 and it is a very informative document and one of the areas which we've had some work done on Mr Speaker is what motivated somebody to visit Norfolk Island and it is very telling and I'll read what some of them say. People attending an event in Norfolk Island 6.4% of our visitors come for that purpose. Brochure, so if you saw Norfolk Island in a brochure 11.2% decided to travel to Norfolk Island 4 after reading about it in a brochure; to visit friends and relatives, 3.2%; a friend recommended to Mr Speaker this is a whopping 31.7% and I think that really drives home to all of us that it's in our interest to ensure that every person who visits Norfolk Island has a memorable stay. A workmate recommended it 1.1%; a magazine advert 1%; newspaper advert 5.8%; radio .2%; television .9%; travel show 6.1% and visited before this is return visitor Mr Speaker 17.3% and interestingly the website accounted for .1% of our visitors so they are in fact very interesting statistics and Mrs Jack has just made mention of the soon to commence Melbourne Norfolk direct service and I'll just provide a bit of additional information on that which I became aware of this morning. I have thought for some time that when we look at our visitor arrival numbers that in the past up to 20% of our visitors have come from Victoria and that is down to around 8% at the moment so there was room to try and regrow that market, hence the decision to operate a Melbourne Norfolk Island direct service. The first service is scheduled for the 19th October I think from memory and the airline office advised me yesterday that the first flight has completely sold out, there are no seats available on that as we speak and the second flight a week later has less than 40 seats available so it's filling rapidly and I approved yesterday the launch of a major marketing campaign in Melbourne, \$100,000 to be spent over the next three months so things are looking good out of Victoria. Thank you Mr Speaker

MR ANDERSON Mr Speaker I would like to just make comment about the early bird initiative and I think it is possibly one of the best initiatives that has been put into place for filling the quiet period rather than knee jerk reactions once the quiet period is upon us. I really recommend this

MR NOBBS Mr Speaker I would just like to add a small amount there, and Mrs Jack mentioned the incident earlier on with regard to relocating some unsatisfied customers that we had to better lodgings. I should just point out that the Tourism Accommodation Officer has acted very swiftly there and also got on to ensuring that they were going to get some satisfaction and I also spoke to him afterwards regarding some initiatives that we could put in place to ensure better outcomes including better reporting options for people in units who may not be happy or felt that their unit reflects what the advertised quality of it perhaps was indicating. I have also had quite a few phone calls from various accommodation proprietors who do the right thing who are hoping that those who undermine the market will be shown the error of their ways by the Tourism Accommodation Officer or the Tourism Minister in whatever capacity it needs to be done because we are putting ourselves out here in the new tourism five year strategy that we are a place that generates an experience that is unique to Norfolk Island and the generation of that experience doesn't just come from the travel, or the accommodation or the retail either, it's a community wide experience so I would just like to put it out there, I have once before but I say it again, that everyone needs to get on board for this as the quality of Norfolk Island comes down to our weakest link so our weakest link should be working their hardest to get themselves sorted out or seek assistance to get up to standard because this is our future. Thank you

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

QUESTION PUT
AGREED

Thank you. Are there any further Papers this morning

STATEMENTS

We move to Statements Honourable Members

MR MAGRI Thank you Mr Speaker I just wanted to make a brief statement on the general issue of road safety on Norfolk Island and the necessity to revisit the of requiring drivers and passengers to wear seat belts. Mr Speaker in the near future I intend to proceed to bring to the House legislation that will require drivers and all passengers of motor vehicles to wear a seat belt. I'm introducing my intentions into the House during the giving of statements to give the community a maximum opportunity to communicate their opinions and concerns to either myself or to the wider membership of the Legislative Assembly before any specific legislation is drafted. Mr Speaker I do not intend to start off bringing statistics or graphic claims to support my intentions as I am positive that by now we all understand the pros and cons of wearing seat belts and we all have our opinions one way or another as the benefit of wearing seat belts can provide. Mr Speaker the Norfolk Island Government has introduced many measures to improve and ensure the safe use of our roads and the introduction of legislation to require road users to wear seat belts is a maturing or natural extension of that process. I would just like to remind the community that my office is always open and I'm available to talk or listen to any concerns that may be raised on this issue. Thank you Mr Speaker

SPEAKER Minister did you ask that the House take note of that statement. Thank you. I therefore invite debate

MR NOBBS Mr Speaker it's a finely put statement there Mr Magri. We've had many discussions about this formally and informally and as an exercise I've engaged the seat belt in our car for the last number of weeks to see whether this impacts culturally or in other ways and at this stage I would encourage a few people who have solid views on it one way or the other to just give it the trial period at the moment whilst this discussion is going on because there are obviously advantages and disadvantages and if people aren't going to engage in the use of it before debate then they may be debating it without suitable substance. That's all I can say Mr Speaker

MR ANDERSON Mr Speaker I've stated my thoughts on this quite plainly and clearly before and I'm prompted by the Chief Minister that we should have a trial period for ourselves. When I drive my wife's car there's a sign there that says 'your seat belt's not done up' so I always do it up in that car and mine when I remember but I think it's essential that this legislation goes through

MR B CHRISTIAN Mr Speaker I find that statement quite interesting and I look forward to the debate and the feedback from the community that Mr Magri may receive on this issue and I find it very interesting that the Chief Minister is wearing his seat belt and I commend him on his efforts. Fair enough but I personally am yet to be convinced on why people on Norfolk Island have a need for wearing seat belts and I look forward to the debate. Thank you

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

QUESTION PUT
AGREED

Thank you. Are there any further Statements this morning

MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 5

Honourable Members we have received two messages from the Office of the Administrator. I now read Message No 5 which reads that on the 2nd August 2007, pursuant to section 21 of the Norfolk Island Act 1979, and in accordance with the instructions of the Minister for Local Government, Territories and Roads, I withheld assent to the Immigration (Amendment) Bill 2006. The reasons for withholding assent I've set out in the Minister's instructions, a copy of which is attached and I read so accordingly. Signed by the Administrator of the day Grant Tambling and dated the 2nd August 2007. And the Minister's instructions read, to the Hon Grant Tambling, Administrator, Norfolk Island. Dear Administrator, I refer to the letter dated 5th January 2007 from the Deputy Administrator seeking my instruction on the Norfolk Island Immigration (Amendment) Bill 2006. The Bill proposes to insert three new subsections into section 90 of the Immigration Act 1980 concerning the content and effect of Immigration guidelines which may be prescribed by Regulations. These provisions would allow the Regulations to prescribe guidelines 'not inconsistent with this Act' encompassing the full range of policies applicable to the granting or refusal of applications for entry permits or residency under the Immigration Act. Despite the requirement for consistency with the Immigration Act, proposed new subsection 90(6) would provide for the making of Regulations prescribing guidelines which could oblige a person exercising any review function to have regard to the guidelines and not make a decision inconsistent with those guidelines. This is not the first time that the Norfolk Island Government has attempted to limit merits review of Immigration decisions. In November 2001, the then Minister for Territories instructed your predecessor to withhold assent to the Norfolk Island Immigration (Guidelines) Amendment Bill 2001, the reason was that the proposal was inconsistent with Commonwealth policy as reflected in the Norfolk Island Act. In the light of that background and the legal advice provided at the time by the Australian Government Solicitor (AGS) and the then Attorney-General, AGS was asked to provide advice on the current proposal. As with the 2001 proposal AGS confirmed that proposed new subsection 90(6) is inconsistent with maintaining the scope of merits review currently provided under the Norfolk Island Immigration Act. I then sought the views of the Attorney-General, the Hon Philip Ruddock MP and the Minister for Immigration and Citizenship, the Hon Kevin Andrews MP as the Ministers likely to have an interest in the Bill's subject matter and in the AGS advice on the bill. Both Ministers have made it clear that the 2006 Bill has not addressed the concerns raised by the Australian Government in relation to the 2001 Bill. The Attorney-General confirmed that 'subsection 90(6) is inconsistent with the scope of merits review currently provided under the Immigration Act' and that, 'to the extent subsection 90(6) seeks to make Immigration guidelines binding on a person exercising a review function under the Immigration Act (NI), the subsection should be amended'. He explained his conclusions as follows:

- *it would appear undesirable to impede the independent discretion which is vested in the Minister for Local government, Territories and Roads and the Administrator of Norfolk Island when they are undertaking review of decisions under the Immigration Act (NI). In the normal course of merits review, the merits review decision-maker will be required to have regard to all of the information the original decision-maker took into account and reach his or her own decision as to what the correct and preferable decision should be.*
- *In terms of the guidelines binding the original decision-maker, this is something which the Minister for Immigration and Citizenship may wish to comment on. However, if the guidelines are made without any scrutiny by the Commonwealth Government, this could subvert the intended operation of the Norfolk Island Act 1979 (Commonwealth) which requires all Immigration laws to be referred to the Commonwealth.*

The Minister for Immigration and Citizenship wrote to me and to the Attorney-General about the Bill. He emphasised that 'Norfolk Island Immigration should remain subject to Australia Government scrutiny and that the Australia Government should retain the power to veto such laws where it is desirable to do so'. He noted that 'border security and the integrity of Australia's migration program are matters of significant national interest'. The Minister urged me to instruct you to withhold assent to the Bill or return the Bill to the Norfolk Island Legislative Assembly with recommended amendments. Although both the Attorney-General and the Minister for Immigration and Citizenship mentioned the option of recommending amendments, I consider that the most practical course of action would be for you to withhold assent to the Immigration (Amendment) Bill. That Bill was an initiative of the previous Legislative Assembly. Withholding assent will give the current Legislative Assembly the opportunity to consider its immigration legislation, policies and review processes afresh. Withholding assent will also reinforce the Australian Government's concerns with both this Bill and the previous (2001) attempt to bind decision-makers under the Immigration Act. Administratively, withholding assent is also the simplest option. Returning the proposed law with "recommended amendments" would be far more complicated. Further legal advice from AGS and consultation with my Ministerial colleagues would be needed to settle the content of any proposed amendments and to ensure consistency with the Act as a whole. There is also the risk that returning the Bill with recommended amendments could present the Legislative Assembly with an option it did not wish to pursue. This could lead to a circuitous process of other unacceptable amendments being made, referred to me for instructions and then returned to the Legislative Assembly for further amendment. Therefore, after taking into account the advice from AGS, the Attorney-General and the Minister for Immigration and Citizenship, and in accordance with subsection 21(6) of the Norfolk Island Act 1979 (Commonwealth), my instructions are that you withhold assent to the proposed law and, in accordance with section 24 of the Act, advise the speaker of the reasons for my decision. This outcome (like that in 2001) could have been avoided if there had been early consultation at both Ministerial and officer level about the proposed law. Consultation would have provided the opportunity to highlight the similarities between the 2001 and 2006 proposals and the likely outcome if no changes were made to take into account the Minister and legal advice provided in 2001. "Standing Instructions under section 7 of the Norfolk Island Act. In 2001 the then Attorney-General suggested that the then Minister for Territories give standing instructions to the Administration to refer to the Minister all Executive Council advice relating to the making of regulations dealing with Immigration matters. After considering the 2006 Bill, the Attorney-General took a similar view, advising me as follows:

Subject to comments from the Minister for Immigration and citizenship, I support the issue of the 'standing instructions' which require the prescribed guidelines and other matters to be referred to the Minister for Local Government, Territories and roads. This would appear to be consistent with the intent of the Norfolk Island Act which required Immigration legislation and other matters of national interest to be subject to Commonwealth scrutiny.

The Minister for Immigration and Citizenship subsequently confirmed that he supports the Attorney-General views and believes that standing instructions should be issued. I have therefore attached a formal instrument under section 7 of the Norfolk Island Act 1979 (Commonwealth) instructing you to refer to me any advice tendered to you by the Executive Council in relation to the making of regulations under the Immigration Act (other than those regulations dealing with routine procedural matters) and to not act on that advice until I have given you further instruction. If you have any concerns about categorising 'routine procedural matters', I ask that you contact the Department of Transport and regional Services for assistance. Yours sincerely, Jim Lloyd, and that letter is dated August 1st, 2007. And attached to that is the Norfolk Island Act 1979, Instructions under Subsection 7(3). Acting under subsection 7(3) of the Norfolk Island Act 1979 (Commonwealth) I instruct you, Grant Ernest John Tambling, Administrator of Norfolk Island, to refer to me any advice tendered to you by the Executive Council in relation to the making of regulations under the Immigration Act 1980 (NI): (i) prescribing guidelines or policy to apply in relation to things to be done, or decisions to be made,

under the Act, application forms for the purposes of sections 13, 29 and 86 of the Act and diseases for the purposes of section 43 of the Act; or (II) prescribing any other matter except for such routine procedural matters as the setting of fees and penalties, and not to act on that advice until I have given you further instructions. Dated this first day of August 2007 and that is signed by James Eric Lloyd, Minister for Local Government, Territories and Roads. Honourable Members that is Message No 5 received from the Office of the Administrator, the Honourable Grant Tambling at that time

MR NOBBS

Mr Speaker could I move that the message No 5 be noted

SPEAKER

Honourable Members the question is that Message No 5 be noted, is there any debate. Chief Minister

MR NOBBS

Mr Speaker the Norfolk Island Immigration Bill 2006 as read was a component of the previous Legislative Assembly direction with regard to Norfolk Island's Immigration procedures. The withholding of assent, although it may be disappointing for some, can now be referenced in the current review of the entire Immigration system which is currently under way. The current review is inclusive of all aspects of Immigration from available information at the counter through application processing, appeals and subsequent processes. Many papers have been written in the past focussing directly on the Immigration process and how to provide a more robust and responsible and effective outcome to this important and yet sensitive area. I have the benefit of past reports and the cooperation of the Immigration officer and committee to see that the outcomes of this review are not only well considered but also dealt with as expediently as possible. In a broader sense the review will be shaped by the development of a comprehensive population policy for Norfolk Island. This will include consideration not only of what is the optimal population for Norfolk Island but also on the population mix which would be most beneficial for our economy and community. That might mean for example deciding on whether we wish to attract certain types of people with skills or investment capital to help achieve our goals for economic or social development. Thank you Mr Speaker

SPEAKER

Thank you Chief Minister. Any further debate. No. Honourable Members the question is that Message No 5 be noted and I put that question

QUESTION PUT
AGREED

Thank you.

Honourable Members as I said we have received two messages from the Office of the Administrator. I now read Message No 6 which reads that on the 2nd August 2007, pursuant to section 21 of the Norfolk Island Act 1979, and in accordance with the instructions of the Minister for Local Government, Territories and Roads, I withheld assent to the Social Services (Amendment No 2) Bill 2006. The reasons for withholding assent I've set out in the Minister's instructions, a copy of which is attached and that message is signed by the Administrator Grant Tambling and dated the 2nd August 2007. And the Minister's instructions read, to the Hon Grant Tambling, Administrator, Norfolk Island. Dear Administrator, I refer to the formal request for my instructions on the Norfolk Island Social Services (Amendment) Bill 2006 and the Social Services (Amendment No 2) Bill 2006. The first amendment Bill contains routine changes to the definition of 'officer' (which would affect Membership of the Social Services Board) and the definition of 'income' (in relation to property interests acquired through a deceased estate). However, the Amendment No 2 Bill is more far-reaching in scope. It proposes to give effect to the Norfolk Island Social Services Board Review of 2002 and encompasses

issues such as income and asset threshold criteria, Norfolk Island residency requirements for benefits, changes to the appeals process to replace the Administrator with the Norfolk Island Administrative Review Tribunal (ART) and so on. Given the Australian Government's 'national interest' in Norfolk Island's social services regime, I sought the advice of the Minister for Families, Community Services and Indigenous Affairs, the Hon Mal Brough MP, the Attorney-General, the Hon Philip Ruddock MP and the Minister for Employment and Workplace Relations, the Hon Joe Hockey MP. I have taken into account the advice of those Ministers in reaching my conclusion that the first amendment Bill raises no issues of concern to the Australian Government. Therefore, in accordance with subsection 21(6) of the Norfolk Island Act 1979 (Commonwealth), I instruct you to assent to the Social Services (Amendment) Bill 2006. However, the Minister identified some areas of concern from the Australian Government's perspective in relation to the Social Services (amendment No 2) Bill. I took their views into account in reaching my own conclusions as set out below.

Appeal mechanism. The Bill proposes to replace the Administrator with the Norfolk Island ART as the review body for decisions under the Social Services Act 1980 (Commonwealth). Currently, your Office conducts a relatively informal administrative process at no cost to the appellant. You obtain and review copies of all papers, seek comments from both parties and, if necessary, obtain legal advice before making a decision. I consider that this process is particularly helpful for unrepresented applicants of limited means who are unused to Government processes and legal proceedings. Using the ART as the only means of review is at odds with the Australian Social Services system which offers three levels of review. The first two levels are relatively informal and all three levels are free of charge. The first level is by an Authorised Review Officer, a senior officer who will have had no involvement in the original decision. Second, if still aggrieved an appellant can seek review by the Social Services appeal Tribunal, a specialist independent statutory body which operates as informally as possible, and the third, an appellant then has the option of review by the Administrative Appeals Tribunal (AAT). This is the Australian Government's equivalent of the Norfolk Island ART with formality, time frames, Administrative and statutory procedures. However, as already mentioned, there is no charge for lodging an appeal in the AAT. I consider that the Norfolk Island ART is not appropriate as the first and only means of review of Social Services decision. I have therefore decided that the Administrator should be retained as the review body until Norfolk Island can provide an equivalent to the Australian Social Services system's free, relative informal, officer-level review process. The more formal level of review could be introduced by amending the Social Services Act 1980 (Norfolk Island) to include a right of appeal to the ART from a decision of the Administrator (or from any agreed replacement review mechanism).

Residence requirement – aged benefit and invalid benefit. Section 11 of the amendment No 2 Bill would increase Norfolk Island's residence requirement for the aged benefit from 10 years to 15 years. It would require a person to have been 'ordinarily resident' for the 10 years immediately preceding the application for benefits and 'for not less than 15 years since attaining the age of 21 years'. Minister Brough pointed out that this is greater than the 10 year residence requirement for the Australian Age Pension. The Norfolk Island Government has not provided any justification of such a significant departure from the standard elsewhere in Australia. I therefore believe the 10 year residence requirement should be retained. The Bill would also increase the residence requirement for an invalid benefit from 5 years to 10 years. This is consistent with the Australian social security system. However, the Australian system has various exemptions, including for persons who become disabled after arriving in Australia. The Norfolk Island Government has not provided advice on any equivalent exemptions. I also note that, in the context of providing input to the 2002 Social Services Board Review, the then Norfolk Island Crown counsel commented that "*Having regard to the fact that in most cases a person does not become permanently incapacitated by choice, it could be argued that an increase in residential qualification is contrary to the intended purpose of the Act (which is to provide income support in certain circumstances).*"

'Member of couple'. All Ministers drew attention to the current wording of proposed section 3A which would allow a 'member of a couple' to be interpreted to include a member of a 'same-sex' relationship. Minister Brough advised that this is

'contrary to Australia Government policy and law and may be an unintended oversight'. To ensure alignment with current Australia Government policy, he suggested that paragraph 3A(1)(b)(i) of the bill be amended to state 'the person has a relationship with another person of the opposite sex (in this paragraph called 'the partner'). Other issues identified. Minister Brough noted that clause 15 of the bill would empower the Executive Member to authorise the payment of concessions and allowances. He pointed out that 'The unfettered nature of the executive Member's discretion to authorise these payments is inconsistent with the treatment of similar add-on payment provided under the Social Services Act 1991'. Minister Hockey noted that the 'Secrecy provision is substantially different to the confidentiality provisions in the social Security (Administration) Act 1999'. The Attorney-General recommended that clause 8 of the Bill be amended as it 'could be interpreted as providing that a person will only be in breach of secrecy provisions if it can be proven that they had the intention of disclosing the confidential information at the time they obtained it.' Although my Ministerial colleagues recommended amendments to the Bill to address some of the issues listed above, I consider that the most practical option would be for you to withhold assent. The Bill was an initiative of the previous Legislative Assembly. Withholding assent will give the new Assembly the opportunity to review the scope and intent of the proposed changes. I note that at the 16 May 2007 Legislative Assembly meeting, the Deputy Speaker mentioned the Bill as being 'passed by the previous Legislative Assembly' and asked the relevant Minister to defer commencement of the Act 'which deals with, among other things appeal mechanisms, until these broad changes are examined in the light of the policies of the new Legislative Assembly and Government'. The Norfolk Island Minister undertook to bring the deputy speaker's concerns 'back to the house at a suitable time'. Therefore, after taking into account the advice I have received, and in accordance with subsection 21(6) of the Norfolk Island Act 1979(Commonwealth), my instructions are that you withhold assent to the Social Services (amendment No 2) Bill 2006 and in accordance with section 24 of the Act, advise the speaker of the reasons for my decision. I also ask you to encourage the Norfolk Island Government to consult the Australian Government at an early stage whenever extensive and substantial amendments to the Social Services Act 19890 are being contemplated. As noted above, the Australian Government has a 'national interest' in Norfolk Island's Social Services regime. This is clear from the decision to place 'Social Services' in Schedule 23 of the Norfolk Island Act 1979 (Commonwealth). Yours sincerely, Jim Lloyd, and that letter is dated 27th July, 2007

MRS JACK
noted

Mr Speaker could I move that the statement be

SPEAKER
No 6 be noted, is there any debate. Mrs Jack

Honourable Members the question is that Message

MRS JACK
Mr Speaker it is important that some comment be made given the message from the Office of the Administrator which you have just read out and in particular to the Social Services Amendment No 2 Bill which had assent withheld. Mr Speaker firstly this Government is committed to continuing the work of the preceding Legislative Assembly's in reviewing the Social Services Act 19890. Secondly the previous Executive Member with responsibility for Social welfare had split the ongoing review into two parts, and it is part one that we are concerned with today. Thirdly Mr Speaker I have read and considered all the concerns and comments made by Ministers Lloyd Brough Hockey and Ruddock regarding appeal mechanisms, residency requirements, definitions on what constitutes a couple, inconsistencies regarding the use of ministerial discretion as well as aspects regarding security/confidentiality. The result of this being that I have written to the Chief Executive Officer a memo detailing my views on how best to deal with those concerns given our size capabilities and resources. I've asked that my views be forwarded to our Legal Services Unit with drafting instructions so they can be incorporated into a new Bill dealing with part one of the Social Services Review package. Mr Speaker when that draft is done it is my intention to ask my colleagues to give full consideration and

comment to the draft with any appropriate changes being incorporated. At that stage I plan to introduce the draft into this House as an exposure draft and will seek support for it to be placed before the Impact of Bills and Subordinate Legislation Committee. Mr Speaker as you are aware the role of this committee will be to seek comment submissions from the public to compile those comments and to report which in turn will be placed before this House for Members to give consideration. The result of those deliberations may well see a new draft version of the legislation being written that incorporates certain aspects highlighted by the public review process. Mr Speaker when placing the exposure draft before the House it is also my intention to send a copy to the Minister's office seeking further comment. I do this not to draw out the process but in the hope that when the final draft of the Bill is done and placed before this House and passed, I will have a piece of legislation that holds no surprises for anyone. A Bill where any and all of Norfolk Island's different approaches in providing Social Services have been thoroughly explained and understood both in our local community and in the Commonwealth Government community. In short, a Bill that will receive assent. Thank you

SPEAKER Honourable Members the question is that the message be noted. Any further debate Honourable Members. No. Then I put that question

QUESTION PUT
AGREED

Thank you. The motion is agreed

REPORT FROM STANDING COMMITTEES

SPEAKER Are there any reports of Standing committees Honourable Members. Then I have one from the Chair. As you are aware I am the Chairperson of the Public Accounts and Estimates Committee. I would like to make a short statement. As recommended by legislation of this House, the Members of the Public Accounts and Estimates Committee have met on several occasions. As agreed course of action by this committee, we enquired into the possibility and or the probability of streamlining the care and maintenance of Norfolk Island's parks and public places. To assist with the enquires the committee has appointed on a temporary basis a secretary, Mrs Anita French. The committee wishes to advise this House that deliberations and consultations are still ongoing and no firm recommendations have been formulated at this time. Thank you. And I ask that the statement be noted. Any debate. Then I put that question

QUESTION PUT
AGREED

Thank you

ORDERS OF THE DAY

SPEAKER Honourable Members, we move to Orders of the Day

ROAD TRAFFIC (AMENDMENT NO. 2) BILL 2007

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

MR MAGRI Thank you Mr Speaker. Members will recall that at the last sitting of the House I introduced the Road Traffic Amendment No 2 Bill 2007 to

provide the police with the ability to require persons involved in a motor accident to undergo a breath analysis to determine whether the driver of the motor vehicle is under the influence of intoxicating liquor and determine whether or not the level of alcohol is over the prescribed limits. This is rather than relying on blood analysis which is an expensive, invasive and protracted process. Mr Speaker if this Bill is passed today I will move to make Regulations to prescribe the breath analysis machine and the required procedures and forms to be used. I commend this Bill to the House

MRS JACK Mr Speaker I've spoken with Minister Magri over this breathalyser and commend him for it but for me, it's just the beginning of a process and whether my view is shared by the rest of the Legislative Assembly or not and in following talking with several of the women following the women's meetings that I've held, it well may be necessary for me to move a motion in the House at a later date instructing the Minister to have drawn up random breath testing or something along those lines, now as I said Mr Speaker at the appropriate time when that motion is debated it will either get up or it won't. It depends on the Members of this House but that is something that I'm advising the Minister about that lies in the future. Back to this particular Bill. I'll support it no questions asked. It has my full support. It is as I said. Step one of a multi step process and I have a feeling that its presence on the island may start to make people think twice. Hopefully it does because we are going to be able to get faster results, faster cheaper results and hopefully that will work in our favour in assisting prosecutions of those very unwise to drink and drive. Thank you

MR ANDERSON Mr Speaker I would just like to add my support for this Bill and to say that I'll be voting for it

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

QUESTION PUT
AGREED

I think the Ayes have it. The motion is agreed. The Bill is agreed to in principle. Is it the wish of the House to dispense with the detail stage. We so dispense with the detail stage. Mr Magri I seek a final motion

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

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

QUESTION PUT
AGREED

I think the Ayes have it. The motion is agreed. The Bill is agreed

NORFOLK AIR CORPORATION BILL 2007

SPEAKER Honourable Members, we move to Order of the Day No 2 which is the Norfolk Air Corporation Bill 2007 and we resume debate on the question that the Bill be agreed to in principle and Mr Christian you have the call to resume

MR CHRISTIAN Thank you Mr Speaker. Mr Speaker what I would like to do here is to immediately adjourn debate on the Norfolk Air Corporation Bill 200. I say that because as a result of some legal advise that I received on Monday there are some potential problems in integrating some aspects of the operation of the airline which accounting aspects of the administration and I would like to seek more time to clarify

those issues and if necessary come back with some more detailed amendments to the Bill. So therefore Mr Speaker, I move that this matter be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

SPEAKER The question is that this matter be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting. I put the question

QUESTION PUT
AGREED

The ayes have it thank you, that matter is so adjourned

FIXING OF THE NEXT SITTING DATE

Thank you Honourable Members we move to the fixing of our next sitting day

MR B CHRISTIAN Mr Speaker I move that the House at its rising adjourn until Wednesday 19 September 2007, at 10.00 am.

SPEAKER Thank you Mr Christian. Is there any debate Honourable Members.

MRS JACK Mr Speaker I would just like to advise the House that on that day I will be absent from the island and seek leave for that time

SPEAKER Thank you. Is leave so granted Honourable Members. Leave is granted Minister. Is there any further debate. The question is that the Motion be agreed to.

QUESTION PUT
AGREED

The motion is agreed

ADJOURNMENT

MR ANDERSON Thank you Mr Speaker I move that the House do now adjourn

SPEAKER Thank you Mr Anderson. Is there any further participation in adjournment debate Honourable Members.

MR NOBBS Mr Speaker, I wish to pass on the best wishes of the Norfolk Island Government and Legislative Assembly to all of the sportspeople and officials who will leave tomorrow to represent Norfolk Island at the Thirteenth South Pacific Games in Samoa. It was great to be at the parade of team members in their Norfolk green and white colours in Burnt Pine on Saturday, and to have the chance to mix and talk with them at the Bowling Club a little later. I am sure that they will do Norfolk proud both in the way they compete and in the manner in which they conduct themselves as ambassadors of our community at this significant event. With coverage and interest for the games at an all time high, this year's Games will be the most publicised since the first games took place in 1963. The games will feature six hours of daily live television coverage and multi media on an unprecedented scale. There will be representatives of 22 countries and competition in 33 different sports. More than 5500 athletes and officials are expected to attend. Norfolk Island has a strong tradition of involvement in the sport, arts, history and culture of our South Pacific region. We are pleased to be able to send a sporting team to the South Pacific Games in our own right.

SPEAKER Thank you Chief Minister. Honourable Members any further participation in adjournment debate Honourable Members There being no debate I put the question that the House do now adjourn

QUESTION PUT
AGREED

Therefore Honourable Members this House stands adjourned until Wednesday 19 September at 10.00 am.

