

station. They became engaged but Davy was transferred to Fanning Island during the war so Ellen stayed with Les's family in New Zealand. Four years later Ellen joined him and they were married the day she arrived. They spent four years in Vancouver before returning to New Zealand, and then home to Norfolk Island. Davy and Ellen had two children, Richard born in Canada and Janice born in Norfolk Island. Their next transfer was to Fiji for three years and then back to New Zealand where their home was always open to their Norfolk family and friends. Richard died at age 24 and their lives changed again when Ellen and Les had their second family with the arrival of their grandchildren. Ellen loved any craft and hand work and she taught for many years at the YWCA. She served on the Mayoresses Committee when Helen Clark was the Mayoress of Mt Albert in Auckland. She loved playing bridge and tennis. When her brother Dick visited from Norfolk, she and her sister Edna would tog up and the three would be off to the races. Their grandchildren Ric and Kerry lived with them as they finished their schooling in New Zealand. After Les died, Ellen returned home and once again lived at Rocky Point, but her final home for the last nearly five years was at the Aged Care Unit at the Hospital. To her daughter Jan and Joe, to her grandchildren, her wider family and her many friends, to her hospital family, this House extends its sincere sympathy.

Mr Speaker, may she rest in peace.

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

PETITIONS

We move to the matter of petitions. Are there any petitions this morning?.

GIVING OF NOTICES

Are there any notices?

QUESTIONS WITHOUT NOTICE

Are there any questions without notice?

MR SHERIDAN Mr Speaker firstly I have quite a list here for the Minister responsible for Norfolk's newest Government Business Enterprises Norfolk Energy. Minister the statement in the local Norfolk Islander newspaper on the 6th October 2007 regarding the Norfolk Energy GBE has manifest debate amongst the community on Norfolk Island. Debate that allegedly does not appear to favour the Government in terms of the community expectation of fair and equitable outcomes particularly, of commercial support programmes. Firstly Minister can the Minister detail what was fair by mentioned the retail outlets wholesale prices

MR CHRISTIAN Thank you Mr Speaker, fairness has everything to do with it. So has transparency and openness in Government. You may recall on a previous occasion I think both myself and the Minister for the Environment Mrs Jack who has spent the last two or three years working on the fuel issue, had indicated that the Administration once it took over the distribution in fuel in Norfolk Island might set a recommended retail price. Mr Speaker I received representation from a number of service station owners asking me not to proceed down that path but therefore, the only alternative open to me was to publish the wholesale price in Norfolk Island and that information was freely available from the previous distributor of fuel, Martin's Agencies and likewise it's freely available from the Administration because anybody who buys bulk fuel gets that price and I thought it was also important that the consumer in Norfolk Island knew where the various components that make up the retail price of fuel in Norfolk Island properly resided

MR SHERIDAN Mr Speaker just following on from that, Minister if it is considered fair that the wholesale price of retail outlets is common knowledge, would the Minister like to advise as to what is the price of its own Government operation, ie the powerhouse, Works Depot

MR CHRISTIAN Thank you Mr Speaker, that's a matter that's yet to be finalised, but what I can say is that the way I'm leaning at the moment is that fuel to the power house under the new arrangements would be treated in a similar manner to what they were under the old arrangements, that is the duty and road levy or their equivalent would not apply, however in respect of the rest of the Administration I would suggest that it is not the role of Norfolk Energy to subsidise those other parts of the Administration that use fuel and I would expect that the price paid by the Administration Works Dept should be the same as the wholesale price to the rest of the consumers in Norfolk Island

MR SHERIDAN Mr Speaker just following on with regard to those two answers Minister would you concede that any unfair comments regarding petrol bowser prices will rest with the proprietors of these outlets and if so, do you think this is fair

MR CHRISTIAN Thank you Mr Speaker, from where I sit I am held publicly accountable for everything that I do. Members around this table will be given access to all of the costing components that go into the Administration arriving at its wholesale retail price. That's not secret there for MLA's. Obviously I won't be sharing that information with the wider public but the consumer certainly will be aware from what a service station provider has paid for the fuel on a wholesale basis and what the retail outlet decides to sell it for. What they decide to sell it for is a matter for them to determine after taking into account the cost and I stress that the situation in recent years is quite a bit different to the situation that existed many years ago when Mobil in fact owned all of the infrastructure and all of the bowers and maintained them. The situation today is that the individual retail outlet owner has to take responsibility for that, so in their retail margin they have to cover such things as the provision of the tanks and bowers, the maintenance of the same equipment, the depreciation and amortisation of that equipment and any energy costs that they use like electricity, and they also have to take into account whatever their labour costs are, so they are rightly matters for the retail owner and I don't come into that equation

MR SHERIDAN Mr Speaker just following on with regard to that, Minister considering that the wholesale price is common knowledge and after discussion with retail outlets, it is expected that the price of fuel will rise by approximately 17 cents per litre with a GST component being some 17 cents. With the ability for the retail outlets to draw back the GST paid of some 14 cents per litre of petrol, plus any business utilising fuel and their business will be able to drawback the whole 17 cents per litre, Minister would you agree that this increase will only affect the working man or women who uses their vehicle to travel to and from work and for recreational purposes, who will feel the full brunt of the 17 cent increase. Minister do you think that this increase is a fair burden for the general population

MR CHRISTIAN Thank you Mr Speaker, yes I do believe it's fair, it forms part of the overhaul of our taxation system. It was always the intention that we would eventually move to include fuel into the GST umbrella. Commercial businesses would be able to claim an input credit on GST paid on fuel they consume in the course of providing the service to the end consumer, or to their clients. Obviously for the commercial operator there's been a bit of a win but one would hope that any commercial operator passes that saving onto their consumers so that at the end of the day the GST attaches itself to the last person in the chain, whether that be a business or an individual

MR SHERIDAN Mr Speaker just a follow up, Minister during your statement in the local paper last weekend, you did not mention that particular stakeholders of the petroleum product supply chain. Can the Minister detail these stakeholders and explain why there was not mention of these particular stakeholders in the fuel supply chain

MR CHRISTIAN Thank you Mr Speaker, yes certainly, there's no secret there. I didn't put it in the press release because it probably wasn't the appropriate sort of information to be in a press release but that information was shared with all of the retail outlets in Norfolk Island who attended the meeting with myself and various Administration officials on Thursday or Friday of last week. Basically the situation today is that a local company has replaced Mobil as the supplier of bulk fuel in Norfolk Island. That company's principals are Joe Graffi and Chris Magri and I must state at this time that Mr Magri has never been included or part of any discussions that's occurred within the Legislative Assembly or the Government over the past few months whilst negotiations have been ongoing. The Norfolk Island Government or the Administration owns the bulk storage facility at Ball Bay, and owns the fuel stored within that facility. Members might also recall that Martin's Agencies who have been the agents for Mobil in Norfolk Island since day dot, they have in addition to managing the facility on behalf of Mobil also undertaken the delivery of fuel in Norfolk Island and that arrangement continues. They manage the facility on our behalf and they deliver the fuel to our retail and wholesale customers on a fee for service basis and that's commercial in confidence but it's a set fee per litre and I think that pretty much explains the fuel situation in Norfolk Island today

MR SHERIDAN Mr Speaker just following on from that, a few more supplementaries Minister can you advise how the Norfolk Energy GBE is to be funded by the Government and to state how much funding is required by the Government to maintain the Norfolk Energy operations

MR CHRISTIAN Thank you Mr Speaker, Norfolk Energy was created in effect by a loan from the electricity undertaking to the new GBE of about \$200,000 in working capital and Members might not be aware, as we only received the documentation yesterday but next Tuesday we will be meeting to continue deliberations on GBE budgets and a new budget has been created for Norfolk Energy and the blank spots will be filled in next Tuesday. Basically that's it Mr Sheridan, and \$200,000 in working capital was provided by an internal loan and we are required to pay for the fuel 30 days after we draw it out of the bulk storage tanks.

MR SHERIDAN Mr Speaker just a follow on, Minister knowing that a local business did import and distribute the following products into Norfolk Island until very recently can the Minister verify that business was purchased by the Government or instead did the Government nationalise that business giving no compensation to the owner

MR CHRISTIAN Thank you Mr Speaker, I will respond but Mr Sheridan might want to ask some supplementary questions to clarify. In short, no we haven't nationalised any business at all. There was one other private importer of fuel in Norfolk Island who had imported a trial shipment. We have no exclusive rights into the importation and distribution of fuel so if there are any other persons out there who feel that they want to compete with us well they are free to do so

MR SHERIDAN Mr Speaker a further supplementary. Minister when it became obvious that the Norfolk Island Government was becoming an importer of fuel, why did the Government not also become the purchaser of the fuel and enter into a contract with Mobil for the supply of its goods. Surely this would have been an easier way to do things and the cost would have been kept to a minimum. No middle man and reduced costs

MR CHRISTIAN Thank you Mr Speaker, the scenario that Mr Sheridan has just outlined may well be the situation we find ourselves in, in a year or two where the Administration may in fact be the only link in the entire process. The principle reason why the Administration didn't take over from Mobil as the supplier of fuel from the storage facilities in Noumea is that I didn't feel at the time that it was appropriate for us to stump up to \$3.5 –4m in working capital that's required to fund the operation and the commercial arrangements that are in place now are so competitive that I doubt the Administration could have done it any better itself

MR SHERIDAN Mr Speaker a further question please. Minister has the Administration been issued a certificate of registration as the registered fuel importer as required under the Fuel Levy Act 1987

MR CHRISTIAN Thank you Mr Speaker, I haven't personally seen such a form Mr Sheridan. I don't have it with me, but I understand that the Executive Director did register such a name and Norfolk Energy with the companies' office

MR SHERIDAN Mr Speaker the last one for this. Minister does the Government have any other industries in mind for nationalisation and if so which ones. Is it a possibility that the Gas industry is being considered for nationalisation?

MR SHERIDAN Mr Speaker I wish that Mr Sheridan would desist from using the term nationalisation because the Government hasn't nationalised anything. What the Government has done in effect is become the provider of last resort when all other avenues have fallen over and as I understand it, Mobil have been involved in protracted negotiations over the past three years in trying to find a private buyer both within Norfolk Island and outside of Norfolk Island who would be prepared to take on the entire fuel business. Unfortunately that wasn't to materialise so in order to provide a reliable and regular supply of fuel to Norfolk Island the Administration decided to get involved. There are good reasons for us being involved because we are in fact the largest consumer of fuel in Norfolk Island. If we take the powerhouse, I'll come back a step. There's about 5.6m litres per year in a normal year imported into Norfolk Island. The power house uses 2m litres of that and the Norfolk Air airline, I haven't the actual number of litres consumed in a year, but it is significant so we were protecting the community and protecting ourselves to a degree, but there is certainly no intention to nationalise or take over any other utility in Norfolk Island or energy source but if the need ever arose we would consider it

MR SHERIDAN Mr Speaker I have a couple of question for the Minister responsible for land and environment, along the same vein as the fuel so if I may I'll continue on. Minister in last Saturday's local paper dated the 6th October the Minister for GBE's, Minister for Finance stated that Mobil was unable to find a private operator for the Ball Bay facility. Minister firstly just a couple of statements in regard to this, Minister was the Minister for GBE's correctly quoted and if so, was that Minister aware when making that statement that at least three different approaches by resident businesses had been made to Mobil and to the Government to purchase the Mobil assets at Ball Bay and to fund and operate the entire operation

MRS JACK Mr Speaker could I just ask if there are to be a few running questions rather than try and remember them at the end, I would like to answer them as they go along. We are all aware that several consortiums or groups of people made approaches to Mobil to take on the fuel distribution for Norfolk Island. Unfortunately they all fell over at certain hurdles. Some of these came quite close, to signing contracts but it was environmental issues, or bond monies, or requirements that was sought by the Governments of the day that they felt were to onerous or too costly or whatever and they decided not to continue with the process

MR SHERIDAN Mr Speaker just following on there, the second part of this question, was the Minister for the GBE's aware that the private interest had been in excess of \$5m for the assets of the private management of the import and distribution of the final product for the community of Norfolk Island

MRS JACK Mr Speaker I wouldn't have a clue and I wasn't aware of those figures because at the time, when various individuals were dealing with Mobil it was all commercial in confidence

MR SHERIDAN Mr Speaker just following on. Was the Minister for the GBE's aware of the complexity and the encumbrance built into the site licence at Ball Bay giving rise to Control over the proponents business structure and the mechanism such as price index sector within that business

MRS JACK Mr Speaker could I just read that. We were all aware not just the Minister for the GBE's, aware of the complexity and encumbrances built into the site. They've been part of the issue for those private groups. And the pricing which is different to the complexity and encumbrances built into the site licence are two different issues and as the process went on from when Mobil first raised the issue of wanting to move out from the supply of fuel on Norfolk Island each month bought issues forth of the complexities of running the business operation, whether it was bringing the fuel onto the island which is one issue, storage of fuel, which is another issue, distribution of the fuel which is another issue, and the pricing which is yet another issue, and there's the various, if we go back to Mr Sheridan's first question as the various people put their hands up, to want to be involved, it was these various areas and their complexity of each of those stages that made people realise it wasn't just having the money but also being aware and accountable for each of those steps. Now as the Government was a party to asking these people to continue on with their agreement to take over the fuel we in turn became aware of the complexities of each of those stages, so we guess by the time the final and successful operator came in, he was fully aware of all of those complexities up to date. I mean, there may be issues still as we enter into the agreement or continue on as there are in every industry. We can't assess every aspect that may go wrong. We hope we've accounted for everything but there may be smaller side issues that come up, but we are aware of the complexities of the business that we've taken on

MR SHERIDAN Mr Speaker just a couple more questions here. Minister can you provide an explanation as to why there were no documented dispensation to the rigid lights at the Ball Bay fuel facility to allow a fair and reasonable commercial arrangement to private operators on the import and distribution of fuel products to Norfolk Island

MRS JACK Mr Speaker if you don't mind I'll just re read that question presented by Mr Sheridan. What are you getting at here? I mean, we followed all the procedural matters that I believe need to be followed and so if Mr Sheridan is aware of some process that hasn't been followed, I would like him to enunciate it or clarify please

MR SHERIDAN Mr Speaker with the previous questions, there were other interested parties, plus money was available but the site licence conditions made it very difficult for private and commercial competition in Norfolk Island so it's more or less trying to get you to explain why

MRS JACK Mr Speaker we've taken on those very things. Those conditions. We haven't bypassed them. We have sought the insurance cover. The environmental requirements, through that insurance cover. We have the knowledge and the capacity should anything occur of who to contact. I mean, we've taken on the

responsibilities asked of each of those previous consortiums that were trying to get in and take over the fuel distribution. We have taken those over

MR SHERIDAN Mr Speaker one final question then. Minister as I believe the previous private consortiums were required to place a bond for the purpose of environmental clean up in the event of a major fuel spill, one condition that restricted these operators in their bid to import and distribute the fuel products, Minister does the Norfolk Island Government or are they required to place a bond somewhere separate for this purpose

MRS JACK Mr Speaker no. We've taken it on in our insurance. Can I just say though, one further point, is that with regard to the consortiums and the stickler that some felt with that bond, it was interesting when one party acting on behalf of the other party agreed to the bond, and then other Members who were behind them, said no, so it was very hard to deal with issues where the representation said one thing and then the parties behind said another, and those were the aspects over the last three years that were a nightmare for me and for the Members of the Administration to deal with

MR B CHRISTIAN Thank you Mr Speaker, I have a question for the Minister for the airline. Minister I understand that vermin was found in the salad handed to a passenger on Norfolk Air flight this week. This is hot on the heels of another foreign object being found on a business class tray only two weeks ago. These are only two of the incidences and I believe there are more reported on file. These are not only health and safety issues, but also a matter for quarantine and not to mention the detrimental effect to our tourism industry. My question is then, how many times is this going to be allowed to occur before serious action is taken

MR CHRISTIAN Thank you Mr Speaker, I can answer that as best I can. As far as I'm aware there have been three incidences in respect of food contamination from the caterers that provide meals to the airline. On each occasion the action has been taken and remedies put in place. The second occurrence which occurred some weeks ago, I weighed into debate and I wrote to Ozjet on the 2nd October this year seeing some clarification and assurances. I'm still waiting for a response and I'm also aware that in recent days there was another incident, the one that you have referred to. I can assure you that there's been correspondence going backwards and forwards between Becky Nobbs at Norfolk Air and Ozjet. The Service Provider. Trying to get to the bottom of it and to put in place some mechanisms that would prevent it from occurring. I understand that Ozjet's staff have made certain recommendations and I don't know what the recommendations are to their senior management and once the senior management has considered the recommendations the response will be forthcoming to Norfolk Air

MR SHERIDAN Mr Speaker a couple of questions for the Minister for the Environment. Minister I believe that you are aware of a paper compiled by the United Nations Institute for Training and Research with the Research Person being Francois Le Blanc and the Data Provider being Jean Rice, with regard to the site proposal of KAVHA for World Heritage nomination. Minister Can you confirm that this paper was drawn up in consultation with the Norfolk Island Government and the KAVHA Board

MRS JACK Mr Speaker no it wasn't. the paper or the power point presentation and the paper also presented at the UNITR Conference was brought to my attention last Thursday or Friday and immediately, DoTARS Members in Australia and DEWR, the Department of Environment and Water Resources, were notified and told of my views regarding this presentation given at the UNITR conference and workshop. Mr Speaker the PowerPoint presentation has three areas that are incorrect and I am half way through a letter contacting Miss Jean Rice and explaining to her, her errors. The

I've spoken about the buffer zone, and Mr Sheridan has highlighted the problems that Miss Rice has mentioned in the PowerPoint and it's the thoughts or the move to parking permits. Permits to hold Bounty Day. All those sorts of issues and those are the very things that cause me grief in this position because people see it as it's definitely going to happen. It's bad news that people love to hear and love to expand on and it's seen as oh well, it may be bad news and the Minister's there trying to down play it and say it's not going to happen. It's my intention that it's not going to happen. I mean, I cannot give myself in this seat. But it is for the people and the CMP. Now if the CMP comes out, I'm sorry the Conservation Management Plan comes out and it's viewed for a month and the community has every right to read it and respond to it, those are the times but it is certainly not the intention of myself or the Members of the Steering Committee for the World Heritage listing to want those aspects

MR SHERIDAN Mr Speaker one for the Chief Minister. Chief Minister as we are now some eight months into the term of Government when do you intend to table the Government's Priorities Legislative Programme and the Strategic Plan for the years ahead

MR NOBBS Mr Speaker I'll be making a statement later in the sitting on the progress of the 12th Legislative Assembly's Strategic Plan which is progressed through myself and the executive and is now in the hands of the Chief Executive Officer and Public Service management to establish some of the management and process of the plan where it aligns with areas of responsibility but I'll be making a statement on that, later on, thank you

MR SHERIDAN Mr Speaker a question for the Minister for Finance. Minister what is the maximum cost of goods imported that does not attract duty or GST. The general goods that are being imported. \$100. %\500.

MR CHRISTIAN Thank you Mr Speaker, I think for GST there is no minimum or maximum, whichever way you want to quantify it but normally for duty purposes, it's \$200 I think.

MR SHERIDAN Mr Speaker a supplementary please. Minister when do you intend to remove this facility so that people who have been rorting the system by insisting that they split their invoices of goods of which value is greater than the maximum of say \$200 and thereby not paying any duty

MR CHRISTIAN Thank you Mr Speaker, obviously the GST legislation is up for review as we speak and we'll be considering a range of issues there. I'm not quite certain what I'll be able to do about the customs side of things, and I will talk to the Chief Customs Officer about it, but it hasn't been brought to my attention that it's a significant problem at this stage but if it is, we'll certainly deal with it

MR SHERIDAN Mr Speaker a further question for the Minister for Finance. Minister it was reported in the Norfolk Islander a couple of weeks ago, the 29th September when you spoke at the NAG meeting with regard to Norfolk Island that has a small permanent population that requires a smaller school and hospital. Minister would you like to expand on these comments and in particular, the insinuation that the school and the hospital's size needs to be reduced. Minister is this a Government policy or is this your own personal agenda

MR CHRISTIAN Thank you Mr Speaker, yes I can shed some light on that. I was invited along with a number of other Ministers to attend a NAG meeting and the discussion on a range of topics was very wide ranging and I can say with some certainty that the report that appeared in the Norfolk Islander misquoted me in a number of areas. It wasn't an actual accurate transcript of what occurred. What I said in respect of the school and the hospital was totally the opposite. What I said is that no mention

was made of downsizing the hospital or downsizing the school. What I ended up in was a fairly robust debate with the chairman of NAG or the person who chaired the meeting on the evening, in fact the President of NAG I think, Mr Wally Beadman, on future population growth for Norfolk Island. One of the questions posed to the MLA's who attended that meeting was where will the population of Norfolk Island be at the end of your term in office. My response to that question was the population will be at the end of my term in office, where the economy determines it to be. Mr Beadman I suppose its no secret, is the Editor of the Windows magazine, and he uses that publication to espouse his personal political agenda on where he thinks Norfolk Island should be. I indicated to Mr Beadman that I didn't necessarily agree with everything that he published and his political views and what I pointed out at that meeting was that it is all very well to have a larger population, but that larger population in itself, did not necessarily guarantee economic prosperity because it bought with it some additional baggage and that baggage may be an expanded school and an expanded hospital all of which cost money. That's the context Mr Speaker

MR SHERIDAN Mr Speaker a supplementary please. Minister also during the same NAG meeting it was reported that you talked about Norfolk Island must turn its mind to the possibility of on island wind and nuclear power generation. Would you please expand on these concepts, particularly the nuclear power generation option.

MR CHRISTIAN Thank you Mr Speaker, once again I can say that I was misquoted. What I said at that meeting and I might actually have to ensure that these meetings are tape recorded in future, when I was asked about alternative energy for Norfolk Island I indicated that I was leaning toward wind energy to supplement our diesel powered generation but what I went on to say is that Chris Magri and I had attended a conference for politicians throughout Australia to be briefed by the professionals that brief the Federal Government on where Australia's energy needs are going in the future and in particular what sorts of generation will satisfy that need and what I said to the meeting was that Australia was definitely looking down two principal paths, and they were clean coal and nuclear energy and I went on to say that if Australia was considering nuclear energy Norfolk Island had a duty to consider it as well because there are many types of nuclear energy. Not all nuclear energy involves reactors. Nuclear powered generation can be achieved in many ways and one of the things that's got me interested about nuclear power, and I'm not proposing that we go down the route, all I'm saying is that we need to look at all of the energy sources available to Norfolk Island. One of my former mentors I suppose you might say, was a guy by the name of John Smith who taught me maths and science at school and back in 1970 John Smith suggested to me that Norfolk Island's future needs could be provided by what was then called a pebble bed nuclear reactor and that reactor could quite comfortably be situated in Watermill Valley and draw its cooling water from the Watermill Dam. Well that technology has really progressed since 1970 and what I told that meeting was that 10 megawatts sets were now being developed which fitted into a twenty foot shipping container so that's one and a half times the entire output of our current power house, sitting in one twenty foot shipping container. The power for that as provided by radioactive material encased in ceramics, and that is the modern version of a pebble bed where in the 1970 version the pebbles were actually naturally occurring rocks and in todays age it's actually manufactured material. And what happens and this is where you have to take the mystique out of nuclear, and I'm not talking about a reactor, I'm talking about radioactive material producing heat and that heat turns a turbine which in turn is connected to an AC or DC generator so in principle it's no different to the geothermal power that occurs in New Zealand or elsewhere. It's electricity generated by steam and the heat happens to come from radioactive material. How does that work. You have these little pebbles that bubble around inside a pressure vessel and that pressure vessel happens to be filled with pressurized helium. Helium is expanded by the heat, goes past the turbine wheel which is connected to the generator, turns the turbine, the gas is condensed using convection through contact with air and then cooled and recycled and it is a self contained process. Once every year you might have to shift half

a tonne or whatever, of radioactive material back to Australia for either reprocessing or long term storage until the radioactivity decays. Mr Speaker they are the things that are being considered by Australia. All I said is that whatever Australia is considering we should also consider but I did say that I was leaning toward wind energy and I can say that in recent days we have been briefed by one of Australia's most eminent scientists in respect of an alternative form of wind energy and the Chief Minister and myself will be journeying to Australia in January to witness a pilot plant in operation and this scientist has patented and sold his technology and he is now negotiating on our behalf for the German joint venture partners to investigate setting up a model plant in Norfolk Island and that's wind Mr Speaker so I've got an open mind. I talk about anything on a technical level, and I want to be able to talk freely without being hung out to dry by others with a narrow mind

MR NOBBS Mr Speaker I don't know how this sits with protocol but just further to reinforce what the Minister for Finance was getting at there, but that meeting was quite productive in that it enabled every person at that meeting to pose any question at the Members present and that went on long after the President had decided the meeting should perhaps end. The unfortunate thing that comes out of that is when as far as I'm concerned, the Members of the Legislative Assembly appear at such an event, go to great lengths to provide detail and information or even to seek further information for community Members or community groups, and its very disappointing when that can later be taken out of context and make the whole thing counter productive

MR SHERIDAN Mr Speaker we still have a few minutes left so I've got a couple here for the Minister for the Environment. Minister now that the rock has been sorted and I believe it's portion 44a near the school, when do you intend to start crushing the usable rock there and the removable of all other waste material on that site

MRS JACK Mr Speaker for the Members of the community portion 44a is the lower school oval. That rock was not meant to be touched. It was a mistake that it was, but it's not meant to be touched, until portion 5a1 that is the lease portion where the current quarry is, has been cleared of all rock. When that happens, that area, 5a1, will be revegetated with soil etc that is currently stored on portion 44a and then the rock on portion 44a can be sourced. But not until the quarry is cleared

MR SHERIDAN Mr Speaker a supplementary please. Minister what is the reasoning behind clearing the stock pile at the quarry first before clearing 44a

MRS JACK Mr Speaker the Cascade loan, the money for that, all came and is to be paid back by rock taken from the quarry. Now surveys on the amount of rock there has been deemed to be enough to pay back that loan and so that is where that rock will be sourced from and for want of a better word, royalties is placed on the per tonne that comes from that quarry. That is where the money comes from to pay back the Cascade Cliff Safety Project loan. Now the rock at the school site, portion 44a is seen as excess and profit. Now how that is to be treated is to be dealt with later on. I have my view. The Minister for Finance has his view and no doubt there are nine slightly different views from around the table for how that rock is going to be sold and treated but until then, we take the rock from the quarry. We charge the appropriate costs and fees that have been decided by the Cascade Cliff Management Board and that is how it is dealt with

MR SHERIDAN Mr Speaker a supplementary please. Wouldn't you say the rock in the quarry and the rock in the stockpile in portion 44a is one and the same considering that the rock in portion 44a came from the Cascade Cliff in the first place so that it is neither here nor there where you get the rock from, they still pay the royalties on the load that they get

MRS JACK Mr Speaker I don't think my opinion really matters. Unless the quarry is cleared first and then the rock taken from the school oval. That is how it is going to be dealt with

MR SHERIDAN Mr Speaker Thank you. So Minister that's your personal opinion. It's just your personal reasoning is it

MRS JACK Mr Speaker no it's been decided by the setting up of the loan. That rock was a separate issue that was cleared and rescreened on portion 44a, was part of another court case and that is a different issue even though it came from the quarry that rock was under a separate court case. Now it is in my view different, to the rock on 5a

MR SHERIDAN Mr Speaker a rock's a rock in my opinion but never mind. Just one final question there to the Minister for the airline. With the Melbourne route now up and running can you advise us as to how many extra seats it will make available so as to increase the possible visitor numbers

MR CHRISTIAN Thank you Mr Speaker, as Members would be aware the decision to extend the Friday flight on to Melbourne and from Melbourne to Norfolk Island was principally taken to try and improve the performance of the Friday Sydney service which hadn't been performing to expectations and on a normal Norfolk Sydney Norfolk route we had hoped, or we can actually take 106 passengers. On the Members to Norfolk route we will be limited to between 80 and 88 passengers on any given service so if we look at that on an annual basis that would be say, 80 x 52 x 75%, I would be hoping that we would generate about another 3000 additional visitors into Norfolk Island and the reason it looks attractive to me is that when we look at our tourist arrival visitor surveys over the past few years Victoria has been up as high as nearly 20% of our visitors out of Australia and at the moment its down around the 8% mark so historically it tells me that we have some potential for growth there. The travel agents have told me in my deliberations in all o f this that people from Victoria travelling to Norfolk Island find having to travel through Sydney a bit of a turn off and this is an attempt to see if that's right and it is also the precursor hopefully in December next year of being able to provide non stop return flights in all directions when the new aircraft comes on line and its hoped that we will be able to take 107 people in both directions

MR SHERIDAN Mr Speaker a supplementary please on that last one. Minister you just advised us that coming out of Melbourne we would have an extra 3000 seats approximately per year. In my reasoning, that plane usually came from Sydney so those seats are already there utilising a full aircraft of 106 108 seats or whatever it was and now you've just told us that coming out of Melbourne canceling the Sydney run on the Friday, coming out of Melbourne we're restricted to something like 80 of the 88 seats so in my reasoning we are actually down

MRS JACK Mr Speaker point of order. Are we going to have the question

MR CHRISTIAN Thank you Mr Speaker, I'm happy to respond

SPEAKER I'm sure that Mr Sheridan will be coming to the question

MR SHERIDAN Mr Speaker I was working up to the question. I was trying to give the Minister background. I was just trying to put facts into place where it's not really an extra flight at all. We are actually losing seats. My question Mr Speaker is, Minister does it mean that with the restrictions on the Melbourne service and what I believe the low usage of the bounty class seats that we now have of something like 40 seats per week not being utilised, or unable to be utilised, Minister would this not impact

on the possible numbers that are used, possibly by as much as nearly 2000 seats per year out of Australia

MR CHRISTIAN Thank you Mr Speaker. No when I quoted the 3000 number that was at a 70-75% seat load factor on available seats provided on the route and if we look at the Sydney operation providing a number of seats according to our schedule is one thing, filling them is another. What I'm on about is trying to get some improved profitability into the Friday service. Now the airline schedule at the moment is geared towards trying to achieve the visitor number targets that we have in place in our tourism marketing strategies. In a real sense I'm probably still two flights per week short of getting to our tourism target numbers but in introducing the Sydney Friday service, whilst it is very successful in some weeks, overall, that route is losing \$700,000 per year. By extending the service to Melbourne through Sydney and then Melbourne Norfolk Island direct I can reduce that loss to \$200,000 so that's what's driving me there Mr Speaker

SPEAKER Any further questions Honourable Members. There being no further questions we conclude Questions Without Notice and we move on

PRESENTATION OF PAPERS

Are there any Papers for presentation this morning Honourable Members

MR CHRISTIAN Thank you Mr Speaker. On behalf of Geoff Gardner Minister for Tourism, I table the inbound passenger statistics for September 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 would just like to say a few words about visitor arrivals for September. Mr Speaker the numbers that have been achieved are quite healthy. To give you some idea, the numbers that we achieved in September 2005 we achieved 2278 visitors, for 2006 2586, visitors for 2007 we've achieved 3111 visitors so that's a brilliant outcome and if we look at visitor days in public accommodation we can see that we've moved from 19119 in 2006 to 21872 in 2007 in bed nights. Mr Speaker if we look at where our visitors are coming from, this is interesting as well. We can see that the state of New South Wales for 2007 in September has made up a bit over 36% of our visitors, Victoria has achieved 9%, Queensland 27%, South Australia just on 3%, Western Australia 3%, Tasmania 1% and New Zealand 18% so that's useful information for those in the community who are interested in our visitor arrivals

MRS JACK Mr Speaker I do note that New Zealand has actually decreased. It was actually pointed out to me by Mr Sheridan and I'm just wondering if the Minister on behalf of the Minister for Tourism could give some reasoning for this, some 40% drop in numbers from 2005 30.46% to 18.61% for visitors market contribution and what if any is the Tourist Bureau or the airline in discussions with air New Zealand undertaking to try and raise the level

MR CHRISTIAN Thank you Mr Speaker, I can respond on behalf of Mr Gardner. Members will recall that I was in discussion with Air New Zealand in recent times with my airline hat on, when I heard that they were possibly considering consolidating their two weekly flights into one flight on the Sunday and I had indicated to Air New Zealand that if they were going to drop the Thursday flight that Norfolk Air would be interested in extending their service from Norfolk Island to New Zealand and back. Air New Zealand came back to me after a week and said that they had reviewed the operation and that they did not intend discontinuing any service to Norfolk Island and

that they would be working towards rebuilding passenger numbers. Some Members may be aware that from March next year, Air New Zealand is changing their schedule around, and the Sunday flight is more or less the same, the Thursday flight will revert back to a Wednesday flight but it will depart Norfolk Island from memory at 9 or 10 o'clock at night so it becomes a back of the clock operation for air New Zealand and the reason for that is purely a commercial one. They get a better return on that aircraft using it on their domestic network throughout the day and when that work is completed in New Zealand the aircraft is then available to service Norfolk Island so that's the situation there from March next year. What has the Tourist Bureau done about this. The Tourist Bureau has directed an increased amount of marketing dollars to the New Zealand market and it has also in recent times appointed a dedicated marketing person in New Zealand to try and stimulate the New Zealand market

SPEAKER Thank you Mr Christian. Any further questions. Honourable Members the question is that the paper be noted and I put that question

QUESTION PUT
AGREED

SPEAKER Thank you. The motion is agreed. Are there any further Papers this morning

MRS JACK Mr Speaker Mr Speaker in accordance with section 41 of the Interpretation Act 1979 I table the Education (Amendment No. 2) Regulations 2007 and ask that the Paper be noted

SPEAKER Honourable Members the question is that the paper be noted

MRS JACK Mr Speaker this is merely a housekeeping and it was noted by Mr Gardner when he tabled the Regulations for me in the last Legislative Assembly meeting that the word 'bursary' in sub regulation 22(2) was missing after the words 'Higher School Certificate' and so this is just to put in the word 'bursary'. Thank you Mr Speaker

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

QUESTION PUT
AGREED

SPEAKER Thank you. Are there any further Papers this morning

MR MAGRI Thank you Mr Speaker in accordance with sect 41 of the Interpretation Act 1979 I table the Road Traffic General (Amendment No. 3) Regulations 2007

MR CHRISTIAN Thank you Mr Speaker, I table the quarterly GST Report for July to September 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, in accordance with section 19 of the Goods and Services Tax Act 2007 as Chief Revenue Officer, I'm required to report on the operation of the Act for the July to September 2007 quarter to the Minister for Finance by 31 October 2007. Mr Speaker the Chief Revenue Officer

who happens to be Shelly LeCren has reported and just by way of information I'll give you the most recent figures. The NSL has come in at \$600,132, GST for April has come in at \$304,904, May \$372,000, June \$357,000, July 370,000 and August which is the last full period \$399,000.

SPEAKER Is there 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

MR CHRISTIAN Thank you Mr Speaker, on behalf of the Minister for Tourism Geoff Gardner, I table the Annual Report of the Norfolk Island Government Tourist Bureau and the financial statements of the Norfolk Island Government Tourist Bureau for the period ended 30th June 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'll just make quick reference to the financial statements for the Tourist Bureau and I can point out that total Tourist Bureau income for the 2006/07 financial year was \$1,894,988 and total expenses there were \$1,791,786 which gave us a small surplus for the year Mr Speaker, of \$103,202 and that compares with a loss last year of \$71,881 so a pleasing result for the Tourist Bureau and I think it's fair to say that's probably the record amount of money that we've ever spent in promoting Norfolk Island. Thank you

SPEAKER Thank you. Further debate Honourable Members. There being no 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 CHRISTIAN Thank you Mr Speaker, once again on behalf of Geoff Gardner I present the annual report in respect of the Norfolk Island Hospital Enterprise for the period ended 30th June 2007 and the financial statements of the Norfolk Island Hospital Enterprise for the same period 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 won't read the annual report because it's fairly lengthy but I will just give an overview of the financial performance of the hospital for the 2006/07 financial year. Mr Speaker, total revenue at the hospital was \$3,774,128. total expenses came in at \$3, 633,068 giving a small surplus of \$141,060. this is an outstanding result when we compare it with last year and the result last year was a loss of \$477,710 so quite a healthy turn around there and all at the hospital are to be congratulated for achieving that

SPEAKER Thank you. Further debate Honourable Members. There being no further debate, the question is that the paper be noted and I put that question

QUESTION PUT
AGREED

SPEAKER Thank you. Any further Papers this morning

MR CHRISTIAN Thank you Mr Speaker, I table the audited financial statements of the Administration of Norfolk Island for the year ended 30th June 2007 and move that they be noted

SPEAKER Honourable Members the question is that the paper be noted

MR CHRISTIAN Thank you Mr Speaker, the audited financial statements for the 2006/07 financial year are the best we've achieved in three years. The surplus before depreciation has come in at \$2,495,522 and after factoring in depreciation of \$2,876,747 the end result is a deficit of \$381,225. This compares to a deficit of \$1,708,295 after depreciation in the previous financial year. Mr Speaker at the last meeting of this House I announced that the unaudited results for the 2006/07 financial year was a deficit of only \$81,000 or thereabouts. I will now explain the difference which has arisen as a result of the discussion between the Chief Executive Officer, the Financial Manager and the external Auditor to determine what should be included and excluded from the financial statements. Firstly an amount of \$150,000 had been included as income. These funds would have flowed into the revenue fund from the Australian Federal Police and the Department of Justice in relation to the Janelle Patton murder trial. The external Auditor felt that it would be prudent to not include these funds as income until such time as they were actually received and \$27,400 in respect of court costs incurred by the Administration became apparent after the unaudited statements were reported and have since been included as an expense. Lastly, an amount of \$117,000 in respect of duty drawbacks for the July and August GST returns have become charges against the 06/07 financial year. Mr Speaker the good news in the last point is that the 07/08 financial year will automatically be \$117,000 better off. And that I hope Mr Speaker explains the difference between what I have previously stated and the actual results contained in the 06/07 financial statements. Thank you

MR SHERIDAN Mr Speaker I would like to say a fair bit about the annual report but since it's just been tabled I haven't had a chance to throw our eyes over it, I expect that we'll have a few questions of the Minister at the next meeting

SPEAKER Thank you. Further debate Honourable Members. There being no further debate, the question is that the paper be noted and I put that question

QUESTION PUT
AGREED

SPEAKER Thank you. Any further Papers Honourable Members

STATEMENTS

We move to Statements of an official nature. Are there any Statement this morning Honourable Members

MRS JACK

Mr Speaker I would just like to make a short statement on my recent trip to India as a representative for this 12th Legislative Assembly CPA representative, or Commonwealth Parliamentary Association representative. Mr Speaker first I would like to acknowledge and thank the CPA India branch for their effort and success in hosting the 53rd Commonwealth Parliamentary Association Conference. The speaker of the Lok Saba the Indian Parliament, Sri Somnath Chatterjee, was a gracious host and I'm sure all delegates enjoyed and gained from the Indian experience. The Conference began on the 21st September with the arrival of the Executive Member of the CPA. The Executive then held a series of meetings over the 21st and 22nd. During these two days, the remaining delegates continued to arrive. Sunday was the first day of meetings for the Small Countries delegates, a delegation that this island is a Member of. Proceedings began with the Small Countries delegates photo opportunity, and proceeded to the official opening of the Small Countries Conference and then straight into conference meetings Mr Speaker I won't go into the details of each meetings attended during the Sunday and Monday save to say that regardless of the country's population base and its geographical size and position, we all shared similar concerns and problems. Such things as distance or isolation for many of us, waste management, environmental concerns, communication and sustainable economies so it was good to be able to discuss either in the conference or in greater detail outside Norfolk Island's solutions and or problems with other delegates. To hear delegates from such diverse areas on the globe as the Cook Islands, Isle of Man, the Falkland Islands, to hear of their issues and realise that Norfolk Island is not alone and can draw on experiences, expertise and knowledge from these and many other countries states and territories, is very welcome indeed. It is also vital that we keep these lines of communication open and I strongly request that our representation in these forums continue. Norfolk Island is part of the Australian delegation and this group came together on the Tuesday afternoon. At this meeting there was broad discussion and passing of information down the line on the various executive meetings and the CWP or the Commonwealth Women's Parliamentary meeting held on the previous afternoon. The CWP conference was an eye opener for me. Women delegates from a raft of nations states and territories, discussing a host of issues. Issues such as HIV Aids, Human Trafficking, Education, the degree of women representation in each of their Parliaments, empowerment of women and the male/female role of women in society. To many in this room and for many listening today the last few subjects I listed may cause a ho hum, here we go again attitude. Women on the march. But I can assure you that for many women in the countries represented at the conference, women's rights are like their countries, they are in developing mode. To hear some of these delegates talk of issues that women from their countries face on a daily basis is heart and gut wrenching. To listen to how some children are used due to a belief is saddening indeed. Education for all is required and assistance at the grass roots level is where it is needed but education Mr Speaker not just for the children but for the adults too. Because it was really terrifying to hear that some people aren't taken the western medicines to help them with their treatment on HIV Aids, but they are listening to the witch doctors and the herbalists believing that they know the way that they can be cured and that some men with HIV Aids are having intimate relations with children on belief that by taking a virgin they can rid themselves of that virus and so it was very upsetting indeed for many of the delegates. Suitable drinking water is also another requirement. The CW delegates also had to vote a new chair that occurred and the successful candidate is Kashmala Tariq from Pakistan. Wednesday and Thursday were more workshops held with all the delegates moving from room to room. Global water and energy use towards sustainable development and parliamentary practice and procedure and the need for reforms to secure greater executive accountability were two of the workshops I attended. Group social functions during this conference occurred daily and the Australian delegates enjoyed a pleasant few hours at the home of the Australian High Commissioner, the Hon John McCarthy AO. Other outings were to the Presidential Palace for High Tea for all delegates, and this was a fantastic afternoon in the rear gardens but when you pulled over in the coach as you were met with uniformed guards on horse and it was a great sight in front of this incredible palace that had been built in the 1920's. some even enjoyed the privilege of meeting SMT Patil, the President of India

so it was a very exciting afternoon. There were dance evenings, Indian music featuring percussion instruments, theatre and stage evenings as well, but the highlight was the trip after the closure of the conference to the Taj Mahal. It was on private carriages, all other crossings at the railway line was stopped by guards so you just had a straight run through to Agra where you were met by buses. They had closed the Taj Mahal for the day and that place normally had 10,000 visitors per day and it was closed so that it could accept two lots of delegates in groups of 400 so we had a marvellous experience of visiting that place, the Taj Mahal and it was almost spiritual and then the conference closed formally and delegates went back to all corners of the earth but Mr Speaker again I would just like to thank my fellow parliamentarians in this place for allowing me the privilege to represent them. I look forward to supporting others in my place and insisting that we continue representation at these global meetings, thank you very much

MR CHRISTIAN

Thank you Mr Speaker, I would just like to make a short one in respect of assistance provided by the Government to businesses to allow them to come up to speed with GST requirements. You might recall that it was agreed that the Norfolk Island Government would assist with the implementation of a Goods and Services Tax and that assistance would be by way of us paying for up to two hours consultation with an accountant and that accountant was of your choice, we didn't dictate who you could go to and I had expected and provided for a cost of up to \$50,000 for that assistance and I can now advise you that 153 businesses took advantage of that service and to date, the cost has come in at \$15,000 so a very successful implementation process there Mr Speaker

MR NOBBS

Thank you Speaker. Early in the life of this 12th Assembly I tabled the Strategic Plan framework. I would like now to make a statement on the comprehensive plan. Mr Speaker at the last sitting of this house I undertook to provide further information at the October meeting on the Norfolk Island Strategic Plan for 2007/09. The strategic plan - New Directions for Norfolk Island - will form the blueprint for the many changes and improvements the Norfolk Island Government intends to implement in its term of office. Members will recall that earlier this year I identified five key areas within which the goals of the strategic plan would be framed. My Ministerial colleagues and I have spent considerable time refining the broad objectives and the more specific outcomes we aim to achieve over the life of the Twelfth Assembly. The key result areas are as I previously outlined, although we have slightly refined the descriptions to the following: Growing prosperity for all of Norfolk Island; Delivering better services; Ensuring a sustainable environment for living; Promoting fairness, opportunity and responsibility; and Enhancing leadership, communication and consultation; In each of these key areas, we have set challenging goals to improve the programmes of Government and Administration over the extensive range of community, social and essential services which we provide. There are over 30 identified goals, each with specific and measurable outcomes. Mr Speaker, the goals we have set are ambitious and we will have to work extremely hard to achieve the many positive outcomes we have established. Work in most of the areas has already commenced, and in fact we are well down the track toward reaching some of those objectives. For example, the facility for individual tourist accommodation licences to be traded is about to commence. This gives us the opportunity to encourage greater flexibility in the tourist accommodation sector, and will enable those licensees who are unable to upgrade or fully utilise facilities to trade them to new owners who can make the investment necessary to improve the quality of the services offered. This is a vital component of the tourism plan to attract more high-yielding visitors. Another example is in the area of air transport, where we continue to make progress toward the goal of expanding and improving services. Next week, Norfolk Air launches its weekly service to and from Melbourne. This means that Norfolk Air will have regular services to Sydney, Brisbane, Newcastle and Melbourne. Forward passenger bookings are strong and visitor numbers continue to grow at a rate faster than that set in the Econtech report. Strategic planning is a complex and challenging task, as can be illustrated by looking at another goal we have set in place - that is, to move toward creation of a deep-sea harbour for Norfolk

Island. Various administrating authorities and governments have identified the need for a harbour for Norfolk Island for over 200 years, but until now have been unable to overcome the necessary engineering and financing hurdles. The Norfolk Island Government will shortly receive a report from a consultant we have engaged to explore the feasibility of three different sites for a deep-sea harbour, along with associated surrounding activities such as wave energy power generation, small boat marina and repair services, commercial fishing and tourist cruise ship visits. The challenge for us is to find innovative ways to fund such a major project, so that recovery of the likely very substantial cost does not in fact add to freight rates and costs of importing goods to Norfolk Island. Because of that issue, we have set another goal to explore with the Commonwealth Government the possibility of a freight equalisation scheme to underwrite the cost of freight as it does for some other areas under its jurisdiction. Mr Speaker, my colleagues and I have set the framework of the strategic plan, and the next step is now in the hands of the Chief Executive Officer of the Administration, who is working with all senior managers to complete the details of the process and strategy necessary to achieve the outcomes in the plan. This includes identifying the people, resources and timelines involved and establishing key performance indicators. The CEO has produced a template for all officers to complete and I am confident that work is progressing well on this “nuts and bolts” component of the strategic plan. The magnitude of the task should not be underestimated. The Norfolk Island Government and Administration is responsible for the delivery of services in a huge range of areas, and we are seeking to move forward in all of those simultaneously. Programmes include provision of tourism promotion, education, health, social welfare, transport, immigration, energy, communications, environment, waste management and customs - just to name a few of the multitude of matters for which we are responsible. Mr Speaker, one of the aspects of developing the Norfolk Island strategic plan which I am finding rewarding is the logical and detailed areas of “ownership” of sections of the plan. This enables areas of Government and the Service and statutory bodies to know their directions – and why, and allocates some accountability to the process of delivering the planned outcomes. I know that there are some in the community who would have liked to see a comprehensive strategic plan before now. Whether we like it or not, any detailed plan much earlier than this would have been in some ways irresponsible given that outcomes from the GST were unconfirmed and the removal of other levies and duties left a multimillion dollar hole. I felt that as an incoming government we also needed to assess the resources of the public service and the new CEO before launching a plan that relies on many areas of the public service to drive the delivery of the planned outcomes. I am pleased to say that this stage has progressed, and I have great confidence in the ability of the CEO and her team to push back the boundaries as we achieve the many challenging objectives we have set. The groundwork is in place, and we are now well on the way to achieving New Directions for Norfolk Island. Thank you, Mr Speaker

MR NOBBS

Mr Speaker as Members are aware I've been invited to represent Norfolk Island at the 19th Commonwealth Parliamentary Association annual parliamentary seminar to be held at the Scottish Parliament Edinburgh Scotland from 18th October to 3rd November 2007. I depart Norfolk Island on the 26th October. This seminar constitutes part of a series of parliamentary seminars hosted by the world body of the CPA on parliamentary practice and procedure. The main participants in the seminar will be new parliamentarians from all parts of the Commonwealth who will come together to discuss parliamentary and political processes and exchange experiences with each other. The theme of this seminar is strengthening parliamentary democracy with a wide range of topics on the agenda. Topics that I think are particularly relevant to where we are on Norfolk Island today. Those topics are The Role of the speaker and parliamentary staff; parliamentary ethics, transparency and accountability; the relationships between parliament and the people; parliamentary committees and the committee system; financial scrutiny of the executive; and parliament, the executive and the public service. Mr Speaker for some months now, you and the Clerk have been in dialogue with the Isle of Man as to the possibility of establishing a twin island relationship with that island. As Members are aware Norfolk Island and the Isle of Man share

common ties of family and culture sustainable institutions of governance, a non parliamentary party system that accommodates decision making by consensus which in turn promotes political stability. In order to foster these discussions, it is proposed that I make a short side trip from Edinburgh to the Isle of Man, where I will meet with the President of the Legislature of the Isle of Man along with the Chief Minister and their Minister for Tourism and Leisure. I'll be providing to the House at the November sitting a comprehensive report of my trip. Thank you

SPEAKER Thank you Chief Minister. Any further statements of an official nature Honourable Members. We proceed

MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 8

Honourable Members, I have received the following Message from the Office of the Administrator and it is Message No8 which reads that on the 25th September 2007, pursuant to section 21 of the Norfolk Island Act 1979, I declared my assent to the following laws passed by the Legislative Assembly, the Tourist Accommodation (Amendment) Act 2007 (Act No 10 of 2007) and that message was dated the 25th September 2007 and signed Owen Walsh, Acting Administrator

REPORT FROM STANDING COMMITTEES

Honourable Members are there any reports from standing committees. No. We move on to Notices

NOTICES

SOCIAL SERVICES ACT 1980 – REVOCATION OF APPOINTMENT AND NEW INSTRUMENT OF APPOINTMENT OF COMMUNITY MEMBER TO THE SOCIAL SERVICES BOARD

MRS JACK Mr Speaker I move that for the purposes of section 8 of the *Social Services Act 1980* this House recommends to His Honour the Acting Administrator that under section 4 (2) of the Act that he revoke the purported instrument of appointment to the Board dated 3 May 2007, and that he now appoint Patricia Madge Anderson as a community member of the Social Services Board for a period of 3 years commencing on and including 11 October 2007. Mr Speaker this is a correction as stated in my motion of a mistake that occurred on the 3rd May when I moved that Patricia Madge Anderson be appointed before we had had the sign off in Australia to the Social Services Amendment that allowed for this to happen. It's a terrible oversight to have to admit to but I ask my fellow Members to agree to reaffirm the appointment at this point in time. Thank you

SPEAKER Any further debate Honourable Members. The question is that the motion be agreed to. I put the question

QUESTION PUT]
AGREED

The ayes have it. The motion is so agreed

CRIMINAL PROCEDURE BILL 2007

MR MAGRI Mr Speaker, for and on behalf of and at the request of the Minister for Tourism and Health, I present the Criminal Procedure Bill 2007 and move that the Bill; be agreed to in principle. Mr Speaker I table the explanatory memorandum to the Bill and wish to draw on the content to provide an overview of the Bill. This Bill is presented with the Criminal Code Bill 2007 to both complement the

various provisions of that Bill and to provide a comprehensive coverage of a number of procedural aspects of the Criminal Law. Certain other aspects of the procedure are found in other laws such as the Evidence Act 2004, the Bail Act 2005 and the proposing Sentencing Bill 2007. The Bill removes and places into the procedure the provisions of the Criminal Law Amendment Act 2004 that provides for persons who plead mental impairment in criminal matters. Additionally the Bill deals with the apprehension of offenders the general procedures before the Courts, and sentencing. It has been and still is in some Code states a practice to include criminal procedure matters along with the criminal code but the position taken here is that it is preferable for the substantive and more serious criminal law to be found in one place, lesser matters to be found in another, the Summary Offences Act 2005 and procedures in another. The Bill largely relies upon the provision of existing law that is found in the Australian Capital Territory Criminal Code. I commend the Bill to the House

SPEAKER Is there any further debate Honourable Members. Then I seek a final motion Mr Magri

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

SPEAKER Thank you. I put the question 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

CRIMINAL CODE BILL 2007

MR MAGRI Mr Speaker, for and on behalf of and at the request of the Minister for Tourism and Health, I present the Criminal Code Bill 2007 and move that the Bill; be agreed to in principle. Mr Speaker I table the explanatory memorandum to the Bill and wish to draw on the content to provide an overview of the Bill. The Report "Quis custodiet ipsos custodes?" said on page 146 that "The need for wholesale reform of Norfolk Island's criminal, evidence, and sentencing laws has long been acknowledged" as indeed it has. Defects in the law have become apparent in recent times some of which have been dealt with on an *ad hoc* basis: much remains undone. Recently the Chief Justice has commented on the need to change aspects of the criminal law. The Bill for a Criminal Code now submitted is intended to address issues that have been raised over many years both within and outside of Norfolk Island. The legislative model here is not that of the previous draft simply because there have been many changes in the past 11 years since the previous attempted change was proposed and there has been considerable work done to simplify areas of the criminal law. The draft is based around the *Criminal Code 2002* and *Crimes Act 1900* of the Australian Capital Territory but contains cross references where necessary and appropriate to other laws of Norfolk Island. The existence of an effective criminal law system is one of the defining characteristics of a civilised society and indeed the protection by a state of its citizens through the outlawing of acts agreed by the community to be unacceptable is one of the essential foundation stones of the state. In recent years it has become increasingly clear that the criminal law in Norfolk Island is, in a number of areas, inadequate and outdated. Not only are its terms generally archaic and obscure the legislation is not readily available and is based on very old N.S.W. legislation (which is partially the case with the ACT although that jurisdiction has done more to up-date its Crimes Act than has Norfolk Island). While some of the sentencing options such as whipping (of adults and children) and sentencing to irons were abolished by the *Interpretation (Amendment) Act 2004* other provisions of the general law that have remained unchanged are inappropriate and

unable to cope with the changes in society in the past 30 years. Furthermore it has appeared from time to time that activities may have taken place that were offences elsewhere but did not fit within the criminal law framework of Norfolk Island. The agreed approach to general criminal law reform in Norfolk Island was the identification of Australian legislation which might service as an appropriate model for proposed Norfolk Island crimes legislation. This is a commonsense approach given the limited size and resources of the Norfolk Island community. A significant development in the reform of the Australian Criminal Law was the commencement of work on a model criminal code by a model criminal code officers committee established and funded by the Standing committee of Attorney's General in march 1995, the Commonwealth Parliament passed the Criminal Code Act 1995 which mirrors chapter 2 of the model criminal code and is to apply to all Commonwealth offences. It has been applied in various enactments to laws applicable to Norfolk Island and most notably by the Norfolk Island Act and more lately applied more broadly through the Evidence Act 2004 thereby seeking to ensure that these provisions do not provide Norfolk Island with double standards in the relevant areas. The proposed Bill adopts most of chapter 2 of this code by way of adoption of the ACT code. The long delay in reviewing the Norfolk Island law as well as the delays in agreeing on Australian wide reform suggests that a move towards a recently reviewed and reformed law such as that of the Australian Capital Territory would be advantageous. There are several practical advantages in using the ACT Crimes Act and the Criminal Code Act 2002 as a basic model. Full time officers of the Norfolk Island Police Force recruited from the Australian Police Force are familiar with that Act, and ACT Magistrate is Chief Magistrate and Coroner and the available law in criminal matters is accessible. The Bill is an Act to establish a Criminal Code. The Bill provides for a commencement on the 1st January 2008 and for the repeal of various laws listed in the schedule. The Code is stated to be the Criminal Law of Norfolk Island after the default application date which is January 1 2008 unless a different date is prescribed. Thus until the default application date a prosecution may be brought under the code or for any other applicable law but after then the code will apply. The purpose of this is to exclude the possibility of prosecuting common law crimes such as missed prison of felony and where it is appropriate that in guise or another law crimes thought to be retained they should be given statutory basis. The code is expressed to be exclusive with respect to its provisions except where otherwise provided and only applies to offences after its commencement. Civil remedies are not affected by the code and if the code provides that an Act is lawful no action can be brought in respect of that Act. Finally, the Act binds the Administration and the Crown so far as possible and is effective to the extent that it is not inconsistent with the Commonwealth Act. . I commend the Bill to the House

SPEAKER Is there any further debate Honourable Members.
Then I seek a final motion Mr Magri

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

SPEAKER Thank you Mr Magri. I put that question

QUESTION PUT
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

COURT PROCEDURES BILL 2007

MR MAGRI Mr Speaker, for and on behalf of and at the request
of the Minister for Tourism and Health, I present the Court Procedures Bill 2007 and
move that the Bill; be agreed to in principle. Mr Speaker I table the explanatory
memorandum to the Bill and wish to draw on the content to provide an overview of the
Bill. The *Court Procedures Bill 2007* is intended to reduce differences in practice and

procedure in the courts. The Bill creates a rule-making power for both the Supreme Court and the Court of Petty Sessions, allowing for the harmonisation of court rules and forms. The Bill follows the current legislation of the A.C.T whose court rules have been used in Norfolk Island for many years. The objects of this Bill include: recognising the importance of court procedures in our system of justice and facilitating cooperation between the courts in the common goals of: improved access to justice through the development of procedures that are, as far as practicable, the same; and better court procedures. Currently, the procedures and rules for the Court of Petty Sessions are contained in the *Court of Petty Sessions Act 1960* and the forms set out in that Act and in the rules adopted from the A.C.T. Thus the *Court of Petty Sessions Act 1960*, section 248(2), provides that “Until, in relation to a matter or class of matters, rules or Regulations are made under this Act, the *Magistrates Court (Civil Jurisdiction) Rules 2004* of the Australian Capital Territory including the prescribed scale of costs in effect under those rules as in force from time to time, in relation to that matter or class of matters shall, so far as applicable and mutatis mutandis, be deemed to be rules or Regulations made under this Act.” These procedures and rules are, and have been subject to change in the A.C.T. since 2004 and therefore impact upon Norfolk Island without prior notice. Additionally, there are rules applicable in the A.C.T that are not applicable in Norfolk Island and of itself this requires some sorting out in particular areas. The Supreme Court has had a rule-making power since 1960 giving the court the ability to make rules about its procedures. This power has not been exercised and the rules in force are, under section 19(4), adopted from the A.C.T. However, unlike the rules adopted for the Court of Petty Sessions, the adopting provision does not clearly relate to the rules as in force from time to time but simply provides that “the rules of court of the Supreme Court of the Australian Capital Territory in relation to that matter or class of matters shall, so far as applicable and mutatis mutandis, be the rules of court of the Supreme Court”. Further more the *Supreme Court Act* goes on to provide in section 19(5) that “Where provision in respect of a question of practice or procedure is not made by this Act, by rules of court or by any other law in force in the Territory, the practice or procedure to be followed is the practice or procedure followed by the High Court of Australia in its original jurisdiction” despite the fact that it is now the Full Court of the Federal Court that is the appellate court for Norfolk Island. This Bill recognises that the situation is not satisfactory and should be rectified. While it adopts the short term expediency of retaining rules in place in the ACT in respect of the Court of Petty Sessions and the Supreme Court, it places a time limit on their application and establishes a process to encourage the establishment of Norfolk Island Rules. There are a number of Acts that contain provisions which impact on the operation of the courts and this indicates that a more closely integrated rule-making power would assist the operation of the courts and tribunals. The Bill therefore consolidates under one piece of legislation a variety of provisions relating to court rules and procedures. The benefits of consolidation include: enhancing accessibility to the rules and procedures of the courts, by both the legal profession and the community; assisting the removal of duplication; simplifying the package of legislation; providing an opportunity to make minor policy changes to the existing legislation; and providing a base for later review and improvement of the substantive content of the consolidated legislation. Part 1 of the Bill deals with preliminary matters such as commencement of the Act and sets out the objects of the Act. Part 2 of the Bill deals with the rule-making power, which includes a power to make forms. The part establishes the Rule-making Committee and the Advisory Committee and prescribes some aspects as to their operation. Part 3 of the Bill relates to court and tribunal fees. It prescribes that the executive member will determine fees for the courts and tribunals. It also prescribes how and when fees will be paid and allows the power for remission, refund, deferral, waiver and exemption of fees. This part also provides for review of decisions relating to waived or exempt fees. Part 4 replaces provisions currently located in the *Suits by and against the Administration Act 1979*. It provides that proceedings may be brought by or against the Administration in the same way as proceedings between subjects; and that the same procedural and substantive law applies to such proceedings as in the case of proceedings between subjects. It also provides that subject to the regulations, proceedings may be brought by or against the

Administration in the name of “the Administration” or “the Administration of Norfolk Island”. Part 5 makes new provision for court security. The provisions cover the rights of entry to the courts by people and the powers of authorisation that court security personnel hold in carrying out their duties. While it is not anticipated that these provisions will be utilised as a normal procedure, they make it possible to establish urgent protective measures in a particular instance where the judge or magistrate or police believe it prudent. Part 6 makes miscellaneous provision, including a regulation making power and the repeal of the *Suits by and against the Administration Act 1979*. Part 7 Division 7.1 reflects the objects of the Act by providing a timeframe for the harmonisation of existing court procedures and rules to occur over the next two years. It will allow time for the Rule-making Committee to integrate and harmonise the rules. The expiry date of the current separate rule documents will occur on 1 July 2007 (*existing rules expiry day*) but there is provision for this day to be modified by regulation. Division 7.2 to 7.6 provide that various specific court procedures are inserted into the Bill and will expire on the *existing rules expiry day*. Schedule 1 of the Bill provides the subject scope of the Rule-making Committee’s authority to make rules. The scope of this power include the jurisdiction of the power which covers all Territory courts, prescribed tribunals under the legislation and the jurisdiction of the Registrars and Clerks. The scope of the power also covers rules relating to the service of documents, evidence, admission of lawyers and other matters. The part specifically provides rule-making powers on matters that are concerned with how proceedings in the civil and criminal jurisdictions will operate.

I commend the Bill to the House

SPEAKER Is there any further debate Honourable Members.
Then I seek a final motion Mr Magri

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

SPEAKER Thank you Mr Magri. I put that question

QUESTION PUT
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

SENTENCING BILL 2007

MR MAGRI Mr Speaker, for and on behalf of and at the request of the Minister for Tourism and Health, I present the Sentencing Bill 2007 and move that the Bill; be agreed to in principle. . Mr Speaker I table the explanatory memorandum to the Bill and wish to draw on the content to provide an overview of the Bill. Mr Speaker The purpose of this Bill is to generally codify the rules for sentencing offenders in the Norfolk Island Courts. It preserves existing provisions of the law concerning periodic detention and community service orders and introduces other alternatives including home detention orders and restitution orders and compensation orders. At present the principal powers for sentencing are found in the *Crimes Act 1900* (NSW) which is applied by the *Criminal Law Act 1960*. Recent experience has highlighted defects in the law as it is and in particular in the restricted choices available to the Supreme Court whereas the Court of Petty Sessions has a far wider discretion. As the criminal law becomes more complex and avenues for punishment expand, it is desirable that the courts of Norfolk Island have the widest possible areas of choice consistent with their ability to do justice. Previous legislation has taken from the courts the ability to impose the death penalty or imprisonment with hard labour and to order whippings or the fixing of leg irons. The Bill is intended to provide a comprehensive set of punishment choices available to the courts and also expand the system by the introduction of a formalised system whereby

information regarding the effect of crime on victims can be presented. All states and territories in Australia now have legislation that provides for information regarding the effect of the crime on the victim to be introduced in legal proceedings. The reasons for the introduction of victim impact statements to the criminal justice system can be summarised as Victim impact statements, which are voluntary, are the best way of providing an organised and structured method of ensuring that the court is aware of information concerning the effect of the crime on the victim. The court, in having before it the effects of the crime on the victim, will be better able to assess the crime and come to an appropriate sentence for the offender. Victim impact statements will satisfy victims' desire that courts receive and consider the effects of the crimes upon them when a sentence is being considered. The statements will also generally increase victims' satisfaction and participation in the criminal justice process. It will assist the court in making restitution and compensation orders because they will have all the relevant information. The Bill attempts to avoid the introduction of victim impact statements "re-victimising" the victim by forcing them to take part in the criminal process when they may want simply to get on with their lives and so they are voluntary. The Bill acknowledges concerns of victims who do not want to be involved in the process. Not all victims will wish to make a victim impact statement, for example, because they do not want to make their feelings public or because they do not want to be further reminded of the offence or the offender. The legislation ensures therefore that the presentation of a victim impact statement can occur only when the victim consents to the presentation of the statement. If the victim does not consent to the presentation of the statement, prosecutors may in appropriate circumstances present information relevant to the effect of the crime on the victim - a "victim report". The prosecutor would present this victim report unless the victim objects, or the information is already before the court in another form, or there are no other readily ascertainable details. One of the important aspects of the Bill in addition to that of victim statements is that of sentencing guidelines that seek to provide to the courts and judges for consideration a statement of the various purposes for which persons may be punished and the particular aspects of an offence to be considered. The Bill provides detail of methods of dealing with persons where the court having regard to the sentencing principles considers that a person might be discharged unconditionally or where a bond might be required. An important aspect of punishment is not only imprisonment but also that of fine – the imposition of a monetary penalty that may be seen to be a significant punishment on its own or in some circumstances to be imposed in addition to imprisonment. The courts are given a wide range of punishments that may be imposed and this Bill makes provision for a number of them including Community service orders which are part of the law at present (*Community Service Orders Act 1983*) and these provisions are carried across to this Bill. Suspended sentences where the court imposes a term of imprisonment but suspends it being implemented upon conditions determined by the court. Home detention orders that require persons to be restrained to their home for such times and under conditions determined by the court including wearing an electronic monitoring device. Periodic detention which, again, is already in Norfolk Island law (*Periodic Detention Act 1996*) and has been brought across from that legislation. Imprisonment where various provisions are made for various kinds of offence and permits the fixing of non-parole periods and the manner of calculation of sentences. Indefinite sentencing for violent offenders makes provision for certain classes of violent offender to be subject to indefinite sentences and for the review of such sentences from time to time. Special provision for sentences that may be imposed in respect of aggravated property offences, certain violent offences and sexual offences. In addition to sentences of punishment the courts may make restitution or compensation orders and other orders such as the cancellation of a drivers licence, orders concerning passports and forfeiture of property used in the commission of an offence. In sentencing and making other orders the courts are provided with numerous tools to assist such as the making of conditional orders requiring treatment, and the obtaining of reports before sentence. The courts may also request victim impact statements (referred to previously) and take other offences into account. The Bill provides for the way sentencing takes place and what happens if the hearing magistrate is unable to pass sentence as well as provide for the Supreme Court to correct sentences of the Court of Petty Sessions. The issue of parole is addressed but

leaves that issue to the Parole Board of the place where a prisoner is held. Only the people directly involved with a prisoner are best placed to determine if parole is warranted and the general processes of Boards are such that they have a lot of experience within the Boards themselves as well as available to them from external experts. Various miscellaneous provisions deal with a variety of matters including alternative sentences, limits on sentences by the Court of Petty Sessions, reference to old sentences, procedures, service of documents and the making of regulations and repeal of old legislation. Mr Speaker I commend the Bill to the House

MR NOBBS Thank you Mr Speaker as Mr Magri has pointed out in the array of Bills that he's tabled today, there's a wide spectrum of reform and alignment there that may interest many people in the community who also may be working in those areas and I want to point out that those Bills will shortly be available on the Government website which is info.gov.nf under the subheading Bills awaiting passage. Many people will be interested in looking at them in the context of for example, where Mr Magri bought up the Who's Guarding the Guards report, requesting wholesale reform. There's also some alignments with ACT Crimes Act that may enable the AFP or Australian Federal Police contingent on Norfolk Island to more clearly understand all the roles that we are expecting and things like that on Norfolk Island. Thank you

SPEAKER Is there any further debate Honourable Members. Then I seek a final motion Mr Magri

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

SPEAKER Thank you Mr Magri. I put that question

QUESTION PUT
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

FIXING OF THE NEXT SITTING DATE

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

MRS JACK Mr Speaker I move that the House at its rising adjourn until Wednesday 14 November 2007, at 10.00 am.

SPEAKER Thank you Mrs Jack. Is there any debate Honourable Members. The question is that the Motion be agreed to.

QUESTION PUT
AGREED

The motion is agreed

ADJOURNMENT

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

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

MRS JACK Mr Speaker I just seek to give some clarification that may be required following some questions without notice earlier in this meeting and in

