



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
12TH NILA HANSARD – 14 NOVEMBER 2007**

PRAYER

Almighty God we humbly beseech Thee to vouchsafe Thy blessing upon this House, direct and prosper our deliberations to the advancement of Thy glory and the true welfare of the people of Norfolk Island, Amen

WELCOME

I would like to take this opportunity to welcome members of the public here to the gallery this morning, welcome, and to those who are visitors I certainly hope you enjoy your holiday here on the island

CONDOLENCES

Honourable Members I call on condolences, are there any condolences this morning? Mr Tim Sheridan

MR SHERIDAN Thank you Mr Speaker, this House records the passing of Charles Herbert Christian-Bailey, Neil Hawkins, Anthony William Redstone and Robert Alec Crane.

Mr Speaker, Charles Herbert Christian Bailey, affectionately known as Micky, was born in 1931, the third child of Dorothy new Christian and George Bailey. Mick was born down Locket's, opposite Henny's Lake. This was a small maternity home in Cascade. He lived with his parents, brothers and sister in 'Cosy corner' on Middlegate Road, which is the house Mick lived in for over forty years. In 1942 Mick's parents went to Sydney so his father could enlist in the Army. Mick stayed with Aunt Em for a while but eventually joined his parents and finished his schooling at Darlinghurst. They lived in Woollahra and enjoyed swimming at Bondi or hiring horses from the Randwick stables to ride through Centennial park. After leaving school, he worked for the grocery chain, S R Buttles for a number of years then moved to New Guinea to work first for an oil company and later at a Copra and Cocoa Plantation in Bougainville. Mick returned to Sydney and lived in Lane Cover with his parents, working with his father at the Royal Women's Hospital in Paddington before returning home in the early sixties. Here he worked at various jobs, including farming and fencing contracting and working the ship. He earned a reputation for being a strong, fit and hard worker and his fellow workers always found him good company with his wonderful sense of humour and friendly banter. He later became sexton and held that position until his retirement. He took enormous pride in his job and set a very high standard for keeping the cemetery and surrounding areas in immaculate condition. In 1964 Valerie Fuller came to Norfolk for a holiday and met Mick. They courted by long distance for four years before Valerie moved to Norfolk in 1968. She got a job as a nursing sister at the hospital and she and Mick were married at St Barnabas. They had two daughters, Olivia and Virginia. He delighted in his family and his grandchildren. Mick grew amazing vegetables and generously distributed them around the island. He will be remembered as one of Norfolk Island's delightful characters and will be sadly missed. To Val, Olivia and Virginia, to their husbands and families, Alex, Hannah, Michael and Simone, to Mick's family and many many friends this House extends its deepest sympathy. May he rest in peace.

Mr Speaker the island was shocked to hear of the sudden passing of Neil Hawkins. Neil came to Norfolk Island sixteen years ago to be with Ruth. They married and have been together since. He was born in 1948 in Sydney where he grew up and went to school. He worked in a number of occupations. Firstly with a rural newspaper. He then trained as a physician nurse and this is where he first met Ruth. He drove buses for a while then changed direction and joined the New South Wales railways on their audit team and took technical studies in accountancy to equip him for the task. He became a senior member of their staff. When he moved to Norfolk he worked mainly in the food industry, initially at Foodland in the Bakery, then he and Ruth bought and ran Ocean Blue for eight years. Following its sale Neil returned to Foodland to work at Café Ole then to Governors Lodge to be right hand man to the principal Chef. Neil enjoyed music and he and Ruth daily played scrabble. He learnt Bridge with Vanda's group and then joined the regular Club. He wrote beautiful and emotive poetry. Neil had two children, and three grandchildren. He and Ruth recently spent a wonderful day in Sydney with his son Michael and wife Rosa. Neil was positive, enthusiastic and obliging. A well liked member of our community. To his wife Ruth, his son Michael, his family and friends this House extends its deepest sympathy. May he rest in peace.

Robert Alec Crane known as Bob was born on 12 August 1943 in Singleton, New South Wales. He was the third son of Noreen (Polly) and Dallas (Dal) Crane. Bob joined the Commonwealth Bank in Tamworth in 1959 when he was only 15 and worked in many branches throughout New South Wales including Kingsford, Dungog, Singleton, Mudgee, Brewarrina, before transferring to Norfolk Island in 1966. Bob married Colleen Buffett in Norfolk Island in 1967 and they had three children, Darren, David and Deanne who predeceased him. He has five grandchildren. In 1970 Bob and Colleen transferred to Toronto, New South Wales and built their first home at Kilaben Bay on Lake Macquarie. Bob became a keen gardener and developed a love of growing orchids. Their home was the base of many parties for Norfolk Island people in the Newcastle/Hunter Region. Bob continued to transfer to other branches. Hamilton, back to Toronto, Scone, Quirindi, Casuarina in the Northern Territory, Mudgee, Kandos, back to Quirindi, Wellington and back to Scone, where he retired. Always a keen fisherman, Bob owned a boat and loved to take his family camping and water skiing on lakes in country towns. When in Darwin he took great pride in the fact that his sons were Top of Australia's water skiing champions with him at the helm. He held the lap record at Glenbourne Dam in Scone. Bob was a great Ford supporter and he and his son Darren, a Holden supporter, had friendly rivalry particularly when the major car races were on. Bob retired from the Commonwealth Bank in January 1992 and he and Colleen returned to Norfolk and purchased their home in Cascade Road. Bob continued his interest in gardening and had great joy in growing Hibiscus. Bob became involved in many activities. They started a catering business 'Cranes Catering' and hosted Progressive Dinners, Clifftop Breakfasts and convict Dinners in the Boat Shed at Kingston. He helped out at Cascade Softdrinks and for a short period Bob and Colleen were partners in 'Bounty Excursions'. He would also help Pip with her Farm and Industry Tour as a van driver. Bob enjoyed his interaction with visitors to the Island and if he didn't know the answer to a historical question he would go to great lengths to find out and get back to the enquirer. He spent many hours either in his garage or in the shed at Boonies, as his nephew would say "fiddling with wood". He enjoyed going to the Sunday Markets selling his home made souvenirs and specialty Norfolk Island Number plates. For many years Bob gave to local charities a percentage of all the magnets he sold made from Norfolk Island pine and postage stamps. He was a great supporter of all Colleen's activities, particularly the Girl Guides and Brownies and was always there to help, to do the running around, fetching and carrying. Bob took a great interest in Norfolk politics and he and his father-in-law, Boonie, would spend many hours debating the issues. He loved shark fishing at night at the Cascade and Kingston Piers and spent many hours fishing off Headstone. Over the past couple of

years Bob had not enjoyed good health but it didn't stop him making his souvenirs or thinking up new ideas. Bob's greatest joy was his grandchildren, Kayla, Emma, Cody, Kye and Ryan and great nieces and nephews all of whom he had a pet name. He was a great tease but they always came back for more. He was hospitalised last Friday and his son David and family were able to come from New Zealand for a few days. Bob passed away on Thursday, 8 November 2007 in the Norfolk Island Hospital. He will be sadly missed by his mother Polly, brother John and family, sister Lyn and family, his wife Colleen, sons, Darren and David, daughters-in-law Tracey and Debbie, his grandchildren and his extended family. To those people, to Colleen and to his many friends this House extends its deepest sympathy. Mr Speaker, may he rest in peace.

Anthony William Redstone OBE, known to all who knew him as Toni, first came to Norfolk at age 17. He, his parents and sister Jacqueline lived in Sydney, three doors away from Ruby Pearson and her family and through them, knew Norfolk well. During his working life Toni was a pioneer in the wool industry and operated one of the few sole trading wool buying companies in Australia. He loved sailing and one year won the world Thunderbird championship in San Diego. The home of Toni, Wendy and their daughter Mandy is well remembered by many friends from all over Australia, Italy, France, Belgium and many other countries for its wonderful hospitality. Toni exuded goodwill and cheer. Toni travelled back and forth to Norfolk Island for 53 years before settling here in 1999. About 50 years ago he had purchased his land at Selwyn Pine Road and built the first home there in 1977. He called it 'Ah Styk'. During his years of visiting Norfolk Toni became life long friends with many Norfolk people. When Toni retired here he asked Helen Price to join him on activities which included travelling and catching up with old colleagues and friends. Toni enjoyed his plants and had lots of success in growing his orchard and vegetable patch, which complemented Helen's flower gardens and floral arrangements. In the last two years Toni was awarded an Australia Day Medallion and then an Order of Australia Medal for his many philanthropic gestures. He made significant donations and contributions to the Norfolk Community, the Banyan Park Playcentre and the RSL Sub branch. He made a substantial donation to the community with the construction and modernised fit out of the Ash Styk Dental Clinic. Recently Toni gave a donation to Administration to purchase high technology drug screening equipment and training for the Customs Service border control responsibilities. And his generosity didn't stop there. The Mater Hospital of Brisbane also benefited from his generosity. Despite the fast paced business life, the business successes the family memories, his debilitating motor neurone sickness seemed grossly unfair. But friends and well wishers continued to flock around him. He said that had it not been for Helen and her caring he would have been in long term care a long time ago. To Helen, Mandy and Doug and their children, to Jacqueline Michael and Dawn, to his many friends this House extends its sincere sympathy. Mr Speaker, may he 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 I have a question for the Minister for Finance. Minister following on from questions in the House last month are you able to advise us what the cost per litre the electricity is paying for its diesel oil or fuel

MR N CHRISTIAN Thank you Mr Speaker, I can't off the top of my head give you the actual cost of the power house in cents per litre but what I was based pretty much on the old pricing formals that were in place and that the electricity undertaking pays no duty or duty equivalent, no road levy or road levy equivalent or GST. It gets its fuel at the bare bones cost

MR SHERIDAN Mr Speaker just a supplementary there. I'm of the understanding that the electricity department pays \$1.54 per litre for their fuel and I just showed the Minister a work sheet that I obtained from the Administration which includes as the Minister states, I'll get to the question in a minute Mr Speaker, it doesn't include customs or the equivalent to the fuel levy, but there is a portion there for gst, some 12.5 cents and as my question here, can he explain as to why in the schedule of costs for the diesel oil the wholesale non road use, why GST has been impacted into the price twice. Once factored into the line item of the total facilities and management fuel handling costs, and the same component to diesel fuel retail there a difference in the two prices but again there's a separate line item of GST of some 12.6 cents in the cost of fuel to the electricity department

MR N CHRISTIAN Thank you Mr Speaker, I don't have access to the information Mr Speaker that Mr Sheridan's got and I certainly haven't been briefed on it and the instructions that I gave along with the Chief Executive Officer to the Norfolk Energy, in the Administration the section that has responsibility for that, was that the cost to the power house would be calculated in the same way that it had been in the past. When the electricity price rises were calculated that is in fact the formal that the Finance Manger used at arriving at the new price so the only cost increase that was passed on to the electricity undertaking was in fact the increase cost to us which I think in round figures was somewhere around 20 cents per litre compared to the previous price but I'm happy to take on board Mr Sheridan's concerns and look at it. I accept as a result of one of his questions that he asked me at the last meeting that there appears to be a little bit of gain, that's not to the power house fuel, but in general fuel from the way the gst affects it but what I can say is that I'll get to the bottom of that but fuel under the current arrangement, or the current pricing formulas that have been used, result in a price at the pump which is 6 cents per litre less than it would have been, if the old pricing formulas that were in place had been adopted so whilst I accept that there is a little bit of a discrepancy there with the GST the actual price to the consumer is still better than it would have been under the old arrangement and the Administration as all Members know, have responsibility for the facility at Ball Bay. We have to maintain that. The margin that we've built into the cost of fuel for that purpose is fairly small, I think from memory it's somewhere around 10 cents per litre, its not a huge amount, and I think that's fairly responsible. What I have indicated to MLA's on a couple of occasions, and this relates I suppose to the question, sorry, a letter that appeared in the paper either last week or the week before I can't remember where it appeared that heavy vehicles and the like were actually now paying nothing to use the roads because the road levy had in fact been removed, and I would like to clarify that Mr Speaker because the road levy whilst technically not attaching itself to the cost of fuel and likewise the duty doesn't attach itself to the cost of fuel because the Administration becomes the importer of the fuel basically as it comes into the country if you like, and we've treated the customs boundary and that purpose is the flange on the beach at Ball

MR B CHRISTIAN Thank you Mr Speaker, a question to the Minister for the Airline. Minister is the current General Manager of Norfolk Air under contract and if not, when will the position be finalised

MR N CHRISTIAN Thank you Mr Speaker, the General Manager for Norfolk Air is not engaged by way of a contract of employment at the moment. He is engaged by a letter of engagement which sets out the terms and conditions upon which he is engaged in a manner similar to what an employment contract would. The General Manager of Norfolk Air is currently engaged in such a manner until 31 December 2008 and the letter of engagement makes it quite clear that once Norfolk Air is turned into an entity in whatever form, the General Manager will become an employee of that entity engaged by an appropriate contract and then the letter of engagement will cease to have any effect

MR SHERIDAN Mr Speaker again a question to the Minister for Finance. Minister in referring to the audited financial statement of the Administration for the year ending June 2006 as tabled at the last meeting, can you advise as to why there were no income and expenditure statements for the areas of Forestry, Stock and Noxious Weeds and the Tanalith Plant.

MR N CHRISTIAN Thank you Mr Speaker, is that expenditure or income. I would have thought that formed part of the revenue fund. Have they been included in there

MR SHERIDAN Mr Speaker the expenditure was there in the revenue fund but not the income

MR N CHRISTIAN Thank you Mr Speaker, I don't know is the short answer but I will make enquiries of the Finance Manager and bring that explanation forward at the next meeting if Mr Sheridan would either care to put it on notice or ask the same question at the next meeting

MR SHERIDAN Mr Speaker a question for the Chief Minister. Can you advise the community as to what level of benefit to Norfolk Island are the frequent trips off island by Legislative Assembly Members

MR NOBBS Mr Speaker well where do we begin here. It's a good question Mr Sheridan. What we've endeavoured to do with all the travel that various Ministers have taken is to combine several issues and aims into each trip, so that has enabled us to, in some areas, pool contracts into line that have not necessarily run to schedule, in fact run far a field of schedule. It's enabled us to get expert advice on a range of issues, that range from ports, to energy systems, it's enabled us to look at revisiting areas of new revenue streams for Norfolk Island. It's enabled us to stay abreast of issues that are current with regard to areas such as the Commonwealth Parliamentary Association. It's enabled us to stay in positive contact intergovernmentally with the Australian Government in various arms, so overall I would say that as well as promoting Norfolk Island in many, many areas, as we do whether we are going over there in one form or another it definitely brings major benefit to the Norfolk Island community and to this House

MR SHERIDAN Mr Speaker a supplementary to the Chief Minister. would you consider publishing monthly a paper outlining travel undertaken by Legislative Assembly Members over the previous month which would include the name of the person travelling, the dates, destination the costs including any allowances etc and the benefits expected to the Norfolk Island community this would certainly allay fears and concerns that might be said to be in the community, that Members are rorting the system or simply going away on a jaunt

Saturday to the following Wednesday I think it was, was at my own expense Mr Speaker

MR B CHRISTIAN Thank you Mr Speaker, a question to the Minister for Tourism and Health. Is the Minister still pursuing the possibility of introducing a seniors card to Norfolk Island and if so, what would you see as the possible benefit to the seniors in the community

MR GARDNER Mr Speaker I know this is a subject that is dear to Mr Christian's heart. I know that at the outset of this Legislative Assembly he was passionate about the Government giving consideration to providing a seniors card to the seniors in Norfolk Island. For some unknown reason as yet, it seemed to have fallen upon my shoulders to pursue and I have absolutely no issue in doing that. There was a paper as I understood it, that was generated by the Community Services Manager in relation to the Seniors Card. At the same time as I was doing a deal of research into the matter myself and that research involved discussions with the Office of the Administrator about research on the internet to see how the system operates in other states and territories and the benefits that accrue to seniors in those other states and territories. Without going into too much detail Mr Speaker the benefits are quite wide ranging depending on which state you are in. In most states and territories that card also provides access to seniors to many of the Government health benefits that are available in Australia but it also provides for discount on Government services in each State and territory whether that be on the Government transport systems, access to discounts on other Government services such as Telecommunications and the like. As I said, they are many and varied across the different states and territories. My own investigation has far as Norfolk Island is concerned related to the series of benefits that are already able to be accessed by people under the Social Welfare scheme on Norfolk Island that provide discounts on telephones, was FIL, and a number of other services in the island without necessarily having a card because we are small enough to be able to manage the resident population. I have in recent days received a copy of a paper developed by the Community Services Manager on or about the 26th July which I've copied to all Members yesterday. I think it was put in their box. There's a few recommendations arising from that paper that primarily target the discussion of the introduction of the seniors card in Norfolk Island with discussion with the Chamber of Commerce principally, simply because a seniors card or the direct benefits of the seniors card in Norfolk Island when you already discount the services that are provided in Norfolk Island to people on the social welfare system, basically leave the only other benefit obtained from the seniors card as to discounts or services provided in the public service whether it be accommodation, shopping experiences in town at restaurants and that sort of thing, simply because we don't have a public transport system in Norfolk Island and we don't have the same Commonwealth medical benefits system that operates in Norfolk Island and our benefits are not the same as other states and territories in Australia. That obviously would require some discussion or some thought being given to it by the Chamber of Commerce as to whether their Members are sufficiently convinced that it would drive enough business for them in their own business houses to offer discounts for example to visiting seniors as well because in many instances in the other states and territories there are reciprocal arrangements with the seniors card and so obviously that would be a primary drive or concern for consideration that the Chamber of Commerce and its Members would need to make so that paper suggesting that the consultation with the Chamber takes place certainly I'm happy to progress that. I think it's probably fair to say that the handful of people within the private business sector that I've spoken to at this stage would resist wanting to engage in that programme in Norfolk Island simply because they are not convinced at this state that there is sufficient momentum within the economy to justify them giving a break to visiting seniors in Norfolk Island that's if that was a view that's taken to extend to all visitors that come to Norfolk Island and if I could just touch on that for a moment, a very interesting document that I received or had

requested a week or so ago from the Service related to the aged demographic of visitors to Norfolk Island and I've got a graph that's been generated from the figures over the last 25 years going back to about 1980 and it's very clear from those figures and the graph that I have that back in about 1980 or thereabouts there was a general split of persons over the age of 56 and under the age of 56 of about 50-50 visiting Norfolk Island. The figures and the graph clearly show that those two lines that were closely aligned are now diverging at an increasing rate particularly since about 1997 and currently the numbers in those age brackets suggest that some 75% of visitors to Norfolk Island are over the 56 age bracket with about 25% and declining under 56. That's something that's being addressed in the tourism strategy but it's an important factor when considering the implication or application of a seniors card in Norfolk Island as the total number of visitors to Norfolk Island potentially would have access to that system if we were to introduce it but I look forward to further discussion with Members on the introduction of the seniors card and also the consultative process if Members agree that that's a worthy process to follow, a discussion with the Chamber of Commerce

MR SHERIDAN Mr Speaker a question for the Minister for Roads. Minister whilst Quality Row looks nice and impressive with the recent reseal can you advise when we will see other roads which are in worse condition resealed

MR MAGRI Mr Speaker I think that at the previous meeting of the House I set out what I considered to be the annual roads programme and that's something that was done mainly by the current Roads Manager. I've tried to not micromanage the area and I've sat down with him and agreed to his annual roads programme. Later on in the meeting I'll be making a statement of where that programme is at and what other roads we are going to do but on that initial roads programme, Quality Row was on there. A lot of people in the community might find it a little strange that Quality Row was being done when there's clearly lots of roads that seem more in need of repair and the explanation that I've had from the Works Manager is that if we had left Quality Row too much longer the road would have needed a major reconstruction so there's a financial reasons as to why Quality Row was done and I actually believe they've done a terrific job

MR SHERIDAN Mr Speaker a supplementary question there. Minister is there any intention to open or reopen any public roads that have not been opened to the public for; years in the near future and if so, where are they

MR MAGRI Mr Speaker there is such an intention and that intention is not specific to open up roads. It's specific to changing the ownership, I'll just call it that for want of a better word, of about 32 more roads on Norfolk Island that are currently in private ownership or in easements or in estates and this is a process where the Norfolk Island Administration needs to take ownership of those roads and the reason is that by virtue of public use they are public roads and we need to formalise that process but to give you a little more information on your question, the two roads that may need opening up that are currently closed are both out at Steeles Point, or one goes out to Steeles Point and I can only tell you that I think one is called Reserve Road No 11 and I don't really want to mention the private individuals that might be affected by them

MR SHERIDAN Mr Speaker just a following on from there with regard to the same sort of area, roads, Minister can you advise the community as to what contribution the Norfolk Island Government will have on the upgrade of the Duncombe Bay Road out to Captain Cook lookout

MR MAGRI Mr Speaker I can't define an exact financial number at this particular meeting but I can tell you that currently I am in negotiations with Brooke Watson, the boss of the National Parks about that road but those

negotiations are on going and when I come to a final arrangement I'll be happy to let the community know about that arrangement, thank you

MR B CHRISTIAN Thank you Mr Speaker, just one for the Minister for airlines. Would the Minister be able to report on any action taken regarding the many complaints received concerning the catering of Norfolk Air

MR N CHRISTIAN Thank you Mr Speaker, certainly. We receive comments both good and bad in respect of the catering that's on Norfolk Air. Where we have incidents or reports to us that quality is not consistent those concerns are passed on to Ozjet's senior management in Melbourne and it is up to Ozjet to act as a result of any complaint that me or the Norfolk Air management in Norfolk Island pass on to them and I am aware that in recent times there has been such correspondence between Norfolk Air, OzJet and the catering provider in Norfolk Island

MR SHERIDAN Mr Speaker a question for the Minister for Land Environment. Minister in there any intention plans or discussions being held with the freehold land owners in the KAVHA area in regard to the possible compensation or reimbursement of such land affected

MRS JACK Mr Speaker from the time I first came down to the Legislative Assembly I felt special sympathy with one landowner and I have maintained that view while being a backbencher and my two terms and the current term of Minister for the Environment. I have undertaken representations on their behalf to the Commonwealth to seek a final perhaps, of trying to solve their issues. I have also undertaken on behalf of another leaseholder to try and arrange a change of use of their lease with crown lease land but I will always represent where I think it is able to have a resolution, I'm not going to flog a dead horse, but where I believe that some positive resolution can take place, I will endeavour to support those landowners or the landholders

MR SHERIDAN Mr Speaker one for the Chief Minister. In the House last month you made a statement with regard to the Strategic Plan framework and that work was progressing well in completing this task. Considering that we are now some eight months in the 12th Legislative Assembly are you in a position now to table the Government's Strategic Plan and the Government's priorities legislative programme and if not, when can we expect to see it tabled

MR NOBBS Mr Speaker it give me some pleasure to answer Mr Sheridan's question. Later in the sitting I will be tabling a draft document of the Strategic Plan which incorporates many of those things that Mr Sheridan has just brought to the fore. As I say it is a draft document so that we can all get our heads around it and discuss it and formalise it at the sitting after that, in December. Thank you

MR SHERIDAN Thank you Mr Speaker. Chief Minister with your intention of tabling a draft of the Government Strategic Plan that doesn't mean that the community will see it. Is it your intention that the community will have input into the plan itself and the Government's priorities legislative programme

MR NOBBS Mr Speaker as I outlined I think in the radio interview I did some three weeks ago, there is an open day at the Rawson Hall Supper Room this Saturday and amongst other issues and things that will be discussed in there and papers that will be available for people to view, this draft document will be there and as it goes along if persons have an interest then I'm all ears

MR B CHRISTIAN Thank you Mr Speaker, a question for the Minister for Tourism. Would the Minister be able to report on the Events committee set up to assist sporting and other associations with the promotion of events that attract visitors to the island, namely the type of support given to these organisations by this committee

MR GARDNER Mr Speaker certainly I'm not equipped with that sort of detail. I certainly will gather that detail and make it available to Members other than to say at this stage that the events issue has been wholeheartedly embraced by the new Tourism Board and they are very keen to ensure that the calendar in Norfolk Island is assisted particularly in those areas of troughs by providing more events and in that regard the Tourist Bureau ran a Bright Ideas Competition and a number of very good ideas did come forward relating to history, masters games, touch football competitions, various conventions, the SummerFest which we all know the youth of Norfolk Island are promoting at the moment, Creaky Old Convicts Events, Garden Club visits, and on and on it goes, food festivals included. So the Norfolk Island Tourist Bureau Events committee are working with those committees as I mentioned, the SummerFest is to go ahead in January 2008, there is a family retreat to take place early in the new year and work is also underway I've been advised, with existing clubs on Norfolk Island, those that have shown an interest in wanting to partner with the Norfolk Island Tourist Bureau with those clubs for the expansion and promotion of their events, and included in that is an event with the Pistol Club which is likely to hold a Black Powder Shoot in Norfolk Island in June 2008 and in saying that Mr Speaker I can't provide the exact detail. I don't have that, I haven't been furnished with it. I'll try and get my hands on it so that I can provide that detail to Mr Christian but I've given an overview of the activities of that events committee and the issues that they are currently progressing

MR B CHRISTIAN Thank you Mr Speaker, Minister it's been suggested by several groups that the support received is minimal and it appears that the committee will only be interested in supporting promoting new events, rather than existing events. Is this the intention of the committee

MR GARDNER Mr Speaker no absolutely not. I think that that's probably stretching the intent a little. Yes maybe some of the clubs may be aggrieved that they don't get everything that they want but we are simply not in a position to provide them with everything they want. If Mr Christian could ask those clubs to identify those issues and document then to me I certainly can have them investigated if there's any thought that there's something untoward happening in that arena I'm happy to have them addressed. If I don't know, I can't do anything about it so if detail could be provided I would be happy to follow it up

MR SHERIDAN Mr Speaker again a question to the Minister responsible for immigration. Chief Minister can you advise if all Government Administration seconded officers and employees have the proper permits to work in Norfolk Island

MR NOBBS Mr Speaker I may have to take that one on notice. I imagine that Mr Sheridan is coming from an area of perhaps some knowledge that I don't have so I'll pursue that and report back

MR SHERIDAN Mr Speaker a question for the Minister responsible for the airline. Minister can you advise as to where the officers for the Norfolk Air Call Centre will be built and is it still the plan to relocate this Call Centre prior to Christmas

MR N CHRISTIAN Thank you Mr Speaker, the Office of the Call Centre will be located in the last available office in the new complex that's been built

in town and owned by Joe Graffi. I chose that location because it was in fairly close proximity to the existing airline office. I did when the decision was made to proceed with the Call Centre, approach Terence Grube to see if he would be prepared to swap office buildings so the airline and the Call Centre could actually be co located and he indicated to me that it wasn't his first preference to move after he had just spent so much effort fitting out his new office, but if I insisted he would so I decided not to press the point and we then had an office a couple of offices up the verandah. The recruitment process has commenced. That process is being run by the Norfolk Business Solutions. The people that man the Call Centre in the early days will be employees of the Norfolk Business Solutions, they are a well recognised provider of labour or man power or whatever you want to call it in Norfolk Island and the arrangement we have with him is that once the airline is formalised in one shape or another, those staff Members will transfer to the airline entity and become contracted employees of the airline. When do we expect to start. The intention is that the Call Centre would be fully functional by the start of the New Year so that's 1 January. I had hoped that the office would be ready for occupation on 1 November but that time frame has slipped back a bit but it's almost complete, and I think you could say it's almost 95% fitted out as we speak and the work stations just need to be installed and I understand they are in the air freight system awaiting to be delivered to Norfolk Island. The IT section of the Administration and Norfolk Telecom have ordered all of the necessary computer equipment to equip that centre and I would expect that it would take three weeks of intense training to bring these people up to speed so I still think that we'll meet the commencement target of 1 January 2008 for the Call Centre to be in operation

MR SHERIDAN Mr Speaker another question for the Minister responsible for the airline. Minister when will Norfolk Air have a proper board structure in place to support the current Chief Executive Officer of the airline

MR N CHRISTIAN Thank you Mr Speaker, I'm happy to deal with that. At the moment the Management Board of the airline consists principally of myself and my executive colleagues. There's nothing that happens in the airline that I don't know about. Going forward, the Legislative Assembly had previously given the green light to a group of people who were prepared to serve on the airline board in an advisory capacity under a previous arrangement I proposed. The result of becoming aware of some problems with that direction I then changed direction and will be dealing later today with amendments to the companies legislation and our public moneys legislation which would allow Norfolk Air to be structured as a wholly owned Government owned corporation. The difference between the approach I'm taking now and the previous approach is that the previous legislation was airline specific. The approach that I'm taking now can be applied to any of the Government GBE's if we are of a view to take advantage of the legislation at a future date. The major difference now I think Mr Speaker is that whoever the Board of the new airline will be and I will offer the people who were previously selected the opportunity to serve on that Board, but the principle difference is that it will be a full blown management board so they will actually have the responsibility for running the business. They report directly to me as the executive member responsible for the airline or if that changes, they report to whoever the responsible executive Member is and two Ministers, three Ministers or the entire Legislative Assembly if you want it that way can be the shareholders in the entity and that's how I see it going forward

MR SHERIDAN Mr Speaker just quickly to the Minister whilst he's talking about airlines etc, Minister since the introduction of the business class seating arrangements for Norfolk Air what has been the occupancy rate of these seats and has there been a demand for them

MR N CHRISTIAN Thank you Mr Speaker, there certainly has been. I can't give you the actual statistics at the moment but I can share some of the

intent with you and as you would be aware when we first entered into our arrangement with OzJet there was an expectation that the aircraft would take 106 passengers in every flight. We found out, probably the hard way come summer time that the aircraft just wasn't capable of uplifting 106 people either out of Australia or out of Norfolk Island when temperatures were high and we ended up in a situation where we were having to make a choice between leaving people or their bags or both behind. So what the airline management did was to come up with the idea of Bounty class as a way of artificially limiting the number of people we put on the aircraft down to about 100 and that's what we've done but the business class seat if it's sold at the full price, gives the same yield as four economy seats so that's how we've tried to manage the weight issue and yield issue and yes, it has been successful. What the occupancy rate is I don't know but I'm happy to find out and report back

MR B CHRISTIAN Thank you Mr Speaker, a question to the Minister for the environment. Whilst the review of the Norfolk Island Plan is underway, would the Minister be able to provide time lines as to the completion of this review and will this review be carried out by the public service or will it be contracted out

MRS JACK Mr Speaker I have given Members I believe a list of possible or hopeful time frame for the review of the Norfolk Island plan to be carried out. If I haven't I willing give it out to Members or make it available but it's going to take months. The weeks for the actual submissions to come in and then those submissions have to be collated and possible recommendations come from those, the involvement of the House my fellow Members, the draft, the initial draft changes to the plan have to then go out to the community again for consultation to see if they are happy with the recommendations given for those submissions, so I think it's expected it to go until October next year. No it won't be given out to consultants. It's being done internally within the Administration

MR SHERIDAN Mr Speaker a question for the Minister responsible for Tourism. Minister with the proposed new venture into Hamilton, New Zealand by Norfolk Air what are the expectations for tourism for Norfolk Island through this activity

MR GARDNER Mr Speaker the paperwork that I received in relation to this indicates that we are probably looking at a maximum of 424 return passengers on those four services to and from Hamilton New Zealand as I understand it, in April of next year in conjunction with the V8 motor car series to be held in Hamilton. There are an additional two charter flights that have been proposed as I understand it in May. I'm not certain at this stage if they go into Hamilton but the Minister for the airline might be able to confirm that, which are being run in conjunction with one of our industry partners, a local wholesaler on the island which obviously would reduced our exposure somewhat in running those charters into New Zealand but they're being done for the primary purpose of providing extra capacity from New Zealand for people to attend the Country Music Festival in May of next year. So in a nutshell in answer to Mr Sheridan's particular question I couldn't add any more than say that the maximum possible impact is 424 passengers on those four flights in total out of Hamilton and 424 in the other direction

MR SHERIDAN Mr Speaker this is virtually a supplementary on that one. Minister were any snapshot surveys or advise taken from Norfolk's tourism representatives in New Zealand to ascertain the demand for these services prior to the decision being made to undertake these flights

MR GARDNER Mr Speaker I'm not aware of any prior consultation with our partners in the industry in New Zealand prior to the

announcement. It's an initiative of Norfolk Air and I need to say it is a commendable initiative. They are tirelessly looking for other alternatives to drive obviously the growth of tourism and the economy in Norfolk Island. Certainly I think some Members will be very aware of my alarm when I was notified of the four charters and my alarm was generated by concerns over the viability of the service, the potential impact on our partners, including Air New Zealand who would do the marketing, who would do the promotion, where the money was coming from and those sorts of things and that was genuine alarm and meant a few heated exchanges of emails and phone calls to various people as a result of the content of the draft press release which has been modified since but I probably need to qualify my statement of alarm when that announcement came out in saying that I have absolutely no difficulty with expanding our horizons for the airline and our expectations for the airline but I insist that that needs to be done following sound research, promulgation of a solid business case in relation to each of these new avenues and following appropriate consultation with all our partners, whether they be partner airline so to speak, if we view Air New Zealand as a partner airline, particularly in relation to the New Zealand market. They've stuck by us through thick and thin through many years and provide a significant injection of visitors into Norfolk Island on a per capita basis, as our best performing market. There's no doubt about that. But it is absolutely necessary that that consultation extend and include the Tourist Bureau. I believe myself as the Minister for tourism and also other Members. I think I've made that point to all those involved and in the undertakings that have been given to me to try and make sure that all those bases are covered before we launch another one and some of us get a bit of a shock when things are just announced without full and thorough consultation and proper assessment of those things taking place. That said. I commend them on their initiative. We've since received some paperwork that supports the arguments. It's going to be a very interesting test case and obviously we are all very keen to ensure that it succeeds

MR B CHRISTIAN Thank you Mr Speaker, I've one more question for the Minister for the airline. Minister I understand that the General Manager of Norfolk Air has recently been on leave and a Member of the office staff has been acting in the position of manager. Firstly, what qualifications does this officer hold to be able to act as manager and does the General Manager's letter of engagement allow the position to take extended periods of paid leave

MR N CHRISTIAN Thank you Mr Speaker, it's an interesting one and this is one of the reasons that I'm shifting the airline out of the public arena because I think it's inappropriate for parliamentarians to come into this forum and ask questions about employees whether they be real or de facto of the Administration. In fact there are Standing Orders which actually cover that sort of thing but I will respond. The General Manager of the airline did go on leave for a month. That was extended by a week or so with my agreement as a result of a death in the family. During the General Manager's absence the person who was appointed to act as the General Manager did, and that person was very qualified to act in that position for the short period of time and was aided in that endeavour by a fairly detailed company procedures manual. The General Manager was always accessible by email or phone if there were difficult issues that needed to be dealt with and on a number of issues I was consulted as the relevant Minister for my advise. Whether the person got paid for that leave or not, I'm not certain. I actually don't think they did but the current letter of engagement which we are operating under clearly sets out what the remuneration is. What benefits flow and what the leave entitlements are.

SPEAKER We take note of your comment on the applicability of such a question. Members the time for questions without notice has expired. Are there any further questions

MR SHERIDAN
time be extended by fifteen minutes

Mr Speaker I would like to move that question

SPEAKER
extended by fifteen minutes

The question is that question time be

QUESTION PUT
AGREED

MR SHERIDAN
Chief Minister in the paper there was an editorial with regard to the amount of young people leaving the island and stating that over the past twenty years the younger group has dropped some 20% whilst the older age group has increased. This editorial asks if the Government shared concerns with regard to the exodus of younger people from Norfolk Island. Chief Minister does this Government acknowledge that there is a problem and what strategies does this Government have in place

Mr Speaker a question to the Chief Minister.

MR NOBBS
some of the young ones are leaving and at the same time we recognise that some of those are people who are leaving to further their children's education; some are leaving to pursue different areas of their expertise in employment. We've had many who have left to go into various coal mining areas and obviously the high paying jobs in those areas. Aside from that, yes we do recognise that we have to improve the opportunities and expand the opportunities for employment and utilise the expertise that many of our young have. Hence in areas of the public service we've looked at associations with apprenticeships. In other areas we've recently promoted Norfolk Island to new industry through what we saw as tax benefits associated with Norfolk Island's position and if along the lines of those we get a significant interest then that would create new employment opportunities that we are definitely trying to encourage and would also bring into Norfolk Island revenues that wouldn't necessarily be taxing on our resources so to cut a long story short, yes we do recognise that. We do also see that there are trends there but at the same time we are pursuing many options to enhance it

Mr Speaker we do of course recognise that

MR SHERIDAN
Chief Minister you mentioned previously that a new immigration policy will be forthcoming. Could you enlighten the community as to how this is progressing and when can a definite immigration policy be tabled

Mr Speaker virtually a supplementary to the

MR NOBBS
I've recently had some submissions that I've been keen to get and that's allowed me to put a bit of a time frame on finalising that review and I think I said on the radio not long prior to heading away, that 30 days was what I had put on it to finalise the review, so that's 30 days starting from when I returned which would have us looking at December for a fairly substantial output from that immigration review process. Now modifications to policy and legislation if warranted, will no doubt take some time, whether it's through the drafting process or the perusal of other Members of this Legislative Assembly. Thank you

Mr Speaker what I've made clear is that we

MR GARDNER
Mr Speaker if I might in relation to that question. Is the Chief Minister referring in his response to the population policy, the immigration policy and guidelines or an immigration review or all three

Mr Speaker if I might in relation to that

MR NOBBS
immigration review which will have certain follow on to policy and guidelines but in

Mr Speaker generally I'm referring to the

terms of making ourselves more accepting and well versed in how to process incoming diverse industries or employment opportunities, or investment opportunities, as it directly affects what we are able to do with our population policy review, has been made clear along many lines previous to my time in this seat. The population policy targets whatever number the Minister may perceive but it's only going to move in concert with the economic stability of the island

MR SHERIDAN Mr Speaker a question for the Minister for the Environment. Minister there's been some concern in the community with letters etc to the editor of the Norfolk Islander with regard to the amount of rubbish in the ocean washing up on the shores etc. I believe that we have acknowledged that the likely solution to the problem is a high temperature incinerator and I believe that this is in the process of being obtained. Can you give the community an update of this issue and when we can expect an incinerator to be installed

MRS JACK Mr Speaker I can tell Mr Sheridan that I spoke with the Environmental Officer on Monday and she's expecting the report from the consultant next week so I should imagine it being available to Members on Tuesday week. It's been a report that is meeting all its time frames so I can't see it being late. I would hope that at this stage we're not going to run over time when we are so close to it being handed in, but I'm expecting that report next week Mr Speaker

MR B CHRISTIAN Thank you Mr Speaker, a question to I think, the Minister for Finance. Is the Minister aware of any appropriate legislation to monitor weights and measurements in the public and retail sector

MR N CHRISTIAN Thank you Mr Speaker, yes I am aware of some legislation we have. Some of it I think dates back two centuries and is a bit out of date so we can't use it, and some refer to the old imperial system but I've had a bit of discussion with my colleague the Tourism Minister about where we go for the future in respect of weights and measures and we can update the old legislation or not update but replace it with fresh legislation or there is an ability to give some thought to actually just amending our existing fair trading legislation to embody the sorts of things that Mr Christian is referring to. Who is actually responsible for fair trading at the moment I'm not certain but it's being looked at

MR SHERIDAN Mr Speaker a question to the Minister responsible for the airport. Minister can you advise as to how the Development Application is progressing for the RESA work at the end of the airport and when can the community expect to be able to view the plan of this work

MR N CHRISTIAN Thank you Mr Speaker, things are progressing fairly well. The submission to the Commonwealth Environmental people is probably 99% written. The survey and designs have been done. The geotechnical people have arrived on the Island and have taken half a ton of soil samples back to the laboratory in Brisbane. The geotechnical report looks like being available to the design engineers around about 22 November, and I would hope that fairly soon thereafter I would be able to lodge the Development Application with the Planning Office in Norfolk Island and at that stage the community would be able to access and observe and comment on what we are proposing to do

MR SHERIDAN Mr Speaker just a quick supplementary on that. Minister on the completed work on the surface of RESA on the run off area, how is that intended or what is the material that is intended to be on top. Grass or...

MR N CHRISTIAN Thank you Mr Speaker, what we are proposing to do with the RESA area is compact the soil that will form the RESA area to a level that will allow it to be incorporated at some future time into the runway structure if we

ever needed to extend the runway however, the principal purpose of RESA is to slow down an aircraft that has overrun the runway and the advise that's been given to me is that the top 600 millimetres, say two feet of the RESA area is to be basically grass topsoil so that if an aircraft does overrun the bitumen area it will run into the softer soil area and gradually sink into it and slow itself down

MR SHERIDAN Mr Speaker the final question from me for the day. The Minister for Finance I think its in his area. Minister recently consultants were engaged to produce details of possible new wharf/harbour facilities in three places around Norfolk Island , Cascade, Ball Bay and I believe Headstone. Can you inform us as to just how this consultancy work is progressing and to what will the final cost of this work be

MR N CHRISTIAN Thank you Mr Speaker, I can say that I chewed the consultants ear off day before yesterday. The report is long overdue. The most recent advise to me is that I will have it in mid December for consideration by Members. The total cost is \$79,000

MR SHERIDAN Mr Speaker I lied. One more supplementary

MR N CHRISTIAN Thank you Mr Speaker, Minister what was the data in this consultancy work. Will this be new data provided by the consultants or just a rehash of old reports that have been lying around on shelves for years

MR N CHRISTIAN Thank you Mr Speaker, my expectation is that it will be new data. Patterson Britton were recruited on the basis that they are regarded as the leading coastal engineering consultants in Australia however, as part of that process they requested the Administration to provide them with any documents that we had relative to previous studies in respect of port facilities in Norfolk Island so that they could review those documents. I expressed my concern to the consultants that I was hiring them for their expertise and not to review somebody else's work. I wanted an open mind, a fresh mind looking at this. Their response to me when I actually queries them about that part, was that they are not reviewing the work, for the sake of reviewing the work. They are reviewing other studies principally to correlate facts. That is, depth of water, geological information and that sort of thing so that they can take it all into consideration when they write the report and that's the situation there Mr Speaker, geological information and that sort of thing so that they can take it all into consideration when they write the report and that's the situation 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 NOBBS Mr Speaker I table the Annual Report 2006/2007 to the year ended 30th June 2007 of the Norfolk Island Administration and move that the paper be noted

SPEAKER Honourable Members the question is that the paper be noted

MR NOBBS Mr Speaker I received this morning an unbound copy of the Annual Report 2006/2007 to the year ended 30th June 2007 of the Norfolk Island Administration from the Chief Executive Officer. The report I

understand is due for presentation to the printers for its usual printing process and binding and will then be made available in that form and I understand will also be available on a CD to Members of the public. It canvasses the activities obviously of each and every department of the Administration for the last financial year. It also raises issues in regard to a number of major projects and initiatives that were undertaken during that year. I take this opportunity to thank all the staff of the Administration and all the Government statutory organisations for their support, commitment, professionalism and achievements throughout the year. I have nothing further to add in relation to the paper and as I said, I table the report and look forward to its printing and publication

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

That motion is agreed. Any further Papers Honourable Members

MR N CHRISTIAN Thank you Mr Speaker, I table the Financial Indicators for the month of September 2007. the Financial Indicators for the month of September 2007 continues to provide useful financial information as we transition from the old taxation regime to the new. This information will provide the basis for the half year review of the revenue fund budget for 07/08 and I expect the review will be completed by end of February 2008. Mr Speaker, customs revenue has only achieved 56% of budget forecast and as I just previously stated, the actual results to date will be incorporated into the revenue fund review. Other taxes are 104% of budget. Earnings of Government Business Enterprises have achieved 94% of budget. GST has achieved 99% of budget and interested received is currently at 92% of budget and income from other charges stands at 73% of budget Mr Speaker. Overall revenue fund income to date is 92% of budget and expenditure to date is currently at 94% of budget. At this time on a pro rata basis, the budget was expected to be \$147,000 in deficit and the actual result is \$214,000 in deficit which is \$67,000 worse than expected. Mr Speaker as this represents the first quarter of the financial year I consider the overall results to be satisfactory and compares favourably with the corresponding period last year when the deficit was \$357,000. Mr Speaker in respect of revenue fund capital works and purchases, we had budgeted to spend \$185,000 for the full year and to date we have spent \$17,000. the revenue fund's estimated position is as follows – total current assets, \$3,085,200; and our current total liabilities are \$3,086,400 which gives us a small deficit of \$1,200. Mr Speaker, among the liabilities are provisions for various entitlements totalling approximately \$600,000 and in terms of cash flow we would not actually be calling upon them during September 2007 period. Mr Speaker total cash at bank in non trust accounts totals \$10.8m and when we adjust that amount by removing \$2.4m held in forward ticket sales by the airline the balance of \$8.4m is consistent with the long term average. Mr Speaker, I do not have figures for the airline but I will endeavour to provide these at the next sitting of the House. Thank you

MR GARDNER Mr Speaker Mr Speaker in accordance with sect 41 of the Interpretation Act 1979 I table the Tourist Accommodation (Amendment) Regulations 2007 and move that the House take note of the paper

SPEAKER Honourable Members the question is that the paper be noted

MR GARDNER Mr Speaker these regulations were made at the last meeting of the executive council and they follow on from the passage of the

Tourist Accommodation Amendment Act 2007 in relation to the tourist accommodation registration from one property to another but particularly in relation to individual units Mr Speaker and these regulations that have been promulgated provide for the necessary forms for the application for transfer of registration obviously with a number of questions and requirement for detail to be provided by the applicant and also to be acknowledged by the people who are seeking to transfer the registration from their property. Mr Speaker there are as I understand it at yesterday, three applications that will be coming to the Legislative Assembly. They were not prepared in time for the introduction at this sitting but they will be brought forward to Members of the Legislative Assembly for their consideration at the December sitting of the House and they relate in total to seven unit registrations from the one property. 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

Thank you Honourable Members

MR NOBBS Mr Speaker I table the Draft Strategic Plan for the Twelve Legislative Assembly. I will keep the dialogue to a minimum with regard to motherhood statements and rhetoric. Instead I would like to show my appreciation to the Executive Members, the Secretary to Government, the Chief Executive Officer and public service managers for their continuing collaboration on this document. Input from Public Service areas will continue to come in prior to finalisation of this Strategic Plan particularly in terms of time lines, strategies and management of strategic elements. I've extended the scope of this document to include the Strategic Plan elements, explanations of block diagram systems associated with each strategy, a comprehensive outline of aims, objectives, responsibility, strategy, management and time lines to achieve measurable outcomes. The current legislative programme is attached. Public Service operational data is also included as are population trends for the year 2000 to the current year 2007. our current financial commitments through Commonwealth loans are listed, capital programmes are indicated and revenue estimates for 2007, 2008 are given. The additional data is supplied to make this a document of some use to all of us. Much of the information I have included is too often speculated upon outside the Legislative Assembly, usually incorrectly. Now is the time understand where we actually stand and where we are going in the future. Due to time constraints across many areas, I've not had the opportunity to provide the full membership of this House with a complete document until later this afternoon. I have of course provided all Members with the outline of this plan and given regular updates as different areas were progressed. This is of course one of the reasons why I placed a draft document on the table today between this sitting and the sitting of the House in December I welcome universal unilateral and unicameral input into the final version of this Strategic Plan. Thank you Mr Speaker

MR MAGRI Thank you Mr Speaker, I table the Annual Report of the Road Safety Committee pursuant to section 52(b)(4) of the Road Traffic Act 1982. Members of the committee include myself, the officer in charge of the police, the Registrar and the Manager of Works. Mr Speaker in the last twelve months the committee has met each month and considered the following amendments to the Act, which includes the introduction of compulsory third party insurance as a prerequisite to registration; consideration of the draft bill for breath testing of drivers involved in accidents; amendments to the regulations to provide oversize bus registrations which were previously prohibited. Other issues that the

committee made recommendations on in respect of amendments to the act have included the purchase of an alcoholmeter for the breath testing of drivers in an accident and the introduction of P plates which is ongoing. The issues which have involved the committee include the introduction of a rural addressing system, review of the inspection manual by the Registrar for authorised inspectors of heavy and light vehicles; a defensive driving course which now has four persons accredited for instruction at the school for the curriculum next year and the provision of a school car park for senior students. During the year there's also been a number of media releases that the committee has initiated which have highlighted some of the issues referred to above. Mr Speaker the committee is required to provide an annual report to myself as a responsible Executive Member on the operation of the Act for the preceding year ending 30th June and accordingly, I table a copy of that report. Thank you

MR GARDNER Mr Speaker in accordance with subsection 44(4) of the Gaming Act 1998 and subsection 48(4) of the Bookmakers Act 1998 I table a report on the activities of the Norfolk Island Gaming Authority for the period 1 January 2007 to 30 June 2007. Mr Speaker I also table as a supporting document the audited financial statements of the Norfolk Island Gaming Authority and move that the paper be noted

SPEAKER Honourable Members the question is that the paper be noted

MR GARDNER Mr Speaker as I said, this report is required under the provisions of those two pieces of legislation, the Gaming Act and the Bookmakers Act. There are specific requirements within those provisions of what needs to be reported on relating to statutory defaults and disciplinary actions and I'm pleased to report that neither of those became an issue to the authority in the reporting period. Mr Speaker as Members would be aware there was a formal sitting of the authority held on Norfolk Island in May of this year with a number of issues being considered. There was also an opportunity for the authority to meet with the Executive Member in this case myself and the Ministers of the Norfolk Island Government whilst they were here on island. Mr Speaker it's important to recognise and acknowledge the work of the retiring Director of the Norfolk Island Gaming Authority Mr Kev Leyshon who left our employ at the beginning of this year but has been instrumental in the development and launch of gaming in Norfolk Island over almost a ten year period and I would just like to formally acknowledge in the House today Mr Leyshon's contribution to the development of the industry in Norfolk Island and as I said in my introductory remarks, the audited financial statements of the Norfolk Island Gaming Authority indicate that some \$575,000 or a little over that was received as part of receipts and licences to the Administration last year which is a rise of some \$6000. a minor rise over the previous year but we certainly hope with some interesting developments in relation, particularly to one of our current licensees, that that figure may well increase significantly over the next twelve months and I'm certainly keen to explore every opportunity to be able to maximise our returns from gaming

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

I think the ayes have it thank you Honourable Members

MR GARDNER Mr Speaker I table the visitor arrival figures for October 2007 and move that the paper be noted

SPEAKER Honourable Members the question is that the paper be noted

MR GARDNER Mr Speaker I understand that the raw data has been circulated to Members of the Legislative Assembly and it shows that we enjoyed the visitation of some 3,338 visitors during October to Norfolk Island. That's up on last year when we had 3,167. an improvement of 171 or a little over 5% increase in numbers over October of last year. Mr Speaker it's a pleasing move and certainly significant even though the numbers don't sound great, that's certainly the second best months arrival figures in total that we've had in the three years since October 2004 so we are doing things right and we are certainly heading in the right direction. There are some issues that remain of concern in the quarterly report that I've received from the Tourist Bureau in recent days which I've requested on the performance and I referred to earlier in discussing events in Norfolk Island they certainly focus on the significant challenge of reversing the downward trend in numbers coming out of New Zealand. I think every month of this year those numbers have continued to decline against the same time period last year, and the Bureau as Members would be aware, both from the Strategic Plan and our budget commitments, have dedicated additional resources to the New Zealand market as of 1 July this year with the appointment of on the ground representatives, being Hogan and Associates in Auckland, and interesting to report Mr Speaker that a group of product managers from most of the wholesalers, plus representatives Hogan and Associates and Air New Zealand were on the island for a three day visit last week superbly entertained and chaperoned by both Members of the Norfolk Island Government Tourist Bureau and the Board and also our Young Ambassadors, Mr Speaker which left all of them on their departure from Norfolk Island I think a little teary eyed because they had, had such a wonderful time on Norfolk Island despite the weather not being as stunning as it is today. The reports back from those very senior figures and Mr Speaker there was an industry function held at the South Pacific last Thursday evening for them, but it goes without saying Mr Speaker that the reports that I've received back from them have been overwhelmingly in favour of recommitting to the Norfolk Island product and I expect that we will see a reversal in the decline of those numbers out of New Zealand certainly in the latter half of this financial year if not earlier. As I said the figures overall are encouraging. However there will continue be a need to further expand our market base and the only way to really achieve that will be in conjunction with the services of Norfolk Air and as I said air New Zealand as our partner in New Zealand so that will required the new Board that the Minister has constituted following the passage of appropriate legislation through this House to really turn their attention to the additional services and the additional capacity that will be required to meet our goals long term. That said Mr Speaker we are well and truly on the way up. Certainly the indicators from forward bookings suggest that to be correct, but I guess the warning is that we can't afford to become complacent; we have to continue to maintain our focus on developing the industry and generating increased visitation to Norfolk Island. Thank you

MRS JACK Mr Speaker I'm just wondering if the Minister could talk abit about Hogan and Associates. Are they wholesalers or are they marketing people who go out and sell Norfolk Island or do they actually take bookings and in their approach to encouraging tourists to Norfolk Island are they specific to an area. To groups or various specialist groups within the communities, for example, going out environmental groups or whatever or do they take that broad approach in marketing

MR GARDNER Mr Speaker I'm happy to respond to that. Hogan and Associates are primarily engaged as our on the ground marketing and

promotion representatives in New Zealand. The same initiative is being considered in Australia at the moment. Budget consideration was given to that and approved in the formal tourism budget this year. They are charged and I think that they've undertaken to achieve a drive towards and surpassing 10,000 visitors out of New Zealand over the term of their contract in each financial year. If that can be achieved certainly that will be a welcome boost to our visitations into Norfolk Island but they are generally charged with working with the industry as a whole and not dealing with specific wholesalers or specific retailers or a specific segment of the market. It is across the board and designed to be open to anybody who has an interest in delivering visitors to Norfolk Island

MRS JACK Mr Speaker just one more question. I'm sorry if the Minister has already told us, but their contract, is the length of term of their contract, if I could just have that please

MR GARDNER Mr Speaker I'm not certain of that. I think it may be two years, but I'll confirm that

MR ANDERSON Mr Speaker if I could just add to that. Hogan and Associates I found as a Member of the Tourist Bureau are very impressive and they will do marketing. They are our representative working on the ground with all present wholesalers. One of the things they've already found is that they've got to get back to potential tourists because what is happening is the wholesalers are not being asked for the Norfolk Island product and one of their thrusts has been to get back to the grass roots with our destination advertising and engender more people asking the wholesalers because as it's happening the wholesalers are not selling our product because they are not being asked to, so they will be doing considerable advertising in that regard

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. Any further presentations of papers Honourable Members. I have two from the chair

TABLING BY SPEAKER OF INDEPENDENT AUDIT REPORT

SPEAKER Honourable Members Section 51D of the Norfolk Island Act 1979 requires that the Speaker shall cause a copy of the Auditor's report of the financial accounts of the Territory as given to the Speaker under subsection 51C(3) of that Act to be laid before the Legislative Assembly within 65 days after the day on which the Speaker receives the report. On 16 October 2007 I received the Independent Audit Report from CST Nexia and I so table that Report.

TABLING OF AUDITED FINANCIAL STATEMENTS OF THE PROVIDENT FUND

SPEAKER Honourable Members Section 4A(7)(b) of the Provident Account Act 1958 requires that as soon as practicable after receiving a report under subsection 4A(6) of that Act, the executive member shall cause a copy of the report to be provided to the Speaker of the Legislative Assembly. Section 4A(8) of that Act goes on to provide that as soon as practicable after receiving under paragraph 4A(7)(b) a copy of a report by the Official Trustee, the Speaker shall lay the copy of the report before the Legislative Assembly. I so lay a copy of the report received before the Legislative Assembly

STATEMENTS

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

MRS JACK

Mr Speaker many in the community are aware of the affected advances in technology that have occurred in our daily lives. If I can highlight this one area I will give as an example, the field of education. Computers and disks have taken the place of blackboard pen pencil and notebook while the electronic whiteboards are able to interact with personal computers. Long distance education no longer fully rely on the postal system but instead on the internet. While the use of video and television are now integrated to allow video conferencing. In the area of education videoconferencing means that students from several schools, hundreds if not over a thousand kilometres apart, can join in with one teacher to study at the one time. Different time zones can be accommodated, students have the ability to interact with other students, from different areas, and one teacher can take the class. Having said this Mr Speaker, I think it noteworthy to inform the community that today, between the hours of 10 o'clock and 11 o'clock this morning the year 8 students from Norfolk Island Central School will be participating in a video conference joining schools in New South Wales and scientists at NASA. This is part of a new relationship with a cluster of schools in the Dubbo, Peak hill area of New South Wales which has achieved great success in supporting students in remote areas. This was a valuable opportunity for our students and it is interesting to note the changing use of technology in our education. Thank you Mr Speaker

MR MAGRI

Thank you Mr Speaker, as I alluded to Mr Sheridan during question time, I just wanted to provide an update for members on the maintenance programme for the roads that I set out in the July meeting. The original programme included resealing Country Road, Shortridge Road and Quality Row this financial year and providing for an independent team to continue with routine maintenance including patching, signage and drainage. I also expressed my wish to see the Roads GBE determine some of its energy to reshaping some of the nine roads the Administration assumed responsibility for on the 24th February last year. Mr Speaker this work has already commenced and we are now well into the construction phase. In fact work is exceeding expectations. Prince Phillip Drive, Hemus Road, Road 75 which is the road out to Girlie Nobbs and Road 60 which leads down to Polly and Macca's have all received a major face lift. The full scope of work planned for Hemus road is still not complete with the new cattlestop and some final reshaping still to come and I'm sure that the residents who have been very patient for a lot of years appreciate that. Quality Row, Bounty Street and Pier Street have just received two coats of seal and Fletcher Christian Road, Edward Young Road, John Adams Road, Shortridge road and Taylors Road from Borry's to Channers Corner are all on the short list for the same treatment. Mr Speaker at this stage the Roads Team as I said before, are exceeding expectations set out within the annual programme and are achieving this while continuing with general maintenance, signage and drainage. All too often we fail to offer praise when it is due and I would like to publicly thank the roads gang for all their efforts. I would also like to use this as an opportunity to let the community know that the Registrar and myself have restarted the process to formalise the ownership of some rural roads and easements. The process started in approximately 2002. In February 2006 this process resulted in the Administration assuming responsibility for nine roads however there is still approximately 32 additional roads to come. This process will include community consultation and will amongst other things, need to give consideration to naming a lot of these roads and many are currently un-named. Thank you

MR MAGRI

Thank you Mr Speaker, I have another short statement that again follows on from one of Mr Sheridan's questions about the benefits that the community might expect from the travel that different Members take from time to time. Mr Speaker I attended a conference on the 22nd October at the Sydney Conference Centre for a gathering of the Association of Certified Practising Accountants. The purpose of my attending was to promote Norfolk Island as a

holiday destination but mainly as a possible alternative place with which to do business. Also in attendance was Rhonda Wheatley our Chief Executive Officer and Yvon French Adams and Donna Michaels, two ambassadors from the Young Ambassadors Programme in Norfolk Island. Mr Speaker Rhonda Wheatley, the Chief Executive Officer of the Norfolk Island Administration is a CPA Member who is held in extremely high regard with her peers and this offered us an entree to access the conference stage and an excellent position for a tourism stand. With Norfolk Island being a point of difference, that is, a tourism destination at an accountant's conference, we were able to generate a very high level of interest and with approximately 2000 accountants in attendance the trip was a terrific success. We are already fielding enquiries about businesses that might like to set up shop on Norfolk Island and this includes a range of employment opportunities for young Norfolk Islanders. There is little doubt that this trip has produced a huge benefit for Norfolk Island. I would like to thank Rhonda for making all this possible and also Yvon and Donna for being fantastic ambassadors for Norfolk Island on that trip. Thank you Mr Speaker

MR MAGRI Thank you Mr Speaker, I just wanted to take this opportunity to recognise and publicly welcome John and Elaine Garven and Tony and Kaye Forster to Norfolk Island and to thank them for dedicating some of their time and energy to help the Norfolk Island Fishing Association and the Norfolk Island Government to advance the local fishing industry and especially in assisting me in the development of a comprehensive fisheries management plan for the Norfolk Island inshore fishery. Thank you Mr Speaker

SPEAKER Thank you Mr Magri. Any further Statements of an official nature. We move on.

REPORT FROM STANDING COMMITTEES

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

NOTICES

Honourable Members Notice No 1 which stands in my name on the Notice Paper will not be called on today and will stand postponed until a later date. This decision has been taken after consultation with the wider membership of the Legislative Assembly and in view of the tabling this morning of the draft Strategic Plan for the future of Norfolk Island it is considered more appropriate that my motion and the strategic plan be considered in tandem

PUBLIC SECTOR MANAGEMENT ACT 2000 – APPOINTMENT OF DEPUTY PRESIDING MEMBER OF THE PUBLIC SERVICE BOARD

MR NOBBS Thank you Mr Speaker, I move that the Legislative Assembly, in accordance with subsections 56(1) and (2) of the *Public Sector Management Act 2000*, recommends that the responsible executive member appoint Catherine Elizabeth O'Sullivan to be the deputy presiding member of the Public Service Board for the period 20 November 2007 to 19 November 2009. Mr Speaker I would just like to commend Mrs O'Sullivan for committing to this. She is already committed to a variety of boards. She shares her expertise and experience and it's very much appreciated and she also provides input into some of the community groups on the island so I would just like to say thank you for her participating in this

MRS JACK Mr Speaker I will just share Mr Nobbs thanks for Mrs O'Sullivan for doing this. She's on the Cascade Safety Management Board

and she's also on my Toon Trust committee so she is an important Member, voluntary Member from the community who participates unstintingly and assistant many in the community around her so I wholeheartedly support the Chief Minister in his comments

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

SUPREME COURT (AMENDMENT) BILL 2007

MR GARDNER Mr Speaker, I present the Supreme Court (Amendment) Bill 2007 and move that the Bill be agreed to in principle and I table the Explanatory Memorandum to the Bill. Thank you Mr Speaker in tabling the explanatory memorandum I would just like to note that references to any items in it I'll deliberately avoid simply because they may provide some confusion and at an appropriate time I'll seek to ensure that the tabled explanatory memorandum is amended by deleting any reference to those items. However Mr Speaker, this Bill is introduced to make some necessary changes to the Supreme Court Act that have become clear with the appointment of new judges. The principal Act was originally predicated upon there being one judge but with the appointment of members of the Federal Court to the bench and the designation of one of them as Chief Justice, the terminology of the Act needs to be changed. Changes are needed to take account of the provisions of the *Norfolk Island Act 1979* and of the Federal Court and Judiciary Acts and Regulations which override the existing references to the High Court. Most of the amendments are made to give effect to these changes in terminology. The Bill amends Section 6 of the principal Act to make it clear that until rules are made the costs fixed by the ACT Supreme Court Rules from time to time apply and that the Court may determine how costs are to be taxed that is determined officially. The Bill also provides that if a Deputy Registrar is already a Registrar or Deputy Registrar of the Federal Court he or she does not need to take a new oath of office. Section 19 of the principal Act at present enables the Judge to make Rules of Court but to do so the Rules must be sent to the Minister of the Commonwealth who may disallow them. The Bill provides that the Rules of Court may be made by the Chief Justice, notice of their making must be published in the Gazette, and that they are disallowable instruments. The change also makes it clear that the rules of the ACT adopted until the judges make rules are those applying from time to time but that if any practice or procedure is not provided for then the applicable rules of the Federal Court apply. Because the *Federal Court of Australia Act 1976* provides for appeals from the Supreme Court to the Full Court of the Federal Court, the provisions of the Act making reference to the High Court as the court of appeal no longer reflect the true position and are amended accordingly to make reference to the Federal Court. Finally the Bill makes a number of changes to expressions that have the effect of replacing the Commonwealth Minister with the executive member, changing the High Court to the Federal Court and ceasing to refer to "the Judge" but instead to "a Judge" or "the Chief Justice" as appropriate in the circumstances. Thank you Mr Speaker I commend the bill to the House

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

MR GARDNER 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

COMPANIES (AMENDMENT) BILL 2007

MR CHRISTIAN Thank you Mr Speaker, I present the Companies (Amendment) Bill 2007 and move that the Bill be agreed to in principle and I table the Explanatory Memorandum to the Bill. Mr Speaker the Companies (Amendment) Bill 2007 is presented with the Public Moneys (Amendment) Bill 2007 and Public Moneys (Amendment No. 2) Bill 2007 go together as a package Mr Speaker so during my debate I will on some occasion refer to one or all of the Bills. The Companies (Amendment) Bill 2007 is presented with the Public Moneys (Amendment) Bill 2007 and Public Moneys (Amendment No. 2) Bill 2007 make provision for the establishment and conduct of public sector business enterprises through a corporate structure. The Companies (Amendment) Bill 2007 seeks to establish oversight and accountability mechanisms for companies owned by the Administration, additional to those which apply to companies under the remainder of the *Companies Act 1985*. The Public Moneys (Amendment) Bill 2007 provides mechanisms for capitalising and equipping Administration companies by enabling funds set aside for government business enterprises under the *Public Moneys Act 1979*, and other resources, to be transferred to Administration companies. The Public Moneys (Amendment No. 2) Bill 2007 makes provision for the assumption of Administration liabilities by Administration companies, and the assignment of Administration entitlements to Administration companies. The amendments sought to be made to the *Companies Act 1985* by the Companies (Amendment) Bill 2007 are based on analogous Federal legislation, the Commonwealth Authorities and Companies Act 1997. Mr Speaker Clause 1 Names the proposed enactment. Clause 2 Provides that the enactment comes into operation on a date or dates notified by the Administrator in the Gazette. Clause 3 Provides that the *Companies Act 1985* is amended in accordance with the Schedule to the Bill, as follows. New section 44A Provides that the Norfolk Island Government Auditor is taken to be registered as an auditor under the *Companies Act 1985*. The provision is similar to existing section 44, which makes similar provision in respect of the Commonwealth Auditor-General. New Part 25A. This imposes reporting and accountability requirements for companies wholly-owned by the Administration (“Administration companies”) and their subsidiaries. Those requirements are additional to the other requirements of the *Companies Act 1985*: see new section 608K. New section 608A – Interpretation. Defines terms used in new Part 25A. New section 608B – Role of Government Auditor. The Norfolk Island Government Auditor (“Government Auditor”) is to be the auditor of each Administration company or, if another auditor is appointed by the company, the Government Auditor is to prepare an additional audit report. Subsidiaries of Administration companies are also to be audited by the Government Auditor. There are limited exceptions to this: See new subsection 608D(4). In conducting such audits, the Government Auditor is to use auditing standards in force under section 336 of the Corporations Act 2001 of the Commonwealth. New section 608C – Annual report and related obligations. At least 14 days before the annual general meeting of an Administration company, the company must give the executive member a copy of its annual report, including its audit report. Where the auditor is not the Government Auditor, then in addition a report by the Government Auditor on the company’s financial statements is to be provided. These reports are to be tabled by the executive member in the Legislative Assembly as soon as practicable after

their receipt. New section 608D – Audit of financial statements of subsidiaries of Administration companies. The financial statements of subsidiaries of Administration companies are to be audited by the Government Auditor. There are exceptions to this and they are covered in (4). The Government Auditor is to give the audit report and financial statements to the executive member. New section 608E – Interim reports. The executive member may require, by Gazette notice, an Administration company to provide interim reports to the executive member in respect of quarterly periods within a full financial year. Such reports are to contain a report on operations, the company's financial statements for the relevant period and an audit report. Such a report is to be tabled by the executive member in the Legislative Assembly as soon as practicable after receipt. New section 608F – Executive member to be notified of significant events. If an Administration company, or subsidiary, proposes to do any of the following things, it must immediately give the executive member written particulars of the proposal: —

- Proposal to form a company or participate in the formation of a company.
- Proposal to participate in a significant partnership, trust, unincorporated joint venture or similar arrangement.
- Proposal to acquire or dispose of a significant shareholding in a company.
- Proposal to acquire or dispose of a significant business.
- Proposal to commence or cease a significant business activity.
- Proposal to make a significant change in the nature or extent of its interest in a significant partnership, trust, unincorporated joint venture or similar arrangement.

As to the breadth of the above requirements, including what is meant by “significant”, the executive member is to be empowered to issue written guidelines to the directors, to be used by the directors in deciding whether a proposal is covered by the above requirements. Such guidelines are to be a disallowable instrument. New section 608G – Keeping executive member informed. The directors of an Administration company are to be required to keep the responsible executive member informed of the operations of the company, and its subsidiaries, and to provide to the executive member such reports, documents and information in respect of those operations as the executive member requires. New section 608H – Corporate plan. Provision is made for the preparation, at least once a year, of a corporate plan for each Administration company, which is to be given to the executive member. The plan must cover a forward period of 3 years, and if there are subsidiaries it must cover both the company and its subsidiaries for that period. The directors must keep the executive member informed about any significant changes to the plan, and about matters that arise that might significantly affect the achievement of the objectives in the plan. So far as applicable, such a plan is to include details of the following matters — The objectives of the company; Assumptions about the business environment in which the company operates; The business strategies of the company; The investment and financing programmes of the company, including strategies for managing financial risk; Financial targets and projections for the company; The dividend policy of the company; Non-financial performance measures for the company; Community service obligations of the company and the strategies and policies the company is to follow to carry out those obligations; Review of performance against previous corporate plans and targets ;Analysis of factors likely to affect achievement of targets or create significant financial risk for the company or for the Administration ;Where applicable, price control and quality control strategies for goods or services supplied by a company under a monopoly ;Human resource strategies and industrial relations strategies. A corporate plan must also cover any other matters required by the executive member, and the executive member is to be empowered to issue guidelines to the directors of Administration companies to assist them in deciding the scope of the matters listed above. Such guidelines are to be a disallowable instrument. New section 608I – Compliance with general policies of government. The executive member is to be empowered to notify the directors of general policies of the Government that are to apply to the relevant company, and directors are to be required to ensure that those policies are carried out in relation to

the company and its subsidiaries. The executive member must consult with the directors before issuing such notifications. Such notifications are to be disallowable instruments. New section 608J – Notices to Assembly. The executive member is to be required to lay before the Assembly a notice of the happening of any of the following events, as soon as practicable after the event occurs — The Administration forms, or participates in forming, a company; The Administration acquires or disposes of shares in a company; The Administration becomes, or ceases to be, a member of a company; A variation occurs in the rights attaching to company shares held by the Administration, or a variation occurs in membership rights. New section 608K – Interaction with other provisions. This provision makes it clear that the provisions of new Part 25A are additional to the other requirements of the *Companies Act 1985*. Thank you Mr Speaker

MR GARDNER

Mr Speaker as I alluded to earlier in debate on another matter, it is pleasing to see this legislation and it's attendant legislation coming before the House today in an effort to formalise the management and structure of the airline operation in Norfolk Island. It's no mean feat as a single Executive Member to have I guess you could say complete control of Norfolk Island's single largest undertaking and the airline enterprise with a potential turnover this year of some \$20m or thereabouts is a significantly large thing that we are involved in and from experience I know sometimes these things can distract you from other matters and I'm sure that the Minister is keen to see these amendments progressed as soon as possible. Interestingly enough Mr Speaker whilst the Minister was making his introductory remarks it suddenly dawned upon me that by default I will automatically become the Minister responsible for ensuring that all of the detail that the Minister has outlined are actually met as I'm the executive member responsible for the control of the companies Act so this brings significant additional burden upon myself. I have no issue there with that. I don't know whether it was intended to be that way or whatever, however, I think that that's manageable. My only question I think to the Minister at this stage relates to the new proposed section 608j which refers to notices of the Legislative Assembly and in that to the executive Member which would be myself would need to lay before the Legislative Assembly a notice of the happening of any of the following events as soon as practicable after the event happens and it talks about forming companies and I think my issue here, is it also talks about either acquiring or disposing of shares in the company. Now from my preliminary reading of the Bill Mr Speaker it suggests to me that there may not necessarily be the checks and balances in place in the remainder of the bill to ensure that the Board don't by some other mechanism dispose of all the shares, or go and buy another airline for example, without first necessarily ensuring that the executive member is kept fully up to speed with any of those proposals. I might be missing something. I probably am I'm sure. But I think that that particular section if it is passed we probably need to ensure that any of those notices and any of the actions, that lead to the arising of the giving of those notices, are all disallowable instruments. That is to ensure that the purpose of establishing this, is that they are administration owned and by that government controlled, that the Government, the Legislative Assembly as a whole would have the final say on that if it was to dispose of, acquire or any other way but that is something that we can hammer out as the detail in the period that it sits on the table. I'm sure there are probably mechanisms there but as Members would appreciate, the Companies Act is probably the most single substantial piece of legislation that we have on our books. It is a significant document and it would take an army of people to really come to full grips with so we would need I think some concise and accurate advise on that. I have no doubt that the intent is not to allow those things to happen but I just want to check to make sure that those avenues are plugged before it becomes an Act. Thank you

MRS JACK

Mr Speaker I underlined that very section too Mr Speaker that Mr Gardner has just alluded to. There are a couple of other areas that I would like to know perhaps the reason why it's mentioned, the subsidiaries

incorporated or formed in a place outside Norfolk Island. I mean if that does happen, there's no need for the Government auditor to go and actually audit those books. There are some other little queries I have, and I must also note that my husband is one of those listed as possible directors for this company so I hope that Members don't see this as a conflict on my part. If they do I will stop right away

SPEAKER

Please carry on

MRS JACK

Mr Speaker Thank you. Because when we talk here of 608g of the Directors of an Administration company must, and I'm just intrigued because earlier today the Minister for Finance Mr Christian, noted that it was going to be an advisory board but then later on he used the word management. So I'm wondering if he sees it as being an advisory board or a management board because the work is very different in amount in those Boards and if it is advisory then if he's thinking that a Treasury function is going to be involved inside the Administration that is going to be able to assist him and the board in the evaluation of future planning roles as well. I would just like to have some talks or further discussion, not necessarily in this forum, but there are some queries and I would just like to have them answered and I lay those before Members that I will be putting forward a paper I think on Friday, and putting it out to Members and just raising some matters both with the Companies Amendment bill and the Public Moneys Amendment bill and the Public Moneys Amendment No 2 bill. Thank you

MR N CHRISTIAN

Thank you Mr Speaker, I'll just respond to some of Mrs Jack's queries. I mean, clearly this will become a management board. It's a whole new ballgame and the feedback that has come to me from Members of the community who will be entrusted to run this organisation on behalf of the community I suppose is that they really want to be able to sink their teeth into it and do something meaningful and being part of an advisory board where an Executive Member can just ignore them or take no notice of them whatsoever was not something that they wanted to be a part of. Interestingly what I've tried to achieve in this Mr Speaker is a very high level of transparency and accountability and for what these amendments do Mr Speaker, is place a significant additional safeguard and the like on Administration owned companies which wouldn't normally apply to a privately owned company under the Companies Act, and the reasons I have insisted on the Government Auditor having final oversight whether they are in fact the auditor or not, is to just tie it in with everything else the Administration does. My intention in all of this Mr Speaker is that the Finance Section of the Administration be the accountants for the entity, they do that function at the moment, and I see them continuing in that function and if they are to be the accountants it is therefore even more appropriate that the Government auditor have overall responsibility and access to the books. What I would like to say, and I think Mr Gardner may already have said this, that the Companies legislation is a massive piece of legislation and the reason I've decided to go down this path rather than the previous one where we had a statutory corporate structure, is that this document here reflects what the Commonwealth itself does, in respect of Commonwealth owned corporations and it embodies basically, one hundred or more years of Australia corporation Governance history so you can't get any more rock solid I think Mr Speaker then what I'm proposing today and I would hope that Members will support this today and actually support it next month when it really matters

MR GARDNER

Mr Speaker just on rereading the amending clauses before us, it goes a long way to satisfying my earlier concerns because I overlooked 608f subsection 3 in relation to that which was primarily my concern, the disallowable nature of any of those significant activities. I was looking to 608j to the reference to the disallowable nature of the notices, but it's contained in 608f and so that satisfies that primary concern that I had there Mr Speaker Thank you

MR NOBBS Mr Speaker actually I was going to bring that to light but I thought 608f covered that, however, I did wonder whether it adequately covers asset sales of the corporation but that will be something that we'll discuss later on. But like everyone else I'm very happy for us to have some healthy debate on this and get it formalised so that we have a solid operational structure so that it incorporates all the elements in the employees. Thank you

MR MAGRI Mr Speaker I personally think that a lot of the concerns that other Members are raising today, are going to be answered by looking at the Bill in its totality and the reporting process in the fact that the entities have to follow Government policies and Government desires and wishes of what they want to achieve so I see this package of three bills, they are designed specifically to offer the Norfolk Island Government the same opportunities as provided to the Australian State and Federal Governments through their equivalent or parallel companies legislation

SPEAKER Mr Magri are we debating the same? Are you still on the Companies Amendment Bill

MR MAGRI Mr Speaker I am yes. And this I believe provides a framework which Government owned Business Enterprises can operate with private sector vigour. Mr Speaker this package also required that any new Government company must operate under legally rigid company law and additionally provide that the company is scrutinised by the Government auditor, has additional reporting and accountability requirements, and must comply with the general Government policy as I said before, so Mr Speaker significantly, any new Government owned company must at least once per year, provide a corporate plan which covers a forward period of three years. This plan includes the objectives strategies investment and financing programmes, financial targets and projections, dividend policy, community service allocations and a review of performance. Mr Speaker, this is accountability and transparency at its best and I thank the Minister for bringing this package of amending Bills to the House

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

MR CHRISTIAN Thank you 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

SUSPENSION

SPEAKER Honourable Members I take note of the time and I ask Members if they would prefer to adjourn for a lunch break or if we would carry

MR N CHRISTIAN Thank you Mr Speaker, I think we have lunch because the justice package is a massive piece of legislation

SPEAKER
suspend this meeting until 2 pm

is that agreed by the floor. I therefore

RESUMPTION

Honourable Members we resume this session and I have notice that Mrs Jack wishes to seek leave to present a paper and I invite her to do so

PRESENTATION OF PAPERS

MRS JACK
Mr Speaker its actually a paper. Mr Speaker I'm required in accordance with paragraph 17(3)(b) of the Planning Act to place a copy of the Gazette Notice informing of the commencing of a review of the Norfolk Island Plan before the Legislative Assembly as soon as practicable after its publication and this I so do. Thank you

PUBLIC MONEYS (AMENDMENT) BILL 2007

MR CHRISTIAN
Thank you Mr Speaker, I present the Public Moneys (Amendment) Bill 2007 and move that the Bill be agreed to in principle and I table the Explanatory Memorandum to the Bill. Thank you Mr Speaker The Public Moneys (Amendment) Bill 2007 provides mechanisms for capitalising and equipping Administration companies by enabling funds set aside for government business enterprises under the *Public Moneys Act 1979*, and other resources, to be transferred to Administration companies. Mr Speaker Clause 1 Names the proposed enactment. Clause 2 Provides that the enactment comes into operation on a date to be notified by the Administrator in the Gazette. Clause 3 Provides that the *Public Moneys Act 1979* is amended in accordance with the Schedule to the Bill, as follows. Amendment of section 6 – Interpretation The expressions “Administration company” and “subsidiary” are defined to mean the same as in the definitions inserted by the cognate amendments of the *Companies Act 1985*. Amendment of subsection 11A(4) – Administration Services Fund A transfer of public moneys to an Administration company or subsidiary under new section 32D is to be treated as a debit to the appropriate head of the Administration Services Fund. Amendment of subsection 11A(7) – Administration Services Fund On closure of a head of the Administration Services Fund, the moneys standing to the credit of that head are to be transferred either to the Revenue Fund or, if a transfer direction has been made under new section 32D (and to the extent specified in the direction), to an Administration company or subsidiary specified in the direction. Amendment of section 24 – Expenditure only to meet liabilities Section 24 currently provides, relevantly, that public moneys are not to be expended unless the expenditure is to meet a liability. The amendment creates an exception, namely expenditure under new Part 3A. New Part 3A This Part empowers the executive member, with the approval of the Legislative Assembly, to transfer public moneys and public stores to Administration companies. The general scheme is that, where a service previously provided by the Administration is in future to be provided by an Administration company, the funds and other resources available for the purposes of that service may be transferred to the company that is in future to provide the service. New section 32D – Transfer of public moneys to Administration companies The section empowers the executive member to direct the transfer of specific amounts of public moneys to Administration companies. This may be done in exchange for the issue of shares in the company or on such other terms and conditions as are set out in the direction. Such a transfer can only be made in the following circumstances — (A) A head of the Administration Services Fund exists in respect of a service provided by the Administration. (B) The amount of money available for that head of the Administration Services Fund is not less than the amount to be transferred to the company. (C) The executive member is satisfied that the Administration no longer intends to provide the relevant service, and that the company intends to do so instead. New section 32E – Transfer of public

stores to Administration companies The section empowers the executive member to direct the transfer of public stores to an Administration company, on such terms and conditions as are set out in the direction. The expression “public stores” is defined in section 6 of the principal Act. Such a transfer can only be made in the following circumstances: (A) The stores were acquired by the Administration for the purpose of providing an Administration service. (B) The executive member is satisfied that the Administration no longer intends to provide the relevant service, and that the company intends to do so instead. New section 32F – Directions to be approved by Legislative Assembly Directions by the executive member under all of the above provisions must be approved by resolution of the Legislative Assembly before they are given. As well, such directions must be laid before the Legislative Assembly as soon as practicable after they have been given. New section 32G – Powers exercisable from time to time The executive member’s ability to give a direction under any of the above provisions is a continuing one, and may be exercised from time to time as the case requires. Thank you Mr Speaker

MR GARDNER Mr Speaker I intend to support this Bill as one arm of the three arm package that the Minister has brought to the House. Obviously it is necessary for the operation of any new corporation established under the Administration’s control and as I said, I support the Bill

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

MR CHRISTIAN Thank you 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

PUBLIC MONEYS (AMENDMENT NO 2) BILL 2007

MR CHRISTIAN Thank you Mr Speaker, I present the Public Moneys (Amendment No 2) Bill 2007 and move that the Bill be agreed to in principle and I table the Explanatory Memorandum to the Bill. Mr Speaker The Public Moneys (Amendment No. 2) Bill 2007 makes provision for the assumption of Administration liabilities by Administration companies, and the assignment of Administration entitlements to Administration companies. Mr Speaker in this regard Clause 1 Names the proposed enactment. Clause 2 Provides that the enactment comes into operation on a date to be notified by the Administrator in the Gazette. This date must be on or after the date on which the Public Moneys (Amendment) Bill 2007, dealt with above, comes into operation. Clause 3 Provides that the Public Moneys Act 1979, as amended by the Public Moneys (Amendment) Act 2007, is further amended in accordance with the Schedule to the Bill, as follows. Amendment of section 28A – Application of sections 27 and 28 to the Administration Services Fund Section 28A currently provides that the provisions of section 27 and 28 apply (with such changes, if any, as are necessary) in respect of the Administration Services Fund. Sections 27 and 28 deal with the recording of liabilities and the ascertainment of the amount of public moneys available to meet a liability. In the application of these provisions to the Administration Services Fund, the amount of money available for the purposes of a particular head of that Fund is the amount standing to the credit of that head less

the amounts incurred by way of liabilities. Section 32EA (see below) will empower the executive member to direct an Administration company or subsidiary, with the consent of its directors, to assume what was previously a liability of the Administration. If that occurs, the amount of such a liability is no longer to be regarded as a liability of the relevant head of the Administration Services Fund when calculating the amount of money available for the purposes of that head. New subsection 28A(2) provides accordingly. New section 32EA – Assumption of Administration liabilities by Administration companies The section empowers the executive member to direct that a specified liability of the Administration is to be assumed by an Administration company, on such terms and conditions as are set out in the direction. Such a direction can only be made in the following circumstances — (A) The liability was incurred by the Administration for the purposes of providing an Administration service. (B) The executive member is satisfied that the Administration no longer intends to provide the relevant service, and that the company intends to do so instead. (C) The directors of the company have resolved to consent to the company's assumption of the liability. New section 32EB – Assignment of Administration entitlements to Administration companies The section empowers the executive member to direct that a specified entitlement of the Administration is to be assigned to an Administration company, on such terms and conditions as are set out in the direction. The entitlements able to be assigned in this way are restricted to those arising from a contract or agreement entered into by or on behalf of the Administration. Entitlements arising under enactments or other laws, or from the Administration's status as a body politic, are not able to be assigned under this provision: see the definition of "Administration entitlement" in subsection (1). Such an assignment can only be made in the following circumstances: (A) The contract or agreement from which the Administration entitlement arose was entered into for the purpose of providing an Administration service. (B) The executive member is satisfied that the Administration no longer intends to provide the relevant service, and that the company intends to do so instead. (C) An assignment under this provision does not, on its own, affect the rights of other parties to the relevant contract or agreement. Amendment of subsections 32F(1) and (2) Amends the subsections to provide that directions dealing with the assumption of liabilities by Administration companies, and assignment of entitlements to Administration companies, are to be approved by resolution of the Legislative Assembly before they are given, and that such directions must be laid before the Legislative Assembly as soon as practicable after they have been given. Amendment of section 32G Amends the section so that the executive member's ability to give a direction in respect of assumption of liabilities, or assignment of entitlements, is a continuing one and may be exercised from time to time as occasion requires. Thank you Mr Speaker that pretty much wraps it up and you can see that any dealings arising out of these pieces of legislation can only be done if the dealings are relevant to the business that's been carried on or intended to be carried on, so be airline specific or for instance if we wanted to look at electricity it would have to be electricity generation equipment. At the appropriate time Mr Speaker I will seek the adjournment to give people time to study these. Thank you

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

MR CHRISTIAN Thank you 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 PROCEDURE BILL 2007

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

MR GARDNER Mr Speaker this is the first of four Bills which are referred to as the Justice Package, a series of legislation to introduce much needed change. There are detail stage amendments and much work has been done in relation to this bill in as far as identifying any errors. The bulk of them are dealt with in the detail stage amendments that we'll get to in a minute. There are no significant alternations to the content of the bill as such. The bulk of the detail stage amendments deal with both references and also references as far as some of the definitions are concerned. After consultation I've had other Members that have raised queries about some of the provisions with me generally and hopefully they are satisfied with the response that I've given. Obviously this is another opportunity today, should they wish to quiz myself or have views express on any of the provisions of this legislation but we have discussed them. There has been, as I've said, significant consultation on this whole process over many years and these as I have referred to them as the corner stone of our Justice Package in this Legislative Assembly have been well discussed and I think sufficient time has been provided for consultation on this and as I said, I intend to finalise these matters today. Specifically in relation to the Criminal Procedure Bill I'm satisfied with the provisions. It is an important part of the Justice package and I commend the Bill to the House and will obviously look to you for the house to give consideration to the detail stage amendments at the appropriate time. Thank you

MRS JACK Mr Speaker I would just like to commend the Minister in bringing this Justice package to the House. In all my time at the Legislative Assembly it's certainly been a matter that's either been before the House or something that needed to be done or in the process of so for him to get to the stage its at is a great achievement and he's worked hand in hand with the Judges, the Magistrates and others of the legal fraternity and visiting justices also, so I must commend the Minister. During my time down here there have been times when actions taken outside this forum have succeeded in highlighting deficiencies in our justice legislation. The recent trial and matters that led up to it are examples and I spoke to the Minister this morning about one example that came was the Evidence Act which was considered by the 10th Legislative Assembly and our legislation at the time really was quite glaring in its deficiency with regard to the collection and gathering of forensic evidence and so the passing of the Bill into an Act bought all this up to date with the collecting and gathering of using the modern technological advances in this area but it wasn't the only reason for bringing that Evidence Act on, but was just one of the areas to highlight the deficiencies that were quite apparent at the time. Again I understand through talking with the Minister this morning that there remain two further pieces of legislation or I think Mr Gardner referred to possible amendments rather than new legislation that will need to be considered in order to fully round off the Justice package. It's not my intention to speak for every Bill before us this afternoon Mr Speaker but just to note that I will be supporting every one, so I think it's great that we are now being brought into line with the modern requirements of life today. In a way it's sad, but it's a requirement that certainly I should expect visiting Judges and the legal fraternity, that commonality between jurisdictions and so I have no trouble in supporting these bills, thank you

MR MAGRI Mr Speaker I'm in favour of supporting these four Bills as well. I don't intend to talk to each of them, but it's a massive piece of legislation and many trees have died in the process of making these Bills but I'll be supporting them and I commend the Minister in all the work he's done in bringing them to the House. Mr Gardner

MR GARDNER Mr Speaker I think that we are looking to put the question that the motion be agreed to

SPEAKER I put the question that the motion be agreed to

QUESTION PUT
AGREED

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

We move now to the detail stage and Mr Gardner has circulated detail stage amendments dated 7 November 2007. Mr Gardner

MR GARDNER Mr Speaker I move that the detail stage amendments dated 7 November 2007 be taken as read and agreed to as a whole. Mr Speaker in relation to the Criminal Procedures Bill 2007 the bulk of these detail stage amendments that have been circulated to Members as I said earlier in debate relate to references and errors in the bill as it was introduced into the House. Those have now been corrected. The references actually talk to other clauses within the Bill and within the substantive Act itself and the only significant change or appears significant is on the second page and its reference to clause 190 but that explains that clause 190 has been split into two clauses because in the bill as it was introduced there was a printing error that left out clause 191 so there was only clause 190 and it jumped to clause 192 and so that although it appears significant it really is the words that were there were already in the introduced Bill, it's; just the number that's been corrected. I have nothing further to add to those detail stage amendments. I'm comfortable with their content and that they meet the requirements to make solid legislation

SPEAKER Thank you Mr Gardner. Is there further debate. I put the question that the amendments be agreed to

QUESTION PUT
AGREED

I think the Ayes have it.

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

QUESTION PUT
AGREED

I think the Ayes have it.

Finally, I put the question that the remainder of the Bill be agreed to

QUESTION PUT
AGREED

I think the Ayes have it. I seek a final motion Mr Gardner

MR GARDNER
agreed to

Mr Speaker I move that the Bill as amended be

SPEAKER
that the Bill as amended be agreed to

Thank you Mr Gardner. I put the final question

QUESTION PUT
AGREED

Honourable Members the Bill as amended is agreed to

CRIMINAL CODE BILL 2007

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

MR GARDNER
Mr Speaker without repeating the words that I used in the introduction to the Criminal Procedure Bill 2007, which as I said earlier relate to all the bills in this package, I would just like to say the same exercise has been undertaken in relation to this bill in as far as identifying any errors. The bulk of them are dealt with in the detail stage amendments that we'll get to in a minute. There are no significant alternations to the content of that bill as such. Again, the bulk of those deal with both references and also references as far as some of the definitions are concerned. We'll deal with that in due course. This bill is the most significant of this package of four bills and deals with virtually every eventuality that you can poke a stick at as far as criminal law in Norfolk Island is concerned. You will note that even though it is entitled the Criminal Code Bill 2007, when it actually becomes an Act, and the other Bills that is referred to and the one that we've dealt with earlier is referred to as the Criminal code. That's how this type of legislation is referred to so there's no error in that, it's just practice and evolved through legislation and the various areas that this sort of legislation is managed. I have nothing further at this stage Mr Speaker to add prior to dealing with the detail stage amendments but certainly would welcome any discussion or debate from my colleagues.

MRS JACK
Mr Speaker I would have to agree with the Minister on the range of topics covered in this Bill, the descriptions and the understandings are extremely, or they leave no room for doubt and the range of topics covered. Certainly I mean on this page, sabotage, public alarm, all sorts of offences certainly which opened my eyes to a couple of definitions there but certainly it's a great piece of legislation and one that I hope we don't have to use that much, that often. Thank you

MR GARDNER
Mr Speaker maybe if I just take a moment to just broadly cover some of the areas that this legislation covers because I'm not sure whether it was covered in its entirety in the introduction of the legislation but just for the benefit of the listening public, it deals with establishing the general principals of criminal responsibility, in circumstances where there's no criminal responsibility, it deals with offences against the person, serious offences concerning children, sexual offences, child pornography, sexual servitude, all the offences relating to property, theft, fraud, blackmail, fraudulent conduct, false or misleading statements, bribery and related offences which relate to our roles within Norfolk Island, property damage and computer offences, serious drug offences, it really does encapsulate virtually everything that you can imagine that are embraced by a modern community as being offences against the community and how they are dealt with. Thank you

MR N CHRISTIAN
Thank you Mr Speaker, I intend to support all of these pieces of legislation that the Minister has before us today. It's long overdue and

Mr Gardner mentioned earlier in his contribution to debate that the process started ten years or so ago but when you read all of the explanatory notes that accompany these pieces of legislation its obvious that the process actually commenced in August 1968 and its taken us until now to finalise it so I think it's a very good effort on the Minister's part to be where we are today

SPEAKER Thank you Mr Gardner. Is there any further debate. I put the question that the motion be agreed to

QUESTION PUT
AGREED

Honourable Members. We move now to the detail stage and Mr Gardner has circulated detail stage amendments dated 30 October 2007. Mr Gardner

MR GARDNER Mr Speaker I move that the detail stage amendments dated 30 October 2007 be taken as read and agreed to as a whole. Mr Speaker as i discussed earlier in my debate on my resumption of debate on this Bill there aren't any significant detail stage amendments that effect significantly the substance of the legislation. Most of these detail stage amendments are purely of a reference nature, and in fact, looking through it I think all of them are, other than an amendment that deals with the expansion on the definition of firearm which includes the meaning given by the Firearms Act 1997 but also includes an airgun and an air pistol so most of the definitions have been tidied up and certainly all of the references that I was able to identify have been tidied up and certainly the Bill since that time has been scrutinised again and again to make sure that it is correct. I'm comfortable that this is a complete Bill and is worthy of Members consideration for passage through the House today. Thank you

SPEAKER Any debate Honourable Members. I put the question that the amendments be agreed to

QUESTION PUT
AGREED

I think the Ayes have it.

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

QUESTION PUT
AGREED

I think the Ayes have it.

Finally, I put the question that the remainder of the Bill be agreed to

QUESTION PUT
AGREED

I think the Ayes have it. I seek a final motion Mr Gardner

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

SPEAKER Thank you Mr Gardner. Any debate. I put the final question that the Bill as amended be agreed to

QUESTION PUT

AGREED

I think the Ayes have it. The Bill as amended is agreed to

COURT PROCEDURES BILL 2007

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

MR GARDNER Mr Speaker this Bill basically speaks for itself. It deals with court procedures and was provided for in the explanatory memorandum in the words that Mr Magri used in introducing the bill last month. It is self explanatory. It deals with all of the functions and responsibilities of the court in determining how it operates, what rules it will use, what forms it will use, the establishment of fees, how proceedings are managed, how they are managed by and against the Administration generally, it deals with issues such as court security, arrest, judgement, creditors, set of debts, stays of proceedings, transitional arrangements, civil proceedings, so basically it clearly encapsulates Mr Speaker in one piece of legislation the procedures for the operation of the court in Norfolk Island and I commend the Bill to the House

SPEAKER Thank you Mr Gardner. Is there any further debate. I put the question that the motion be agreed to

QUESTION PUT
AGREED

Honourable Members. We move now to the detail stage and Mr Gardner has circulated detail stage amendments dated 30 October 2007. Mr Gardner

MR GARDNER Mr Speaker I move that the detail stage amendments dated 30 October 2007 be taken as read and agreed to as a whole. Mr Speaker these amendments are very short. There's only two of them again, just dealing with words where there had been an incorrect reference to the Administrative Appeals Tribunal that has been amended to refer to the Administrative Review Tribunal as the Tribunal that deals with those matters in Norfolk Island and established under that name and also references to the minimum weekly wage was an incorrect reference in the Employment Act which has now been corrected and now refers to the minimum rate of pay which was established under the Employment Act in Norfolk Island. Thank you

SPEAKER Thank you Mr Gardner. Any further debate Honourable Members. I put the question that the amendments be agreed to

QUESTION PUT
AGREED

I think the Ayes have it.

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

QUESTION PUT
AGREED

I think the Ayes have it.

Finally, I put the question that the remainder of the Bill be agreed to

QUESTION PUT
AGREED

I think the Ayes have it. I seek a final motion Mr Gardner

MR GARDNER
agreed to

Mr Speaker I move that the Bill as amended be

SPEAKER

Thank you Mr Gardner. I invite debate. No. I put the final question that the Bill as amended be agreed to

QUESTION PUT
AGREED

I think the Ayes have it. The Bill as amended is agreed to

SENTENCING BILL 2007

SPEAKER

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

MR GARDNER

Mr Speaker I think it's probably fair to say that this bill of the package is the one that has received more attention in the intervening period since introduction than the other three save for consideration of the detail stage amendments attaching to those other bills and that's primarily due to the fact that there has been a need in Norfolk Island to give serious and significant consideration to the options that the court has available to it, for sentencing through the courts. Mr Speaker if I take you back a few years, though there had been provisions available under our legislation for things like sentencing options, including community service orders, there really hadn't been a clear and concise mechanism for the management of community service orders and you may recall, certainly those members who have been around for a while, that a few years ago we ran into issues of insurance for supervisors of community service orders, there were all sorts of niggling issues that arose in relation to them, and though this Bill is introduced in its form of a month or so ago, clearly since then, there was a need to maybe better define the meaning of the community service orders and the ability of the courts to be able to apply community service orders under sentence and for those things to receive due consideration about how they could be better managed, and so that happened. There's been discussion with the Crown Counsel and law officers, I've had discussions with the police and unfortunately only limited discussion with the magistrates, but I believe that they are supportive of the provisions as they now exist which we'll deal with under the detail stage amendments which modify the Bill as introduced to give far greater flexibility in those sentencing options and I think at the end of the day it should be applauded that we are prepared to try and give the widest possible range of options to our magistrates and the courts for sentencing options in Norfolk Island both from a financial perspective and also from looking at the best management of people that are sentenced under our criminal and civil justice systems in Norfolk Island. I'm pleased that the Bill has received that attention and I certainly hope that it will provide an answer to some of the concerns that our local magistrates have had about community service orders in particular but it does clearly establish a mechanism for the sentencing options in the courts in Norfolk Island and overcomes the problems that we have had previously where we've had to look to many and varied pieces of legislation to actually understand all of the sentencing options that are available under this legislation as it draws all of those together under the one principal legislation and sets out very clearly the process that's to be followed. Mr Speaker I don't have anything further to add other than to say that we had a session with Members in the intervening period dealing with those issues that I've just

outlined. I certainly hadn't received any sort of adverse comment about those, rather I think it's fair to say that the comment that I have received from Members has been very supportive of the options that are available under sentencing to the court in Norfolk Island. They are far from draconian, I think that they really do reflect a very modern attitude to the operations of the court in sentencing options that are available. Thank you

MR NOBBS Mr Speaker I'm very happy to see the entirety of this Bill and the entire Justice package and with regard to the sentencing the fact that we lose the fragmentation regarding sentencing and provide some consistency in Norfolk Island's case. I would also like to commend Mr Gardner on this in that the entire justice package as I see it, establishes parallels between processes, enabling consistency in hearings and in sentencing. It ensures access to the modern techniques and evidence gathering and encapsulates offences in the definitions and with the entire package it specifies rules in procedure and ties all together, I think it's a good presentation.

MRS JACK Mr Speaker I like the idea that this Bill as I understand it, for the first time, has impact statements becoming part of the process. They are not a requirement but a voluntary ability for a victim to provide such a statement because as it says here in the explanatory memorandum that not all victims may want to take part by being re victimized in giving such a statement and I think that the bill in acknowledging that, is acknowledging the concerns of the victims in a very compassionate way here but to have that ability for a victim to give an impact statement is well overdue and to provide the magistrates or the judge that added bit of information which will help them in their sentencing. As far as the flexibility given to the magistrates, I think it's great and I'm well aware of the trouble we've had and Mr Gardner mentioned, in the insurance aspect of having certain people as supervisors in this area but now its going to be there and going to be available for the use of the magistrates. One of the best pieces I've seen. I think the community will see it as a tremendous step forward as well. I have no problem in supporting it Public Service

SPEAKER Thank you Mr Gardner. Is there any further debate. I put the question that the bill be agreed to in principle

**QUESTION PUT
AGREED**

Honourable Members. The Bill is agreed to in principle. We move now to the detail stage and Mr Gardner has circulated detail stage amendments dated 12 November 2007. Mr Gardner

MR GARDNER Mr Speaker I move that the detail stage amendments dated 12 November 2007 be taken as read and agreed to as a whole. Mr Speaker I did make reference to these detail stage amendments at some length in my earlier debate and the most significant amendments are those relating to appointment of supervisors under community service orders and the like. But also Mr Speaker the flexibility in sentencing options to the court rather than as the bill had initially proposed on its introduction that in default of the fine, the only option was imprisonment, it actually expands on the options available now to the court to look at community service orders, home detention orders and periodic detention under certain arrangements so as I said a more modern approach and one that I applaud the appointment of the supervisors generally as custodial officers or jailers which can be properly managed. There will be a system where if there are jobs lets say within the community that need doing with public bodies or the like that the Sergeant of Police will be the custodian of a register of those types of activities that could be persons who are asked or are service workers under community service orders could be asked to perform so some of that detail still needs to be hammered out and

probably attached as regulations at some time if the need arises, but I'm comfortable that it does give, as I said earlier, significant sentencing options to the courts in Norfolk Island and I certainly do commend these detail stage amendments as a major advance over the original provisions of the Bill that was introduced. Thank you

MRS JACK Mr Speaker I think that section 164 or 146 of the Bill, 166 Remission of Sentence by Administrator do you want to comment on that one

MR GARDNER Mr Speaker that was also another significant item that was identified in reviewing the Bills, there were a couple of clauses in there in relation to remission of sentences, that had been let off, go away, we don't want to see you again. That power in the Bill as it was introduced was provided to the Office of the Administrator. It was identified Mr Speaker that in fact that power vests in the office of the Governor General under the Norfolk Island Act and that Act takes precedence over our legislation so that's the reason for the deletion and I'll thank Mrs Jack for raising that because it is a significant deletion over the Act that was originally introduced but we can't pass legislation that over rides the intent of the Norfolk Island Act of 1979 and hence my instructions to have those sections removed and so the ability to provide the remission of sentences still remains with the office of the Governor General in the Commonwealth of Australia

SPEAKER Thank you Mr Gardner. Any further debate Honourable Members I put the question that the amendments be agreed to

QUESTION PUT
AGREED

I think the Ayes have it.

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

QUESTION PUT
AGREED

I think the Ayes have it.

Finally, I put the question that the remainder of the Bill be agreed to

QUESTION PUT
AGREED

I think the Ayes have it. I seek a final motion Mr Gardner

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

SPEAKER Thank you Mr Gardner. Any further debate Honourable Members

MR GARDNER Mr Speaker just before closing it seems to me that the Bill will have the support of Members of the House but I would like to acknowledge the efforts of the many involved in the Legal Services Unit, the Draftsman, over many years, those who have been involved in the development of this legislation, the Justice Package of legislation and as I said earlier, even though there are still some other minor issues that need to be dealt with as part of the Justice Package, this does ensure that now we have the mainstay of justice legislation in place in Norfolk Island with the passage of this final bill Mr Speaker but I just wanted

to acknowledge the efforts over a very very long period of time by a lot of people and in particular, more recently, the current Members of our Legal Services Unit who have put a tremendous amount of work into bringing this forward to the Legislative Assembly to my attention and now with passage through the House I applaud them for their efforts. Thank you

SPEAKER Thank you Mr Gardner. Any further debate Honourable Members. Then I put the final question that the Bill as amended be agreed to

QUESTION PUT
AGREED

I think the Ayes have it. The Bill as amended is agreed to

ROAD TRAFFIC ACT 1982 – INTRODUCTION OF LEGISLATION TO PROVIDE FOR THE USE OF A BREATHALYSER

SPEAKER Thank you Honourable Members. We move to Order of the Day No 5. The Road Traffic Act 1982. the introduction of legislation to provide for the use of a breathalyser

MR MAGRI Mr Speaker, I seek leave to withdraw this motion from the Notice Paper

SPEAKER Honourable Members, is leave granted? Leave is granted Honourable Members. That Bill is so withdrawn

FIXING OF THE NEXT SITTING DATE

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

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

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

QUESTION PUT
AGREED

The motion is agreed

ADJOURNMENT

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

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

MR ANDERSON Mr Speaker I refer back to a question that Mr Brendon Christian made to Mr Gardner earlier on the Events Committee and the fact as to whether it was the principle of that committee to look at new events. I would like to just reinforce what Mr Gardner said. Certainly it is not, and just to say that as a Members of that committee if there are any sporting clubs or other clubs who feel that they haven't been heard in their requests, please pass it on to me or one of the other Members of the committee

