



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
12TH NILA HANSARD – 20 FEBRUARY 2008**

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

CONDOLENCES

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

CONDOLENCES

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

MR SHERIDAN

Thank you Mr Speaker, it is with regret that this House records the passing of James Arnsby Selby, Herbert Edwin Snell, Dianne Vanita Buffett, Amy Kathleen Bathie and Theodore Livanes.

James Arnsby Selby, affectionately known as bob, was born in Lyall Bay, Wellington New Zealand in July 1922, only son of James and Kathleen Selby who owned a small farm in Tahora. During his young years he grew up on the farm before going to boarding school in Wellington. Bob shared the same interests in horses as his dad and was a keen rider. After leaving boarding school bob began an electrical apprenticeship before putting up his age to join the army. In 1942 he was transferred to Norfolk Island where he met the love of his life Mary Quintal. During 1944 Bob and fourteen other soldiers transferred from the army to the air force in order to remain on Norfolk Island. He and Mary were married in 1944 and their son Jes, James Edwin Selby was born. Tragically Jes suffered and died from whooping cough in 1945. Bob was discharged from the air force and worked for Walter McCoy as a taxi driver. In 1946 He and Mary purchased their home in Stormy Paddock and their daughter Janice Marilyn was born. Theirs was a home of hospitality and many happy parties. In 1955 the family moved to Sydney where they set up house in Paddington and again, this was a popular place for Norfolk Islanders to take refuge and party. Bob worked for the DCA as a plant operator In 1967 they celebrated the wedding of Jan to Vince Reeves and a year later they returned home where Bob worked for Admin until his retirement in 1982. This time Bob built their family home at Kilbourne Crescent in Steeles Point where Mary still lives today. Bob was a life member of the Norfolk Island Lions club and was awarded the Melvin Jones Fellowship. He is remembered for doing the Lions Mint run and selling the Lions raffles and Christmas cakes. Bob was a very keen dancer and won the Bounty Shield for ballroom dancing many times with his daughter Jan. To Mary, Jan and Vince, their sons Matthew, Nathan and Joel and their partners, to his great grandchildren Nicola, Tori and Bailey this House extends its deepest sympathy. Mr Speaker, may he rest in peace.

Herbert Edwin Snell, affectionately known as Hes, was born in Norfolk Island in 1924, the eldest child of Alfred and Polly Snell of Shortridge, and a brother to Edie, Frederick, Rose, Madeline, Eustace, Cora, Sally, Lorna, Eileen and Richard. He was a very family oriented man, who was totally devoted to his brothers and sisters and their families. Domine how big or small the task, he would gladly do his best to help them whenever

and wherever he could. Hes was a charismatic member of the community. His early life consisted of working in the garden under the very strict supervision of his father. When he finished school, Hes joined the Australian Army in 1941, at 17 years of age. On completion of training he was posted to the Norfolk Island Infantry detachment, and thus contributed his services to the defence of Norfolk Island during World War II. On his discharge at the end of the war, he moved to Sydney where he enrolled himself in a Repat. course for his chosen career in the upholstery industry. In 1952, Hes came back to Norfolk for annual leave and met his future bride, Miss Jean Cunningham who was holidaying on Norfolk at the time. Twelve months later they were married in Sydney, a union which has lasted for 55 years, and creating a family with their two sons, Malcolm and David. Hes started work as an upholsterer with the N.S.W. State Rail Authority in 1955 and stayed until his retirement in 1985. On Hes's retirement he packed his family up and moved back to Norfolk where he picked up from where he had left from. Hes loved his golf and driving. He enjoyed a joke and shopping days with Jean. Hes never really retired. From time to time he helped out with the unloading of the ship, road patching, fencing, and many other jobs as well as maintaining his own property. Hes will be sadly missed. To Jean, and their sons Malcolm and David and their partners, to his grandchildren, Jarrod, Stephanie, Saxon and Saffron, to his extended family and many friends, this House extends its deepest sympathy. Mr Speaker, may he rest in peace.

Dianne Vanita Buffett was born in Norfolk Island in November 1949, the youngest daughter of David Campbell Dunsmere (Boy Satt) Buffett and his wife Ruth. Her brothers and sisters were David, Cheryl, Noelene and Boyd. They lived in Steeles Point and went to school at Middlegate. On completion of her schooling Dianne moved to Sydney and worked at the Bank of New South Wales in George Street. Two years later she returned home and joined Administration, initially in Registry, then Companies and then the Legal Advisers office. She married Alan and had Vanita, Dwain and Lavina. They became her lifelong focus. Di left the island again with the three children and for a time worked for Westpac at Turrumurra where she was caught in an armed hold up. She transferred to the Carlingford Branch and experienced a second armed hold up. Di then spent two years in America, in California where Vanita and Lavina went to school. Everyone knows the stories of Di's home baked cakes and their popularity at Lavina's school. Dianne was incredible talented. She was very musical, played the piano by ear and was a great ukulele player. An accomplished horsewoman she rode competitively in the royal A & H Show and won ribbons for her prowess. Her plaiting established her as a noted Island artist. She taught plaiting at the school some twenty years ago, and again recently taught regular classes to years 3 and 4. She had regular plaiting demonstrations at the Golden Orb with Greg Magri. Her plaiting has featured in communications from Norfolk Island to Ministers of Government to Australia, to Parliamentarians and to distinguished visitors; demonstrating the cultural skills which exist here. She published a book "Plaiting in Paradise" which will preserve the craft for future generations and will provide a contemporary resource for teaching. Dianne suffered for decades from a progressively degenerative disease diagnosed only in the last ten years. Diane was a true Norfolk Islander, a beautiful lady, and her passing is our community's loss. To her children, Vanita, Dwain and Lavina and to the other members of her family, to her many friends both here and overseas, this House extends its sincere sympathy. Mr Speaker may she rest in peace.

Amy Kathleen Adams was born in Norfolk Island in 1917. She had three sisters, Lizzie, Helen and May and one brother Guilford. Educated at the Public School she did very well academically and won the Queen Victoria Scholarship. After finishing school she lived in Sydney where she met Albert Abb Bathie who delivered milk on a horse and dray to the place where Amy lived. They had known each other about a month when Abb asked Amy to marry him. She thought he was joking and said, "Sure, I'll marry you". To her surprise he went ahead with the arrangements and they were married in 1939 in Randwick. After the war Amy brought Abb to visit her home and he so liked the place they decided to stay. They spent many years faming their property off Douglas Drive. They had no children but Amy was a wonderful Aunt. After Abb's passing Amy spent

many years operating “Dechesne’s Store” and many customers have many stories. She finally retired in 2003 to spend many hours watching her favourite Wallabies playing footy on TV and cheering the Australian cricket team to all their victories. She was an Eastern Suburbs Roosters supporters and an avid Cascade Reds fan. A keen labour supporter she loved nothing better than discussing politics with anyone, but especially those who disagreed with her. To May, Boyd, Kate and their children and the other members of Amy’s extended family this House extends its deepest sympathy. Mr Speaker, may she rest in peace

Theodore Livanes was born in Australia in November 1929. In 1985 he married Shirley Evans and they spent their time divided between Morven, Queensland, Sydney, Tasmania and Norfolk Island. Theo was a hardworking man who enjoyed life. He was a fine cook and often worked in the kitchen. He tended his gardens and was particular on maintenance. Theo would have loved to spend his days on Norfolk but his medical condition didn’t allow that, so he and Shirley visited as often as they could for prolonged stays at their home in Steels Point. To Shirley, to Theo’s daughters and their families, to his Norfolk friends, this House extends its deepest 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?

MR GARDNER Thank you Mr Speaker, I give notice that at the March sitting of this House I will be tabling the approved forms under the provisions of the Criminal Procedures Act 2007. if I could just take a minute to explain that any approved forms under legislation in this instance, in relation to the Criminal Procedures Act is governed by the provisions of the Interpretation Act 1979 that requires disallowable instruments to be tabled at the first opportunity after having made those forms so long as it’s not within seven days of the sitting of the House. These forms were approved on 14th February and so I’m within that seven day time frame requiring me to then table them at a subsequent sitting of the House

QUESTIONS WITHOUT NOTICE

Are there any questions without notice?

MR SHERIDAN Thank you Mr Speaker I have a couple today. Firstly for the Minister for the Environment. Minister I was interested to read the article in the most recent Norfolk Islander in regard to the Asian House Gecko and its proliferation in the Norfolk Island landscape. Minister could you advise what action if any has the appropriate Administration section undertaken so far to exterminate this problem and what action is proposed in the future to see that the spread of this problem is restricted if not eradicated

MRS JACK Thank you Mr Speaker in response to Mr Sheridan’s question, The matter has been before the Environment section of the Administration as well as in front of the National park Manager. As a result in talking to Mr Watson the other day, he has sought the importation of some I think the term is sticky patches, for use in the areas where the nuisance gecko is believed to be prevalent.

Before using this particular method of catching Mr Watson needs to gain acceptance by the Ethics committee for the use on this because it can be seen to be a detrimental way of catching an animal and there are concerns over cruelty to animals. Apart from that, the Environment Officer is hooking up with people within the Federal Government tomorrow in a video teleconference, seeking funding that will enable a programme to be started and implemented to seek eradication or partial eradication down to a suitable level depending on risk management, of the particular gecko

MR SHERIDAN Thank you Mr Speaker and thank you for that answer there Minister but if that conference tomorrow indicates that there will be no funding available, well then does this mean that the Administration will be doing nothing to eradicate this problem

MRS JACK Thank you Mr Speaker well it wouldn't be my intention. There is a concern there, and one that's been raised a couple of times by concerned members of the community and from the Flora and Fauna Society and the local conservation society. My response would be to try and source some funding to enable a strategy to be put in place

MR SHERIDAN Thank you Mr Speaker just a quick question for the Minister for Finance. Minister considering what is perceived to be price exploitation by some of the retail outlets on the island, when do you intend to introduce a fair trading practices bill so that this area is regulated and the inflationary impact can be kept to a minimum

MR CHRISTIAN Thank you Mr Speaker we actually already have fair trading legislation which exists today and we also have mechanisms within the GST legislation to prevent price gouging. It's a bit difficult to actually make an allegation that somebody is price gouging or implementing a system where they might have an excessive mark up because at the end of the day it is buyer beware, but where I am able to direct our inspectors in those areas to have a look at things I would be more than happy to do so but I wouldn't hold my breath that we actually are going to hang anybody out to dry Mr Speaker

MR SHERIDAN Thank you Mr Speaker a supplementary there. Thank you Minister for that reply. Considering that reply, would it be appropriate for this government to put in place measures particularly for fuel prices, for when fuel prices increase, so that the retail outlets do not substantially increase the profit margins above what they already have been without their services being more expensive you might say

MR CHRISTIAN Thank you Mr Speaker once again that's a difficult one. The inflationary effect comes in there where service stations use a 6% of mark up to calculate their new retail price rather than working on a fixed cents per litre profit margin, and so there is some inflationary pressure there. I try and encourage competition between the service stations by publishing the wholesale price. That wholesale price is available to anybody who has the appropriate storage facilities for diesel, kerosene or petrol and so once again I think the consumer if they are of a mind are certainly able to put some pressure on the retailers to offer a better price. In the Australian sphere, having every service station on Norfolk Island selling fuel at the same price could be construed as collusion and price fixing and therefore penalties would apply. I'm not absolutely certain that that is the case in Norfolk, I don't know whether there is collusion between the service station owners to fix the prices or not but I can certainly look at that. What I can say in respect of petrol in particular is that a number of MLA's and Members of the community have raised with me the possibility that some service stations are short changing their customers in quantity and to that end the CEO of the Public Service is seeking to engage the services of a registered body in Australia to come to Norfolk Island and do random checks, not only on service stations but scales

at butcher shops and supermarkets and the like so we are getting serious about this problem Mr Speaker

MR SHERIDAN Thank you Mr Speaker a supplementary question. Minister wouldn't it be appropriate for the relevant sections of the Administration to undertake this testing if they have the approved receptacles to gauge the quantities etc

MR CHRISTIAN Thank you Mr Speaker. Some weeks back I enquired from the previous distributor of fuel in Norfolk Island as to where the testing equipment was. We can't actually track it down so I'm unable to use it. We do have authorised inspectors within the Administration who can go out and test, but one of the difficulties that we run into in situations like this is that if we intend to prosecute somebody the testing containers themselves need to be certified on a regular basis, I think that might be annually actually, so that's why we are looking at bringing in professional expertise from Australia with certified testing equipment

MR SHERIDAN Thank you Mr Speaker a supplementary question. Minister surely it would be more appropriate to get certified containers delivered to the island and then send them away yearly to get recertified then paying for a return airfare of the appropriate person from Australia to come back and test. Surely that would be more cost advantageous to the Administration

MR CHRISTIAN Thank you Mr Speaker certainly I don't have any difficulty with that at all, but one of the other difficulties that we have when we front up in court and we want to prosecute somebody, the first thing the court will say is What's your expertise. The fact that we actually appoint an inspector doesn't necessarily mean that the inspector is trained or qualified in that area, and that's one of the shortcomings of a small public service, I suppose, where we expect officers to do multiple tasks so one of the things we would hope to be able to do, by bringing in people with certified testing equipment and expertise is that we could probably train our local inspectors to some degree of proficiency

MR SHERIDAN Thank you Mr Speaker a question for the Minister for Commerce and Trade. I refer to the matter of forced savings scheme to Norfolk Island residents. This House has used the terminology, Superannuation both in previous and present governments and some discussion and meetings have occurred about this during this Government's term in office. Minister would it be appropriate at this time to update the House as to the progress if any regarding an island wide superannuation scheme

MR MAGRI Thank you Mr Speaker and thank you Mr Sheridan for the question too. I'm done a lot of work on trying to develop a plausible or to solve a lot of the problems that go into offering some of the solutions to develop an island wide superannuation scheme and I've used a lot of expertise both on island and off island and I've also sort of piggy backed on a lot of the research that's been done by previous Ministers on this very complex subject, but as probably most of my colleagues would be aware, I've had meetings with them and I've given them discussion papers on this and I'm pretty much at a point now where I've been able to solve most of the logistical issues to superannuation and I've instructed the Legal Services Unit the other day, in amongst their busy schedule, if we could start working on some legislation it will allow for an island wide superannuation scheme. As far as the details about whether the superannuation scheme will be 1% or 2% or 9% or 12% or whether it will be 1% in the first year or 2% in the second year, all of the different issues will come back to this forum to discuss the details of it, but I'm really still working on fleshing out the structural framework of the legislation so its advancing really well. There have been some concern from some of the people I've talked to about whether its appropriate to be looking at introducing the superannuation scheme now, given that people are concerned about the

cost of living and all of that. It's something we are very sensitive about so I'm just going to continue to progress the matter as I have been but it is coming along very well

MR SHERIDAN Thank you Mr Speaker just a supplementary there. Minister you mention the consultation has commenced. Can you just qualify the benefits to the community of Norfolk Island and can you qualify the benefits the Government of Norfolk Island would realise on such a scheme

MR MAGRI Thank you Mr Speaker I would probably have to take that question on notice to give you the full list of benefits to the people of Norfolk Island and to the Government but there's some fairly obvious ones, and that is that it would be less of a burden on the social welfare system of Norfolk Island if people can start to provide for their own retirement and also too, people can start to make contributions based on the type of retirement they want to live so it's a forced saving scheme for their retirement. The list of benefits, I'll be happy to bring back to the Membership at the next meeting a full list of benefits that superannuation offers

SPEAKER Thank you Minister. Any further questions without notice. There being no further questions without notice we now move on to Presentation of Papers Honourable Members

PRESENTATION OF PAPERS

Are there any Papers for presentation this morning Honourable Members

MR CHRISTIAN Thank you Mr Speaker I table the monthly financial indicators for the revenue fund for December 2007 and January 2008. The revenue fund continues to travel well. Income from all sources is running at 101% of the revised budget. Income from other taxes and GST are 5% ahead of forecast income and customs duty; earnings from GBE's, interest received, and other charges are slightly behind the budget forecasts at this time Mr Speaker. Expenditure has been limited to 92% of the budget and on a six month pro rata basis the budget was expected to be in deficit at this time by about \$593,000 and the actual result is a deficit of \$8000 which compares favourably with an actual deficit of \$389,000 for the corresponding period last financial year. The 07/08 budget provides for the expenditure of \$184,900 on capital works and purchases and to date we have spent \$27,100. The revenue fund estimated position at the end of December 2007 after making provision for all known liabilities is a surplus of \$297,800. Total cash at bank in non-trust accounts after adjustment for forward airline ticket sales is approximately \$9.3m which is slightly better than the long-term average which is about \$8.25m. I do not have at this time the December 2007 airline financial results. I will now address the January 2008 revenue fund financial indicators. Income from all sources have achieved 103% of budget with all revenue items bar one which is income from charges, exceeding budget forecasts GST performed extremely well with an income of \$613,000 for the month. On the expenditure side we have come in at 93% of budget. For the seven months to date I had expected the revenue fund to be in deficit for some \$629,000. The actual results is a surplus of 97,000 which is a turnaround of \$726,000 and compares well with a deficit of \$190,000 for the corresponding period last year. Expenditure on revenue fund capital works and purchases remain unchanged from last month and stands at \$27,000. Just for the information of members when you look at the capital works page that's attached to the financial indicators you can see that for December the revised budget had an amount in there of \$184,900 for the January period we had \$183,400 but you can see the actual amount spent on capital purchases remains the same at \$27,100. And if you look through the items that make up the budget categories you can see some discrepancies in the figures there Mr Speaker where the numbers don't match, and what I'm trying to say there, is that somebody on the outside listening who looked at this paper later would say well you've only spent \$27,100 but the amount you intended to spend has varied. what's the explanation. The explanation there Mr Speaker is that the money hasn't been

spent on capital works but we have viremented them sideways within the Administration to cover recurrent expenditures in certain areas where it's become obvious that the money provided for capital items will not be spent this financial year and that's the explanation there and at this time I'm unable to provide the cash at bank figures and the position at the revenue fund and the airline figures for January as the Finance Branch simply hasn't produced them for me at this stage. When they do so I will provide them to the membership. Thank you

MR SHERIDAN
noted

Thank you Mr Speaker I move that the paper be noted

SPEAKER

The question is that the paper be noted

MR SHERIDAN
Thank you Mr Speaker. Minister just looking through these figures here, and I'm just looking at position as at 31st December and the January figures there, and I see the debt is there, we still have SMEC \$500,000 in the Australian Government as a debtor for the murder trial of some \$191,000, nearly \$700,000 in total. Is that monies able to be recovered or is there a problem there or will we see that money coming to us or not

MR N CHRISTIAN

Thank you Mr Speaker, that's a very good question actually. If we look at SMEC litigation costs, I've included it in there as assets or income for this financial year. The \$500,000 in respect of SMEC litigation is the number that I think the Administration will recover at the end of the day and the advise that I've been given from the Legal Services Unit is that the agreement has just about been reached between the two parties on what the quantum will be and one of the impediments to finalising that at this stage, is some months ago when we passed the new Justice package we inadvertently removed the ability for the Registrar of Courts to actually register agreements where two parties reach settlement. Part of what Mr Gardner has before us today is a remedy for that, so once we give the court back that ability I would think that the Legal Services Unit would fairly quickly resolve the matter. I certainly would hope that it's done in this financial year because I'm counting on it. In respect of the \$191,000 for the murder trial, this number was included in there because there was always an expectation that the cost of the Federal Police involvement in the murder trial would be covered by the Commonwealth and it was as a result of undertakings given to Mr Gardner by a previous Government, that is a previous Federal Government, we are no longer confident having had a change of Government in Canberra, that the money will be forthcoming, and I will look at how that affects the budget for the remainder of this year Mr Speaker but I think it might be possible – I anticipated that this might happen and I might have sufficient funds within the Legal Services Unit vote for the Administration to cover it. I'm not promising that, but I should be able to mitigate it if we don't get the full amount from the Commonwealth

SPEAKER

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

QUESTION PUT
AGREED

SPEAKER
Members

Thank you. Any further Papers Honourable

MR NOBBS

Mr Speaker, I have previously provided all Members with the final version of the Norfolk Island Government Strategic Plan 2007-09. For completeness, I formally table a copy of that plan in its glorious full colour version. The Plan was made available to the public at the most recent open day at Rawson Hall, and is accessible in the Assembly section of the Government website at www.info.gov.nf

and is also on the Norfolk Telecom website. Mr Speaker, a number of the major goals of the strategic plan have already been achieved, and there has been significant progress on most of the others. The Administration CEO and managers are now incorporating the goals and strategies into their new business plans and into the 2008/09 budget now in preparation. This will ensure that the major goals identified in the Strategic Plan will result in achievable and fully funded programmes across the wide range of services provided for the community by the Administration and statutory bodies. Mr Speaker, I presented the Strategic Plan to the Commonwealth Minister for Home Affairs, Hon Bob Debus MP, at our meeting in Canberra on 8th February, and provided him with a briefing on the major areas where we are seeking change and improvement. This briefing was complemented by my Ministerial colleagues Mrs Vicky Jack and Mr Neville Christian, who provided the Minister with more detail on their portfolio areas. Mr Speaker, I can only say that the Strategic Plan and our briefings were received in a very positive and enthusiastic spirit by Mr Debus. He was clearly pleased with the wide scope of the plan and the detail of the strategies. Presenting the Strategic Plan at our first face-to-face meeting has started our relationship on a good footing and I look forward to much positive communication with Mr Debus in future. Thank you, Mr Speaker

MR SHERIDAN

Thank you Mr Speaker I move that the paper be noted

SPEAKER
paper be noted

Honourable Members the question is that the

MR SHERIDAN

Mr Speaker just really one question to the Chief Minister with regard to his strategic plan and it's one area that I'm interested in you might say, in population and immigration growth. I note in his area with relation to population that the first key outcome, the performance indicator, the KPI is the population policy be reviewed and assessed and the due date is December 2007,. Minister how is this progressing and when can we see a copy of the new policy'

MR NOBBS

Mr Speaker in the last few months we've had a few discussions on population and immigration and in recent weeks I've also circulated to Members a population review document which is a review of many of the previous consultancy work done for Norfolk Island in terms of assessing population growth that was acceptable within our means and resources. From that I've summarised many of the areas, some of which I discussed with MLA's in recent MLA meetings so in answering Mr Sheridan's question, the assessment of the many reports that have been done in the past has been completed by myself in terms of coming up with a summarised version for us to look at, at future sittings. You will find that the reporting side of those outcomes is set for March. Just might I add that in placing the strategic plan on the desktop for everyone to look at, I appreciate it that Mr Sheridan has used it in specifically the way we had in mind, where it does call us into account for times and resources associated with parts of here we are going

MR GARDNER

Thank you Mr Speaker, I just wonder if the Chief Minister would confirm that the document that he says was circulated to Members was in fact a document which is in fact some three years old now and was undertaken by a previous Government as far as the review of the population policy for Norfolk Island or if in fact this is a new document

MR NOBBS

Mr Speaker thank you, and thank you Mr Gardner. The document was the work that had been done some years ago, however, as I said, I've put in some summaries of what the current figures and issues are, however the document that I circulated to all Members was actioned by a previous Government but didn't actually go any further. So I'm keen to see us come out with some outcomes from it because it details of many of the areas that relate to, not just population numbers and

resources but also the reflection of us in terms of tourism numbers and how they effect not only the work force but also available environmental resources

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

QUESTION PUT
AGREED

SPEAKER Thank you. The paper is so noted

MR GARDNER Mr Speaker I table the Inbound passenger statistics to Norfolk Island for the month of January 2008 and move that the paper be noted

SPEAKER Honourable Members the question is that the paper be noted

MR GARDNER Mr Speaker again just to highlight a noticeable improvement in numbers out of Victoria and as I've stated in the House on previous occasions, due primarily to the direct service that's being run out of Melbourne, and again a clear indication of a positive outcome from that initiative and hopefully, that momentum created by running that can be maintained out of the Victorian sector. I've no doubt that it can, but obviously it will require a further commitment from both the airline and the Tourist Bureau in the next financial year and in its marketing and promotion strategy to ensure that we can maintain those numbers, and as I said I'm confident that we can do that and I'm sure that the Minister for the airline Mr Speaker the total numbers indicate, and my calculator is not working this morning, but I think it's about a 14% improvement over the same time last year. Again encouraging. The trend continues positive. As far as numbers to the island are concerned obviously there's a lot of healthy debate within the community as to whether numbers are ideally what we are after or yield but certainly as far as numbers is concerned it's positive moves forward and as I highlighted at last months sitting the impact of the weather had significant impact on both December and January's figures, so I think there's a very positive outcome. A couple of things that I've noticed, and had noticed before in these figures is the actual contribution of the locals to total passenger numbers and checking back in December and also in January the travelling public is constituted by about 25% in total of locals. Now that could probably be explained away as part of seasonality, the time of year, people coming home for Christmas and New Year, but certainly an interesting statistic that is different in total visitor numbers being as I've already explained, are well up, but really the components that the local travelling market has as far as support for the air service for Norfolk Island is in January a little over 25% I think, and I think December was about the same. Interestingly enough on further reflection on these figures, there are a couple of issues and I'm not sure whether that's due to seasonality but it would appear that even though the New Zealand figures are fairly stable and I think in regard to New Zealand it was reported in the tourism column in the Norfolk Islander on the weekend of the successful visit by the General Manager and one of the Members of the Board to New Zealand working with Mike Hogan and Associates in New Zealand and I think very clearly demonstrated enthusiasm by the New Zealand market to get on board with the marketing of Norfolk Island. The numbers still remain stable. There's still an area of concern but I think it's still a little early to make an assessment as to whether the impact of our marketing initiatives are really starting to take hold but I'm confident from the report that was in the paper that things will turn around in New Zealand and certainly to maintain their market segment contribution to our overall numbers would be something that we're obviously aiming for. But just looking at the total visitations to Norfolk Island and the breakdown between public accommodation and private accommodation for visitors which is different to local residents returning to Norfolk Island it's roughly about 14% of the total market is staying in private accommodation. As I said, I'm not certain

whether there is a trend emerging there, or whether that has always been the case but it's something that I'm checking on, but interestingly enough, out of the New Zealand market approximately 25% of all visitors from New Zealand stay privately in Norfolk Island so I will do some more work on that because if that's a trend it's an interesting trend, and I would like to look behind the reasons for that but certainly interesting on how it's progressing and something that we need to take into consideration when reviewing the whole tourist accommodation infrastructure in Norfolk Island . if that were to continue then there would probably be an argument to looking at homestay type provisions if that is in fact what is behind this, particularly out of the New Zealand market but interesting numbers anyway, and I look forward to having further discussions with Members of the industry and certainly around this table about just what these figures mean. I'll do some more work on stats and bring it back to Members obviously in due course. But all in all positive outcomes and positive trends Mr Speaker and it certainly should offer encouragement to people around this table and certainly to Members within the business community and to Norfolk Island generally

MR ANDERSON Thank you Mr Speaker as far as the New Zealand homestay, I don't know that the figures but I've got a feeling that repeat visits from New Zealand are much higher than it is from Australia and that could be one of the reasons

MR NOBBS Mr Speaker we recently returned from King Island where we went to further some information gathering on alternative energy systems...

SPEAKER Excuse me Chief Minister are you debating

MR NOBBS Mr Speaker I am. I'm just going to provide a little background prior to that and what that visit enabled us to see first hand aside from the energy systems and environmental areas of interest to us, was the power of their branding and it was also very evident to us the advances we've made on Norfolk Island in terms of tourism initiatives and ongoing strategies for example, the five year tourism strategic plan. It's very heartening to see the results that Mr Gardner has read out there, in terms of incoming numbers and obviously the collaboration between the airline and the Tourist Bureau is working well and no doubt will evolve even more so. I just have one question for Mr Gardner and that's with regard to the collaboration across the industry on Norfolk Island as that was something that he was keen to see and was already addressing on some levels previously which obviously helps our brand and helps our yield in terms of getting a high yield in tourists and providing better satisfaction

MR GARDNER Thank you Mr Speaker, I think I understand the thrust of it. I think it is probably fair to say that the industry in Norfolk Island has been and is fraught with difficulties from time to time. It really is an indication of a very competitive industry and marketplace, and the desire of people to want to maximise their returns on their investment. Normal business type understanding and direction and I think it's also fair to say that there's been a number of efforts made in the past by previous Ministers and previous Governments to try and bring the industry together to try and make sure that we are all singing from the same song sheet, but you know we have to be realistic as I said, it's a very competitive marketplace and people will always be wanting to improve and get the edge over the competition and that's normal and commonplace in any sort of business environment, but what we have tried to do and what previous Governments have tried to do is bring the industries together so that there is a better understanding of the environment in which we operate and I think it's fair to say that generally that's been successful. There will always be operators who want to work on the fringes and we can manage that and the industry manages that, but generally across the board I think that the communication are sound, with our partners within the tourism industry, across the tourist accommodation industry there are representative bodies out there that are in regular contact and undertake regular lobbying activities that both myself as Minister for Tourism and I'm sure Neville as the Minister for Airline Services, to want a bit more, have a bit more knowledge, to know

what's going on, what the trends are and again, I think it's all part of a healthy industry so in that regard I think that the communications and the working environment enjoyed across the industry is probably as good as it's every been. It doesn't mean that there aren't areas that can't be improved and I think we've highlighted that in recent weeks where there was misunderstandings, maybe breakdowns in communication over some of the advertising that's been taking place but we've managed that. We've put in place measures to ensure that people aren't caught unawares when we are trying to get our message out to the wider industry and to the world as far as Norfolk Island being open for business in a tourism sense. We will continue to monitor the situation and make sure that it is delivering what people expect of it

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

**QUESTION PUT
AGREED**

SPEAKER Thank you. That paper is noted thank you.. Any further Papers Honourable Members

STATEMENTS

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

MR MAGRI Thank you Mr Speaker I'm working with the Registrar to begin the process of naming 58 unnamed roads. Members may be surprised to know that there are so many roads in Norfolk Island which have no names, or at least no names which are officially recognised. I believe that it is worth the effort to give names to each of these roads to assist us all to find addresses and in particular to facilitate access in emergency situations such as accidents, serious health matters or fires. Mr Speaker, most of these roads are on Commonwealth crown land, while the other private roads would need to be dedicated as public roads prior to having them named. The approximate cost of road signage for these would be \$14,500. Mr Speaker, I am grateful to the Registrar, who has prepared a detailed paper setting out a suggested process for naming these roads, and has put considerable time into researching appropriate names. The recommended names have been obtained using historical data, current names or known names, or the names of prominent persons associated with the area or road. It is proposed that a public information session be conducted to provide for public comment in respect of the proposed names, following which, choices of names for these 58 roads can be finalised. A resolution of the Assembly will then be required as to the proposed names so that a recommendation may be made to the Administrator to in turn advise the Surveyor General of the name as prescribed under the Official Survey Act. I have circulated a paper to Members identifying the unnamed roads and some of the suggested names. In this paper, the road identification number correlates to the Official Survey plan and I would welcome feedback from Members and the community on the suggested names or on alternative names which they might consider to be more appropriate. Thank you, Mr Speaker.

MRS JACK Mr Speaker I move that the statement be noted

SPEAKER Honourable Members the question is that the statement be noted

MRS JACK Mr Speaker I would just like the Minister to inform the public where the lists are going to be available from, if he is going to publish them in the Gazette for comment or make them available in both newspapers or one, so

that Members of the community can see where the road is currently located, it's possible future name and contact numbers within the Administration

MR MAGRI Mr Speaker at this stage there is not hard and fast decision on how the information is going to get to the public. I've talked to the Registrar about different ways, and he and I have also thought about even going up on Saturday morning in front of Foodlands, and allowing people to comment in that way, but there will be an extensive process because I can imagine that for some people this is important and there will be some debate within the community. At the moment I've just provided the paper to Members to see whether they agree with the general plan that I have to progress with this and I seem to have had an agreement by Members yesterday at our meeting that they will provide me with some information by the end of the week, and I'll just progress this. Basically, I'm just letting the community know that the process has started

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

QUESTION PUT
AGREED

SPEAKER Thank you. The statement is so noted

MR NOBBS Mr Speaker just a brief one. I had anticipated a follow up question from Mr Sheridan with regard to a query he raised at the last sitting with regard to the Minister for Finance, and what I would like to do, is just read some of the advise that has come back from the Legal Services Unit and just let Mr Sheridan know that I did process his exact words through so that it could be answered in the best way possible, and the summary of advise is the key area that I would like to read out Mr Speaker. In our opinion a direction by an Executive Member to obtain the supply of services for an Administration undertaking by independent contractors rather than by employees is a lawful and proper direction under section 38(1)(C of the Public Monies Act 1979. A direction under section 38(1)(C of the Act must be a direction for carrying out the Act in particular for and in relation to the supply of services for the Administration. A direction to retain personnel on a consultancy, as opposed to employment basis is consistent with section 38(1)(C of the Act. Clearly there is no statutory obligation to retain personnel solely on an employment basis. There is no suggestion in our instructions that the Administration has any direct contractual relationship with call centre personnel. Mr Speaker I bring that forward in statements just in keeping with one of the queries Mr Sheridan had and it related to the strategic plan with regard to those areas. Thank you

MR SHERIDAN Thank you Mr Speaker I move that the statement be noted.

SPEAKER Thank you Mr Sheridan. The question is that the statement be noted

MR SHERIDAN Mr Speaker I would just like to thank the Chief Minister for that advise that he's received from the Legal Services Unit and I would like to apologise to the Minister's for my misinterpretation of the Acts that I referred to but it still doesn't mean to say that I'm happy with the outcome and I believe that a Minister still shouldn't have that right to go out and do whatever, they wish to do with the procurement of services whether it be personnel, whether it be equipment, whether it be anything, without going through the proper checks and balances that the Administration have in place under their policies and their Acts, so in saying that, would the Chief Minister take on board to amend the Public Monies Act to reflect that these checks and

balances, must be adhered to before the Minister makes a decision for the procurement of services etc for the Administration

MR NOBBS Thank you Mr Speaker although I will not undertake to make an amendment without reviewing I will undertake to do a review of this area so that we can report back and discuss it further

MR CHRISTIAN Thank you Mr Speaker I really don't know what Mr Sheridan is driving at. If he is suggesting that I've done anything improper I would like him to make it very clear to the House that is not his assertion at all. I find it amazing to sit here and once again have this matter dragged before the membership. I'm a bit disappointed that the Chief Minister doesn't put Mr Sheridan back in his box. It appears that the only difficulty we have here is that we have a Minister that's aware of what his executive and legal responsibilities are and how to exercise them and I do that within what the law allows me and that's just been confirmed but Mr Sheridan is still not satisfied. And I certainly comply with the Administration policy and procedures requirements when they are appropriate but one of the reasons that the Public Monies Act is set up as it is, is to allow the executive arm of the Legislative Assembly to respond in a timely manner when things that are out of the ordinary occur and you will find Mr Speaker that if you strip the executive member of the ability to do these things you could end up in a bit of a hole one day, for instance, it would be a bit alarming if on the day we sit to pass the appropriation for the forthcoming year the Legislative Assembly decides to dissolve itself at that same meeting, before it had resolved the budget for the year. The Administration has to continue to operate. The Public Monies Act gives the ability for the executives to keep things ticking until things are back on an even keel. We also have a situation in the Administration where we operate in a commercial environment rather than an Administrative environment, and that's not a situation I created, it's a situation that I work within and from time to time we have to make commercial decisions in an expedient manner, and that again allows the executive member to do that and I can assure Mr Sheridan that when I do make these decisions, I do not take them lightly, and in most instances, they are considered by my executive colleagues before I exercise my power. I might also add Mr Speaker before I finish on this note, that any executive can exercise that power. It doesn't necessarily have to be the Minister for Finance and the Chief Executive Officer of the Public Service of Norfolk Island can also exercise that power. The only difference being Mr Speaker is that when the Chief Executive Officer of the Public Service exercises that power it is a disallowable instrument and the Minister for Finance must table any such direction given by the Chief Executive Officer of the Public Service within I think it is, two meetings of the Legislative Assembly

MR GARDNER Thank you Mr Speaker, I think it's timely to remind members that at the outset of this Legislative Assembly, this Legislative Assembly vested authority for certain issues in certain Executive Members and with all due respect to the Chief Minister certainly he is freely available to provide a view on a particular issue at a particular time, but the carriage of the legislation and the matters are those firmly vested in the keeping and under the stewardship of the Executive Member to which they have been approved so just a word of caution, that if we are looking to change the role that the Chief Minister is vested in reviewing all of the legislation in Norfolk Island that that is a quantum shift in the way things have happened in Norfolk Island for many many years and I would urge caution to remember where the boundaries are in relation to executive responsibilities

MR NOBBS Mr Speaker just in closing for this I would like to say that I heed the words of Mr Gardner there, because obviously there are those areas where they cross over but just in my final remarks I would like to say that from my perspective we have taken on many ambitious projects in this the Legislative Assembly. We have taken on many new and innovative ideas and we are pursuing new ideas and innovative ideas and so it has called on many of the executives to really work in new methodology and in that I guess I'm referring to the way we have to approach Norfolk Air

and things like that. But I just want to say that every single Member of the Legislative Assembly, but specifically the executives have my absolute confidence in the fact that they work correctly and that's all I have to say on that

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

QUESTION PUT
AGREED

SPEAKER Thank you. The motion is so agreed. Are there any further Statement of an official nature Honourable Members

MR MAGRI Thank you Mr Speaker I was not on the Island for the last meeting of this house and I just wanted to take this opportunity to offer support to the KAVHA landholders in their attempts to find a resolution to their issues. It is my understanding that the Minister for the Environment, Education and Social Welfare has already acted on the motion passed at the last meeting by writing to both of the relevant Ministers in the Australian Government requesting consideration of a review of the KAVHA boundaries.

MR CHRISTIAN Thank you Mr Speaker Point of Order.

SPEAKER Mr Magri, there's been a point of order

MR CHRISTIAN Thank you Mr Speaker, as I understand statements, the Minister can only make official statements in respect of areas that he has ministerial responsibility for. The Minister does not have responsibility for KAVHA, therefore he can't comment on it

SPEAKER Mr Magri I have been advised it would be more appropriate for you to do this in the adjournment debate

MR MAGRI Thank you Mr Speaker I would be happy to wait until the adjournment debate. It's just that in getting points of order being called on, it's an opportunity that I've taken to thank the Minister for doing some good work in the last month with regard to an issue that's to do with KAVHA boundaries so I don't know what the objection is

MR GARDNER Thank you Mr Speaker, does this preclude the statement from being noted

SPEAKER I think the ruling is that the matter will be adjourned to the adjournment debate so the statement will not be noted at this time

MR MAGRI I have a further statement but I guess that I'll have to wait until the adjournment debate as well as there's a possibility it could cross over into somebody else's responsibility so I'll wait to make two statements in adjournment debate. Thank you Mr Speaker

MR GARDNER Thank you Mr Speaker I certainly don't want to labour the point but it certainly is a useful educational exercise and I look forward to your written response at a later time just in relation to exactly that question that I posed

MRS JACK Thank you Mr Speaker I have a statement to make. For several months now, both in this forum and outside I have been asked questions regarding the public submission of the KAVHA Conservation Management Plan. I would

just like to take this time to make the statement that the KAVHA Conservation Management Plan is now on the Attorney General's Department's website on www.ag.gov.au/kavhamp all one word, and that it is available to be downloaded by the public from this site. The comments close on the 17th March 2008 and a public notice will appear in the Australian newspaper today and that this notice will be replicated in the Norfolk Island Government Gazette this Friday so if members or the public wish to do so that is available. I advise that they may be able to also talk to Ms Anita French in KAVHA as the KAVHA secretariat as well. She may be able to advise them also of the appropriate website in the Attorney General's department. Thank you Mr Speaker

MR GARDNER
noted

Thank you Mr Speaker, I move that the paper be

SPEAKER
be noted

Honourable Members the question is that the paper

MR GARDNER
Thank you Mr Speaker, just for clarification in relation to the Minister's statement and the availability of the Conservation Management Plan. Is it proposed that hard copies will be made available for example at the school library and the public library and the normal places where those sorts of documentation would normally be made available

MRS JACK
Thank you Mr Speaker yes, it is my intention to have hard copies available there. It is a large document, I believe just over 150 pages, perhaps 176 pages in the last draft but that may be a little less now, with some final editing have occurred but that may go out as photos, and graphs are included but yes, it is my intention to have that at the public library, the school library. Possibly at the Post Office although I find that an awkward place for people to stand around and read it, so as for providing hard copies for the public to use and take home, I'll have to look at that as there is some cost towards the cost of printing Mr Speaker

MR GARDNER
Thank you Mr Speaker, just a further question in relation to that. Thank you to the Minister for that response, but it relates to the consultation process from here on in. the time frames to whom any queries should be directed etc and whether there are actually going to be visiting people from the Department to consult on the CMP before the consultation time frame closes, etc. It is an issue. It is an issue within the community and I think the more assistance that we can provide to ensure that people's voices are heard, the better

MRS JACK
Thank you Mr Speaker if I can say that I have spoken to members within the new Department of Environment, Water and the Arts and there has been some preliminary agreement to visit here, to come over and discuss things. I have yet to finalise those visits, so I don't want to give definite dates yet, but I've sought that and there has been preliminary agreement there. I can finalise those and I want to get that in the newspaper form my press release on Saturday, for dates, times, who's going to be here, and who to make the submissions to. It's my intention, as the submissions come in, to consider them and put them out to other KAVHA board Members on a weekly basis so that we are not just waiting for this large amount or whatever amount at the end of the consultation process, but it's being done on an ongoing process and then we can by the end of time, have that final week or those final days to consider and it brings the process down again, on getting that hopefully final submission out but as I say I'll be making all those sorts of comments in detail in my media release on Saturday

MR GARDNER
Thank you Mr Speaker, just one further query as I understand it, the existing Conservation Management Plan for KAVHA is a document endorsed through the process of the KAVHA management board, which is an advisory board to both Governments so I would imagine that both Governments signed off on the

existing one. With the new one, is it the same endorsement process or is it somebody else who actually signs, seals and delivers the Conservation Management Plan

MRS JACK Thank you Mr Speaker the MOU is still the same and the Conservation Management Plan, my understanding is the KAVHA board agrees to it and then its ratified, I suppose could be the word, by the relevant two Governments or relevant agencies within the Government

SPEAKER Mr Magri this now falls into the realms of your previous statement if you so wish to raise it now

MR MAGRI Thank you Mr Speaker I'll wait for adjournment debate but I'm pretty interested in knowing which particular standing order the Minister was referring to that stopped me from making the statement along the lines of the statement that I was making. But I'm happy to wait until adjournment debate

MR CHRISTIAN Thank you Mr Speaker I'm happy to elaborate. I can't quote the actual Standing Order but when you call things on the notice paper you call for statements of an official nature and my understanding is that Ministers make statements in respect of their areas of executive responsibility and in this instance Mr Magri clearly wasn't the Minister responsible for KAVHA yet he was attempting to make a statement in respect of KAVHA so I considered it to be inappropriate

MR MAGRI Thank you Mr Speaker I was certainly making a statement in regards to KAVHA I was making a statement in regard to thanking the Minister for her efforts in supporting the KAVHA landholders and I'll wait to see which standing order it actually referred to

MR B CHRISTIAN Thank you Mr Speaker back to the statement that the Minister for KAVHA made, did you say that public submissions will be open until the 17th March. Given the time frame that it's taken to get the CMP together to the public, would that not be a short time frame considering it's such a large document
Wider populace

MRS JACK Thank you Mr Speaker can I just say to Mr Brendon Christian that there are statutory requirements and that statutory requirement is fulfilled by that date

SPEAKER Thank you. Any 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. The motion is so agreed. Are there any further Statements of an official nature. Thank you. We proceed

MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 12

Honourable Members, I have received the following Message from the Office of the Administrator and it is Message No 12 which reads that on the 22nd January 2008, pursuant to section 21 of the Norfolk Island Act 1979, I declared my assent to the following laws passed by the Legislative Assembly, the Liquor Amendment Act 2008, which is Act No 5 of 2008, the Supplementary Appropriation Act 2007-2008 which is Act No 6 of 2008, the Absentee landowners Levy Amendment Act 2007 which is Act No 7 of 2008, and that message was dated the 22nd January 2008 and signed by Owen Walsh, Acting Administrator

REPORT FROM STANDING COMMITTEES

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

NOTICES**MOTION BY LEAVE – IMMIGRATION ACT 1980 - VARIATION OF INSTRUMENT UNDER PARAGRAPH 21(3)(A)**

MR NOBBS Thank you Mr Speaker I seek leave to move the motion standing in my name on today's programme relative to the variation of instrument under paragraph 21(3)(A) of the Immigration Act 1980

SPEAKER Is leave granted Honourable Members. Leave is not granted

MRS JACK Mr Speaker could I just ask what numbers are required. Is it just one no that defeats the call for leave

MR CHRISTIAN Thank you Mr Speaker I move that so much of Standing Orders as is necessary be set aside to allow debate to continue

SPEAKER We will take a vote on that. Madam Clerk could you please call the House

MR SNELL	AYE
MR B CHRISTIAN	AYE
MR SHERIDAN	NO
MRS JACK	AYE
MR N CHRISTIAN	AYE
MR NOBBS	AYE
MR GARDNER	AYE
MR ANDERSON	AYE
MR MAGRI	AYE

SPEAKER Standing orders is suspended Honourable Members. The result of voting Honourable Members, the Ayes eight, the noes one. You may proceed Chief Minister

MR NOBBS Mr Speaker I move that for the purposes of paragraph 21(3)(a) of the *Immigration Act 1980*, this House resolve that the instrument executed by me on 23 January 2008 be varied by increasing the number of general entry permits that may be granted in the period 17 February 2008 to 16 February 2009 from 10 to 100. Mr Speaker, at the last sitting of this House there was discussion about the quota for General Entry Permits in accordance with subsection 21 of the *Immigration Act 1980*. I had originally introduced a motion recommending an increase in the quota to 60 GEPs. Unfortunately, although my copy of the statistical information supporting the setting of the quota indicated that the same data had been circulated to all Members, that was not the case. Members sought access to the statistical data in support of this proposed quota, and I agreed to supply that information. The Assembly then set a quota of 10 for the interim period until further amended in the House. Since the January sitting, I have supplied the relevant data and discussed this matter with all Members. I have found a general consensus that we need to send a message to the world that Norfolk Island is open for business and that we do not intend our immigration system to be a barrier to economic growth and prosperity for the community. During the discussions with all Members, and utilising the data supplied to support the quota of 60 as well as

historic information extracted from the various population studies of Norfolk Island, there was agreement that Norfolk Island's immigration was seen by some to be restrictive. At the conclusion of these discussions, Mr Speaker, it was decided by the membership with my complete support, to not set a limiting quota number, but to open the door so to speak. The intention being that there may be seen to be one less restricting factor...

MR GARDNER Point of order Mr Speaker. Just in relation to statements that might be misleading to the House and I think the statement the Chief Minister just made in relation to agreement by all Members that we do not set a quota or have an open quota is misleading

MR NOBBS Mr Speaker if I may, I think that if we were to look back at MLA's minutes from that meeting there was no one who stood forth and was in dissent of that as we discussed it

MR GARDNER Mr Speaker I await your ruling on my point of order

SPEAKER Mr Gardner I think the Chief Minister is trying to explain that he is in his right to continue on with this, his explanation so I will over-rule your point of order

MR GARDNER Mr Speaker I move then a motion of dissent in your ruling and ask that the question be put forthwith

SPEAKER The question is that the question be put.

QUESTION PUT

Madam Clerk could you please call the House

MRS JACK Mr Speaker could I just ask one thing for some clarification for some members who got a little lost here unintentionally, just on what the vote is being asked for. If you could please clarify for them

SPEAKER The vote is now for the motion as proposed by Mr Nobbs to his statement...

MR GARDNER Mr Speaker that is not the question that I asked. I have a dissent motion in relation to a ruling that you overruled my objection to a statement that has been made. I have a motion of dissent which indicates that I am not happy with your ruling having overridden my statement where I asked the members of the house to either endorse that or not

MR CHRISTIAN Thank you Mr Speaker there could be a simple way around this and Mr Nobbs has indicated that he was basing the context of his contribution to the debate on matters that were discussed at an MLA's meeting. Mr Speaker we all know that an MLA's meeting is not a decision making forum and what Mr Nobbs should probably do is retract that part of his debate which causes Mr Gardner some grief and use other words instead

SPEAKER Thank you. It's been pointed out to me that on occasion discussions are helpful in this regard, but discussions are not permissible when the chair is asked to make a rule on a point so I refer back to my original decision and I ask Mr Nobbs to continue

MR GARDNER Thank you Mr Speaker I've request a question of dissent must be put forthwith

SPEAKER
question of dissent

Thank you Madam Clerk. We have to move on the

QUESTION PUT

Madam Clerk could you please call the House

MR SNELL	AYE
MR B CHRISTIAN	AYE
MR SHERIDAN	NO
MRS JACK	AYE
MR N CHRISTIAN	NO
MR NOBBS	NO
MR GARDNER	AYE
MR ANDERSON	NO
MR MAGRI	AYE

The result of voting Honourable Members, the Ayes five, the noes four so I have agreed to allow you to continue with that dissent motion

MR GARDNER Thank you Mr Speaker the motion as I understand it and I'm happy to be corrected on that because it is a learning curve for us all after the vote has been taken is that the House has overridden your decision as the Speaker and I would imagine subject to clarification that it would now revert to the original point of order which was in relation to a misleading statement, I can't name the point of order but I'm sure Madam Clerk would be able to assist you in finding that point of order as I believe the statement to be misleading despite the Chief Minister's comment simply because no dissenting voice was recorded in the MLA's minutes should be taken as agreement by all Members

MR NOBBS Mr Speaker if I may, perhaps the easiest way around it is if I take that statement out. I withdraw that section out of statements there. I would like to make it clear that it isn't for entertainment what we are doing here. We are setting and immigration quota. We have had discussion and it's on the basis of those discussions that I then went forward and I would like to continue on with my presentation

MR GARDNER Thank you Mr Speaker, as I understand it the matter that's still before the House is my point of order but in understanding now what the Chief Minister has suggested I would be happy then to retract my point of order on the understanding that any future comment is made based upon fact

SPEAKER Would you be kind enough to repeat that statement
Mr Gardner

MR GARDNER Thank you Mr Speaker as I understand it, the matter before the house at the moment is the point of order I called in relation to a misleading statement. You had ruled originally on that. I had sought a motion of dissent on that ruling which the House has supported. As I understand it, the matter that is still before the house is the question of the point of order and in relation to the point of order Mr Speaker the Chief Minister has made a statement that he is happy to withdraw the statement and if he withdraws that statement, then I am happy then to retract my point of order

SPEAKER That is so done

MR NOBBS Mr Speaker we continue on. I will rephrase the sentence that has caused some irk to say that we discussed the possibility of not setting a quota and having an open quota and the general thrust of that discussion by those

involved in it was that it would open the door the intention being that there would be one less restricting factor to potential immigrants to Norfolk Island. Of course there still remains the controls within the immigration act and immigration policies to ensure responsible handling of all our immigration process. Upon questioning the setting of an open quota following the MLA meeting it became obviously that once the number has been set even as a temporary quota there is not longer the option to set an open quota. Although my initial intention had been to set a quota of 60, Mr Speaker, with an ongoing monitoring of the immigration numbers, I recognise and support my fellow members in sending a message that migrating to Norfolk is not overly restrictive. I have therefore revised the proposal, and now move the motion standing my name: That for the purposes of paragraph 21(3)(a) of the *Immigration Act 1980*, this House resolve that the instrument executed by me on 23 January 2008 be varied by increasing the number of general entry permits that may be granted in the period 17 February 2008 to 16 February 2009 from 10 to 100. I seek the support of Members, and now provide the House with some background as to why I have put this proposal forward. Mr Speaker, the Legislative Assembly in 1996 set the quota for General Entry Permits to work within and towards the desired 2% population growth. That growth figure of 2% was arrived at after various studies and papers into a Norfolk Island population policy, and although the quota was varied upwards from 30 permits in 1997, 45 in 2000, 55 in 2003 and 60 in 2007, the actual real growth of our population had not occurred until the end of 1997. There has been a slow and uneven upward trend in the ordinarily resident population in the past 12 months, with numbers now standing at 1,900 or an increase of about 60 on the same time last year. While there has been much talk in the community about people leaving the Island, it is clear that as the tourism industry continues to improve more are arriving than leaving. But much more remains to be done if we are to achieve the longer-term 2% annual growth, and increasing the GEP quota is a first step in that process. I do not believe that our existing application and assessment processes are a particular problem or discouraging to suitable people from moving to Norfolk Island. I can tell you from my perspective Mr Speaker, that in the last year there was only one applicant that did not get across the line and become part of our resident population. However, all applicants were assessed in a responsible manner by the immigration department, immigration committee and myself. Mr Speaker, the reason I say that applicants are assessed in a responsible fashion is to help everyone to understand that the legislation, policies and guidelines are not in place to restrict that process of immigration, but to ensure that people who are migrating to Norfolk are able to support themselves, and that we have the capacity to support them, in terms of resources. Naturally, we are also seeking people who c. Not an uncommon goal in any community. I thank Members for their contribution to the discussion leading up to the introduction of this motion. The general consensus conveyed to me was that we should signify our willingness to accept suitable applicants and as a result of those discussions and with Members showing a leaning to declaring an open GEP quota with no upper limit on numbers. However, the legal advice given to me is that this is not possible because at the last meeting we did set a number of 10. I therefore move that the quota be raised to 100, and indicate that this will be reviewed each quarter. I will return to the House with an amended motion if it is shown to be necessary through that review process. Mr Speaker, an enlarged quota will not in itself bring us population growth or employment-creating investment. I indicate to the House that the setting of this higher quota is only one step of a strategy to achieve population and employment growth. We have already experimented with promotion of Norfolk Island at a large conference of accounting professionals in Australia. Next month, the Minister for Commerce and Industry will attend a major trade fair in New Zealand, with the message that Norfolk Island is very much open for business. The immigration review is almost finalised, and its recommendations will be placed before Members together with the consultant's report on population policy so that we can jointly determine the best way forward. Without pre-empting that process, I think that it is likely that we will be considering whether we should have a more targeted approach to GEP migration in terms of actively seeking people who can bring new industry, new technology and more employment to Norfolk Island. If we go down that track, we will need to put in place advertising and promotional strategies in what is a very competitive

world marketplace to attract the sorts of people who can contribute. Mr Speaker, the increase in the GEP quota is an important step toward achieving the growth and economic sustainability to which we are all committed. I commend the motion to the House.

MR SHERIDAN Thank you Mr Speaker all this hooaha could have been avoided when I asked that the motion not be brought on but anyhow I got overruled there. The reason why I asked is that this is the second time in two sittings that the Minister has brought forward...

MR CHRISTIAN Mr Speaker point of order. Mr Sheridan has been critical of previous decisions taken by this house and I think it is inappropriate

SPEAKER A point of order has been lodged again. It's been an imputation of improper notice and I don't think at this time that it's of such a nature that it needs to be overruled. I overrule this point of order and Mr Sheridan, please continue

MR SHERIDAN Thank you Mr Speaker you have overruled the point of order and I may continue. Mr Speaker I 'm just trying to indicate how all this hooaha could have been avoided if this matter had been brought to the House at an informal MLA's meeting and we could have discussed the figure that the Chief Minister has brought to the House today about so be it. But just going on to the Chief Minister and the Minister for Immigration's reasoning behind his setting a quota of 100 I note he has referred to this document that he has provided to us and he's referred to the 2% increase each year that was indicated during one of the recent reports. That report is quite an old one, 1995 or 1996 and if the Chief Minister was going to act upon a 2% growth well realistically this year we were 400 short and at the end of this year we will be some 440 short so the 100 goes no way to alleviating the problem, but in saying that I understand what the Chief Minister is trying to do and I did support during our informal discussions an open ended quota you might say, and I thought the Minister may well have been able to achieve that if he just withdrew the instrument that he put before us last sitting but he hasn't gone down that road so just saying those few words I hope it's a learning curve for everybody and I will support this just so the immigration committee can get 100 new people into the island for this calendar year

MR NOBBS Mr Speaker thank you and thank you Mr Sheridan. I should point out that I did pursue with the Legal Services Unit if I could withdraw the setting of the quota that we had previously set in January and then go to an open or unrestricted quota and the fact that there was quota set in January negated my being able to do that

MRS JACK Thank you Mr Speaker just a short debate if I may. Yesterday in MLA's we had a very interesting debate on this proposal being put forward by the Chief Minister and one of those he's alluded to in a small way in his statement to this motion but I found it very interesting when I think it was Mr Brendon Christian referred to what marketing we are going to do in getting the sort of people that we perceive to be of benefit to the island, and I think that we need to continue that debate in this House by these Members because they are bringing another dimension to the process and not just relying on the population growth, reports and policies and what not, we are bringing new ideas and not outside the square type considerations, but certainly expanding on thoughts that we should all be entertaining in setting this number. I for one found it very enlightening yesterday to hear some of the Members views and I do hope that all Members, because everyone participated in varying degrees yesterday, are going to talk to this motion. I made my statement perfectly clear, not just in last month's meeting but throughout the other Assembly's that I favour a much more open policy, but I also openly endorse a policy that is going to add to the structure of the place and be

proactive in that gathering of people so I'll just be interested and I hope other Members talk

MR NOBBS Mr Speaker just briefly in answering Mrs Jack there, it was very relevant to what we are talking about and I agree that it would be good to have some debate regarding those issues. Obviously we have already taken some initiatives, such as promoting ourselves at the recent Practising Accountants Conference and I have already given advise to the Chief Executive Officer that I would like the website review and updating that's going on or shortly hopefully to be going on in the Administration's website, to include an area for Immigration amongst others, that can help us to promote ourselves there. I suppose I should mention there that the setting of the quota is by no means the vehicle for us getting there and I don't think Mrs Jack was saying that either, but there are initiatives that we have already put in place so that we can get the message across that we are open for business and that we are looking for people in the industry

MR ANDERSON Firstly I say that I certainly endorse what is being done here and as Mrs Jack says, the question of what we are going to do about it, is very very pertinent. We have to market this. We need new people here. We need the right sort of people here and yes we have to think outside the square and this is important, as important as our tourism industry and a lot more thought must be given to how we can market it

MR GARDNER Thank you Mr Speaker, as members would be aware I had a couple of issues with not just the presentation of it but the justification of it at the last meeting of this sitting and the Chief Minister undertook to provide information to us and he's done that in a memo dated the 15th January that had a notation on the top of it for the discussion of executives and that notation as I understand it was a couple of days before the last sitting, however it wasn't circulated to all members and I think it fair to say that most of the information contained in that documentation is information that we've relied on every year in the setting of the immigration quota at the same time each year and it's interesting to note from that Mr Speaker that last year in a period of supposed growth in the tourism industry and in the business sector that we were able to bring into the island a total of 32 people under the GEP provisions of which ten of those were business entrants, in other words, people buying businesses, 11 under the employment entrance category or within a semi skilled field, and 11 of those with dependent school age children. I've no issue with that. 32 fell short by about 28 of the 60 positions that were proposed last year in the quota that was set last year but I appreciate the discussion that we had as Members of the Legislative Assembly about what we wanted to do and that this Legislative Assembly wants to open up immigration and if I could touch on some of the discussions that was had, by Members my understanding of their views in relation to this is that we want to move away from the current policies that are in place for immigration in Norfolk Island, those requiring either business interests or to be fully employed or engaged in a fully remunerated role in Norfolk Island to a different position, and maybe, it could be argued that it's revisiting a position that was in place many years ago, which was a retirement category, a self funded retirement category, or a self funded immigrant category. In other words, people who would be able to come to Norfolk Island, purchase property and houses, live here throughout the year and I guess the only qualifier to that was that there would need to be some sort of arrangement in place that ultimately they would not be a burden on the Norfolk Island community during the period that the GEP status in Norfolk Island, obviously once they become residents that can change, and that historically has in some people's views, been an absolute bonus to the community of Norfolk Island and certainly in many other people's views, has had significant drawbacks and impacts. Negative impacts on the social fabric of the community of Norfolk Island and I think mentioned the other day at MLA's that one of those potentially was the upward pressure that it would put because of supply and demand on the value of properties on Norfolk Island and we needed to give consideration to that. I've got no issue in discussing that, but we needed to give

consideration to that when we considered changing our policy stance as far as immigration is concerned and now the establishment of 100 today clearly is an indication from this Legislative Assembly that we would love to have 100 people come into the island but again as I pointed out yesterday at MLA's meeting, my view is that is sort of putting the cart before the horse a little bit, because I can't for the life of me think of a document that provides any incentive to people who want to come here. I'm not aware of any draft policy documentation that's been prepared that would assist in encouraging people to come to Norfolk Island and I would probably be surprised even though we said a quota of 100 whether we'll exceed the 32 that we had last year, simply because the current arrangements are not flexible enough in their own right to really allow us to go above and beyond that unless there was a significant new business that was established in Norfolk Island of some description that would demand a significant increase in the number of people who service the current industry. Mr Speaker I certainly have no issue with setting a quota at whatever figure but when we set a quota let's make sure that we are properly informed. The whole point of last month's debate on this subject was to ensure that we were making informed decisions, not just sitting hoping and praying that the world was going to change and it was going to fill all the quota positions for us. We have to be a helluva lot more proactive than just saying, in a quote from the Chief Minister that we've gone out to an accounting professional's presentation and said that we are open for business. Let's come to Norfolk. I would really be interested to know what sort of response we've had, if we've had twenty enquires from that, or thirty enquiries from that, for GEP's into Norfolk Island. It's all well and good to say that we are doing things but where's the meat, where's the supporting advise and the facts and the results from these initiatives that we can actually hang our hat on because the cupboards a bit bare on that as far as I'm concerned. The debate last month from my perspective centred on an undertaking that we were going to be provided with an undertaking, an assessment and a review of immigration and an assessment and review of our population policy, and I applaud that. Great. But none of that's happened, and suddenly we've decided that we are not going to rely on any of that information but instead we are going to do something different or new to what we are doing because, and quite rightly so, we all recognise the fact that we need to underpin our whole economy with a larger and more diverse population in Norfolk Island, I have absolutely no issue with that, but we are advancing into territory without any supporting documentation and without reflecting on the issues and the problems that have arisen in the past when we've ventured into different policy arrangements which have forced subsequent Assembly's to very quickly reconsider the position and stop them. I don't think that a number of the members of this Legislative Assembly have gone out and done their research into those problems, have read Hansards, have read the reports, have asked for the reports to be presented in relation to that, before saying let's just build this economy by at least 100 people this year and given serious thought to just where those people are going to fit in. if we are saying to the community of Norfolk Island that we're just going to open the door, because so long as you've got a squillion dollars in your bank you are happy to come and live here twelve months of the year and travel on and off, well we'd better be talking to the community about that and make it very clear what the intention is. The point of my argument and the point of my debate over these last two sittings, is to try and ensure that we are given documentation, factual evidence, and supporting data so that the decisions that we are making, as I said before, the cupboard in my view is pretty sparse and barren in that regard and it is an area that we as an Assembly in all of our particular fields need to smarten up our act on. Thank you

MR ANDERSON

Mr Speaker I've listened to Mr Gardner and he talks a lot of sense but I don't quite see the point of what you are saying. We're looking at a quota and the consensus was that we needed to get the message out to people that contrary to how people thought, we welcome people here. Now there are two different issues here. One is setting the quota and we've set it at 100. And we've done that because we need to get them, but we also want to get a message out. Now that's one issue. It's a simple issue and everything you say doesn't in any way negate going ahead

with that issue. The other aspect, is a much bigger issue and I agree entirely with you. We have to rethink. Now just because we go out and we say we want more people, and we look at the way we've brought them in before, people who have come in to buy a business to come into the island now that is controlled through the economic circumstances of the island. People can't just come onto the island and think they are going to make their squillion because they're in the millionaires mile or whatever it's called. The golden mile. It doesn't happen. It won't happen. Nor will it happen if we start to bring in people who haven't got the skills that we particularly need. Now you are right. We have to look outside the square and we've got to look at those people who will help. Now it may be that these people are people who will come and live for six months here. People who will travel from Australia and do some of their business here. We've got to look at these aspects of things and get a lot of advise on these aspects but it is a completely different matter to what we are discussing here. I agree wholeheartedly with what you are saying, we've got to do this, that it's time we got off our seats and do it, but that's not what we are talking about. We have to talk about it but this is a simple case of the quota of 100

MR NOBBS

Mr Speaker it's good to hear everyone having some views here. If I could just respond to something that Mr Gardner said earlier, and there was an inference that perhaps the document had not been given to executives prior to the meeting. The document was actually handed to me the night before or the afternoon before our last sitting. I wrote the message on the top for the information or for discussion with the execs during our sitting because it became obvious that I was the only one with a copy. In terms of some other areas that came up there in the two discussions from both Mr Gardner and Mr Anderson, there was a query with regard to initiatives such as the recent CPA conference and I should point out that we did actually get a report from the Minister for Commerce and Trade on returning from that conference where he was quite actively meeting with people who had an interest in those initiatives for Norfolk Island and we did have from what I'm aware, various follow ups to that. As we go through those initiatives we will obviously be going through a learning curve. There's obviously a lot of areas that we will find we get responses to that are along the lines of where we are heading and in particular the type of immigrant that we are hoping will fit into our social structure I suppose. With regard to the immigration review and the population policy review, that was the reason for circulating the document that had been done some time ago that Mr Sheridan alluded to, is that we do have to have some discussion across a wide range of areas that relate to that formation of the population policy, because those areas impact on the Minister for the Environment, the health issues, the social welfare issues, the financial aspects, there's a wide range of impacts that we have to make sure that we all get across, and we all have input into and I welcome that. As I said I've circulated that document as a starting point, and in the meantime I've summarised out of it what I think are some very relevant discussion points for us around the table at MLA's and in this forum to discuss in terms of the positives and negatives associated with each change in population, looking back at a lot of the references in the population policy, as has been rightly pointed out, it was done some time ago, and there were some issues in there that actually recognised that there was a certain tourism number to Norfolk Island that is obviously a point where our resident population number has to be able to work within it, so that we are not exhausting our resources. There's a number of issues there in terms of an immigration review which I undertook at the end of July last year. I circulated a discussion paper, spent many hours discussing it with various members around the table but mainly with the Immigration Board and the Immigration Officer and the Chief Executive Officer and the purpose of that is to get an across the board idea of where the policies need to be addressed. The purpose of opening up to the general public as I did was to get general public perceptions of how we operate the immigration system and how we can improve it. From that discussion paper and various other mail outs and things that have been a response to it, I have got a document that I can summarise. I should point out that a lot of the responses only came towards the end of the year and one of the key ones which I'm still pursuing further information from only arrived within the last few weeks so it's made

things a little bit difficult to provide a fairly finalised summary for everyone to give their views on, but it definitely is a priority for me. Obviously this is something that affects us all across the board. Again I say the setting of the immigration quota isn't the vehicle but I welcome all this discussion

MR GARDNER Thank you Mr Speaker, certainly I'm interested in discussion and I'm interested in Mr Anderson's response to saying we are open for business and so let's just set this wonderful number. I'm sure that if he sells a couple of thousand pairs of shoes this year he's going to want to order 200,000 next year just in the hope that he's going to sell them all and that's how this matter appears to be travelling. I think there's a lot of wishful thinking involved in this. Mr Speaker all I've asked for is a proper justification for setting a number. I have no issue in setting a quota of 60 but suddenly we've jumped to 100 as if that sends a different message to setting a quota of 60 and as I said last month, I'm happy to support a quota of 60 if we look at the documentation and it all stacks up. But look, it's fanciful I think to suggest that we are going to fill a quota of 100 based on the same policy arrangements that we had in place for the last year and the year before and the year before that. It just doesn't make sense. It's poor, poor and ill informed decision making. There is no doubt in my mind about that. I'm convinced of that and what needs to happen and what could have happened here, is that we ran with 10, we ran with 60 and later on in the year when the policies are developed and Mr Anderson is quite clear, he wants to just bring people in here and no restriction on their entry, they can come and live here for six months and depart again, or they can come from Australia and just live here, that's fine. Well we'll develop the policy. Let's have the debate and the discussion about it and then in turn set an appropriate quota that will give effect to that rather than doing it, excuse the expression, arse about face, because that's what it is. I've nothing more to add Mr Speaker

MR NOBBS Mr Speaker I hear what Mr Gardner is saying and if as I've pointed out in earlier dialogue, there'll be an ongoing review of how we are performing with these numbers. There is a review of immigration and the population policy under way and they are fairly intensive operations as you can imagine and if you refer back to past Hansards whereby the quota has come to the House there are very few that involve the delving into the population policy and in some cases, the population policy hasn't really moved anywhere since around 1996 I think, so there are issues here that we need to address. In terms of where we go with targeted immigration, in a lot of areas but as I said before, this is not the vehicle. This is the quota. The setting of the number. The outcome of the various discussions that we've had is that there is perhaps a need to send a message, and I support that idea, so hence the number of 100

MRS JACK Mr Speaker I move that the motion be put

SPEAKER The question before us now is that the question be put and I put that question

QUESTION PUT
AGREED

I now put the question that the motion be agreed to

QUESTION PUT

MR GARDNER Thank you Mr Speaker, could I request that the House be called

SPEAKER Madam Clerk could you please call the House

MR SNELL AYE
MR B CHRISTIAN AYE

some people's minds are archaic provisions that require the Federal Minister to do some things and the Administrator to do such things in relation to legislation in Norfolk Island. I think it is probably fair to say that with the maturing of self Government in Norfolk Island and certainly the general latitude as has been detected particularly from the new labour Government there is probably a desire to divest to the Government structure in Norfolk Island the responsibility for taking over those matters that generally exist in other legislation in Norfolk Island and so that will be progressed as an independent matter and I imagine that a review of all of our legislation where those archaic provisions, certainly in my view, those archaic provisions still exist, will take place and will be the subject of discussion that I intend having with the Honourable Bob Debus who is the Minister for State and Minister also responsible for Territories at the first opportunity I have to meet with him, just simply to modernise Government arrangements in Norfolk Island which is obviously a very core part of our business. I have nothing further to add to that, other than to commend the Bill to the House and hope that Members support it so that I can bring the other Bill into play today and look forward to Members favourable consideration of the motion. I commend the motion to the House.

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

QUESTION PUT
AGREED

Thank you. The motion is agreed to.

SUPREME COURT (AMENDMENT) BILL 2008 – DECLARATION OF URGENCY

SPEAKER I have to advise that in accordance with standing order 158 the Business Committee has determined that the Supreme Court (Amendment) Bill 2008 shall be considered through all stages at this sitting. Thank you. Honourable Members we move now to Notice No. 3. Mr Gardner.

SUPREME COURT (AMENDMENT) BILL 2008

MR GARDNER Mr Speaker I present the Supreme Court (Amendment) Bill 2008 and move that the Bill be agreed to in principle.

SPEAKER The question is that the Bill be agreed to in principle. Debate Honourable Members.

MR GARDNER Thank you Mr Speaker, I know that we are keen to dispense with this matter. It's been brought on as a matter of urgency but it is appropriate that I do explain it. I'm not a great fan of bringing urgent matters to the House and it is worthy of an explanation. In the previous motion I had covered some of the detail of the why's and wherefores in the process that we were following today and matters of urgency are clearly things that need to be dealt with, with some caution to ensure that people are properly informed of the matters that they have been asked to decide and over the last or since the last sitting of the House I've not only circulated the draft bill to Members but on a number of occasions now, I've had the opportunity to discuss with them the implications of it and the reasons for it, and some of the reasons for bringing it forward in this model I touched on in earlier debate and that was I guess those primarily that were seen as inhibiting factors in progressing the bill that was passed in December and they were concerns, rightly raised by the Acting Administrator and in his role on behalf of the Commonwealth so I'm happy to revisit that, to bring it back to the House. It has also allowed in the provisions of this Bill before the House

today, to make some minor typographical corrections to a couple of missed references in relation to references to judges, but importantly it also inserts a provision that makes it very clear where a Deputy Registrar to the Supreme Court of Norfolk Island may be drawn from and it certainly does make it very clear that it can only be drawn on from the resources of the Federal Court of Australia so there are appropriate checks and balances in place and certainty as far as the qualifications of the people that are involved in the role with the Deputy Registrar and the Supreme Court of Norfolk Island. Pretty much the remaining provisions of the legislation are identical to those that were passed by this House in December of 2007. There are no hidden nasties in amongst it. As I said, clarification of a couple of matters, corrections of a couple of minor references, the addition of definition provisions in the body of the legislation, the only major change other than that away from the previous Bill that was before the House was the references, or the provisions within the Bill that passed before this House that would have removed the role of the Federal Minister and the office of the Administrator and some of the provisions of the Supreme Court act itself. With that said, I'm happy to consider any debate that Members may have and answer any questions that Members may have in relation to the Bill but I commend the bill to the House

MRS JACK Thank you Mr Speaker just listening to Mr Gardner, I just would like to ask if any of the changes that this brings about, do those changes cause any extra charges to be incurred by the Administration that wouldn't have been considered in any previous budgetary process

MR GARDNER Thank you Mr Speaker, in relation to the roles and duties of the Deputy Registrar as far as taxation and costs and things are concerned, they are a normal part of the justice system in Norfolk Island. It's not always easy in preparing a budget to be able to quantify those because you don't know what businesses are going to come before you in a financial year so there is a cost, there will be a cost. Some may argue that the cost will be a lot less than it would normally have been if you didn't have the expertise available to deliver in a timely fashion the sort of advice that you are looking for. Others may argue that it will significantly increase the cost because you are dealing with a different salary type structure as compared to Australia and Norfolk Island as far as the various roles that people hold, but it is a necessary part of what we do and as members are aware there are significant benefits to the Administration that have accrued but can't actually be tapped into until such time as we move down the path of ensuring that we have people on board who can competently discharge the duties required by the Supreme Court in these matters, so I guess the short answer is that there are costs. I can't quantify those costs and I think it's an impossible task to be able to do that, not knowing in advance in each year the businesses that will be transacted by the courts in relation to these types of matters

MRS JACK Thank you Mr Speaker just another question to the Minister. Are our staff here within the Administration our liaison staff you may say, are they going to be required to go through processes of annual upskilling or requirements like that in order to continue that liaison work. Is there any requirement for that

MR GARDNER Thank you Mr Speaker, not being responsible for the training and upskilling of Members I would have imagined that as has been practised in the past that where we do tap into fields of expertise we try to ensure that there is a devolution of that expertise to Members of our own Public Service as part of the upskilling process and I'm certainly happy to follow through on that to see what opportunities to exist to upskill our current staff within the court system to tap into the expertise that will be made available as part of these amending provisions

SPEAKER Is there any further debate Honourable Members. I put the question that the Bill be agreed to in principle

QUESTION PUT

AGREED

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

We move now to the detail stage. Is it the wish of the House that we dispense with the detail stage. We so dispense and I seek a final motion Mr Gardner

MR GARDNER

Mr Speaker I move that the Bill be agreed to

QUESTION PUT

AGREED

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

SALE OF FOOD (AMENDMENT) BILL 2008

SPEAKER

matter and Mr Magri has the call

We move on Honourable Members to the next

MR MAGRI

Mr Speaker I present the Sale of Food (Amendment) Bill 2008 and move that the Bill be agreed to in principle. Mr Speaker I also table the explanatory memorandum to the Bill dated 14th February 2008. Mr Speaker this explanatory memorandum reads, that this Bill is intended to provide information and protection to consumers of fresh fish. In order to avoid mislabelling of fish and to assure persons who wish to consume fish that has been caught in Norfolk Island waters, the Bill requires that fresh fish (that is defined as including frozen fish and molluscs and crustaceans) be labelled as to its type in accordance with regulation and as to the country of its source. In order to provide some protection of quality and safety fish must also be labelled, if it has been frozen and thawed, when it was thawed. Breach of the new provisions is dealt with in the existing legislation that provides for penalties for breaches of its various provisions, which will include these amendments. The Bill also provides for the making of Regulations to give effect to its provisions. Mr Speaker this amendment to the Sale of Food Act 1950 should be seen as a simple step towards protecting the consumer and ensuring that our food and fishing industries strive to achieve the highest possible standards. If the Assembly approves this Bill, I will issue drafting instructions for setting out the inspection and enforcement procedures to be applied. Naturally, these measures will not be successful unless there is an appropriate community education and proper enforcement of the legislation. While I do not envisage that this will involve significant expenditure, if the Bill succeeds I will ensure that the budget now in preparation will include sufficient funding for the specialist training of existing sale of food inspectors so that they can identify the various species of fish and be able to inform local fishing operators and retail food outlets of their obligations. I will also organise a low-cost community education programme to inform consumers and fishing industry stakeholders of the new protections and procedures. Thank you Mr Speaker

MRS JACK

Thank you Mr Speaker I would just like to know from the Minister just what communication the Minister has undertaken with various fishing bodies on the island to see if he has the support there. In discussions with the Minister out side this forum I've already asked him if he could explain to me if there was disagreement on the labelling of the fish. We are supposed to have an authorised officer who is able to make the call. Just what training is there, and if there is continual disagreement who's going to be the final arbiter and just who is the expert here and the cost implications there and provision for this sort of thing within his budget. Are there any lines drawn in sections already and what the Minister is prepared to do in order to satisfy those questions. Thank you

MR MAGRI Thank you Mr Speaker there were quite a few questions in amongst that but basically I've pretty much already said my intentions from here on in, but there will be some training and upskilling of the food inspectors to be able to identify these fish and it will probably even need some fish to be taken away from the island for formal identification if its in filleted form but I intend to continue to work with the industry to try and progress this. There's probably a lot of issues. It seems like a very simple amendment but there's probably a lot of issues that we still need to deal with. So I've given consideration to the training of the officers and upskilling the officers. The budgetary implications, I don't actually envisage besides the training or upskilling any major budgetary implications. The food inspectors are required under the Sale of Food Act 1950 to provide enforcement in a whole range of areas and so I hope I've answered most of the questions

MRS JACK Thank you Mr Speaker it was jus, has he brought this amendment to the House with support of the fishing sections of the community

MR MAGRI Thank you Mr Speaker, I am in regular communication with the Norfolk Island Fishing Association and I'm lucky enough to be invited to attend a lot of their meetings and I have informed the executive members of the Fishing Association of my intention to progress this Bill, and there has been no objection from anybody who I've talked to on this. I'm not saying that nobody objects to the Bill but I've definitely tired to get the message out there with anybody I've talked to and I've also ...there are other people affected besides the Fishing Association, there's people in the food industry who are particularly affected by this so basically we'll.....

MRS JACK We'll see how it develops. Thank you

MR B CHRISTIAN Thank you Mr Speaker I was just wondering if the Minister could just clarify just what sort of effect this would have on the age old traditions of cleaning fish on the jetties and selling them to different food outlets around the island, would that mean that all fishermen including people who import fish or any fish at all, have to be packaged and labeled or could it be labeled as such species of fish or local fish by local fishermen

MR MAGRI I don't think this intends to change any traditions. I think you'll find that an amendment to the Sale of Food Act that when you are selling foods you are obliged to do a whole range of things, not just labeling. For example, if a fisherman who sells fish off the pier, whether this is policed or not at the moment, it is my reading of the act that they are probably obliged under that Act to have a Sale of Food Licence, and they are obliged under that Act to conform to all of the obligations under that act. I'm not too sure how many of those people actually have Sale of Food licence or how strictly they are enforced but it is my intention that where fish is sold it is appropriately labeled with its kind and its country of origin so if you are going to sell fish off the back of a boat I suggest that you got and get a sale of food licence and you label it with its kind and its country of origin

MR SHERIDAN Thank you Mr Speaker just a quick question to the Minister. I was going to leave my debate until next week, but when you mention the country of origin does Norfolk Island classify as Australia or not

MR MAGRI Thank you Mr Speaker I believe the country of origin is set out in regulations with its kind and I think Norfolk Island is a country, declared a country for our fish but it's a pretty good question. I'll get back to you on that one

MR CHRISTIAN Thank you Mr Speaker just a quick query to the Minister and I actually support this Bill and what he's doing because it's pretty important that the consumers actually know what they are eating. It's also important that we don't

misrepresent anything. Take for instance the local fishermen, will it be sufficient for the guy to package his fish and say 'local fish' when he sells it to a restaurant or some other food provider or will he have to separate it into trumpeter, kingfish, trevally, groper. Would he have to go to that extent

MR MAGRI Thank you Mr Speaker, initially when the initial intention of the Bill it wasn't actually intended that, that was the purpose to do it, but the bill in its amended form, the person who is selling the fish will actually have to provide for each kind of fish, and they will need to be separated into each kind

MR B CHRISTIAN Thank you Mr Speaker just another clarification from the Minister will this extend to restaurants and cliff top fish fries and anywhere that's selling fish. Will they have to then announce and advertise the type of fish they'll be selling, or is it just on the day they'll be telling them, you know, when you've a large group of tourists say, will this mean that they will have to advertise the type of fish they are selling or just the actual raw fish that's being sold to the restaurants and such

MR MAGRI No. It's anybody who sells fish, cooked or uncooked, frozen or unfrozen, licenced or not

SPEAKER Any further debate Honourable Members. Mr Magri I seek a final call

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

SPEAKER I put the question that the debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting.

QUESTION PUT
AGREED

SPEAKER Thank you. Debate is so adjourned

ORDERS OF THE DAY

We move to Orders of the Day Honourable Members

SUBDIVISION (AMENDMENT) BILL 2007

SPEAKER Honourable Members we resume on the question that the Subdivision Amendment Bill 2007 be agreed to in principle and Mrs Jack has the call to resume. Mrs Jack

MRS JACK Thank you Mr Speaker briefly this Bill is to allow works with development approval, in the granting of an approval for subdivision and the registration of the land through the official survey done through the Bathurst Office in New South Wales. I'll just leave it at that Mr Speaker and hear other Members comments

MR CHRISTIAN Thank you Mr Speaker I certainly intend to support what Mrs Jack has before us today. It's a very sensible amendment and allows people to put certainty back into their lives and get on with life, so yes, it's well overdue

SPEAKER Any further debate Honourable Members. I put the question that the Bill be agreed to in principle.

QUESTION PUT

AGREED

The Bill is agreed to in principle

We move now to the detail stage and Mrs Jack has foreshadowed a detail stage amendment

MRS JACK Mr Speaker I move that the following amendments be made (1) In the title for "2007" substitute "2008" and (2) In clause 1 for "2007" substitute '2008". Mr Speaker this is just so that a Bill that has been introduced in one year and carries over to the next year, if this Bill does get up, then it would be put on the website and people may think it was passed in 2008 and go looking for it in 2008 when actually it would be listed under 2007 so its just bringing everything forward for it to be included in the year in which it will be agreed to or disagreed to

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

QUESTION PUT
AGREED

I think the Ayes have it. The amendments are agreed to.

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

QUESTION PUT
AGREED

I think the Ayes have it. The clauses are so amended

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

QUESTION PUT
AGREED

I think the Ayes have it. The remainder of the bill is agreed to.

I now look for a motion that the Bill as amended be agreed to. Mrs Jack

MRS JACK Thank you Mr Speaker I move that the Bill as amended be agreed to

SPEAKER Thank you and I put that question

QUESTION PUT
AGREED

The ayes have it. The Bill as amended is agreed to

FIXING OF THE NEXT SITTING DATE

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

MR SHERIDAN Mr Speaker I move that the House at its rising adjourn until Wednesday 19 March 2008, at 10.00 am.

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

QUESTION PUT
AGREED

The motion is agreed

ADJOURNMENT

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

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

MR CHRISTIAN Thank you Mr Speaker I just need to bring to the attention of the House that at this stage I will take annual leave in New Zealand from the 16th March until around the 27th March this year so I will not be here for the 19th March sitting. I ask that leave be granted Mr Speaker

SPEAKER Thank you Mr Christian. Leave will be granted at the appropriate time

MR NOBBS Mr Speaker Thank you. Just a brief one to let the listening public know that we'll be at the Radio station tomorrow, any of the MLA's around the table or the executives by all means are welcome to come and field any views and questions sent in from the listening public and discuss some of our issues on the radio. Thank you

MR MAGRI Thank you Mr Speaker I just wanted to try and finish what I started before and just to basically thank the Minister for her efforts in trying to defend the interests of the KAVHA landholders or those who have land within KAVHA and try to resolve some of their issues. In particular the efforts that she has made over the last month and to just say that I really support the idea

I also wanted to make another statement with regard to the flight stewards. Mr Speaker, over the month of January right up to today, we have experienced some unprecedented adverse weather conditions. This has severely affected our airline schedules, our visitors, our accommodation houses, our shops and obviously in turn, the whole Island. During all of this the Norfolk Air flight attendants have been in the front line, a captive audience who have listened with patience, and have done this with a smile and an attitude of cheer. Mr Speaker, they have done this with absolute professionalism and we all appreciate their work and their efforts to promote Norfolk Island over this difficult period. Thank you Mr Speaker

MRS JACK Thank you Mr Speaker. Just a couple of things. I thank Mr Magri for his kind words to me but just to say that I'm not alone in the work that I do on behalf of people. It's the people within this compound. It's also with the assistance of people within the Federal Government that I have good rapport with and have reached certain understandings. It's not saying that everything is going to be arrived at to mutual benefit or to the benefit of certain landowners but it's nice to know that the communication is there and is open and I thank everyone on both sides of the ocean in participating towards a favourable outcome for members of the community

Also, just one other question Mr Brendon Christian queried the time for the public submissions to be made to the KAVHA Conservation Management Plan or CMP. I've

since been advised that the EPBC Act specifies a minimum of twenty days and this is under Regulation 10.01D. Twenty five days was thought to be reasonable by that Section Mr Speaker. Thank you

MR ANDERSON Mr Speaker going back to the earlier debate on the immigration quota...

MR CHRISTIAN Point of order Mr Speaker. You can't debate something that the House has already made its decision on

MR ANDERSON What if I have been misquoted

MR GARDNER You should have said something at the time

MR ANDERSON Well I didn't get a chance. I mean, I've been misquoted and hansard will show that and I just want to correct the fact that I didn't say that

SPEAKER You must seek leave by a motion of the House to explain

MR CHRISTIAN I so seek leave on behalf of Mr Anderson

MR ANDERSON Thank you very much. I seek leave of the House to make an explanation

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

MR ANDERSON I just want to get the record straight that I was misquoted by Mr Gardner in stating what I said and what I might have thought. A study of Hansard will show that that was incorrect and I just want to clear the air so that people out there do not think that I said the things that Mr Gardner thought I had. Thank you very much

MR SHERIDAN Thank you Mr Speaker I move that the motion be put

SPEAKER Thank you Mr Sheridan. I put the question that the motion be agreed to that the House do now adjourn

QUESTION PUT
AGREED

Therefore Honourable Members this House stands adjourned until Wednesday 19 March 2008 at 10.00 am.

