



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
12TH NILA HANSARD – 19 MARCH 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

SUSPENSION OF SITTING

SPEAKER Honourable Members I have been informed that there has been a request for a slight delay in the commencement of the proceedings here this morning, and I do notify you and the public that the suspension of this meeting shall commence from now until 10.30 am. I now suspend the sitting

RESUMPTION OF SITTING

SPEAKER Honourable Members we now resume the Legislative Assembly meeting of this House for Wednesday the 19th March

LEAVE OF ABSENCE FOR MR NEVILLE CHRISTIAN MLA

SPEAKER I call on Mrs Jack for leave of absence for Mr Neville Christian

MRS JACK Mr Speaker I seek leave for Mr Neville Christian Minister for Finance from today's meeting. He advised the House at its last sitting that he would be taking annual leave at this period of time

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

CONDOLENCES

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

MR SHERIDAN Thank you Mr Speaker, this House records the passing of Eileen Snell on 21st February. Eileen was born on Norfolk Island in December 1938, the 11th child of Alfred and Polly Snell. She grew up at their home in Shortridge with her brothers and sisters, Hess, Edie, Pow, Rose, Madelaine, Plute, Rang, Sally, Lorna and Gus. She was a very kind hearted and private person with a great love and passion for her beautiful island home. She had strong island values and traditions and loved nothing better than to be with friends playing the piano, ukulele or guitar. She taught many young islanders how to play the ukulele in her own beautiful style. Music was her great passion and through her recordings of her CD's she gave meaningful words and a valuable legacy to this island. Eileen was understandably proud of her children Alan and Polly and had a very special love for her grandchildren Jazz and Jake, whom she taught her own island values and traditions. Eileen was a staunch football supporter. Redder than red until Alan joined the Blues. Eileen left a trail of music where-ever she went. Whether it be throughout Europe; the banks of Venice or the wards of Prince Alfred Hospital with her recent short stay. She will be remembered in

music and song and with the island girls dancing. To Alan, Polly and Macca, Jazz and Jake, to her family and her many many friends this House extends its deepest sympathy. Mr Speaker, may she rest in peace

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

PETITIONS

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

GIVING OF NOTICES

Are there any notices?

MR SHERIDAN Mr Speaker I give notice of my intention to not move Notice No 4 at today's sitting, in view of representations made to me and other Members that wider consultation and investigation is required before the House considers this matter further. It may be that the wording of the motion will be amended prior to introduction following on from the consultation I am proposing. Those who have lodged a protest can rest assured that this matter will be addressed at the April sitting

QUESTIONS WITHOUT NOTICE

Are there any questions without notice?

MR B CHRISTIAN Thank you Mr Speaker. A question for the Chief Minister. Would the Minister please give an update on the upcoming flights to Hamilton New Zealand, namely how many flights were originally anticipated and how many flights are actually taking place

MR NOBBS Mr Speaker with Mr Neville Christian absent from the island I'm looking after his portfolio. Obviously I won't go into the greatest detail on this however I did pursue this with the Chief Executive Officer of Norfolk Air yesterday just to be able to answer such a question if it came up and I can point out that at this stage the charter has been reduced to a one in one out currently with a 60% pax or seat load factor on one section of that charter, they anticipate that they will go up to 80%. I suppose a minor difficulty that they've had is that the bookings coming into Norfolk Island have been so well sold that the ability for someone to book to come through Norfolk Island and go on to Hamilton has been reduced by the available number of seats of people who weren't coming to Norfolk Island specifically in the first place. To compensate for that, I congratulate the Norfolk Air staff on their initiatives whereby they made some proposals to Members of ATA and other such groups including I think the Tourism Board that they may get a significantly reduced fare to travel to Hamilton and promote Norfolk Island. With regard to the promotion of this charter I imagine that we would see the ongoing results of that promotion material flowing back through our normal carrier which is air New Zealand well into the future

MR B CHRISTIAN Thank you Mr Speaker a supplementary question. Would the Minister consider this venture to be the success that the build up led us to believe, or a financial and strategic failure for the management of Norfolk Air

MR NOBBS Mr Speaker again, I don't speak with all the detail that the Minister for Finance would have on this issue and hence I would prefer to leave that to Mr Christian to answer, however, I would say that there are times where we have to look at new initiatives and many of those initiatives that we look at have been very successful. It's not uncommon or not to be expected that occasionally we are not going

to achieve what we hoped in some of these ventures but as I said, I'm sure Mr Christian will give a more full answer on that one

MR SHERIDAN Mr Speaker a question for the Minister responsible for Social Services. Minister with the continuing increase of costs towards living on Norfolk Island, certain sections of the community are finding it hard to even pay their basic bills. Minister representation has been forthcoming to this Government by a section of the community requesting that some family assistance be considered in regard to the cost of child care. What is this Government's immediate reaction to this problem and what does this Government intend to do to try and alleviate some of the community's concerns in this area

MRS JACK Mr Speaker, Mr Sheridan in answer to your question you would be well aware of this but it would be good to tell the community that yesterday representation by one of the owner operators of a childcare centre came to this forum during our weekly meeting and put forward ideas and possible ways forward in which to offer assistance to young families within this community. As a result of discussions that followed the owner operator leaving I can state to the community that it has been decided by this forum that a working group be set up to look into a possible child subsidy provided to families or to the centre and other possible ways forward to give assistance to families in need. It would be a working group comprising one or two members of this House who will go out advertise the group and seek representation and submissions from young families or those with interest in assisting young families of this community as well as those in child care and early child learning to participate. We also looked at having a recommendation come forward from the working group for the April meeting and for me to report to this House the results or recommendations of that working group at the April meeting, and hope that it will be done by then Mr Speaker. We realise it's an emotive issue but it's also one of deep concern to this House and so to get out there and get results and so I look forward to I think both Mr Sheridan and Mr Gardner have offered to initiate this working group so I'll leave it in their hands. I certainly can offer them some assistance but the secretary to Government is there also to initiate the media releases. I envisage they will be putting out these media releases as well as getting on the radio to talk about ways forward and their hopes and aims when working towards the recommendations that this House is seeking, thank you

MR SHERIDAN Mr Speaker a question for the Minister responsible for Customs. Minister a while back some four pallets of wine was imported by a business on the island. This wine was impounded at the time. I note now that this wine has been released to the business who imported it. Minister was the appropriate customs and liquor bond mark up applied to this wine prior to release

MR NOBBS Mr Speaker I don't have the detail with me in regard to that Mr Sheridan however I would be very happy to provide it. I can just provide you with some detail in terms of the fact that we did seek a legal opinion both on island and independently so that we would be sure that we were administering that particular part of the Act in the best way possible however I will bring you back some detail at a later sitting

MR SHERIDAN Mr Speaker just a further one for the Chief Minister. Chief Minister this month marks the first anniversary of your Government. Chief Minister can you advise the public as to what has been achieved in line with the Strategic Plan and personal assertions prior to your election

MR NOBBS Mr Speaker thank you. As you point out we are getting close to when we signed the paperwork and became part of this Legislative Assembly and I have already begun compiling quite a lengthy document of what we have taken on right from when we first took office, including the strategic plan framework and how that plan framework progressed and also once the full strategic plan was

outlined and made available that's quite a significant document. I would be happy to condense some of that into a form at the next sitting where I can give you a full outline of each and every area that we have undertaken and what achievements we've made or in the other case, that we may not have made with regard to our strategic outcomes

MR B CHRISTIAN Thank you Mr Speaker a question for the Chief Minister. In last weeks gazette it was published that a new charge to Telecom would include a ten cent charge for local calls and it would also be cheaper to call anywhere in the world from a landline in Norfolk Island then it would be to call a local mobile from a local landline. How were these prices determined

MR NOBBS Thank you Mr Speaker and thank you Mr Christian. Obviously once again this falls in Mr Neville Christian's portfolio. I will however say that I have had a brief discussion with the Manager of Telecom yesterday and although I imagine that Mr Neville Christian will want to give the specifics of it, there has obviously been an ongoing formula that has been used over at least the last two years to establish the call charges that are able to substantiate or support the infrastructure that we have in place in each of these areas so none of these call charges have been come up with at random. They've all been worked to a formula and they are in fact quite in line with call charges overseas. With regard to the mobile charge specifically that obviously is at a similar rate overseas. The advantage I suppose that the Norfolk Island businessman using a mobile phone as their sole source of communication is that the charge is GST inclusive so that may involve them getting access to some form of rebate

MR SHERIDAN Mr Speaker a supplementary question please if I may. I note that you say that the charges have GST applied to them. When has this GST been applied from because that the moment phone calls are GST free

MR NOBBS Mr Speaker I may be in error. I'll have to go back and check that. From my discussions yesterday I was under the assumption that GST was on there. As I said, this is outside my responsibilities with regard to portfolios, so I will chase that up a bit further and find out the date of commencement there

MR B CHRISTIAN Thank you Mr Speaker a question for the relevant Minister. I think it would be for roads. Would the Minister advise when the new system of colour stickers to identify different classes of registration would be issued

MR MAGRI Thank you Mr Speaker and thank you Mr Christian for your question. I can't off the top of my head give an exact date of when the new system for different colour stickers for different registration's are going to be issued, but I've talked to the Registrar on this issue and he's informed me that the process is proceeding so what I'll do to satisfy Mr Christian is that at the next meeting of the House is that I'll come back with an up to date précis on where they are going but I'm sorry I can't give you the exact detail at this meeting

MR B CHRISTIAN Thank you Mr Speaker a supplementary question to follow on Members were advised in September of last year that these new stickers were to begin being issued by mid November last year. Is there any reason for that delay or is there any outstanding issue that needs to be addressed

MR MAGRI Mr Speaker I'm not sure if there's any specific reasons for a delay. I, as I say, have been talking to the Registrar about this and from my recollection the stickers have been ordered and I don't think there's any real technical issues and I'm not even sure whether they are not being issued so as I say, I can't give the exact information that he's asking me for but I'm very happy to provide that information probably tomorrow and certainly to the House at the next sitting

MR SHERIDAN Mr Speaker a question to the Minister responsible for Norfolk Air. Minister I believe that, and I realise that the Minister with responsibility is not here at the moment, but he has indicated that the Norfolk Air incorporation is coming to fruition so I just wondered if the Minister handling his responsibilities could detail anything of light to ease the burden on the Norfolk Air set up as it is at this point in time

SPEAKER Thank you Mr Sheridan, I note that the Chief Minister has vacated the Legislative Assembly Chamber and has indicated that Mr Gardner, you would like to take that question

MR GARDNER Thank you Mr Speaker, yes, I can provide some update to Mr Sheridan and the community in relation to the establishment of Norfolk Air as a corporation under our companies legislation. Mr Speaker the Minister for Finance normally handles this and as has been pointed out the Chief Minister in the Minister for Finance's absence had taken carriage of this matter but with the Chief Minister having departed the House just briefly he has asked if I could provide this information. From the documentation that I have the inaugural directors of Norfolk Air Limited which are as I think have been reported in this House before, are Mr David Sanders, Mr Graeme Rayner, Mr Warren Langman and Mr Tim Sheridan and Mr David Jack have received a package of documentation including a draft Memorandum of Articles of Association for their consideration. That documentation is being finalised and there are no amendments to that documentation that are anticipated as reported by the Minister for Finance. The Minister responsible in this case, the Minister for Finance has advised the directors that he hopes to be in a position to meet with them to finalise the formation of the company early in April so that would be shortly after his return to the island next week. All shares in the company are to be held on behalf of the Administration of Norfolk Island by yourself in the role as Speaker, by the Minister for Finance, myself as Minister for Tourism and Health, Minister for Commerce and Trade and the Chief Minister. The Minister for the Environment, Education and Social Welfare declined to be a shareholder in the company because of the potential conflict that might present itself with her husband being appointed as a Director. Thank you

MR ANDERSON Mr Speaker I'm not certain who to address this question to. The question is in relation to the application form to be prepared in connecting to the electricity grid, so the question would be directed how?

SPEAKER That would normally be addressed to Minister for Finance and Mr Gardner has indicated his willingness to answer the question

MR GARDNER Thank you Mr Speaker, I may be able to shed some light on that. As I understand it the preparation of the documentation is within the hands of the senior management in those particular areas and discussion on the processes that need to be followed, obviously need to occur before something is presented to allow it to happen but certainly the intention as I understand it of the particular Minister in this area is to try and expedite that process so people can avail themselves of the benefit of the alternate energy systems that are available now

MR ANDERSON Mr Speaker this question I think is also in the sphere of the Minister for Finance the marquee which is in a very bad state of repair obviously needs to be repaired or scrapped. I believe the Minister for Finance so as to start this process rolling, is going to seek repair costs. Has this been done

MR GARDNER Thank you Mr Speaker, again I'm happy to try and shed some light on that as best I can but my understanding is that all options for the future use and retention of the marquee are being considered. I'm not certain that any final decision has been made on whether it will be repaired, whether the Government will retain control of it or try to offload the marquee though I understand that the Minister has sought expressions of interest from various groups to see whether they would be

interested in taking over the management of the marquee. Of course if the government were to dispose of surplus assets I think it would be incumbent upon us as a Government or Legislative Assembly to ensure that the consideration that's given for the transfer of those assets would reflect the condition of the marquee and if it was intended to be used long term, or as an alternative in the interim while we consider more permanent structures, that they would obviously secure the repairs that are necessary so it can be utilised into the future

MR ANDERSON Mr Speaker a supplementary please. Would the Minister agree that the first step would be looking at what happens to the marquee and what is involved to have it in good condition

MR GARDNER Thank you Mr Speaker, I can't speak for the Minister in that regard, but certainly the expectation would be that all appropriate care and attention is provided to any assets that are on the asset register of the Administration

MR B CHRISTIAN Thank you Mr Speaker I have a question to steer toward the Minister for the Environment. Has the Minister received results from the tests carried out from samples taken from water storage tanks on properties in the Headstone area and can the Minister give assurance that the water supply concerned is suitable for human consumption and could the Minister advise why this process seemed to take so long when it is of such concern to the residents and Government alike

MRS JACK Mr Speaker I have a statement that I was going to read out during statements. If you wish me to read it now or just do it during statements. I would rather do it during statements

MR SHERIDAN Mr Speaker a question for the Minister for the Environment. Minister in a recent debate in this House related to a World Heritage process you undertook to make representations to the appropriate Commonwealth Minister on behalf of landholders in the KAVHA area to have the KAVHA boundaries adjustment considered. I understand that you have carried out this action. Minister for the benefit of the House and the listening community can you confirm the following – dot point one, as the Norfolk Island Minister that you have no power to vary the KAVHA boundary as contained in the Conservation Management Plan which is currently being finalised in accordance with the EPBC Act and dot point two as the Norfolk Island Minister you do have the power to vary the KAVHA boundary as it is reflected in the Norfolk Island Heritage Act

MRS JACK Mr Speaker the Conservation Management Plan or the way it's also being advertised in its release for public consultation has been the KAVHA Management Plan that is a Commonwealth requirement of the EPBC Act, the recognition of the KAVHA boundary on the EPBC Act I have no power over Commonwealth legislation. As Norfolk Island Minister under our own Norfolk Island Heritage Act I, following correct process which has begun, do have the power to vary our Norfolk Island Heritage Register and to do it, but one must consider at the same time, the consistency of one and the other because we've got to also keep our credibility in this process and that is a key factor in my decision making as well. Could I just add as Mr Sheridan did say, following the January meeting I believe it was, with the previous amendment, the following day either Thursday or Friday the letter went to the Minister, Mr Debus, and as yet I'm still awaiting a reply

MR SHERIDAN Mr Speaker a supplementary question. Minister the process outlined in the Norfolk Island Heritage Act, in relation to variation or excision from the Norfolk Island Heritage Register when applied for requires a response in the Administration and ultimately a decision from the Minister. A number of local landholders applications are currently in the system awaiting to be dealt with. Minister as the

Minister would you instruct the Chief Executive Officer to have the applications currently in the system finalised

MRS JACK Mr Speaker there's been too much of a delay in this process however one that was also caused by one of those submissions taking the request to the supreme court. The supreme court in that decision upheld the KAVHA boundary however the submission still has to be dealt with under our Heritage Act thus the current standing of those submissions is that I am awaiting some legal opinion through a concern raised by the Planning Officer however while that legal opinion is being given the process is moving forward where I'm being presented with a list of independent heritage advisors to assist the Planning and Environment Board on recommendations or on the submission that will come before it. I have gone to outside consultant because it's my view that it doesn't matter which way the decision goes, that using some of the local people who are Members under the Board under the Heritage Advisory capacity, one was a Flora and Fauna consultant, another was an archaeological and the third too would be deemed to be archaeological but to bring in external people because it didn't matter which way a decision or recommendation went from the Board, my view is that it is very hard and for the pressures that could be put on them because this is such an emotive issue and that view had the support of my fellow Ministers so it's my intention to proceed with that. I'm awaiting a list of about six or seven heritage advisors that will be asked, for their availability and costs to come over and consult with the Planning and Environment Board to go through the processes written down in the legislation to bring forward the recommendation to me on the eight or nine submissions that have to be considered

MR B CHRISTIAN Thank you Mr Speaker whilst we're discussing KAVHA a question for the responsible Minister. Would the Minister inform the House if the documents, mainly maps, missing from the draft management plan for the KAVHA area have been made available for the public consultation

MRS JACK Mr Speaker during the meetings that the Legislative Assembly had regarding a submission response to the KAVHA management plan on the Saturday of our meeting two Saturday's ago this Saturday, Mr Christian raised that very question with both me and the Secretary to the KAVHA Board. The Secretary to the KAVHA Board has asked for those maps. Indeed we asked for those maps before the question was raised during a KAVHA Board meeting. I have not had these maps. We were told they were to be forthcoming. They haven't arrived. I've sent a rather terse I thought email to the responsible officer in the Commonwealth and have not had a response. Following the lack of response and the question being asked in the House it is my intention before I leave this island this afternoon or indeed while I am in Australia to contact the Administrator on the unsatisfactory state of affairs regarding this and also to ring directly not just the officer but possibly the chief of staff of that department stating my distress at the lack of movement on this

MR B CHRISTIAN Thank you Mr Speaker a supplementary question. Considering the submissions close this Friday I believe, the 21st would there be an extension to the period of time considering not all relevant information has been provided

MRS JACK Mr Speaker I'm aware that one group sought an extension. When was the original closing date. The 17th March was it and was the extension given until the 21st March. I'll have to take that back. It's not for me to say but I can certainly put that request to them.

MR SHERIDAN Mr Speaker again a question to the environment Minister. Minister for some time now residents in the Pitcairn Place and Shortridge areas have been awaiting patiently for the water assurance scheme to be extended to include services to their residences. A lack of progress is causing some hardship in

some cases and public health problems in others. Can you advise the House as to when these projects will commence and what is causing the delay

MRS JACK Mr Speaker as far as I'm concerned they should be over and done with after the movement but I've certainly tried to initiate in this area. Give the fact that there's been some unsatisfactory movement I can't honestly say when they are going to be done. All I know is that for a couple of people the action that's been undertaken, the Administration pays for their pump out. It is a totally unsatisfactory state of affairs. It's been ongoing now for far too long and it's one that I'm endeavouring given the staff availability I have in my area at the moment for this section that I may well just bring in outside contractors to do the work

MR SHERIDAN Mr Speaker just a supplementary there. So Minister you are saying that you are going to give this a high priority basis

MRS JACK Certainly

MR B CHRISTIAN Thank you Mr Speaker a question for the Minister for the Environment. In light of the recent introduction of so many foreign species into Norfolk Island the Asian Gecko, Argentine Ants, Spiders, Wasps to give a few examples, would the Minister undertake a full review of the current quarantine practice, or lack thereof, in order to protect Norfolk Island's fragile environment from any further invasion

MRS JACK Thank you Mr Speaker I don't know about the terminology that Mr Christian used and the implication that we've been beset by a plague visited on this land of various insects or arthropods or whatever you want to call them, certainly we've had a couple of the other varieties. However, as for guaranteeing or giving an undertaking for review quite frankly I'm in no position to do that given the lack of available people within the Public Service in my area. I've just been asked and I have no problem prioritizing Pitcairn Place at all. It's been on... I thought it had been taken care of several times but for me to start throwing some other issues with a review of quarantine, I mean, it may well need to be done Mr Speaker but there are also a lot of other issues that are half done and need completion, such as the apples, which are also uppermost in people's minds so for me to actually go and put a substantial review in place I would just like to have a talk to the Public Service and just see on the availability and the funds available and human resources and financial resources etc before I give a commitment to the House

MR B CHRISTIAN Thank you Mr Speaker a supplementary question. As part of that question Minister are you as yet in a position to inform the House if the Government is going to allow for the importation of apples from Australia or elsewhere as it seems this matter has become a long and drawn out process

MRS JACK Mr Speaker following some information that has become available there was a concern that we were, or this House or I was looking to import apples out of New Zealand. This is definitely not the case as I understand is a matter that the New Zealand Government is taking the Australian Government to the world trade court over refusing to allow the importation of New Zealand apples into Australia. It's never been my intention to allow the apple importation of apples from New Zealand into this place it was always to come from Australia. Where it stands is, that I believe I have total agreement on an apple protocol between myself and the officer, I've actually had to start doing the work to finalise this. There needs to be a legislative amendment done to the Plant and Fruit Diseases Act 1959 I think it is. That's a schedule 3 matter so it is proposed that when the amendment is done to send the amendment to the Administrator and through to the necessary areas of the Commonwealth to have their agreement prior to my putting it in the House so that when it is put to the House I hope by the April sitting, that there will be no further delay and it should be able to be signed off by EXCO. That's my ideal situation Mr Speaker. I've been proven wrong on

my ideals in the last few months in meeting my time frames but that is something that I would hope to be able to achieve

MR GARDNER Thank you Mr Speaker, a supplementary question to that if I may. The apparent discrimination between the New Zealand apples, is it something that we are going to endorse or are we going to explore some valid reasons as to why New Zealand cannot be considered as a place of import but more importantly are we suggesting that we're endorsing a concept that apples aint apples

MRS JACK Mr Speaker is this question for me alone or for the whole broader Legislative Assembly or why don't we go have a beer and discuss it and why the world is rotating as well Mr Speaker

MR SHERIDAN Mr Speaker a question to the Minister for fisheries. Minister within some areas of the community there are concerns with regard to the over harvesting of certain marine life along our foreshores, particularly hihi's and wana and slugs and other marine creatures that normally, whilst are not protected as such, the Islanders would only harvest a few times of the year and there is tending to be a bit of over harvesting at this point in time. What would you as the Minister put in place to try and alleviate this problem

MR MAGRI Mr Speaker thank you and thank you Mr Sheridan for the question. Probably first of all whilst I've had a couple of people mention this over the last few weeks that this is occurring and that is occurring and Mr Sheridan pointed it out to me yesterday at the MLA's meeting I first of all, think the appropriate action would be to determine if there is an issue and I'm more than happy to make an assurance to Mr Sheridan that over the next month or so I'm going to do some investigation work to see if it is an issue, and if it is an issue then obviously I will then come back to my colleagues with an appropriate response of how to deal with it. There's a few technical issues about who's bailiwick it's covered in, up to the high water mark of Norfolk Island is Commonwealth jurisdiction, there are some issues that it could extend, some issues with this that it might even extend to the EPBC Act but I'm more than happy to take the concerns of the people who have mentioned this to Mr Sheridan and Mr Sheridan's concerns to try and address them appropriately

MR B CHRISTIAN Thank you Mr Speaker we're back to the Minister for the Environment, Minister at the February sitting of the House you advised of several avenues which were being explored to eradicate or partially eradicate the Asian Gecko. Has the funding sought been approved and is the programme now underway

MRS JACK Mr Speaker as far as I'm aware Mr Christian, the grant is still being sought. I'm aware that officers have been working on four grants, one of which was for a generic one for invasive species rather than being specific on the Asian Gecko or on the Argentine Ant. The funding though will have to be spent before the 30th June and that's what I am aware of. As for acceptance of our application for that grant I'm just not sure exactly where that stands if it has been handed in to the natural heritage trust fund people. I'm just not sure on exactly where that stands. Sorry

MR B CHRISTIAN Thank you Mr Speaker a question to the Minister for the Environment. Would the Minister investigate the possibility of providing an avenue by way of grants to allow for a rebate system or subsidy for the installation of water catchments tanks similar to the system of rebate within Australia

MRS JACK Mr Speaker Thank you. Personally I'm in favour not for the supplying of a subsidy for extra tanks, now every House needs a tank or every establishment is required already to have a tank so if people are wanting to expand on that basic amount of storage capability I personally would like to be able to go down that road of subsidizing or giving some form of relief. Whether that personal view is one that

is supported by the rest of this Membership or indeed is one that we can financially support over a long period of time, and I wouldn't see this as a one off, it would be on going, that's another matter but if Mr Christian is wanting me to look into discussing this with my colleagues first and with the Public Service whether we have the potential to somehow assist, in encouraging people to add to their water storage capabilities, I have no problem with initiating that process

MR B CHRISTIAN Thank you Mr Speaker I think it would be a good idea if the Minister would be able to bring that to the House

MRS JACK Well I think that's admirable Mr Christian

SPEAKER Thank you. Are there any further questions without notice There being no further questions without notice we now move on to Presentation of Papers

PRESENTATION OF PAPERS

Are there any Papers for presentation this morning Honourable Members

MR GARDNER Thank you Mr Speaker, I have a number of papers both from my areas of responsibility and papers for and on behalf of the Chief Minister and the Minister for Finance in their respective areas so if you bear with me I will work my way through them steadily. The first in my area of responsibility is the matter that I gave notice of at the last meeting and the requirement to table under the Criminal Procedures Act 2007 the approved forms, in this case in relation to the matter of Search Warrants; Mr Speaker under section 215(3) of the Criminal Procedure Act 2007 the forms are disallowable instruments and in accord with the provisions of the legislation and the time frames involved which I alluded to at the last sitting I table those forms. Thank you

MR GARDNER Thank you Mr Speaker, the second matter is in relation to the inbound passenger statistics for February 2008. I table those statistics and move that the paper be noted

SPEAKER Honourable Members the question is that the paper be noted

MR GARDNER Thank you Mr Speaker, only brief comment on it today. I'm pleased again to report that the visitor numbers continue to improve over the same time as last year. There still are as I have said now for a couple of months in the House a worrying trend out of New Zealand and I raised a couple of issues at the last sitting in relation to private stays of people other than locals returning to and from New Zealand, local stays in Norfolk Island and it appears as though that was a seasonal trend, certainly as far as percentages are concerned and the percentage of people out of New Zealand staying locally on Norfolk Island has declined dramatically so again, I've continued to monitor that to see how that's travelling because obviously, as I think I said at the last sitting of the House that has implications for our consideration of the make-up of our tourist accommodation in Norfolk Island and may have potential impact on the need for us to maybe look Mr Speaker, to invoking the provisions of the tourist accommodation act as far as homestay and maybe even giving consideration to extending that to backpacker type stays. I don't want to alarm people, it's just something that needs consideration in the process going forward. I will continue to monitor those arrival statistics. I'm not picking on New Zealand in any form or fashion in this regard it is a general review of just the trends and where people want to stay, how they want to stay, how they want to be accommodated, travel etc which is part and parcel obviously of our need to maintain a very keen focus on visitors coming to Norfolk Island for its obvious importance to the economy. But all in all a good month again, despite the

numbers being down out of New Zealand and I think the only other observation I want to make is when we are looking at visitor numbers out of New Zealand they are down to 511 for the month but we don't need to confuse that with the total number of people being carried on Air New Zealand. Obviously Air New Zealand will continue to monitor their performance but we do have a lot of local people that travel out of Auckland. Better than 10% of the total numbers travelling so just to allay any fears that the service is unreliable based on the number of visitors alone, I can assure the listening public and those around the table that the significant proportion of people utilising the service are locals which aren't included in the visitor statistics under the banner of visitors. I've had no further comment to make on that. Obviously I will continue to monitor the figures, the various markets in which we are operating and make sure that they are tied into our marketing strategies under the Norfolk Island Tourism Plan. Thank you

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

QUESTION PUT
AGREED

SPEAKER Thank you.

MR GARDNER Thank you Mr Speaker, it appears that I'm the only one who has papers to present. This one is on behalf of the Chief Minister in his acting capacity on behalf of the Minister for Finance and are the Financial Indicators for February 2008. I table those papers and move that they be noted

SPEAKER Honourable Members the question is that the paper be noted

MR GARDNER Thank you Mr Speaker, I'm sure that if the Minister for Finance was here he would be particularly happy with the performance, albeit many of the figures are estimates, but certainly on historic trends those estimates are pretty close to being on par with the actuals that could be expected. As at the 29th February 2008 the overall revenue fund budget is in surplus to the tune of \$72,000 which is nearly \$670,000 better than budgeted under revenue fund budget and I'm not aware of any of the matters contained within those financial indicators that give us any great cause for concern as far as the performance of any of the particular areas and I look forward to any Members comments that they might have in relation to the financial indicators. Thank you

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

QUESTION PUT
AGREED

SPEAKER Thank you. The motion is agreed

MR GARDNER Thank you Mr Speaker, on behalf of the Chief Minister and pursuant to subsection 34(2) of the Immigration Act 1980 I table a Report to the Assembly advising that the number of declarations of residency granted under section 33 of the Act during the year ending on 31 December 2007 were 32. I table that Report Mr Speaker

MRS JACK Mr Speaker and move that the paper be noted

SPEAKER
be noted

Honourable Members the question is that the paper

MRS JACK

Mr Speaker I understand and appreciate that the Minister is doing this on behalf of the Chief Minister but is he aware of those 32 residency's that were granted, how many were actually already residing on the island and may have a change of status and how many actually came on to Norfolk Island to take up residency as newcomers

MR GARDNER

Thank you Mr Speaker, I'm happy to provide as much information as I can in relation to those questions from the Minister. According to the documentation that I have to hand of those 32 persons declared residents during the period six declarations were for spouses of residents who received their general entry permits pursuant to section 18 of the Act, which is the special relationship provisions, five declarations were for children of residents who received their general entry permits pursuant to the same section and a total of 21 declarations were for persons who obtained their general entry permits pursuant to the general provisions of the act which is section 19 and which was subject to quota. I don't have a breakdown in the documentation that I have to hand as to how many of those 21 were already resident in another capacity on the island, in other words, were holders of temporary entry permits and have migrated if that is the appropriate word, have migrated to a general entry permit or how many of those were direct entry of general entry permits as far as purchasing of businesses or other activities so I hope that that assists the Minister in her question in relation to that matter and obviously, it's an important consideration when considering the way ahead with our immigration policies and the development of them

SPEAKER

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

QUESTION PUT
AGREED

SPEAKER
Members

Thank you. Any further Papers Honourable

STATEMENTS

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

MRS JACK

Thank you Mr Speaker, it may be noted that this is in response to the question raised earlier by Mr Brendon Christian. Mr Speaker late in 2007, some residents in the Headstone area requested that tests be done on their tank water, as they were concerned at possible residues from the burning of waste in that area. The Administration undertook to collect water samples and send them away for testing at an accredited water testing laboratory in Brisbane. Results from these tests indicated traces of dioxins in water samples taken from three properties. Expert advice was obtained by the CEO and officers of the Administration from international consultants involved with World Health Organisation and other Australian sources on the implications of the test results and on what further steps should be taken. This resulted in a proactive strategy being put in place which involved the following steps:

- Contact was made with all persons residing within an 800 metre radius of the Headstone burning site advising them of the preliminary results and that further testing would be undertaken;
- Although no specific public health issue had been identified, as a precaution residents in the designated zone were offered bottled water for drinking and household

use, and one business was also offered filtered water for drinking, cooking and ice making;

- Consultations were commenced with experts to identify suitable activated carbon filters which could be purchased and supplied by the Administration to householders and one business within the designated area to filter tank water.

As the next step, further samples were then collected of water, soil and sediment from the designated area, with control samples from Burnt Pine and Steeles Point. 32 samples were sent for analysis to the same accredited laboratory in Australia, and the results received are currently under analysis. I am informed by the Service that the test results for water and soil have been provided to independent Australian experts, who I understand are prepared to visit Norfolk Island at their own expense within the next month to provide further advice to the government and the community. As Minister, I have also sought advice through the CEO from an Australian expert who is a world authority on water quality. While the conclusions of this expert are not yet available for publication, he has advised that his analysis of the results does not raise any concern about public health. Overall, the analysis so far conducted indicates that the traces of dioxins in water in the Headstone area are at low levels which require ongoing monitoring but not more radical intervention. While years of burning of waste at Headstone may be one possible source of water contamination in the area, there are also other possible causes of the level of dioxins so far identified. That said, these test results make me even more determined to press ahead with the new waste management strategies I have previously outlined to the Assembly. In particular, we are well advanced in moving toward high temperature waste treatment. A consultancy firm was commissioned to study and report on waste management options. That company has consulted with the community and Members of the Assembly as well as designated stakeholders and its final draft report will shortly be available for public comment. In essence, the major recommendation is that high temperature waste treatment with stringent international-standard emission guidelines is the best option for Norfolk Island. I will be seeking comment from the community on how best to implement this strategy. As a final note, Mr Speaker, may I also add that I believe that there is a duty for all owners of water tanks for domestic purposes to ensure that these are regularly maintained and sediment cleaned off. This is a sensible health precaution which can prevent build-up of pollutants or dangerous material in domestic water supplies. Thank you, Mr Speaker

MR GARDNER

Thank you Mr Speaker, just a statement to clarify an earlier response that was given in Presentation of Papers and one of the pitfalls of trying to do things at very short notice and I do apologise to the House that comments I made to the House may have appeared somewhat inaccurate. I wouldn't go quite so far as to suggest that they were misleading but in relation to the very serious matter of the list of declarations of residency's I was asked about and responded in relation to the impact of the awarding of general entry permit status to people. Just to clarify that the figures that were tabled are in relation to declarations of residency. 32 people were declared residents and all of those 32 people obviously had passed through the system, were resident in Norfolk Island in their capacities as general entry permit holders and I apologise for any concern or confusion that my earlier statement had caused

SPEAKER

Thank you Mr Gardner. Any further Statements. We move on

MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 13

Honourable Members, I have received the following Message from the Office of the Administrator and it is Message No 13 which reads that on the 4th March 2008, pursuant to section 21 of the Norfolk Island Act 1979, I reserved the following proposed law passed by the Legislative Assembly, the Subdivision Amendment Bill 2008 for the pleasure of the governor-General and that message was dated the 4th March 2008 and signed by Owen Walsh, Acting Administrator

MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 14

Honourable Members, I have received the following Message from the Office of the Administrator and it is Message No 14 which reads that on the 4th March 2008, pursuant to section 21 of the Norfolk Island Act 1979, I declared my assent to the following law passed by the Legislative Assembly, the Supreme Court Amendment Act 2008 and that message was dated the 4th March 2008 and signed by Owen Walsh, Acting Administrator

Honourable Members before I move on to the Reports from Standing Committees, I omitted to ask Mrs Jack, and could you confirm if you wish that the paper you presented be noted

MRS JACK

No thank you Mr Speaker

REPORT FROM STANDING COMMITTEES

SPEAKER

I would ask the Deputy Speaker to take the Chair.

DEPUTY SPEAKER
Standing Committees

Honourable Members are there any reports from

MR SNELL

Thank you Mr Deputy Speaker I table the Report dated March 2008 of the Public Accounts and Estimates Committee in relation to its review of the cost to maintain the public grounds and reserves by the Public Sector. This Inquiry, which is the first task undertaken by the Public Accounts and Estimates Committee since its inception, has been comprehensive, at times frustrating, informative and at the same time enlightening. Staff and Managers in most work areas are to be commended for their genuine willingness to speak openly and to contribute to this Inquiry. The valuable assistance of the Administrative Officer – Lands is gratefully acknowledged. Grounds staff do a wonderful job maintaining the visual appeal of the public places and are to be commended for this. The sense of pride and ownership of the work areas is clearly evidenced. Parks and Reserves staff need assistance, which this Committee has recommended, to help them expand on the important work they do in caring for our reserves. Management and support systems and their relationship to the cost of maintaining grounds and reserves, have been highlighted through this process and have become an important focus of this Report. It is hoped that the Committee's observations and assessment will provide the catalyst for the level of change necessary to enable managers to manage their functions in the most efficient and cost effective manner and to properly account for those functions. The Committee set out to establish whether current cost of public sector to provide the grounds and reserves maintenance service is money well spent and to identify opportunity for improvement. As will be shown from reading this Report the Committee, given the information provided, was required to broaden its research in an effort to make the required assessment and review of the cost to maintain the grounds and reserves by the public sector. The recommendations contained in this Report directly respond to the Committee's assessment of the objectives of this Review, which emphasise the need for management and service provision reform. Honourable Members copies of the report will be provided to Members at the conclusion of this Review. Mr Deputy Speaker at the appropriate time I will move that the report be noted and that consideration of the Report and its recommendations be made an Order of the Day at a subsequent day of sitting.

MR GARDNER

Thank you Mr Deputy Speaker, just briefly if I could commend the Committee on a very long and very significant process that it has undertaken in relation to the review of the cost to maintain public grounds and reserves by the public sector. I've only very briefly glanced through the recommendations and there are some significant issues that will need consideration by this Legislative

Assembly and in due course we'll be asked to make some decisions no doubt on those recommendations because it would be unfortunate if they weren't given the consideration to which they are due and deserve but it has been a very comprehensive review and it touches on areas within my portfolio responsibilities about maintenance at the hospital, it talks about forestry, it talks about the cemetery. It talks about everything that I think we thought was necessary in the terms of reference to the committee and I think that on my very initial reading of the documentation that there has been very thorough research done and I think compliments are due to Ms Anita French on her role in the committee as I understand it the committee has been well served by her as far as research and secretarial duties and the like and I would like to compliment her and the committee on a job well done so far but obviously I will preserve any further comment until we have had an opportunity to fully digest the content of the document but my congratulations to all involved in achieving that. As the first significant undertaking of the newly establish Public Accounts and Estimates Committee of Norfolk Island and all involved. Thank you Mr Deputy Speaker

MRS JACK Mr Deputy Speaker I would just like to know when this book is going to be made available to all Members and how wide ranging is the report going to be made available

MR SNELL Thank you Deputy Speaker the report will be made extensively available free of charge to those interested. It will be circulated. It is our intention to call a meeting so that we can come together in an informal manner to discuss some of the contents of the report prior to coming back to this House

MRS JACK Mr Deputy Speaker is it your intention to put it on the web

MR SNELL Thank you Deputy Speaker we haven't discussed that and I'm certain that in due course that could be arranged

MRS JACK Mr Deputy Speaker one further thing. I noted that in Mr Snell's brief overview of this report he mentioned the parks and reserves and gaining some assistance. Having that come forward from Members of that committee I look forward to support in budget time when I will be seeking monetary assistance perhaps or indeed for either increasing wages or increasing the work team, thank you

DEPYUTY SPEAKER Thank you Mrs Jack. The House takes note of your request

MRS JACK I'm just making sure that every page is the right side up as they say

MR GARDNER Thank you Mr Deputy Speaker, just if I could clarify with the Speaker in tabling the document, was I correct in hearing that he intends to list this matter as order of the day for a subsequent day of sitting

DPEUTY SPEAKER That is correct Mr Gardner

MR GARDNER I'll certainly support that Mr Deputy Speaker

MR MAGRI Mr Deputy Speaker I'm not too sure whether it is totally appropriate as a committee Member to comment on this but I think it's absolutely warranted to back up Geoff's comments about the efforts of Anita French in this committee. She's been absolutely terrific and also the committee I've really enjoyed working with the committee and the support of Madam Clerk. Thank you

DEPUTY SPEAKER
Snell

Any further debate? Then I seek a final motion Mr

MR SNELL

Mr Deputy Speaker I move that the report be noted and that consideration of the Report and its recommendations be made an Order of the Day at a subsequent day of sitting.

DEPUTY SPEAKER

I put the question

QUESTION PUT
AGREED

That motion is so agreed

Are there any other reports from Standing Committees. There being no further reports I would ask Mr Speaker to resume the Chair

NOTICES

NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ACT 1980 - RE-APPOINTMENT OF MEMBER OF THE NORFOLK ISLAND GOVERNMENT TOURIST BUREAU

MR GARDNER

Thank you Mr Speaker, I seek leave to move the motion standing in my name on the Notice Paper in the following amended form, foreshadowed at yesterday's meeting of members. The change relates to the reappointment of Mr Ian Anderson in addition, whose appointment is due to expire next month.

SPEAKER

Is leave granted Mr Gardner

Is leave granted Honourable Members. Leave is granted Mr Gardner

MR GARDNER

Thank you Mr Speaker, I move that this House in accordance with subsections 4(2) and (5) of the Norfolk Island Government Tourist Bureau Act 1980 recommends to the executive member that he re-appoint Wallace James Beadman as a member of the Norfolk Island Government Tourist Bureau for the period 20 March 2008 to 19 March 2009; and further, recommends that he re-appoint Ian Ross Mackenzie Anderson to be a member of the Norfolk Island Government Tourist Bureau for the period 18 April 2008 to 17 April 2009

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

SPEAKER

Thank you Honourable Members. The ayes have it, the motion is so agreed

Thank you Honourable Members. The ayes have it,

TOURIST ACCOMMODATION ACT 1984 - PROPOSED TRANSFER OF TOURIST ACCOMMODATION UNIT FROM "RIGGERS RETREAT" TO "ANSON BAY LODGE"

MR GARDNER

Thank you Mr Speaker, , I seek leave to move the motion standing in my name on the Notice Paper in the following amended form

SPEAKER

Is leave granted Mr Gardner. You may continue

Is leave granted Honourable Members. Leave is granted Mr Gardner. You may continue

MR GARDNER Thank you Mr Speaker, I move that for the purposes of section 15A of the Tourist Accommodation Act 1984 this House resolves that the registration of one tourist accommodation unit from the tourist accommodation house known as "Riggers Retreat" may be transferred from the place described in its current instrument of registration to portion 111a5, being the tourist accommodation house known as "Anson Bay Lodge", subject to compliance with the following conditions:

1. Application for approval of change of ownership of the tourist accommodation house must be made in accordance with all applicable statutory requirements after the executive member's approval of the transfer under section 15A(2) in accordance with this resolution.
2. The premises to which registration is transferred must —
 1. comply with statutory requirements for the ownership and operation of tourist accommodation;
 2. comply with statutory planning and building requirements relevant to tourist accommodation;
 3. be constructed and maintained to a minimum 4 Star standard under applicable Norfolk Island tourist accommodation grading standards; and
 4. any relevant planning material must be obtained within 12 months of the transfer approval.

MRS JACK Mr Speaker I just would like to say to Mr Gardner that I appreciate his amending the motion from 3 ½ to four star. It was one of the reasons, upgrading of tourist accommodation was one of the main reasons that led this move to have this mobility of ownership here and I appreciate that we are going to see it in this case. I do appreciate that there may be a requirement to have more accommodation done at a certain level, but it was always my intention that the primary move for this ease of mobility and transfer of registration was to bring about throughout the industry that increase in the standard of tourist accommodation offered. I have no objection to the rest of the motion and I'll be giving Mr Gardner my support

MR ANDERSON Mr Speaker I should also like to support the comments of Mrs Jack

MR MAGRI Mr Speaker I'm backing Geoff on this too. This is starting to get a pretty good process in place and how to deal with the transfer of these things. Geoff provided an excellent paper on these issues. It's a fairly straight forward transfer and I'll be supporting it. The process is in place to provide adequate protection for everybody involved

MR GARDNER Thank you Mr Speaker, it may be just some brief comments to clarify some of the issues surrounding this as the motion appeared in the paper on the weekend and it was certainly my intention to pursue it as it was and there are a number of reasons for that and there's probably a couple of primary drivers for my initial desire to pursue it with the 3 ½ star rating. The first one of those is that this application is slightly different to the last two or three that we dealt with and although inasmuch as it only deals with a transfer of a single accommodation unit it in fact is dealing with the transfer of the whole tourist accommodation House so Riggers Retreat will no longer exist as a tourist accommodation House in its current position so I've explained I think at length to Members and to the listening public in the past why we've gone down this track and why we made the amendments to legislation for the individual transfer of licences so this in fact if we hadn't made those changes would still have been able to occur under the existing provisions of the legislation before those legislative amendments were made in relation to single units and under the existing provisions, even though the Executive Member obviously in consultation with Members of the Legislative Assembly around this table is able to apply conditions of transfer, there's probably an argument that would support the current rating of that property being

transferred without necessarily looking at our desire to want to increase the standard of tourist accommodation across the tourist accommodation industry which was so much an important component of giving consideration to the individual transfer of licences under the amending legislation. That was difficult to get my head around and I hope people can understand that but the original intent of the original provisions in the legislation would have allowed this transfer to go ahead albeit with the conditions that we can impose as we feel like, so taking that into account it probably is a slightly different application to that that we've dealt with in the last two or three occasions at least that dealt with single units from a much larger property then being dispersed in a whole lot of different directions. The second issue which led to the motion being promulgated in its original form and printed in the paper at 3 ½ star was the important consideration that was given to the larger tourist accommodation units the accommodating families on the island when they come to stay so that rather than trying to squeeze a family into a single little unit with a couple of bedrooms and dragging out a couple of bunk beds to accommodate them all in, this was an opportunity and certainly demonstrated by demand within the travelling populace to be able to provide additional tourist accommodation for that particular segment of the market at a targeted tourist accommodation standard and hence there was a supply of that type of tourist accommodation at 3 ½ star was argued as not being as readily available as some of the higher class tourist accommodation in the island and hence the 3 ½ star targeted. I would hope that in Members supporting the 4 star that they will give consideration or further consideration to re-visiting that if this condition provides a difficulty for the people involved in the transfer and I think it's something that we need to in future give some further consideration to. I certainly take on board also the arguments of the applicant or the submissions made by the applicant in this application that it relates to an existing structure so that there's no new tourist accommodation being built and preliminary advice has been received albeit non-binding obviously because the Planning Board need to give consideration to any application for change of use but it is existing tourist accommodation and I'm not sure and certainly can't relay to the House at this moment exactly what the requirements would be or what the differences would be between seeking to have 3 ½ star rating for that cottage. It already exists. And the 4 star requirements however if it is the wish of the House for 4 star, I'm happy to move in that direction and certainly if that was to prove difficult to achieve I would be making submissions to the Legislative Assembly in relation to reconsidering the matter but I am very very conscious of our desire with the passage of the amending legislation to the tourist accommodation Act that was passed last year of the desire of this Legislative Assembly and in line with the tourism strategy for the general improvement of tourist accommodation across the island. Thank you

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

QUESTION PUT
AGREED

Thank you. That motion is agreed to

CUSTOMS AMENDMENT BILL 2008

SPEAKER We move on Honourable Members to the next matter and I note that the Customs Amendment Bill is under the name of Mr Nobbs who is absent from the House at the moment. Mr Gardner you wish to proceed

MR GARDNER Thank you Mr Speaker, as you are aware I've been asked to introduce the Bill on behalf of the Chief Minister. Mr Speaker on behalf of the Chief Minister, I present the Customs 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

MR GARDNER Thank you Mr Speaker, I table the Explanatory Memorandum to the Bill. Mr Speaker, this Bill seeks to amend the Customs Act 1913 to vary the size of buses or other vehicles designed primarily for the carriage of passengers that can be imported into Norfolk Island. The size will increase from 7 metres in length to a maximum length of 9.5 metres; the weight of such vehicles will increase from 6.5 tonnes to a maximum weight of 7 tonnes and the width will increase from 2.3 metres to a maximum width of 2.35 metres. Mr Speaker The size of buses imported into Norfolk Island has been an ongoing issue and Members have had a number of discussions about the benefits or otherwise of increasing the size having regard to our desire to increase visitor numbers to Norfolk Island, the likely impact on our roads and road safety issues. Mr Speaker, I propose on behalf of the Chief Minister to adjourn the debate on this Bill today so that Members have an opportunity to again consider all the issues before passage of the Bill. It should also be noted that upon passage and assent, the Road Traffic Regulations will need to be amended to mirror the amended size of the vehicles for registration purposes. Thank you Mr Speaker

SPEAKER The question is that the motion be agreed. Any further debate

MR GARDNER Thank you Mr Speaker, I think it is fair to say that the size of buses have been a contentious issue for a number of years and many years ago in my infancy as a Member of the Legislative Assembly I can recall agreeing to put a halt on the virtually unlimited importation of buses into the island and my primary reasons for support for that at the time was that there was genuine concern within the community that had been expressed to Members of the Legislative Assembly about the number of buses that were on the road and bear in mind I think this coincided with a fairly health visitor arrival statistic in Norfolk Island and I think the concern was generated by the endless expansion of our whole tourism industry and a desire by the community to want to reign that in a little bit and look a little more carefully at how we were doing things. Not too dissimilar I would argue to the same sort of response that was felt after the deregulation of the tourist accommodation industry in Norfolk Island that after significant representation from the community reinstated quota provisions of the tourist accommodation Act for the same reasons and same concerns. I am sure that this proposal of the Chief Minister's will cause some reaction within the community and I think it is important that all of those views be aired and all those years ago I suggested that I was in support of that to give consideration to the impact of buses and as we put in place the restrictions that were over the next five year period at the time, I said at the time so too were we in a position to lift those restrictions at the conclusion of such a review as to the necessity of those large vehicles on the road. And there are all the arguments that have been put forward as to why pick on buses, and why not pick on trucks and the like and those discussions we need to have both around this table and to seek input from the community and obviously in looking to adjourn discussion on debate Mr Speaker, and it doesn't just have to be until next month, I think it's a discussion that we need to have and I certainly would welcome the views of the Members around this table on behalf of the Chief Minister and obviously I'll make my views well know to the Chief Minister in due course on resumption of debate on this matter but clearly an issue that does need some wider discussion and I look forward to being part of that, thank you

MRS JACK Mr Speaker I just want to say that I totally agree with Mr Gardner on this matter in that in moving forward with this, we do need extensive consultation with the community because it can be seen I believe that we are going beyond where we were all those years ago and it became quite an emotive issue so I think we've got to look at not just whether we go on to expanding and allowing the importation of larger buses, but we as a group also have to start looking at proper parking facilities because much of the issue with the buses before was incorrect parking or inconsistent parking at the various sites where the buses were going and so it may

well be that we've got to take a concerted effort in our own parks and reserves in liaison with the Commonwealth to start looking at the proper parking facilities for these large vehicles and also to look at the complaints on some of our narrow roads when the buses are coming back from progressive dinners, of them taking up the entire road. I mean, these are all issues that can have emotive overtones because it regularly happens down the road where somebody lives, so we do have to go out and discuss the pluses and minuses with the community and take them along on the journey if we are to agree to this bill. I think there may be quite extensive debate and I think Mr Gardner may be quite right that it's going to take more than the April sitting. Thank you

MR ANDERSON Mr Speaker I agree with Mrs Jack on the point about the parking areas in places where the buses pull up at the view areas, and I think something's got to be done about that. Generally speaking I'm inclined to support this move because from my experience I would rather have one single bus travelling along than two in convoy and I think that causes more problems to the community to have a convoy of buses going along the road than several bigger buses. That's the only thing I have to say until it comes back to the House

SPEAKER Any further debate Honourable Members. Mr Gardner

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

SPEAKER The question is that debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting

QUESTION PUT
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

CEMETERIES BILL 2008

SPEAKER We move on Honourable Members to the next matter and Mrs Jack has the call

MRS JACK Mr Speaker I present the Cemeteries Bill 2008 and move that the Bill be agreed to in principle

SPEAKER The question is that the bill be agreed to in principle

MRS JACK Mr Speaker Thank you. In bringing this Bill to the House I'll just read straight from the explanatory memorandum. Before I give a very brief overview on why it came to this. Mr Speaker this Bill is intended to make provision for the first time for the formal management and control of burials, the disposal of human remains and the management of the cemetery as well as formalising the office of the sexton. The Bill after providing the usual formal clauses is divided into three Parts dealing with burials and the control and management of the cemetery, cremations which are prohibited although there are limited controls on the disposal of ashes, and a miscellaneous Part establishing the office of sexton and making extensive provision for regulation. Clause 3 provides that a deceased person to be buried in Norfolk Island can only be buried in a specified cemetery and only in a place set aside for the community of which the deceased was a member or otherwise as the family and the sexton may agree. The Schedule provides the formal description of the cemetery. Clause 4 provides that a burial cannot take place until the death certificate has been provided to the sexton. Clause 5 provides for the selection of grave sites and the digging and closing of graves

and the required approval of the sexton. Clause 6 provides that a burial fee and a grave-digging fee may be prescribed. Clause 7 requires the sexton to keep a register and plan of grave sites together with details of the deceased persons. Clause 8 makes it an offence to dispose of a deceased body other than in accordance with the Act. Clause 9 makes it an offence to interfere with or damage a grave site, or tombstone or other parts of the cemetery and provides that a convicted person may be required to pay the costs of rectification of damage in addition to any penalty. Clause 10 prohibits the erection of tombstones plaques or memorials without the consent of the sexton and provides that permission cannot be granted for the erection of mausoleums, crypts, walls of remembrance or similar markings other than those that can be approved that is, for tombstones plaques or memorials. Clause 11 provides that cremated remains can be interred in the cemetery but are not required to be so interred. Clause 12 prohibits a body being cremated on Norfolk Island. Clause 13 provides for the appointment of a sexton who is responsible for the day to day management and control of the cemetery and Clause 14 establishes the power for the Administrator to make Regulations of various kinds in respect of the cemetery. If I can just have a brief talk about that. This bill has come up through the Public Service and tries to allay some of the concerns that are being met albeit not on a day to day basis, but certainly becoming more and more relevant and prevalent at the cemetery and are of concern to the Sexton. It's a very emotive time for families, and to be able to have a legislation that may have other policies backing it can also make his stand far easier and give it some substance and it can be seen that it's not a personal view that one is undertaking but one that has been prescribed and that can take some of that emotion out of it. I would just like to say in clause 6 that it provides a burial fee and a grave digging fee may be prescribed but it is never my intention to introduce any such thing and there may well be concerns from some members and they may want a slight detail stage amendment further on to totally put in place the intent rather than prescribing regulations that say a nil fee is imposed. As far as the.. there was one other issue, no I think that's it and I'll just leave it for other Members to debate prior to my seeking adjournment

MR GARDNER Thank you Mr Speaker, just a couple of matters, one in relation to the Cemeteries Bill. I notice the schedule to the Bill basically provides a description of where the cemetery shall be at and I'm not sure, I'm just wondering whether, I just can't recall whether the cemetery has a reserved plan of management as to the current boundaries of the cemetery reserve because I think we are all conscious of the fact that maybe we've got room within the current cemetery boundaries and I think they are different to the cemetery reserve as far as interment of bodies and ashes maybe for a given period of ten or fifteen years, I'm not sure exactly of the detail of that but maybe the Minister could provide some detail as to whether the schedule in its reference to lot 15 section 4 of sheet 96 of the official survey is only the prescribed cemetery boundaries as we know it, or does it include all of the cemetery reserve which I think includes the land outside the boundary. I'm sorry if that sounds a little confusing but it might be worthwhile clarifying that

MRS JACK Mr Speaker I don't find that at all confusing and I have no problem seeking clarification

MR MAGRI Mr Speaker I wanted to clarify there why we need to have a particular clause setting out for a fee to be prescribed for burials but I'll be going over the Bill with the Minister with that before the next meeting of the House but one of the things that I'm particularly encouraged about is the formalisation of the Sexton through this legislation and I think it's a terrific move for all concerned

SPEAKER Thank you Mr Magri. Any further debate Honourable Members. There being no further debate Honourable Members I seek a formal motion
Mrs Jack

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

SPEAKER The question is that debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting

QUESTION PUT
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

SPEAKER Mr Gardner

MR GARDNER Thank you Mr Speaker, my mind must have been elsewhere and I apologise for that, but in relation to my introduction of the Customs Amendment Bill I'm not certain that I actually formalised the adjournment of that matter and formally moved the adjournment of the matter

SPEAKER Yes Mr Gardner. You formally moved that motion and it was agreed to by this House

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 16 April 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 GARDNER Thank you Mr Speaker I move that the House do now adjourn

SPEAKER Thank you Mr Gardner. Is there any further participation in adjournment debate Honourable Members. Chief Minister

MR NOBBS Mr Speaker it's just that the Adjournment Debate appears to be the position where I can give this advise to the members around the table and the community. I wish to advise the House and the Norfolk Island community that this morning I accepted the resignation of the Chief Executive Officer effective 4 April 2008. In accepting the CEO's resignation, I acknowledged the significant contribution that she has made for and on behalf of the Government and the people of Norfolk Island. Thank you Mr Speaker

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

QUESTION PUT

AGREED

Therefore Honourable Members this House stands adjourned until Wednesday 16 April 2008 at 10.00 am.

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