



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY  
12<sup>TH</sup> NILA HANSARD – 21 MAY 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

Honourable Members if you would care to remove your coats please do so

**LEAVE – HON G GARDNER MLA AND HON I ANDERSON MLA**

MRS JACK Mr Speaker I seek leave for two members this morning, Mr Ian Anderson and Mr Geoff Gardner please

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

**CONDOLENCES**

Honourable Members I now call on condolences. Mr Tim Sheridan

MR SHERIDAN Thank you Mr Speaker, it is with regret that this House records the sad and sudden passing of Allen Anthony Buffett on Friday the 18<sup>th</sup> April. Affectionately known as Puds, he was but 47 years of age, the beloved husband of Sheryl. Puds was the eldest son in the family of Mervyn and Josephine Buffett. He is survived by his brother Ian and sister Jeanette, his mother Josie and brother Neal both having predeceased him. Puds was educated at the Norfolk Island Central School then worked for Paul Edwards at "Father's Auto Port. He joined the Administration and was there for 26 years which included approximately 15 years stevedoring. While in Primary School, Puds already an accomplished horse rider, along with Ian, Richard, Diddles and James Partridge used to help his Dad and Bubby with the droving of the island cattle and then helped with the slaughtering. Puds was a kind and generous man and in 1988 he received a very deserving award for his services to the community. In 1996 at Ian's birthday party Puds met the love of his life, Sheryl, a New Zealander who came to the island to work as midwife at the hospital. They were married some years later in 2000 and all who knew them referred to their union as "the perfect match". Puds was a member and Past President of the Arthur's Vale Lions Club, the first male President; the current President of the Sports and Workers Club; an RSL Committee Member; a Junior Medic for the Rugby League; he holds a Sports Medicine Certificate from the Sydney Institute of Sport; is a member of St John Ambulance; a committee member of the Country Music Festival; a Member of the Norfolk Island Fire Service from 1988 to 1996; a supporter of the Longridge Football Club; a supporter of the Canterbury-Bankstown Bulldogs Rugby league team - he would often enjoy a few drinks with his friends 'orn aa raenda'; would always give a hand at the School's Easter Carnival fish fry; delivered copies of *The Norfolk Islander* to older residents every Saturday morning and a number of other Good Samaritan deeds throughout the community. The esteem in which this community held Puds was clearly shown with the outstandingly large attendance at his funeral. To his wife Sheryl and their New Zealand family, to his father Mervyn, to Ian, Sheree and family, Jeanette and her boys and to his many friends this House extends its deepest sympathy. Mr Speaker may he rest in peace.

Mr Speaker, it is with regret that this House records the passing of Lois Evelyn Francis on the 29<sup>th</sup> April. Lois was born Lois Evelyn Short in the small New Zealand town of Fielding near Palmerston North in 1929. She was the youngest of five children, of whom we believe there is only one surviving sister, Jean. Lois was raised in very comfortable circumstances with her grandfather being well off from his farming, particularly from merino wool. His homestead was large enough to later become a Marist Brothers boarding school. Lois enjoyed dressing up from an early age and she continued through life to take great pride in her appearance. She was an accomplished horsewoman and Byron Burrell's first memory of his cousin was of "a young teenage rebel sitting astride a bare back horse. When she rode around the farm it was always at full gallop wherever possible, her long hair flying out behind her". From the mid '60's Lois made several visits to her Aunt Nene Burrell in Norfolk Island and here she met Henry Francis. They married quietly in February 1986 at the home of Warner Vincent in Watermill Valley. They shared a short time together enjoying a full social life as they pursued their common interests. Chook passed away in December 1988. Lois loved animals and made friends with feral chooks and a feral feline which she named Chooky Cat. Lois and Chooky Cat moved into Mawson House where she passed her final years. Her steadily declining health allowed her to do a little gardening, a lot of reading and to assist the local radio station which she would ring regularly to correct any words which she thought had been mispronounced. The Women's Hospital Auxiliary expressed their thanks for Lois' support when every month she would open her lounge for their meetings. In her immediate family, Lois is survived by her son Desmond and two grandchildren. To Lois' family and many friends this House extends its deepest sympathy. Mr Speaker may she rest in peace.

Mr Speaker, it is with regret that this House records the passing of Kevin James Butterfield at the Norfolk Island hospital on Sunday morning the 18<sup>th</sup> May 2008. He is survived by his wife Robin, children Naydene, Adon and Luke and grandchildren Tamara, Matthew, Maleah, Amelia, Caleb, Jason and Jordan. Kevin was born and raised in Mascot, Sydney in 1937. He started work at 21 years of age at the PMG (now Telecom) as a linesman in 1958 and this is how he discovered Norfolk Island, when he came to work here at the airport and little did he realise that it would become his home for the rest of his life. When Kevin met Robin he was just so happy. They were married at St Matthew's Church in Botany on the 3<sup>rd</sup> June 1966 and returned to Norfolk Island to make their home at Mill Road in January of the following year. Kevin and Robin had three children, Naydene, Adon and Luke. He continued working at DCA as a linesman then he moved to electricity then to Bruce Cree's at the Old Milk Bar and he then ran Central Service Station for a while. Kevin went to Australia to complete a course in police training and worked here as a Special Constable for many years. During this time of his career Kevin clocked up many stories. He worked for Burns Philp Ltd and enjoyed meeting with the public and the camaraderie of working with Darlene Buffett and Edie Cleaver. From there Kevin worked with Island Industries and cheeky Gregggy Quintal and that's where he collected his name "Puddin". Kevin then retired and loved his fishing with Warren, Byron and Goldie. Ill health finally stopped Kevin from fishing and he became an avid supporter of the ALP on Norfolk Island. Kevin enjoyed his grandchildren immensely and he will be sadly missed by them. To Robin, Naydene, Adon, Luke and their partners, to Tamara, Matthew, Maleah, Amelia, Caleb, Jason and Jordan and to Kevin's many 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. We move on Honourable Members

## PETITIONS

Are there any petitions this morning?.

**GIVING OF NOTICES**

Are there any notices?

**QUESTIONS WITHOUT NOTICE**

Are there any questions without notice?

MR SHERIDAN Thank you Mr Speaker. Firstly a question to the Minister responsible for the RESA project. Minister being responsible for RESA assuming that the RESA project is granted the necessary Norfolk Island planning and EPBC approval can you give assurance that the project will be undertaken strictly in accordance with the Norfolk Island Administration's procurement guidelines

MR CHRISTIAN Thank you Mr Speaker, if I might say whilst I might have overall responsibility for the airport in respect of RESA I have delegated my authority to the Chief Minister

MR NOBBS Mr Speaker yes the management of the tendering processes etc with regard to RESA for the airport are handled through the Manager of the Works Depot and so we would expect that all processes would be done through the correct means

MR SHERIDAN Mr Speaker I just have a couple of supplementaries on that. Just to clarify things and mainly for my own understanding and to confirm the roles and responsibilities of any contractors, has a form of contract been determined and if so what form

MR NOBBS Mr Speaker can I just get a bit of clarification on the contract for what aspect and in what areas are you referring to Mr Sheridan

MR SHERIDAN Mr Speaker I just for further information usually a contract as such as an AS124 or an MPWC3 where the project stats are clearly defined and the obligations of the contractor and principles are clearly outlined. Now have those contracts been formulated

MR NOBBS Mr Speaker what I would like to do is gather all that information and take that question on notice and then get back with an overview of the whole methodology for the RESA

MR SHERIDAN Mr Speaker just a further a supplementary question there Mr Speaker considering the cost of the RESA project of some one million dollars, who will be undertaking the role of project engineer so as to confirm that the work completed has been completed to design specifications

MR NOBBS Mr Speaker Simon Batt has been engaged in that role however as I previously indicated I will provide a more detailed overview of the whole project at the next sitting

MR SHERIDAN Mr Speaker one further supplementary on the RESA there Mr Speaker. Chief Minister I note that works have already commenced as per the RESA development application as in the concreting of the sewage pipes at the western end of the runway, also some \$45,000 worth of road base has been delivered to the airport area. Minister would not these works be part of the successful tenderer to procure and complete

MR NOBBS Mr Speaker once again I will actually take that one on notice as to my understanding the concrete structure to protect that piping may be undertaken by our own area responsible for that Water Assurance Scheme to strengthen those pipes but as well I will report on that at the next sitting

MR B CHRISTIAN Thank you Mr Speaker a question for the Minister for the Environment, Minister would you be able to give me an update on the status of the medical waste incinerator that's been installed at the airport and is it operational yet

MRS JACK Thank you Mr Speaker I informed Mr Christian that the high temperature incinerator is not just for medical waste, it is for medical, veterinarian and quarantine waste and it is operational. To date my understanding is that most if not all of the sharps etc that had been stored for a considerable number of years have in actual fact been burnt and burnt successfully. That some quarantine waste has been used and also some of the waste from the Water Assurance Scheme, the solids that are taken out in the grill have also been dried and placed in that facility so it's fulfilling its use and doing it extremely well

MR B CHRISTIAN Thank you Mr Speaker a question on the incineration or waste for the Minister has there been an outcome from the report on the effective disposal of waste undertaken by the URS

MRS JACK Thank you Mr Speaker in response to Mr Christian the report has gone before the community group that's looking at it. I've been informed that the consultant in charge of the report from URS was due on the island last month if not the month before. That has slipped obviously, my understanding is that he then went somewhere else so I'm trying to chase up just where that municipal waste incinerator project report is and I shall keep this house informed and indeed all members at our normal Tuesday morning meetings when I myself know exactly the status of that report and the incinerator

MR B CHRISTIAN Thank you Mr Speaker one more question regarding waste management, Minister you said some time ago that there may be some funds available for the purchase of a glass crusher to be installed at the Waste Management Centre. Has this been undertaken yet

MRS JACK Thank you Mr Speaker five funding arrangements were sought through NHT, the National Heritage Trust Funding. The funding for the glass crusher actually is being sought as a variation to funds left over from the million dollars that was granted to us from the Commonwealth for the purchase of the green waste machine, some \$130,000 is my understanding was left over from that money. We've sought a variation in order to incorporate the purchase of the glass crusher in that money. To date my understanding is that the request is waiting for final Ministerial tick off and has been placed on the relevant Minister's desk in Canberra and once that assent is given we're all ready to go ahead, assuming we would like to think positive and so all the specifications etc have been drawn up and once that tick has been given those specifications are ready to follow the process with the new administration, go to the CMG, the corporate management group for their approval and then because the purchase is more than \$50,000 follow the correct procedure and then go to the tenders committee and so yes, it's all there and we are hoping that it's going to get the tick off

MR SHERIDAN Mr Speaker one for the Minister responsible for Norfolk Air. Minister I notice that there's been a good response for the manage of CEO of Norfolk Air and for that matter also for the service rep in Brisbane. Minister could you give us advise as to who will be responsible for the vetting of applications and the people responsible for choosing the new ceo for Norfolk Air

MR CHRISTIAN Thank you Mr Speaker, Ewan Wilson at Norfolk Air is principally responsible for providing the executives of Norfolk Island with a short list of suitable candidates for interview. He's been assisted by his wife Monique in this process and I would expect that sometime in the next week or so we will be ready to interview three or four suitable candidates in Norfolk Island hopefully for appointment to the position

MR SHERIDAN Mr Speaker a supplementary question. So the executives will be choosing the new ceo is that what you are saying

MR CHRISTIAN Thank you Mr Speaker, at the moment the board of Norfolk Air consists of the five Executive Members because the incorporation of the company hasn't proceeded yet so it's my intention that the Executive Members make the selection because at the end of the day we are the ones who have the legislative responsibility. We may choose to include a number of people who have indicated that they are prepared to serve on the airline board once incorporation takes place, so I'm fairly flexible Mr Speaker

MR SHERIDAN Mr Speaker further supplementary there Mr Speaker. Minister do you believe that it is a good practice to allow the outgoing ceo to provide a shortlist for his ultimate replacement

MR CHRISTIAN Thank you Mr Speaker, I have no difficulty with that. Prior to the job being advertised a collection of criteria was put together so its fairly easy to short list applicants against the criteria and present the executives with a shortlist of applicants. I don't see anything wrong with the process

SPEAKER Just before you continue Mr Sheridan just be aware that the expression of opinion in questions without notice is not a matter that should be aired on the floor thank you. Mr Sheridan you can carry on

MR SHERIDAN Mr Speaker yes I do have another here, a supplementary to that. Minister why is not an independent firm or body been charged with the recruitment process or even the Administration's own HR department considering that Norfolk Air comes under the airport GBE at this point in time and considering the lack of qualified personnel at Norfolk Air to actually carry out this recruitment

MR CHRISTIAN Thank you Mr Speaker, firstly the airline has pretty much been run as a stand alone business. We've been through this process before and I've indicated on a number of occasions that the Administration recruitment process is far too cumbersome. We received only two months notice that Ewan was leaving and we had to recruit a replacement within that time frame. It's doable. I note the Administration process once the KAVHA Management Board and the executives and Legislative Assembly decided that two positions would be created and filled within the KAVHA area, three months after that decision was made the Administration still can't get an advertisement into the paper. I can't operate with those time frames and constraints Mr Speaker. I work in the real world so I'm completely satisfied with the process that Norfolk Air has undertaken and I'm also satisfied that they are competent and adequately educated and equipped to perform the role

MR SHERIDAN Mr Speaker just a final supplementary please. Minister when did Norfolk Air employ the CEO's wife Monique Wilson, I think the mentioned before, and I believe she's been signing off as HR Manager for Norfolk Air

MR CHRISTIAN Thank you Mr Speaker, I'll shed some light on that. Obviously Monique is doing a fairly good job in the selection process so I suppose she's entitled to sign off as HR Manager for Norfolk Air as that is in fact the role she's

performing during the selection process. Some weeks ago I was approached by Mr Ewan Wilson indicating that he was being snowed under. His wife was adequately qualified in this area and experienced and could he engage her to assist him. I agreed to that and it's a bit of a two-pronged process and I'll explain the role. With Norfolk Air Monique Wilson has assisted with the development of the job advertisements and the culling of applicants against selection criteria with, as I have said, a view to providing the executives of the Norfolk Island Government with a short list of suitable candidates. Mr Speaker she has also done some work with Norfolk Business Solutions and as you are aware, the customer service reps in Sydney and Brisbane are engaged by Norfolk Business Solutions. In that role she has assisted with the development of job advertisements, interviewing applicants and the development of duty statements and employment contracts. She has also developed a short list of applicants for the Brisbane customer service reps positions and as I understand it Mr Speaker interviews will take place in Norfolk Island shortly to fill that position. It is also worth mentioned Mr Speaker that we had about 140 applicants for that position. Whilst I'm responding to this it might be worth my while to go on and explain a few other things. Ewan Wilson was originally engaged as the ceo of Norfolk Air by way of a letter of engagement by a previous executive member and that executive member was in the last Legislative Assembly and I have continued that process, so I am not the architect of the process. The previous ceo of the Norfolk Island Administration took the view that Ewan Wilson was in fact an external contractor, contacted to manage Norfolk Air and should therefore get his own tep and register for GST purposes as an independent business. This he has done and what that means is in effect he's running his own airline management business in Norfolk Island and is able to resource his own business as he sees appropriate.

MR SHERIDAN Mr Speaker a further supplementary there. So Minister with the recruitment of the CEO's spouse who's actually paying her wage, is it ceo or Norfolk Business Solutions or the Norfolk Island Administration

MR CHRISTIAN Thank you Mr Speaker, ultimately the Norfolk Island Administration or Norfolk Air will pay it but I expect that we will get a split up of the bills eventually coming from Mr Wilson's management business and from Norfolk Business Solutions who is responsible for the other part. At the end of the day they will all come across the Finance Manager's desk for signature or for approval and if he has difficulty with it, it will be forwarded on to me. That's the process

MR SHERIDAN Mr Speaker I again have a question for the Minister responsible for the airline please. Minister as reported in various newspapers, Ozjet has now been bought out by Heavy Lift Australia. Minister how does this affect the current contract that we have with OzJet.

MR CHRISTIAN Thank you Mr Speaker, yes that's a good question. It doesn't affect the current contract. In earlier times, about six weeks ago, OzJet indicated a willingness to assign the Norfolk Air contract to another carrier and we were all proceeding down that path, however in the interim another firm, Heavy Lift Air Cargo came out of the woodwork and purchased OzJet lock stock and barrel including the Norfolk Air contract and has decided that it would like to hang onto the Norfolk Air contract and will not be assigning it to our airline. So at the moment Mr Speaker we are contracted to OzJet for the next four or so years and that's the situation at present

MR SHERIDAN Mr Speaker a supplementary there please, Minister are there any Ozjet charter flights that fly and from Norfolk Island that fly with no passengers and Norfolk Air pay the charter cost for

MR CHRISTIAN Thank you Mr Speaker, there may be situations where an OzJet aircraft will depart Norfolk Island with no passengers on it and we may be called upon to pay the cost but at the moment I'm not aware of any that are pending. What I will say is that as I understand it the OzJet aircraft that was parked on the tarmac

at the Norfolk Island airport up until about three or four o'clock yesterday departed Norfolk Island for Brisbane on ferry to Curtin Air force Base in Western Australia to pick up passengers who were stranded when the West Australia based OzJet aircraft had a mechanical problem, and that aircraft would then continue on to Perth and then back to Melbourne and the Norfolk Air liveried aircraft which was undergoing maintenance in Melbourne will ferry out of Melbourne to Norfolk Island today to resume the services to Sydney tomorrow

MR SHERIDAN Mr Speaker another question along the lines of Norfolk Air so it's virtually a supplementary there Mr Speaker with regard to the advertisements that Norfolk Air placed and the wholesalers percentage, who authorized the payment of these costs or the costs that are associated with the advertisement and wholesalers percentage on ticket sales

MR CHRISTIAN Thank you Mr Speaker, at the moment I would have thought that the percentages that we pay wholesalers for our tickets that they sell are fixed by the airlines procedures manual. I'm not aware that it's been changed from what it was set up to be a few years back

MR SHERIDAN Mr Speaker a supplementary question on that please, Minister does Norfolk Air have in place a capability to have an internal auditor review their accounts

MR CHRISTIAN Thank you Mr Speaker, the Administration internal auditor can whoop into Norfolk Air at any time he wants to and the external auditor has just left. We've got a clean bill of health

MR SHERIDAN Mr Speaker just one for the Minister for the Environment, Minister can you give an update as to where we are with the extension of the Water Assurance Scheme in Pitcairn Place as indicated at last month's sitting

MRS JACK Thank you Mr Speaker a letter went out to all residents in Pitcairn Place asking if they would agree to part of their portion being given over for an official easement before work can proceed. My understanding when I last spoke to the Acting Chief Executive Officer on this matter was that only one of the approximately ten people effected had responded. Further work can't go ahead until we get a response. My understanding following that delayed response by those affected residents was that an authorised officer from within the Administration was going to go out and either telephone or visit each of the affected residents. I haven't had an update since then Mr Speaker

MR B CHRISTIAN Thank you Mr Speaker just before we get to far off the airline. A question to the Minister responsible for the airline. Minister is there a delay in forming Norfolk Air into a company as the Minister stated in the last meeting, the paperwork was to be completed within the week and the entity would be handed over

MR CHRISTIAN Is there a delay? I'm sorry Mr Speaker, yes I will respond. Yes the intention is still to incorporate Norfolk Air. We have suffered some delays with our external legal advisors getting the completed documentation back to us however, it hasn't, as it turned out, unduly held up the process as I had meetings with the external auditors in respect of Norfolk Air in the last couple of weeks and he had requested that Norfolk Air not be incorporated as an entity until after the end of this financial year so that he doesn't have to come back and re-audit the Administration's accounts, once Norfolk Air's assets are transferred out of the Administration. So it will happen very soon in the new financial year Mr Speaker and I haven't shared that information with MLA's because I only became aware of it in the last week or so

MR SHERIDAN Mr Speaker one for the Chief Minister please. Has the position of CEO to the Administration been advertised as yet and if not why not please

MR NOBBS Mr Speaker thank you and a good question Mr Sheridan and it is something that we've been pursuing as then Government and through MLA's. One of the lynch pins I suppose in progressing that recruitment was that the Government in particular wanted to look at the restructuring options for the Public Service in case those variety of options meant that we had to make alternations to the position description for the Chief Executive Officer's position description for the Chief Executive Officer's position for the Administration on Norfolk Island. As it stands after yesterday's MLA's meeting where there was a further briefing on possible structure alternatives for the public service I see no reason why we cannot post haste get the recruitment process happening for the CEO. Those structures that we have looked at and engaged in conversation and debate on, as far as I am concerned the position description can encompass those quite easily and we should be commending that recruitment process straight away

MR SHERIDAN Mr Speaker another one for the Chief Minister please. Chief Minister has a date been set by the Merit Protection Commission to enquire into allegations from Members of the Public Service and community that led to the former CEO resigning

MR NOBBS Mr Speaker thank you and thanks again Mr Sheridan. The process that has been involved in engaging the Merit Protection Commission via the Public Service Commission has been a long and arduous one partly because they appear to have a great deal of work on their hands in their own areas. what they have proposed to us is that outside of the commission they've suggested that we may contract a solicitor or such person to carry out the enquiry which can then come back to us and we can then forward on to the Merit Protection Commission for advise as to the outcome. In guiding us down that track we've also asked them if its a case of suggesting solicitors external to Norfolk Island could we look at a Norfolk Island solicitor or someone in such a position to carry out this investigation and the reasons for that are two fold, one it allows us to ensure that the investigation has adequate timing and access to all the complaints and the complaint areas but also in a costing scenario for us to get an external sub contracted solicitor who as I said, has known ties necessarily to the Merit Protection Commission, if we are looking down that line and paying external fees they are going to be quite large and I think we should also be able to have the option for engaging someone on island, and as of last week I put together a file and a scope of work and provided that to one of the solicitors on island to see whether they would give me an idea on how they might handle this enquiry and the scope of works within it as well as giving us an idea of the costs and time lines. Thank you

MR SHERIDAN Mr Speaker a further one for the Minister for the Environment please Mr Speaker. Minister in regard to two motions which were passed in the House this year in regard to the request to seek to enter into discussions with the appropriate Commonwealth Minister on the revision of boundaries for KAVHA Minister can you advise us on how these discussions are progressing

MRS JACK Thank you Mr Speaker following the January sitting I think on the 16<sup>th</sup> January, on 17<sup>th</sup> January I wrote to Minister Debus advising him of the motion that had been passed in the House. I received a response from Minister Debus thanking me for my letter and also advising me that it crossed over into the Australian Minister for the Environment, Heritage and the Arts, the Hon Peter Garret's area, and that he would be seeking a response from him before a more formal one to myself. I have asked if a response has come through our Administrator and asked if matters could be expedited in some way I haven't had a response but as soon as I do get a response

to that issue I will be advising Mr Sheridan and Members of the Legislative Assembly but I have not been advised on either of those issues

MR B CHRISTIAN Thank you Mr Speaker I have a question for Minister for Finance would the Minister give an update on the implementation of an effective system to monitor weights and measures within Norfolk Island

MR CHRISTIAN Thank you Mr Speaker, the previous CEO of the Administration was working with a firm in Australia I think it might have been Weatherburn Scales or something like that, to come to the island and conduct such a review. obviously with Mrs Wheatley's departure someone else will have to take up carriage of that responsibility and in the not too distant future I hope to be able to report something back to the House Mr Speaker

MR SHERIDAN Mr Speaker one for the Minister responsible for roads. Minister with all the work going on along Country Road can you advise as to the cost of that project that involves the whole of Country Road

MR MAGRI Mr Speaker I couldn't tell you the costs off the top of my head but I would be happy to come back to the House with some final costings when they are all in. I have a statement prepared on the works that's taking place on Country Road and I'll do that during statements but they aren't specific to costs

MR SHERIDAN Mr Speaker just a final one again for the Minister responsible for roads. Minister can you advise us as to where you are at with the proposed legislation that you have indicated will be introduced that will realise the ability to utilize breathalysing equipment for other uses outside that of vehicle accidents

MR MAGRI Mr Speaker Thank you. I've been in discussions with the Legal Services Unit on this. I have a draft piece of legislation on this as requested by this House. I'm not totally happy with this draft and I have further meetings with the Legal Services Unit to try and get that draft in a form that I can bring back to Members but there is progress

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

#### **PRESENTATION OF PAPERS**

SPEAKER Any papers for presentation this morning Honourable Members. Chief Minister

MR NOBBS Mr Speaker I wish to table a disallowable instrument. Mr Speaker in accordance with section 13(4)(b) of the Public Sector Remuneration Tribunal Act 1992 and section 41(2) of the Interpretation Act 1979 I table the determination of the Public Sector Remuneration Tribunal of Norfolk Island made on 15<sup>th</sup> May 2008 in relation to matter number PSRT1. This determination arises from an application for a general wage adjustment made by the Public Service Association of Norfolk Island. Mr Speaker, this matter is laid before the Assembly as required by legislation, on the basis that the document is a disallowable instrument

MR CHRISTIAN Thank you Mr Speaker, I table the financial indicators for the month April 2008. The revenue fund financial indicators for April 2008 tell us that the revenue from all sources is achieving the revised income projections and that expenditure is being contained to 95% of the approved spending. The revised budget foreshadowed a full year deficit of \$879,000 and

a \$733,000 deficit on a tenth month pro rata basis. The actual result today is a deficit of \$75,000 which is an improvement of \$658,000 on the revised forecast position. Mr Speaker the recent 18% compounding pay increase awarded to public servants by the Public Sector Remuneration Tribunal will have a management effect on this years budget but will certainly pose a challenge for the next financial year should the Legislative Assembly accept the Tribunal's determination. In the capital works area, the budget allowed for the spending of \$141,400 and to date \$75,900 has been spent. At the end of April 2008 the revenue fund had assets totalling \$3,262,600 and liabilities totalling \$3,301,300 resulting in a small deficit of \$38,700. Cash at bank for the Administration for non trust type accounts total \$13,452,400 and includes and \$4.6m in prepaid airline ticket sales. Attached to the revenue fund financial indicators are the February March and April results for Norfolk Air. I would just like to dwell on those for a minute Mr Speaker. February achieved an operating profit of \$224,150, March achieved an operating profit of \$113,000 and April achieved an operating profit of \$310,500. Mr Speaker at the end of April 2008 according to the document that I've just tabled Norfolk Air's cash reserve totals \$1,325,200 and we can add to that payments received in the previous couple of days from Qantas in respect of ticket sales going back to November 2007 an amount that would bring the reserves at todays date, up to about \$1.6m sitting in the bank for Norfolk Air so that's a brilliant result Mr Speaker. These results have been achieved despite incurring additional fuel costs of \$620,000 and that goes back to about November December last year so for a full year going forward we can expect to have forked out nearly a million dollars more for fuel in a full year so it has had an impact on the airline. During my time as the Executive Member with responsibility for the airline I have insisted that Norfolk Air assume greater responsibility for marketing itself and Norfolk Island in the Australian market place. This course of action has been necessary because history tells us that it is unwise to totally rely on second or third parties for promotional activity. The demise of Norfolk Jet and falling visitor numbers from New Zealand is testament to that. Mr Speaker, Norfolk Air has budgeted to spend \$500,000 this financial year promoting Norfolk Island and to date \$395,000 has been committed or spent. Norfolk Air's marketing budget is now the largest single source of promotional funds in Norfolk Island for use in the Australian marketplace, and we continue to combine our marketing budget with that of our wholesale industry partners to maximise the benefit to Norfolk Island. Thank you, Mr Speaker

MRS JACK  
paper be noted

Thank you Mr Speaker could I just ask that the

SPEAKER  
be noted

Honourable Members the question is that the paper

MRS JACK  
Minister for Finance will at times mention the revised budget and to many in the community they all assume that the budget figures have been revised down. It's interesting to note, and I think I must inform Members of the community that in many cases with income or revenue the revised budget is actually upwards and that overall the total from that at the beginning of the financial year has actually seen, albeit slight, but an increase of \$33,000 but it's just trying to say to people that it's not a budget that's being revised down and our figures are meeting expectations because we've lowered the bar. In actual fact, in some cases the bar has risen. Yes it's been lowered for customs duty but then for GST the bar was raised so the problem has been in our expenditure where unfortunately welfare and community services, well welfare's gone up some \$300,000 and so has community services. I don't know the reasons for the community services jump but the welfare is just one of an aging community and health related issues in that aging community and one that under a duty of care that this Government has to meet and I think it's great that in some areas we doing better than the initial budget forecast that was set out for July 2007, Mr Speaker. Thank you

MR CHRISTIAN Thank you Mr Speaker, just to add to some of what my colleague, Mrs Jack has said, the process that we've been running this year is a little bit different to what's been running in previous years. Mrs Jack has correctly pointed out that I every now and again refer to what I call the revised budget. In years gone past the budget would normally be revised mid year, around the February period. What we have done this year, we haven't actually revised the budget at the mid year process. We've actually revised it every month as we go along, and as most people would understand at the beginning of the financial year, all of the revenue estimates going forwards, are really just educated guesses where expenditure has some historical basis to them and this year was a transitional year where we were moving away from customs duty to GST and we had abolished a whole range of other taxes so it really was looking into the future so where it became obvious for instance that we had at the beginning of financial year indicated that customs duty would pull in \$1.6m under the new arrangements and it became obvious that we weren't going to achieve that we actually revised downwards our income projections and that's why we now have a figure in the revised budget of \$1.2m rather than \$1.6m so we are as I've said turned this document into a living breathing document which is revised monthly

MR MAGRI Mr Speaker the figures in the financial indicators indicate sound financial management by the Minister for Finance and the relevant administrative officers. The statements as at the 30<sup>th</sup> April for the overall revenue fund is in deficit of around \$75,000 which at this stage is almost \$660,000 ahead of the projected figure. I think the result for the first ten months of the year show the tight financial reigns which have been kept on spending by the Minister and the Government overall. Naturally we need to remain vigilant and ensure that our expenditure is tightly controlled and are revenue targets are met. Mr Speaker it's also pleasing to see that the Norfolk Air figures show a continued positive results for February March and April, achieved in part through continued growth in visitor numbers this year. Thank you Mr Speaker

MR SHERIDAN Mr Speaker just refer to the Minister comments with regard to the airline and in particular the advertising and promotion of moneys that are set aside for this financial year, some \$500,000. I applaud this. It is great and we have to get out there and we have to advertise Norfolk Island. But the Minister said something along the lines of "in conjunction with the wholesalers". But there was no mention of the Norfolk Island Government Tourist Bureau. Now I just want to know whether the Minister believe that the Norfolk Island Government Tourist Bureau is a vital partner in the Norfolk Air advertising

MR CHRISTIAN Thank you Mr Speaker, Obviously I do consider the Norfolk Island Government Tourist Bureau to be an integral part of marketing in Norfolk Island. What I was pointing out Mr Speaker is the fact that Norfolk Air has contractual obligations and every Monday morning I authorise the spending of \$305,000 to our aircraft providers so unless Norfolk Air generates the revenue by putting bums in seats it doesn't have an ability to make those payments. So it operates in a commercial world. if you look at how the Tourist Bureau operates, the Tourist Bureau is not responsible for generate its own revenue. It gets a bundle of money given to it at the beginning of each financial year and its success can be described as, if it spends all the money promoting Norfolk Island in any one year, it achieves its objectives but there is no requirement for it to actually perform because it's only an entity that spends money and that's what I'm pointing out, the fact that if you spend money it doesn't necessarily mean that you put bums on seats and what I've said to the airline is that you've got to accept a greater responsibility for looking after your own destiny and that is in fact what they've been doing any my reference to wholesale partners is in this context, what we try and do with Norfolk Air's dollars in the same way that the Tourist Bureau does is to leverage the purchasing power of that dollar by combining it with someone else's dollars so that in Norfolk Air's situation we will go out to a wholesaler and say that we want to run a campaign for this week, we're putting in \$30,000, will you match us and that's how we

operate so we double in effect our marketing dollar. The Tourist Bureau does a similar thing however in recent times the Tourist Bureau function has been more focussed on lifting the brand awareness of Norfolk Island in the marketplace and then Norfolk Air comes in below that and spends its money to try and convert the awareness into a confirmed booking. Now that's how the situation is working at the moment and what I was pointing out is that even though we give the Tourist Bureau probably what they've asked for next year is \$1.4m and they've put together a very good budget I must say there is only I think from memory about \$385,000 of that \$1.4m allocated for funding or advertising in Australia. Now what I've pointed out is that Norfolk Air has now passed the Tourist Bureau as the principle source of funding dollar in the Australian marketplace

MRS JACK Thank you Mr Speaker I would just like to ask the Minister for Finance when he talks of lifting the awareness of the type of visitor to Norfolk Island is that right, and you look at the desire that was in the tourism strategy to look at a more independent type of tourist coming here, do those two meld. When you are focussing with a wholesaler do they have those same particular goals? Is it easier for the wholesaler to market with that raising awareness or is it easier for them to go and market group or whatever. I'm just wondering about the two melding, the awareness and the higher yield or the more independent traveller

MR CHRISTIAN Thank you Mr Speaker, I'll respond there. Obviously we are all committed to trying to attract a higher yielding visitor to Norfolk Island but we don't intend doing that at the expense of what might be termed as our traditional market group, the group market is obviously easier to sell to than trying to attract a whole bunch of FIT's because in the group situation once you attract one you probably attract twenty or so to combine with it but as I understand it at the moment the group market probably makes up only 30% of total visitor numbers to Norfolk Island and the rest are FIT's. I'll leave it to the marketing experts to advise us on how we capture a more high yielding tourist and the Tourist Bureau strategy is all designed around that and I'm sure that in the next year or so Terry Watson will do a pretty good job in attracting that type of visitor and I also think the commencement of the second Melbourne service later in this year will also assist in that regard as well Mr Speaker

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

QUESTION PUT  
AGREED

SPEAKER Thank you. Any further papers for presentation

MR SHERIDAN Mr Speaker I have a short paper as an interim report as required by the Minister for Social Services into the inquiry into the cost of child care services in Norfolk Island. Following representation by the operator's of Child Care Facilities on Norfolk Island, the Minister responsible for Social Services, the Hon. Vicki Jack gave an undertaking that the costs involved for childcare services in Norfolk Island would be looked into. As a consequence a review group was formed and terms of reference compiled. As part of the inquiry time-line an update was to be tabled into the house in the May sitting with the final report tabled hopefully, in the June sitting. The Terms of Reference require the Review Group to, To examine, inquire into and report on the cost of childcare services in Norfolk Island in comparison to child care services offered in comparable communities. The Review Group to give consideration to; (a) the different types of childcare offered, (b) the cost to the consumer of such childcare, (c) amounts and forms of allowances such as grants/subsidies/taxation relief given to centres or families and any requirements placed on such allowances, and (d) legislation requirements for childcare facilities. The Review Group is required to consider towns and centres with comparable population and similar isolation issues to Norfolk Island. The

review Group must establish base line comparative data for Norfolk Island, which needs to include and not limited to (1) cost per hour of childcare, (2) percentage of family income given to childcare, both of these requirements need to be looked at by drawing on census and other available records and statistics from the past 20 years. The review Group is required to seek the views of members of the Norfolk Island community on matters within the Terms of Reference. As part of the review a Group was formed with the following persons, myself & Brendan Christian as part of the Legislative Assembly, community members are Miles Howe, Jacky Pye & Louise Bigg, a Daycare centre operator. This Review Group initially met and papers were presented from members of the community & Daycare operators. Local conditions/costs within the Daycare centres were tabled and at present research information is being sought from comparable centres in Australia so that the Review Group can compare childcare costs and, if any, subsidies and/or taxation relief that these centres receive as part of their childcare centre operations. Requests for information with regard to the cost per families on Norfolk Island have been asked for by Newspaper Advertisements, and talkback radio has been utilized. To this end the Review Group will be represented on Norfolk Island Radio this coming Thursday to discuss the Review Groups needs and the Review Group will be holding a public meeting on Saturday morning from 11am – 1pm, so that members of the community can present their concerns directly to members of the Review Group. At this early stage it is worthy to note that no advice on recommendations have been formed and following on from the public meetings and information gatherings, a full report will be compiled with recommendations, if any, and this is scheduled to be tabled at the June sitting of the house.

MRS JACK Thank you Mr Speaker. I would like to move that the paper be noted and say to Mr Sheridan that I appreciate the expeditious nature that he and Mr Christian have moved on this matter and I look forward to all those concerned within the community making use both of written and oral submission time being made available to them. Thank you

SPEAKER Thank you Mrs Jack. 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 motion is agreed. Any further Papers Honourable Members

## STATEMENTS

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

MR MAGRI Mr Speaker I foreshadowed before that I would do a statement on Country Road. Mr Speaker, it was the Roads Section's intention to upgrade and repair sections of Country Road, as part of our 2007/08 programmed and budgeted works. Mr Speaker, it was intended to clear the road edge, fix the water problem at the bottom corner and reseal the road. However, we have now expanded the proposed works to include provisions for the increased demand on Country Road caused by having to close the Ferny Lane end of Peter's Highway for the period of the Airport Runway End Safety Area upgrade. Members would be aware that Country Road lies within the Road Zone of the Norfolk Island Plan. The use or development classification of the "road" is "permitted as of right" in this zone, meaning that no planning permission is required for this work. Under the Norfolk Island Plan, there is also no requirement for planning permission for such works in the Road Zone involving the moving of 50 cubic metres of material. Mr Speaker, after discussions with the Works

Manager it was decided to complete the following: (1) Clear the woody weeds from the left hand side of the road (2) Lay the bottom and top corner banks back to make them safer (3) Install drainage pipe at the bottom corner to solve the water problems (4) Repair the corner and fix the camber (5) Make repairs to the three culverts and install a water runoff point (6) Two coat seal to the entire road (7) Install fencing at required points in the road to stop cattle access to the banks (8) To apply grass seeding to banks where appropriate. Mr Speaker, since construction began the Roads crew have also had to do some additional back shaping of overhanging banks part way up the hill from the first corner, to deal with the obvious safety issues regarding overhanging banks. Mr Speaker, weather is causing some problems and the road is currently shut, however the Roads crew will endeavour to clear the road and reopen it as soon as conditions improve. Thank you, Mr Speaker

MR NOBBS

Mr Speaker Mr Speaker, I wish to propose that this House commence a year of the Norf'k Language, the start date being 9<sup>th</sup> June 2008. This matter falls within my ministerial responsibilities, but I would welcome any comments from Members. If there is support for this concept, from the commencement of the Year of the Norf'k Language, this government will assist in a range of areas to encourage the use and longevity of our language. One initiative involves the setting up of an advisory board made up of various interested community members, providing advice to this Assembly and the community on how best to strengthen our language usage, such as: (1) evaluation of specific location and interpretive signage in the Norf'k language; (2) the introduction of more Norf'k language usage in brochures, calendars etc; and (3) the recognition of a system for writing the Norf'k language. When the *Norfolk Island Language (Norf'k) Act 2004* was passed it recognised and affirmed "...the Norfolk Island Language (Norf'k) and the right of the people of Norfolk Island to speak and write it freely and without interference or prejudice from government or other persons". It also provided that the Norfolk Island Language could be used in all forms of communication between persons of Norfolk Island (though need not be) but when used in official communications must always be accompanied by an accurate translation in the English language. It also provided that Norf'k may be used as a language of learning and instruction in schools in Norfolk Island but that no child be compelled to learn or be instructed in it. As a result of a submission to the United Nations Educational, Scientific and Cultural Organisation (UNESCO) it has been agreed to include Norf'k in the next edition of the UNESCO Atlas of the World's Languages in Danger of Disappearing. This inclusion resulted in a large amount of interest throughout the world. Mr Speaker, that announcement was covered thoroughly throughout internet news and information sites as well as media print and radio airtime. In the days following that announcement my office was called upon to participate in interviews for radio stations across the globe. In 2007 an agreement was signed by the Norfolk Island Government and the University of Adelaide to become research partners in a three-year co-operative project to preserve the Norfolk Island language and culture. Fifty per cent (50%) of this project is financed by a linkage grant of the Australian Research Council, with the balance made up of cash and in-kind contributions of the Norfolk Island partners (the Norfolk Island Government, the Norfolk Island Central School, the Norfolk Island Museum and the University of Adelaide). The project is coordinated by Professor Muhlhausler of the University of Adelaide and a steering committee convened by Mr Tom Lloyd. The main aims of the project are the following (1) To strengthen the teaching of the Norf'k language by providing training for teachers in language maintenance and language teaching and the preparation of teaching materials in electronic and hard versions. (2) To increase the visibility of the language through dual language signage and interpretive materials for the KAVHA area and other culturally significant spots. (3) To promote expertise and exhibition resources in Norfolk culture and language at the Museum and to develop products for linguistic and cultural tourism. (4) To carry out research on history and present day use of the Norf'k language. (5) To develop strategies to finance the long-term survival of Norfolk Island's visible cultural and linguistic heritage. Mr Speaker, it is my intention, subject to any guidance from this House, that the official launching of the Year of the Norf'k language will commence with effect from 9 June 2008. During this

period it is intended to establish a Norfolk Language Advisory Council consisting of older members from the community, members of the school representative council and administration officers who will also provide administrative support to the Council. It will also include a member of the Legislative Assembly being either the Speaker or myself as the Government representative in this important project. It is also intended that a Council of Elders be established, made up from representatives of the island families or selected from the community, who will be able to look at issues in an informal manner and make recommendations to the Advisory Council on a whole range of social issues and ideas including the Norfolk language which will provide another dimension to the proposal. As such it is intended that the Council of Elders will be able, as an example, to provide for the judging of a competition for a poem, story, play or song written in the Norfolk language, and devise Norfolk names for some of the more recent innovations in society such as mobile phones and computers and other such matters. Mr Speaker, the Norfolk Island Government is taking these initial steps of support to strengthen use of the Norfolk language for official purposes and as a language of identity by developing means that are more accepted for the written form for island-wide public and official use. A critical part of this process is the role of children. Attempts elsewhere to "preserve" languages that have ignored the practices of younger speakers have resulted in little success in increasing the use of the language among the younger generations. That is why it is so critical to have the language taught at the school. In closing, Mr Speaker, I would like to invite members of the community who have any suggestions on ways that the language may be promoted to make those suggestions known to the members of the proposed Norfolk Language Advisory Committee or the Council of Elders. Contact details of those committees will be published in the local paper in due course and any person who would like to be a part of that committee is encouraged to contact my office in the first instance. I would like to emphasise that the adoption of a formal system for official purposes, will not preclude anyone from speaking the Norfolk language in any manner that they are comfortable with or in any written form of communication. The *Norfolk Island Language (Norfolk) Act 2004* does however require that any form of official communication be accompanied with an accurate English translation. The main issue though is for the Norfolk language to be spoken by as many people in the community as possible, for it to be seen in as many places as possible and to be heard in as many places as possible. In other words – tal et iin Norfolk!! Thank you Mr Speaker

MRS JACK Thank you Mr Speaker I move that the Statement be noted Mr Speaker and just say that when the Chief Minister was speaking of the interpretive signage and the doubling of both the English language and Norfolk in some of the signage especially in the KAVHA area I certainly look forward to that and looking forward to both a response or notification from the Advisory Committee as well as the committee of elders in just exactly what shape or from the language most appropriate to use because there is Norfolk as my understanding is a spoken language and to have agreement on the interpretation on the way it is to be written is proving a little bit of a stumbling block and I look forward to getting some definition in order to use appropriate language on signs within in the area

MR NOBBS Mr Speaker Thank you and Thank you Mrs Jack you raise a very salient and sensitive point. There has been a lot of discussion around this table in particular in regard to the written methods and recognition of a system and I definitely thank those within the community who have put in great deals of effort into proposing systems and publishing that will no doubt be looked at by this Advisory Council when they make a submission to the Legislative Assembly. Thank you

SPEAKER Thank you Chief Minister. Any further debate Honourable Members on the question is that the Statement be noted

QUESTION PUT  
AGREED

SPEAKER

Thank you. Any further Statement. Chief Minister

MR NOBBS

Thank you Mr Speaker one more and it's to do with the Review of the Employment Act. I am pleased to report that substantial progress has been made on the review of the Employment Act, which was commenced to ensure that our employment legislation is up to date and properly reflects a fair and balanced position regarding the rights and responsibilities of employers and employees. While there is still some work to be done on areas including the handling of complaints and disputes, the major work of the review group has been in relation to Part 2 of the *Employment Act 1988*, which relates to Employment terms and Conditions. The review group has made a number of suggestions for change and improvement to this part of the Act, and I now table a document setting out their recommendations. These include: improving the definitions in the Act for full-time, part-time and casual employment; an increase in the minimum wage; introducing a spread of hours provision in place of the existing definitions of a full working week; ensuring that employees receive proper rest breaks; clarifying overtime provisions; detailing provisions for sick leave and annual leave; and eliminating contracts that are in restraint of trade. Mr Speaker, I am grateful to the community members and Administration officers who have made valued contributions to the review of the Act and am pleased with the range of recommendations they have made. In particular, I commend the Employment Liaison Officer, Gary Dowling, for his excellent work in coordinating the overall project. I now invite public comment on the review document, and will accept comments and submissions for a three-week period ending on 11<sup>th</sup> June. I will be mentioning this in tomorrow's radio forum and in the weekend newspaper. Naturally I will also welcome any input from Members of the Assembly during this consultation period. Thank you, Mr Speaker.

Mr Speaker

Thank you Chief Minister. Are there any further Statements of an official nature. We move on to the Notice Paper

#### **MESSAGE FROM THE OFFRICE OF THE ADMINSTRATOR**

There are no messages this morning

#### **REPORT FROM STANDING COMMITTEES**

Are there any Reports from Standing Committees? No we move on

#### **NOTICES**

#### **EMPLOYMENT ACT 1988**

MR NOBBS

Thank you Mr Speaker I move that for the purposes of subsection 65(2) of the *Employment Act 1988*, this House resolves to appoint Richard Graham Massicks being a person with relevant qualifications and experience, to the Employment Conciliation Board for the period 17 April 2008 to 16 April 2011. Thank you Mr Speaker. I thank Mr Massicks for coming forward in proposing to put himself on the Board. He supplied myself with a bio of his various experiences with regard to employment industry facets and I've circulated that to each of the Members to make them aware of his capabilities and I thank him for standing on these Boards as we regularly thank everyone who takes those times to share their expertise and time to progress matters in these areas. Thank you

MRS JACK

Thank you Mr Speaker yes I would like to thank both Mr Massicks and the Chief Minister for supplying that bio because he's a newcomer to the island and I certainly didn't know the gentleman and just finding that CV very good and I appreciate the offer being made by Mr Massicks. Thank you

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

QUESTION PUT  
AGREED

Thank you. That motion is agreed to

**IMMIGRATION ACT 1980 – RE-APPOINTMENT OF MEMBER OF IMMIGRATION COMMITTEE**

MR NOBBS Thank you Mr Speaker I move that for the purposes of subsection 6(4) of the *Immigration Act 1980*, this House recommends the re-appointment of Joanne Elliott as a member of the Immigration Committee for the period 19 May 2008 to 18 May 2010. Thank you Mr Speaker I'm very pleased to accept Mrs Elliot's agreement to be placed back on the Board. The Immigration Committee carries a very worthwhile purpose in looking over the applicants and their abilities to form part of the Norfolk Island community as well as looing at the Immigration policy and procedures in a very responsible manner that ensures those people migrating to Norfolk Island are able to support themselves as we are able to support them and yes, I thank Joanne Elliot for her input in this and look forward to her continuing on the board

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

QUESTION PUT  
AGREED

Thank you. That motion is agreed to

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

MR NOBBS Thank you Mr Speaker I move that for the purposes THAT this House, in accordance with subsection 11(1) of the Public Sector Management Act 2000, recommends that the responsible executive member appoint John Thornton Pearson to be the deputy of the Member of the Public Service Board for the period 22 May 2008 to 21 May 2010. Thank you Mr Speaker again this is a Member of the community who is prepared to put their services into one of our many Boards and Committees and I thank him for putting his name forward, Mr John Pearson, and look forward to his contributions on that Board

MRS JACK Thank you Mr Speaker could I just ask the Chief Minister read out eleven in brackets eleven, is it eleven one or eleven bracket one

MR NOBBS Mr Speaker my apologies, it's eleven bracket one

SPEAKER Thank you Chief Minister. Any further debate? The question is that the motion be agreed to Honourable Members and I put that question

QUESTION PUT  
AGREED

Thank you. That motion is agreed to

**SOCIAL SERVICES ACT 1980 – APPOINTMENT OF MEMBER OF THE LEGISLATIVE ASSEMBLY TO THE NORFOLK ISLAND SOCIAL SERVICES BOARD AND APPOINTMENT OF CHAIRMAN OF THE BOARD**

MRS JACK Mr Speaker I move that for the purposes of section 5(1) of the Social Services Act 1980, this House resolves to choose Lisle Denis Snell, being a member of this House, to be a member of the Norfolk Island Social Services Board; and further under subsection 4(5) of the Act, resolves that Ian Ross Mackenzie Anderson, be the chairman of the Board. Thank you Mr Speaker the current situation with the Social Services Board is that there are four Members however the circumstances at the moment is that another member needs to be appointed and I'm very fortunate that in the Act as it stands I can have five Members to the Board however those five Members the makeup, only three persons shall be persons appointed by the Administrator and Mr Speaker the current situation is that already I have three of the four Members being community Members appointed by the Administrator so it means that the other two shall be Members of the Legislative Assembly and you Mr Speaker have very kindly agreed to be the second Legislative Assembly Member on the Board. As it states in the motion because two Members on the Board are from the Legislative Assembly one of them has to be chosen by resolution of the Legislative Assembly to be Chairman. Under the previous situation with the four Members the one Member from the Legislative Assembly is appointed, automatically became Chairman of the Board. Now with the two, the House has to resolve which one of you and everyone has very kindly, or my understanding of the motion I hope will prove will be that Mr Anderson will remain in that capacity as chairman of the Board. I just appreciate you having more contribution Mr Speaker as I appreciate all Members of all Boards for the work they do for Members of the community in servicing these unpaid positions. Thank you

Mr Speaker Thank you Mrs Jack and in response I take pleasure in putting my name forward for this very important Social Services Board. I'm very conscious of the need for Norfolk Island to continue on its fine form of its reputation of looking after its elderly and other services provided by this Government and certainly look forward to my participation Thank you

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

QUESTION PUT  
AGREED

Thank you. That motion is agreed to

### **LAW OF NEGLIGENCE AND LIMITATION OF LIABILITY BILL 2008**

SPEAKER We move on Honourable Members to the next matter and the Chief Minister has the call

MR NOBBS Mr Speaker for and on behalf of and at the request of Mr Gardner, Minister for Tourism and Health, I present the Law of Negligence and Limitation of Liability Bill 2008 and move that the Bill be agreed to in principle

SPEAKER The question is that the Bill be agreed to in principle.  
Chief Minister

MR NOBBS Mr Speaker this bill has been prepared to address a number of related issues that have arisen in Norfolk Island over the past few years. These are all issues that are related in one way or another to the issue of damages awards that have, in many jurisdictions, become excessive and if brought into Norfolk Island, could cause grave difficulties for the community. This impacts upon such things as public liability insurance and third party motor vehicle insurance and, in turn, upon the financial situation of members of the community and the finances of Norfolk Island. The issue of damages is closely connected with issues concerning standards applied in negligence suits, the extent

to which some people are able to be compensated for injuries for which they are primarily responsible (such as when under the influence of alcohol or drugs or in the course of criminal activity), the kind of injuries that are compensable, the public interest in people being entitled to apologise without their apology being considered an admission of liability and issues of liability of public authorities, volunteers and "good Samaritans". The Bill has adopted a broad approach that has been adopted in States of Australia with the most contentious area being that of the capping of general damages awards and awards for death. This area is one that seeks to balance the ability of the community and of individuals to cope with the costs of insurance and the rights of individuals to compensation for injury. The general capping provisions are for a maximum payment of \$500,000 (which is indexed) for pecuniary damages in respect of physical injury or death and \$350,000 for non-economic loss (pain and suffering). These limits are slightly less than provided in other jurisdictions and are provided as a reasonable equivalent at the present thought to be appropriate to the context of Norfolk Island. Generally, the Bill seeks to bring statutory aspects of the law of negligence into the one place while leaving the general common law of negligence to operate confined only where specifically affected by this Bill. Part 1 opens the Bill with a statement of the general purposes of the Bill and is then followed by ten more basic Parts that each deal with a specific purpose and a final miscellaneous Part. Part 2 deals with the very basic principles of negligence divided into the duty of care, causation, awareness of risk, negligence of professionals, non-delegable duty, contributory negligence and intoxication and illegal activities. The law of negligence is found primarily in the common law but also in various enactments. Because courts have not been entirely consistent in their approach to applicable principles at the periphery of the law the opening provisions, particularly those in clauses 8, 9 and 10, provides guidance in relation to issues of foreseeability and the warning of risk. The issue of causation leading to liability in relation to an act is dealt with in clause 11 and the basic issue of the burden of proof is in clause 12. One of the elements that arises in negligence questions is the extent of awareness of a risk both to a person injured and the person said to be responsible and this is dealt with in clauses 12 to 16. Following this sections 17 to 20 deal with the liability of professionals for professional acts. This applies as much to engineers and lawyers as it does to doctors and chiropractors and ensures that the standard of liability is related to providing competent service in accordance with generally accepted standards. A court does not have to accept that generally accepted practice is in order if it is satisfied that it is unreasonable. If persons are given, or not given, a warning of risks involved the issue is taken outside the protection of section 19 and the issues are not affected by what is accepted practice but by the issues that surround the warning whether it should have been given or not and if it was whether it was adequate. Such issues relate not to the service provided but to matters that precede it. Section 21 relates to breaches of non-delegable duty – such as the duty of an employer to an employee or a principal to an agent. These are areas where a person remains liable for the negligent acts of someone else who is doing something for that person. Sections 22 and 23 make provision for the allocation of liability where both parties are at fault and clarifies the standard of care required from a person who suffered harm and, if appropriate, allows a Court to allocate all of the liability to that person. Section 29 requires the court to take into account in determining liability of a person for injury to another whether that other was intoxicated or under the influence of drugs or if the other person was or became involved in an illegal activity. The section is divided into two parts dealing specifically with the liability of owners of property to persons who go on the property and liability generally. The remaining sections of Part 2 allow Regulations to be made in connection with matters in that Part and makes it clear that the provisions of the Part apply despite anything that may be found in other laws that deal with issues in this Part. Broadly, this Part seeks to limit the kind of claims that are made in the seeking of damages for alleged mental harm - particularly where the mental harm is tenuously connected to an event or not reasonably foreseeable. Part 3 relates specifically to claims where people make claims in respect of "mental harm" suffered as a result of a negligent act. The Part provides definitions of terms used in the Part and then moves in section 32 to establish what kind of a duty of care a person may have in relation to the cause of mental harm and under what circumstances a claim might arise. Section 33 puts some limitation on the kinds of claim

that can be made when a person asserts they have suffered mental harm, section 33 limits liability by reference to the foreseeability of harm and section 35 to the kind of mental harm that can be claimed. The remainder of the Part contains regulation making power and provides that its provisions override other legislation Part 4 has application to public authorities that include the Administration, territory instrumentalities, and others. The Part does not apply to an instrumentality if that instrumentality operates under an enactment that makes specific and contrary provision or if all or part of its functions are excluded by regulation. An essential aspect of the Part is that of section 43 which requires a court to have regard to various matters in determining if a duty of care exists and section 44 whether there is a breach. Section 45 makes it clear that the fact an authority performs a function does not mean it is under a duty to do so or to do so in any particular way. Part 5 deals with the issue of damages for personal injury and sets limits to the damages that can be awarded for death and non-economic loss. Economic loss, which is loss of earnings or impairment is dealt with separately. The Part does not apply, however to damages in cases that involve intentional death or injury or involve sexual assault or sexual misconduct. Damages for death or non-economic loss is capped at \$500,000 and \$350,000 respectively with the provision for increases by way of a determination gazetted by the executive member. In addition to the cap on awards there is a minimum amount below which an action cannot be sustained. This is set at \$5,000 - an amount that does not prevent serious claims being brought but prevents vexatious and opportunistic claims. Damages for economic loss will be assessed in the manner courts now use with past loss being objectively assessed and future loss being assessed on the best evidence. However future loss must be discounted to arrive at a present value and if a rate is not prescribed is set at 6%. The court is also entitled to look at past awards in determining an award for non-economic loss. Damages are often sought where a person is deprived of the services of a carer whose services were gratuitous and sections 56 and 57 provide for what can be compensated and how it is compensated. Part 6 deals with fatal injuries and consists of the provisions of the *Compensation (Fatal Injuries) Act 1971* that appear appropriate at this time to be put into this legislation so that the provisions are to be found in one place. Part 7 deals with the issue of apologies which has been a difficult area for many years because of the general attitude that an apology is equivalent to an admission of guilt. It has been considered for some time that the inability of persons (particularly in the medical profession) to be permitted to apologise for procedures that have gone wrong has been a significant element in the amount of litigation. The Bill therefore adopts the position of providing that an apology does not constitute an admission of liability. It also goes further in providing that merely because a professional person waives or reduces fees that does not constitute an admission. The provisions also extends to an apology or reduction of fees made or offered in a Coroner's hearing. The part does make it clear, however, that an actual admission of a fact in issue may be admitted as evidence of that fact. Part 8 deals with what is known as structured settlements where a lump sum award may be paid over a period and makes it clear that a Court may approve of such a settlement and may do so even if the actual award or settlement is not for a lump sum. Part 9 deals with the "good Samaritan" and applies to assistance given at the time and scene of an accident and even if the person so acting caused the accident. A good Samaritan only has protection for actions done at the time assistance is rendered and not before, so that such a person cannot claim that although they caused the accident they should not be liable because they rendered assistance afterwards. Part 10 deals with volunteers who are widely defined as persons doing volunteer or community work for various organisations including the Administration. Such persons are not liable for their actions providing they are within the scope of their duties and are not under the influence of drugs or alcohol. Also, just because the volunteers may not be liable does not mean that the organisation for which they are working is not liable. Thus persons who drive an ambulance as volunteers will not be liable for injury as the result of an accident or other action if they are acting within the law generally. However the Administration may still be liable depending upon the circumstances. Part 11 brings together some miscellaneous provisions that come primarily from the *Law Reform (Miscellaneous Provisions) Act 1971* that have application to actions for negligence. Thus Division 1 makes it clear that a spouse is not liable by reason only of being a spouse, liable for damages for negligence.

Division 2 deals with the survival of causes of action for negligence after the death of the injured person so that such action continues either for the benefit of the estate or where the deceased was alleged to be at fault, against the estate. This Division retains the existing provisions limiting proceedings where an action for negligence survives against a deceased person. Division 3 retains existing provisions concerning proceedings where more than one person is alleged to be at fault (called “tortfeasors”) and makes provision for their respective liability and contributions between them where they are all liable. Division 4 retains provisions concerning contributory negligence and how contributions are to be assessed where it is found to exist. Section 106 excludes application of the rule of contributory negligence to the situation where under section 101 of the *Navigation Act 1912* of the Commonwealth a member of a ship’s crew causes damage to the master or owner of a ship as a result of a smuggling activity by the crew member, can be required to pay the damages to the master and the owner. Division 5 retains provisions making an award a share on insurance moneys that are payable on the event that liability is incurred for the same risk as insured against. Division 6 requires that where an award or settlement of a damages claim is made then any money that has been paid to or on behalf of a claimant, must be repaid before the damages are paid to the claimant. The obligation is placed on a claimant and where represented by a lawyer, the lawyer, to file a notice with the court before a claim is set down for trial stating what payments have been made to or on behalf of the claimant. Examples of particular amounts that may be included as repayable are workers compensation payments, medical and hospital payments, medivac costs and the like. The repayment of these benefits does not depend on when a cause of action arose or whether or not an action has commenced – in all cases if benefits have been paid then they are repayable and recoverable from a final award or settlement. Division 7 repeals some old forms of action that have been abolished in most jurisdictions for many years and repeals the *Compensation (Fatal Injuries) Act 1971* that has been absorbed into this Act and those parts of or applications to the law of negligence that are found in the *Law Reform (Miscellaneous Provisions) Act 1971*. Thank you Mr Speaker

MR MAGRI

Mr Speaker this is a very important Bill and I thank the Minister for bringing it to the House. Mr Speaker the two most important aspects of this Bill is one the capping of the limits for the liability of action where the capping of a limit to liability action helps to contain spiraling insurance costs and protects against excessive damages that threaten individuals and more importantly the whole community and number two, providing protection for public authorities and volunteers. Mr Speaker I’m sure you will agree that one of the real insights you get when you are privileged enough to be on the Legislative Assembly is to recognise just how many community Members give their time freely to make this island function and to give them some form of protection for these good Samaritans through legislation is a move in the right direction. Mr Speaker I also note that the first three items on the notice paper today are nominations of community Members to serve this community. Mr Speaker this legislation is necessary and overdue and I welcome its introduction today

SPEAKER

Thank you Mr Magri. Any further debate. Mr Nobbs

MR NOBBS

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

**TREES (AMENDMENT) 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 Trees (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.  
Mrs Jack

MRS JACK Mr Speaker it's a housekeeping matter this amendment but I'll just read from the explanatory memorandum that's attached. This Bill is proposed in order to correct an error in the *Trees Amendment Act 2002* in which a reference to a subsection was made, in error, to the wrong subsection. The incorrect reference in subsection 9(5) to a subsection 5(1) was to a non-existent provision and should have been to subsection 9(1). Because it is considered that the actions done under the previous provision have always been done as if the reference was correct, and the effect of non-compliance would not have any effects on substantive rights, it is considered appropriate to make the correction retrospective to the commencement of the change. Thank you Mr Speaker

SPEAKER Thank you Mrs Jack. Any further debate Honourable Members. Mrs Jack

MRS JACK 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

#### **DECLARATION OF URGENCY - FUEL LEVY (AMENDMENT) BILL 2008**

SPEAKER Honourable Members I have to advise that the Business Committee in accordance with standing order 158 has declared that the Fuel Levy (Amendment) Bill 2008 is to be dealt with through all stages at this sitting

#### **FUEL LEVY (AMENDMENT) BILL 2008**

SPEAKER The Minister for Finance has the call to proceed.  
Mr Christian

MR CHRISTIAN Thank you Mr Speaker I present the Fuel Levy (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 Christian

MR CHRISTIAN Thank you Mr Speaker, The purpose of this Bill is to clarify the obligations of persons who wish to import fuel and the powers of the executive member to impose conditions on importers as well as provide that the conditions of the legislation apply to the Administration should it at some time become an importer. The changes to the *Fuel Levy Act 1987* consist of the following which are dealt with in clause 4: the Schedule Item 1 removes the non-applicability of the legislation to the Administration

and then makes it clear that it is bound. Item 2 inserts a new clause to make it clear that it is an offence to import fuel without being registered. Item 3 provides an amendment to make it clear that when the executive member issues a certificate of registration it is to be done in accordance with a new subsection (below Item 5). Item 4 amends the existing subsection 5(4) to provide that a certificate of registration can be cancelled for breach of a condition as well as for conviction of an offence. This will ensure that where an importer has acted in a manner that may not be a breach of the legislation already referred to, that will be grounds of cancellation. Item 5 provides a new subsection to the effect that when a certificate of registration is to be issued by the executive member it must be in accordance with the form in the new Schedule (Item 9). Item 6 provides an addition to subsection 6(3) to make it clear that when an approval is given for storage facilities the approval may be made subject to such matters as the executive member considers necessary or appropriate. Item 7 provides for it to be an offence to fail to comply with a condition of a certificate granted for fuel importation or storage and also clarifies that a certificate can be cancelled for breach where a prosecution is pending and whether or not a prosecution is successful. Item 8 makes it clear that the importer of fuel is absolutely liable for any damage caused to persons or property as a result of activities concerning the fuel. Item 9 provides the form of a certificate of registration as an importer. Thank you Mr Speaker. I commend the Bill to the House

MRS JACK Thank you Mr Speaker I'll be supporting the Minister in his Fuel Levy Amendment Bill but I would just like to note that under the current Act section 6 on approved storage facilities is an area that does relate to planning and development and whereas now the certificate that is granted for approved storage facilities if they fail to comply with the conditions at present all that can happen is that the certificate of approval can be cancelled so I am extremely relieved to find that under the proposed amendments and ones that I'll be supporting that not only can that certificate be cancelled if those conditions fail to be upheld or committed to by the applicant, that it will also become an offence. The applicant will be committing an offence for failing to comply with the conditions of the certificate so I find that extra precaution very good as far as the environmental aspect that affect me Mr Speaker

MR MAGRI Mr Speaker due to business interests that might raise perceptions of a conflict of interest on this matter I advise that I do not intend to participate in debate or to vote on the legislation before the House

SPEAKER Thank you. Any further debate Honourable Members? The question is that the Bill be agreed to in principle Honourable Members and I put that question

QUESTION PUT  
 AGREED  
 MR MAGRI ABSTAIN

Thank you. The Bill is agreed to in principle

We move to the detail stage. Is it the wish of the House to dispense with the detail stage. Mr Christian I seek a final call

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

SPEAKER Thank you. Any further debate Honourable Members? The question is that the Bill be agreed to Honourable Members and I put that question

QUESTION PUT  
 AGREED  
 MR MAGRI ABSTAIN

Thank you. That motion is agreed to

### LIMITATION OF ACTIONS BILL 2008

SPEAKER We move on Honourable Members to the next matter and the Chief Minister has the call

MR NOBBS Mr Speaker for and on behalf of and at the request of Mr Gardner, Minister for Tourism and Health, I present the Limitation of Actions Bill 2008 and move that the Bill be agreed to in principle

SPEAKER The question is that the Bill be agreed to in principle. Chief Minister

MR NOBBS Mr Speaker the Laws limiting the right to commence proceedings or even terminating some rights after a given period have been part of the law of all jurisdictions for many years. Principally these laws prevent the bringing of actions after many years when witnesses may be dead or a change may be unconscionable. The oldest applicable law in England and still applied to Norfolk Island is the *Limitation Act 1623* of England originally called "*An Act for lymytaçon of Acccons, and for avoiding of Suite in Lawe*" that would act as a bar to a plaintiff continuing an action for trespass *quare clausum fregit* [because he broke or entered the close]. Other laws were passed in 1833, 1874 and 1893 none of which had application to Norfolk Island. The law was substantially reviewed and repealed in 1939 but except for limitations in specific enactments, Norfolk Island has no law dealing with the issue generally. Jurisdictions in Australia changed their laws around the same time as England and have made numerous changes since then as circumstances are seen to change. This Bill is substantially based on law in Australian States and is largely based on that in Victoria which has been regularly reviewed. The principal difference between this Bill and the law in other places is that a period of 6 years for the commencement of actions for personal injury has been adopted in lieu of 3 years that has been adopted in NSW and Victoria in recent years. This difference in the period is proposed because of the perceived difficulties that potential litigants may suffer in Norfolk Island as a result of difficulty in obtaining advice and assistance necessary to commence claims within a shorter time and in any event the reason for the shorter period in other places has much to do with the insurance systems and level of litigation there. In general the period of limitation is 6 or 15 years with 6 years applying to actions on simple contracts (such as the recovery of rent), or tort (negligence, nuisance, etc) – clause 5; and 15 years applying to the recovery of interests in land (clauses 5 and 20). A shorter period of 12 months is provided where a tax has been paid and is recoverable — clause 21. In some circumstances where it is appropriate to do so a court may extend the period and some classes of individual are separately dealt with such as infants and persons under disability and situations where a fraud is involved will also lead to an extension of time. The Bill is divided into 4 principal parts – periods of limitation, extension of limitation periods, personal injury actions and some general provisions. The opening 3 clauses contain the usual provisions for the short title and commencement, a provision for repeal of the Statute in the Schedule and a savings provision for pre-existing rights, and finally a definition and interpretation provision. Part 1, (which is specifically subject to the provision for extension of periods) establishes the limitation periods for various actions. Thus clause 5 establishes a 6 year limitation period for actions on simple contracts and tort, actions to enforce a recognisance, to enforce an award, and actions to recover a sum recoverable under an enactment (but not including a penalty or forfeiture). Personal injuries are similarly limited to 6 years but this may run not from the date of actual injury but from a later date when a person first becomes aware of the injury or that they were caused by someone (this covers such things as hidden injury that does not become immediately noticeable or takes place over time or an injury caused by the release of a harmful substance for which a person was responsible but that fact was not

known at the time). The clause provides an extended time of 15 years in respect of a formal debt – a bond or a debt called a specialty (which is a debt found in an agreement under seal) although any interest under such is limited to 6 years from the day the interest fell due. A much shorter period of 1 year is provided in actions for defamation where it is to be expected that an affected person must seek to act as quickly as possible to protect their reputation. Clause 6 provides a time limit of 6 years for the recovery of goods and provides that after that period the owner's rights are extinguished. Clauses 7-19 (Division 3) deal with the various limitations in connection with the recovery of various interests in or connected with land. Clause 7 makes it clear that no title of adverse possession runs against the Administration or the Commonwealth and is intended to preclude the bringing of any actions claiming title by way of adverse possession against the Administration or the Commonwealth regardless of how long an alleged adverse possession has been. Clause 8 provides a general period of 15 years for the recovery of an interest in land and this effectively extends the period previously in place under the *Limitation of Actions (Real Property) Act 1988*. In order to bring the provisions of the Norfolk Island law more into line with other places where land is overwhelmingly under registered and not common law title, this latter Act is repealed. By bringing the law more into line with other places it can be expected that the law will be more readily accessible. Clauses 25-31 (Part 2) deal with the circumstances under which limitation periods may be extended. Clause 25 permits periods to be extended where a right of action has accrued to a person under a disability to a time when the disability ceased to have effect or the person dies whichever first occurs provided the conditions are observed. The clause also allows an extension in time of a war in which the Commonwealth is involved if it would be impracticable to commence an action for that reason. Clause 26 deals with various circumstances under which an action for damages for negligence can be extended and the circumstances to be considered by the court. Clause 26 deals with applications to extend the time in respect of defamation actions from 1 year to a maximum of 3 years if the court is satisfied that it was not reasonable to have commenced the action within 1 year. Clauses 28-30 deal with the issue of acknowledgments and part payments when the time limits commence from the time of acknowledgment or part payment and how acknowledgments and part payments are made and what effect they have on other persons. Clause 31 deals with extensions of time when fraud or mistake occur and run from the time when the fraud or mistake are found to have taken place. Clauses 32 -45 (Part 3) deal with limitations in respect of actions for personal injury. Generally the period is the earlier of 6 years from the date of which the cause of action is discoverable or 12 years from the actual date of the act or omission that caused the death or injury but special provision is found in clause 36 for persons who are under a disability at the time of the injury. Clause 37 sets out the tests to be used to determine when a cause of action can be said to be discoverable. Clause 38 applies to actions by the survivor of a person who has died and who had a cause of action. Clause 39 applies the provisions of Part 3 to the "long-stop" limitation period referred to in the Law of negligence and limitation of Liability Act 2008. Clause 40 deals with the special case of minors who are injured by relatives or close associates and allows until the age of 25 when an injury is deemed to be discoverable and the time to start. Clause 41 deals with another special case of disability of minors who are not in the custody of a parent or guardian or who are incapacitated mentally or through some incapacitating disease. Clauses 42-44 set out the circumstances and conditions under which extensions of time for various personal injury actions may be made and the matters to be considered by the courts. Clause 45 provides that the provisions of Part 3 apply to all causes of action whenever they occurred but not to an action that has already commenced before 1 July 2008. It is also provided that the Part does not extend a period where a cause of action arose before 1 July 2008 to a time longer than would otherwise have been the case. Part 4 is a general Part that applies the Act to arbitrations (clause 46), to set-offs and counterclaims (clause 47), makes it clear that the courts can refuse relief where a party has acquiesced (clause 48), applies the Act to the Administration except where otherwise provided (clause 49), makes it clear that the act does not apply if another Act provides a period of limitation, abrogates a rule in an old case that would prevent an amendment to proceedings after a limitation period has

expired as long as the court is satisfied that a party would not be prejudiced other than by way of an order that could be readily made by the court such as to order costs or make an adjournment. Clause 52 makes it clear that actions already barred cannot be revived only by the commencement of the Act. Thank you Mr Speaker

SPEAKER Thank you. Any further debate Honourable Members? The question is that the Bill be agreed to in principle Honourable Members and I put that question

QUESTION PUT  
AGREED

Thank you. The Bill is agreed to in principle. We move to the detail stage. Is it the wish of the House to dispense with the detail stage. Thank you we so dispense and Chief Minister I seek a motion

MR NOBBS 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

### **LEGAL PROFESSION (AMENDMENT) BILL 2008**

SPEAKER We move on Honourable Members to the next matter and the Chief Minister has the call

MR NOBBS Mr Speaker for and on behalf of and at the request of Mr Gardner, Minister for Tourism and Health, I present the Legal Profession (Amendment) Bill 2008 and move be agreed to in principle. Thank you Mr Speaker I'll read the explanatory memorandum for this Bill. This Bill proposes changes to the principal Act that will simplify and streamline the admission of practitioners to the Norfolk Island Supreme Court and hence to practice within the jurisdiction. The changes proposed are primarily to change the procedure from the maintenance of a Roll of Practitioners that is generally associated with a formal admission process by the Court as provided in the existing legislation (that is not yet in force) to a Registration process administered by the Registrar in Norfolk Island. By establishing a simple registration system the Registrar will rely on the proof by a practitioner of admission and if a person wishes to practice in Norfolk Island in respect of issues or matters in Norfolk Island the person can then apply for a Norfolk Island practising certificate. A Norfolk Island resident may, from Norfolk Island, practice law in and of other jurisdictions where he or she has a practising certificate without a Norfolk Island practising certificate. The process simplifies the process of persons who visit Norfolk Island to appear before the court and brings the process into line with that in other Australian jurisdictions without imposing on Norfolk Island resident practitioners the depth of regulation in those other places that could result in the cessation of legal practice in Norfolk Island altogether and the inability of residents to obtain legal assistance. The principal Act already makes provision for Norfolk Island practitioners to obtain a Norfolk Island practising certificate and to be subject to significant control through the A.C.T Law Society and clarifies that the executive member may make arrangements with that society for the provision of professional indemnity cover which will ensure that persons making a claim under such cover against a resident practitioner will have the same rights as a person making a claim in the A.C.T. would have. The changes proposed here will when the Regulations to bring in requirements for practising certificates, audit of Trust Accounts

and complaint procedures are made, ensure that resident practitioners are subject to substantially similar controls as in other places and provide a substantial protection for their clients that has not been previously available.

MRS JACK Thank you Mr Speaker. I've waited long for this amendment to come to the House and I look forward to supporting it both today and again next month. One concern that was raised with me by a Members of the public was the view that this was going to disable the ability for a lot of pro bono work that goes on within the island because the requirement for a solicitor to continue on was going to be so much that it wouldn't be worth their while. I spoke to Mr Gardner about this, and again spoke to the person who raised the issue with me and the fee for a solicitor to continue practicing on the island should they continue to deal with trust fund accounts would be 6 fee units which if I'm correct the fee unit is \$20 so that remains at \$120 and should they wish to practice as a solicitor but not handle trust accounts it would be four fee units or \$80 so where they got the idea of \$10,000 that was mentioned to me I don't know but I was extremely reassured when I called that person up and to reassure the community as a whole today that some of the figures being bandied around are not correct. Another issue that I raised with Minister Gardner before he left was a concern just over a couple of errors in the amendment Bill and I've raised it again with the Chief Minister this morning, I note that one of the errors was corrected between the 15<sup>th</sup> of the 5<sup>th</sup> draft and the 20<sup>th</sup> of the 5<sup>th</sup> draft, but if I could just ask the Chief Minister to mention to Minister Gardner that section 29 which covers the secrecy of audit, reference is still made to 14(2) which is about to be repealed and so if I could just ask him to put in a detail stage amendment along the lines of the clause 14 in this one, and it would read subsection 29(d) and it would read "delete 14 to all" Mr Speaker. I believe that would be correct. I stand to be corrected of course, but that would be my reading, otherwise my support is for this amendment Thank you

MR NOBBS Thank you Mr Speaker and thank you Mrs Jack for your constructive advise which I will pass through to Minister Gardner. Obviously a great deal of work has gone into the detail and the level of these amendments prior to their being presented to the House and I should mention that the Legal Services Unit and in particular the Crown Counsel has gone to great effort to provide access to all as far as I'm aware, all Members of the legal professions in Norfolk Island to have some input into the processes so I commend him for his efforts as well

MR CHRISTIAN Thank you Mr Speaker, I just wonder if I could direct a small query to the Chief Minister and I wonder if the Chief Minister could indicate as to whether the amendment to the principle act allows for someone practicing law in Norfolk Island could be appointed as a QC in Norfolk Island

MR NOBBS Mr Speaker I definitely hesitate to answer that one without the Minister responsible being here so I'll take that on notice for when Minister Gardner returns, for him to put some definition to it

SPEAKER Thank you Chief Minister. Any further debate Honourable Members? I seek a final motion Chief Minister

MR NOBBS 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

**ORDERS OF THE DAY****SALE OF FOOD (AMENDMENT) BILL 2008**

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

**MR MAGRI** Thank you Mr Speaker. Members will recall that at the February sitting of the House I presented the Sale of Food (Amendment) Bill 2008 and moved that the Bill be agreed to in principle. Mr Speaker the Sale of Food amendment is intended to provide information and protection to consumers of fish. In order to avoid mislabeling the fish and to assure persons who wish to consume fish that has been caught in Norfolk Island waters, the Bill requires that fish be labeled as to its type in accordance with regulations and as to the country of its source. 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 amendment. The bill also provides for the making of regulations to give effect to these provisions. Mr Speaker during the intervening three months, since presenting this bill to the House I've received some advise as to how the amendment might be improved upon. In the whole these minor improvements have been adopted and will be dealt with during the detail stage. However one of the representations was from the Norfolk Island Fishing Association in which they requested removing the words "indirect sales" from clause 7a of the proposed Bill. This request was to try to minimise the effect this amendment might have on the Norfolk Island fishing community and in particular removing the requirement for the fishermen to identify their catch at sale. In a genuine attempt to accommodate the concerns of the Norfolk Island Fishing Association the question was posed to the Administration Legal Services Unit who warned against removing the reference to indirect sales. The Fishing Association asked that reference to their concerns was included in this debate. Every attempt has been made to accommodate all stakeholders whilst remaining true to the intent of this amendment to provide information and protection to the consumers of fish. If the Legislative Assembly approves this Bill I will inform the community on the inspection and enforcement procedures that apply to this amendment and will also move to making regulations that prescribe the required procedures and forms to be used. It is important for my colleagues to know that since February the overwhelming volume of community representations to myself was for the support of this amendment. Mr Speaker I commend this Bill to the House

**MRS JACK** Thank you Mr Speaker. I admire the intent of the Bill. I admire the fact that there are people out there who are concerned that what they are buying is not the true product. However, I don't believe that this Bill is the correct way to go about it and won't be supporting it. We have at present the Fair Trading Act and in that Act under definitions goods include in brackets (animals including fish). Under section 16 false or misleading representation, says a person shall not in trade or commerce in connection with the supply or possible supply of goods or services or in connection with the promotion by any means of the supply or use of goods or services, falsely represent the goods are of a particular standard and Mr Speaker there's a whole range of sub headings there. There's also under subsection 19 or clause 19 misleading conduct in relation to goods, which says that a person shall not in trade or commerce engage in conduct that is likely to mislead the public as to the nature manufacturing process, characteristics suitability of their purpose or quantity of goods and there's penalty, in the case of a natural person 50 penalty units, in the case of a body corporate 100 penalty units. Now I believe there is enough there to deal with the concerns that are being raised about the inappropriate labeling of fish and the inappropriate selling of fish. I'm not happy with the onus that is being put on fishermen from the point of sale and I believe if the Minister is dissatisfied that this may not be thorough enough, that this is the area where he should be putting his energy and making the correct amendment to the 'Fair Trading Act and so for those reasons I won't be supporting this, Thank you

MR MAGRI Mr Speaker if I could just respond to Mrs Jack's suggestions there. I think the actual, I might have misquoted the actual clause or paragraph out of the Fair trading Act, it was actually section 14 not section 16 and this was suggested several months ago that the Fair Trading Act was adequate to cover the intention of the proposed Bill and whilst I disagreed with it I posed the question to the Norfolk Island Legal Services Unit who responded by suggesting that the Fair Trading Act does not allow consumers to make informed choice about this issue, rather it places the onus on the supplier not to engage in conduct that is likely to mislead or deceive. It would be disappointing if Mrs Jack decided not to support this bill, support the intent of this Bill but would not support it based on her assumption of how to read the Fair Trading Act so I leave it in her hands

MRS JACK Thank you Mr Speaker I've got a copy of that before me and I take umbrage that I can't read it and I assure the Minister that this clause 16 that I'm referring to, he needs to have the Act in front of him if he's going to start referring to it as I have. Now I've read section 14 on misleading or deceptive conduct and I'm telling him that clause 16 is false or misleading representation so with all due respect to the Minister I will not on his perception of what I... try and get inside my mind thank you very much, I will continue to not support the Bill because as I said earlier it can all be handled in here and I don't see why a consumer shall be forced to take on correcting the inappropriate actions of the supplier because it's the supplier that's misleading the public in what he is selling and I don't believe it should be the consumer that forces the supplier - the action should be, you're the supplier of the fish, this is what you are selling, you deal with it

MR MAGRI Mr Speaker I'll agree to disagree and I leave the decision in the hands of the House

MR SHERIDAN Mr Speaker I'm still undecided in whether to support this motion or not. The Minister for the Environment stated the Fair Trading Act. I guess I pointed out the possibility that the Minister's concerns could be achieved by just enforcing the Fair Trading Act. I fully understand what the Minister is trying to achieve and he's just trying to protect consumers of fish, whether it be in a restaurant or whether it be a visitor buying fish off the pier and they don't know what the fish is. Or whether it's a customer in a restaurant or whether it's a visitor on a progressive dinner or a fish fry and I understand what the Minister is trying to achieve and that is to correct the marketing of fish so that the fish isn't misrepresented as something that it's not. I still believe that the Fair Trading Act fully accomplishes his purpose. If the Minister wants to go down the road of doubling up on legislation you might say, you might say defining one area of the Fair Trading Act, one area of the Sale of Food Act, if he wants to amplify that area and encourage people to put labels on fish as to its place of origin and its name well, I still don't know if I'll support it or not but I'll see how it goes

MRS JACK Thank you Mr Speaker another issue also is just how effective the policing of all of this. I mean, a person goes and complains that a groper isn't groper or not trumpeter or whatever on earth they say and it's going to be sent off, I mean the whole system that's going to be behind this motion I find is just going to be absolutely incredible and to add to the burgeoning of the Public Service like this when in my view it can be avoided is another aspect. You've got no one trained. Anyone who's going to have concerns, it's all going to have to go offshore to be tested if it does get down to the Nitty gritty where somebody really wants to apply the full letter of the law and I just can't see it actually being policed

MR MAGRI Mr Speaker I'll try to answer both of those concerns. Just to go back to the Fair Trading Act and I might just try to give an example, where if somebody was selling fish and they labelled it as fish that wouldn't in any way be misleading or deceptive. But the consumers are asking for more than that. They want to know what sort of fish it is and what country it comes from. So quite two separate acts

and two separate purposes and I'm quite comfortable with the advise that I've had, the legal advise I've had on that to try to achieve the intended requirements of this amendment. Again I'm not deliberately trying to antagonise my colleague but I think the policing of this amendment is already largely in place through the Sale of Food Act 1950 which she has executive responsibility for. I'll read this bit I've got here. I expect that the policing of this amendment will require some additional training in public education however, the processes and systems to ensure compliance to this amendment are largely in place through the principle act of which this is merely an amendment. Mr Speaker this principle Act, the Sale of Food Act 1950 makes adequate and relevant provision for the following aspects of the sale of fish. It requires a licence to sell food; provides for inspectors to inspect premises and food handling precautions; a person shall not refuse to admit an inspector; a person shall not contravene or fail to comply with the Act and the Sale of Food licence may be cancelled if the holder is convicted of an offence against the Act. Mr Speaker the police and health inspectors therefore have the powers vested in them under this range of Norfolk Island Acts including the Fair Trading Act should that be called into force ensuring the effective enforcement of this amendment

MRS JACK Thank you Mr Speaker well I'll look forward to this. Yes the Minister is quite right, this is legislation in my portfolio and he introduced this and I was asked if I minded him doing it and I said I didn't after the event, but having said that I look forward to him going down there and advising all the fishermen who sell their fish off the jetty that they are now, because it will be the first time, the first year in applying for a Sale of Food licence I think it's \$400, and for every subsequent year after that I believe it's \$200 or it was when I was involved in the situation and so I look forward to you getting \$400 of each of those casual fishermen down there

MR MAGRI Mr Speaker can I just respond to that as well. Again I would remind my colleague that the Sale of Food Act is under her executive responsibility and that currently under the Sale of Food Act, nothing to do with this amendment, the fishermen are required to have a Sale of Food licence to sell food. If she wants to push that and encourage that I suggest that she does it. It has nothing to do with this amendment

MRS JACK Thank you Mr Speaker that's just something that I've highlighted. If that part isn't being policed now, what hope is there for the identification of the fish. With all due respect, because there are other priorities that I have and I understand that people want to find out about the type of fish that they are buying. I appreciate that. But the repercussions going down the line I doubt on the capacity to fully police and cater for this amendment. We are already seeing flaws in the current act and yet here we are trying to impose more conditions and it is the whole aspect of that that I say will fail

MR MAGRI Mr Speaker as I say, I'm not here to be talking about the policing of the current act and I think this is not the time and place to be bringing this up. My amendment deals with the intent of this requirement to be achieved whether the fishermen are licenced or not and should the Minister decide that enforcing the Sale of Food Act is important to her then I will be introducing an amendment into the House to remove the requirement or to extend the same requirement that farmers have on the island where they do not require local fishermen will not require a Sale of Food licence to wholesale food but we'll cross that bridge when we come to it'

MR NOBBS Mr Speaker I think the intentions are honourable in that what we are looking at here is ensuring that tourists and locals alike when they go to purchase what they assume is trumpeter is actually trumpeter, however I just have a couple of issues with it I suppose, and one is that in my view there needs to be a trail of evidence from the end of the hook all the way through to the restaurant or to the fish fry and that's something whereby the person who is distributing the fish in its cooked form

and purporting it to be trumpeter is liable if somewhere along the chain someone else perhaps has inadvertently put trumpeter in the same bucket as the groper which then leads on to the further discussion which was had earlier regarding research and testing. I just wonder whether we have a system that will enable that trail of evidence to protect the final resale or distribution point for the alledged trumpeter

MR MAGRI Mr Speaker I thank the Chief Minister for bring up those few concerns. If you refer back to my original introduction of this amendment, was where the Norfolk Island Fishing Association requested that I remove any reference to the words "indirect sales" and again, I referred that question to the Legal Services Unit and it's because of providing that chain of evidence, it was decided against removing the words "indirect sales" and again, I'm not a lawyer but trying to understand this law as best I can, it would be based on whether the person selling the fish is not selling the right fish. As far as an action that would go between separate parties, about providing them with the wrong fish they have that law available to them as well so that can be decided between the parties. This is merely providing the mechanism to ensure and again I'm not even accusing anybody of selling fish incorrectly and as long as everybody is telling the truth there is no issue here so I'll leave it there today Mr Speaker

MR B CHRISTIAN Thank you Mr Speaker I do support the intention of the Act and I'm wondering whether its not too detailed in its intention and whether it couldn't be something more simple that demonstrates the fact whether it's locally caught fish or imported fish that's being sold

MR MAGRI Mr Speaker yes and I take that on board as well. In the Regulations there will be form or forms required to talk about the type of labelling that will be dealt with in the regulations to this Act and I am quite happy to look at things like that in the regulations. Those regulations will be approved at Exco and I believe later will be tabled in this House and dealt with at a later stage as a disallowable instrument if you're not happy with them. I have no problem with that. Calling a local fish a local fish. Having said that Mr Speaker the purchase of fish would at this current stage, the way it is addressed at the moment, is that you are provided, as well as describing an imported fish as to its common name and country of origin you'll be asked to do the same things for Norfolk Island and that includes trumpeter for example which would be approved as a common name or kingfish or whatever it might be as it currently stands

SPEAKER Any further debate Honourable Members.

QUESTION PUT

SPEAKER Madam Clerk could you please call the House

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

SPEAKER The result of voting Honourable Members, the Ayes two, the noes four, the motion is defeated

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – REPORT ON REVIEW OF THE COST TO MAINTAIN THE PUBLIC GROUNDS AND RESERVES BY THE PUBLIC SECTOR**

SPEAKER  
please

I ask if the Deputy Speaker would take the Chair

DEPUTY SPEAKER                      Honourable Members consideration of the Committee's Report tabled on 19 March 2008 and the recommendations contained therein now resumes and Mr Snell, Chairman of the Committee, has the call

MR SNELL                              Thank you Mr Deputy Speaker. We have met informally on a number of occasions since this report was tabled to discuss the contents of the report and recommendations. I understand the Chief Executive Officer has had similar discussions with Public Sector Management within the areas of review. The Public Accounts and Estimates committee have made 15 recommendations that the committee considers will improve the performance, management, and accounting of the areas of review. The recommendations are now with the Legislative Assembly and no longer belong to the committee. That is, the committee has done its work and it is now for the Parliament to determine whether or not to adopt the recommendations of that parliamentary enquiry. I would like to respond to the question of financial implications, of implementation of the recommendations. The committee's report clearly documents on page 23 the reported cost of service provisions for the last financial year of \$769,708.25. the actual cost is likely to be higher than that for all of the reasons contained in the report. Assuming that each of the departments have sought through the current budget process, funding in line with what was supplied last year for the same purpose, the committee sees no reason why those funds should not be supplied. In fact the committee is not proposing that the Legislative Assembly reduce or expand funding supplied for this purpose. What the committee is recommending is that service provisions be improved by amalgamating service areas and streamlining work arrangements which in the short term should optimise use of the resources provided and in the long term will hopefully return a financial saving. Of the fifteen recommendations, recommendations 3 and 4 request implementation of new systems which are similar to point of sale systems used in mechanical and retail operations locally and may well be achieved by purchasing basic software. I'm not sure whether this is an area of Information Technology expertise that the Administration has which can be provided for in house which makes implementation ever easier. Recommendation 15 (iv) recommends the creation of a dedicated line manager for the proposed new grounds and reserves department to manage and facilitate the grounds and reserves maintenance programs. Mr. Deputy Speaker it may well be that the Chief Minister and Chief Executive Officer may look to a restructure of the unoccupied position of Land Use and Environment Manager which would neutralise any cost implication of this recommendation. Most all of the recommendations are reform measures aimed at management and should not have an added financial impact. It is assumed that within the budget resources made available and with the professional assistance and creativity of the Acting Chief Executive Officer all of the 15 recommendations are achievable without any significant impact on the public service and its resources. Mr Deputy Speaker I commend the report and its recommendations. Thank you.

MR NOBBS                              Thank you Mr Deputy Speaker I commend the amount of work that's gone into this report and there's some recommendations that flow on from it with regard to how the Public Service may alter shape and form in regard to maintaining some of these areas. It is worth making mention here that for those areas such as the hospital, the school and other areas including KAVHA and such, that quite often the same person who is operating the lawn mower is also doing the regular maintenance on buildings issues that require repair and things like that so that's to be considered in the way we move forward with this and I can see the benefits of having a work team and I think in the words of the committee there was something along the lines of giving them ownership of the works that would be done with regard to this co-ordinated maintenance group. However, I do just wonder how that ownership would work out in all those combined maintenance people became the providers of manicuring of the different areas around Norfolk Island whether they would get the opportunity to get

the ownership in those areas, so it's a minor concern I suppose and one good aspect out of this has been that we have been able to adequately reflect some of the real charges of the maintenance and care of the grounds in different areas that probably previously weren't adequately charged or resources before, so in that regard it's quite a good report. I have discussed implementation and ways that the public service through the Acting Chief Executive Officer would look at carrying out some of the objectives of this report, and there are some difficulties I suppose in that some of those areas where perhaps they are low on staff already, they are just making issues there, the availability of maintenance people to carry out both tasks has I suppose worked in some favour in some areas there such as the school and the hospital, the airport although I think it is addressed in there, it's not covered in this report because of security reasons obviously. But aside from that, the intention seems good. I just hesitate to say that we'll be able to carry out formal implementation of it without adjusting it to suit the environment as the manning levels are moved around in each of those areas. Thank you

MRS JACK

Mr Deputy Speaker just a couple of comments that have come back to me from the community regarding this Public Accounts and Estimates Committee Report, is still the lack of availability and the dissatisfaction that some Members within the community have with the report being kept in House and remaining being unavailable to the public so I'll just voice that concern on behalf of those people. One recommendation that I would like to clarify within this is recommendation 10 where reference is to the Chief Executive Officer introduced a system to reform the Administration budget process including the Norfolk Island Government contribution to KAVHA based on relevant and accurate historical information. I would just like to seek assurance from the committee that in doing this and using that phraseology, that they are referring solely to what I would refer to as paragraph D of attachment C in the current Memorandum of Understanding we have between the Commonwealth and the Norfolk Island Government on the cost sharing formula for works in KAVHA because as far as the Norfolk Island Government contribution to KAVHA is that's the day to day maintenance of the area, the maintenance cost of interpretive works and tourist facilities. That's the one area where we hold 100% commitment that the money comes from the Norfolk Island Government so I just want to make sure that they are not wanting to queue into any of the other paragraphs a, b or c, where we have either nil or only partial funding arrangements because that would be going totally against it, and I fully appreciate the fact that they are wanting to, they the committee, are seeking that a greater budgetary process comes out of the Administration so that works done on this 100% basis instead of coming from KAVHA to the Government or to the Administration it goes the other way. What money is available? What projects can be undertaken? Does the Minister and the Government agree with that and to the KAVHA Board, these are the funds that we find available, these are the areas that we would like to have a greater say and control over that contribution. Apart from that I have no other concerns about the report. I hope and in fact it is able to be delivered some of the recommendations in a timely manner. I doubt the negative costs. It's always an admirable goal but I certainly doubt that it is going to be able to have a zero monetary impact. There are areas in here that have been of concern to me and others in the community for some time and I look forward to some of those areas being actively moved on thank you

MR MAGRI

Mr Speaker I move that this House (1) Adopts Recommendations 1 through to 15 inclusive of the Report titled Review of the Cost to Maintain the Public Grounds and Reserves by the Public Sector; and (2) Requests the Chief Minister as executive member with responsibility for the public service to – (a) assume responsibility for the implementation of the 15 recommendations by 1 July 2009; and (b) provide the Legislative Assembly (i) with a progress report on the implementation process by 1 January 2009; and (ii) with a final report on or before 31 October 2009

DEPUTY SPEAKER  
amendment

Thank you Mr Magri. Any debate on that

MR NOBBS Mr Deputy Speaker I seek leave to move a motion of further adjournment and the basis for that is that from this appearing on the notice paper any myself being aware of it, I have had some discussion with the Acting Chief Executive Officer on what the impact may be throughout the Public Service and I would like to have a more detailed report on that so that I can be certain that the possibilities mentioned in this document can be achieved but without significant impact or detrimental impact on the delivery of other services and maintenance time support in other areas, so my apologies for delaying what perhaps should have gone through but I would seek to seek leave for a further adjournment

DEPUTY SPEAKER Thank you Chief Minister. Before we entertain that motion is there any further debate on the motion before the House

MR MAGRI Mr Deputy Speaker could I just ask on a procedural matter, do we need to deal with my motion first

DEPUTY SPEAKER No. He's moving the adjournment of the motion so your amendment is on the table and he's moving that it be adjourned

MR NOBBS Mr Deputy Speaker I would move a motion of adjournment to a subsequent day of sitting

DPEUTY SPEAKER I put the question that the motion that is on the table be adjourned until a subsequent sitting of the House

#### QUESTION PUT

DEPUTY SPEAKER Madam Clerk could you please call the House

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

DEPUTY SPEAKER The result of voting Honourable Members, the Ayes three, the noes four therefore the motion is defeated so I call for any further debate on the motion that Mr Magri has on the table. Is there any further debate on Mr Magri's motion which is on the table. There being no further debate I put the question

#### QUESTION PUT

DEPUTY SPEAKER Madam Clerk could you please call the House

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

DEPUTY SPEAKER The result of voting Honourable Members, the Ayes five, the noes two therefore the motion is so agreed. Mr Speaker if you would resume your chair

**CUSTOMS (AMENDMENT) BILL 2008**

**SPEAKER** Honourable Members, we resume on the question that the Bill be agreed to in principle and Mr Nobbs has the call to resume

**Ch** Mr Speaker I would just like to inform the House that I am a shareholder of a business that operates buses and I will not be participating in the debate no voting

**SPEAKER** Thank you Mr Christian for that reminder. I too wish to declare an interest. I wish to advise this House that I have an interest in the tour company registered in Norfolk Island known as Norfolk Island Historical and Scenic Tours. This company has at this time no vehicles. In addition Honourable Members I am employed by a tour company which has buses and will be affected by this legislation and I accordingly will abstain from voting and having any debate in this matter. Thank you

**MR NOBBS** Mr Speaker at an earlier sitting of this House I presented some information with regard to the amendment of the Customs Bill with regard to the length of buses for import and provided further information and background in terms of previous hansard as well as some feedback from one of the local operators and some police background on what their thoughts or issues were on the Norfolk Island roads. The reason I bring this forward is that on a number of occasions it's come up in the past and during the term of this Government we've definitely been lobbied to revisit it to ensure that in this particular case with the 9.5 metre bus we are able to provide in many peoples views, the tour operators etc, the ability to have a service that can encompass the relevant groups as well as the relevant comfort and the like that the bus travelling tourist has come to expect. In looking at this issue we've looked at tourist implications as well as safety implications that police have raised in regards mainly to buses or vehicles going over the centre line on corners where they have little option to do however that may come down to in those areas if we do enable the larger buses to be retained on Norfolk Island that those corners and such areas would need suitable signage or speed limitation or in some extreme cases something similar to Mt Pitt, the prohibition of the larger vehicles being able to access it altogether, however, I throw this open to further debate Mr Speaker if you don't mind

**MR SHERIDAN** Thank you Mr Speaker this issue has been on the table now for some three or four months and during that period I myself have had letters and I've been lobbied by various operators of buses on Norfolk Island and I can't say that I've been lobbied by any other party that are against the 40 seat buses being on the island so my conclusion is that the majority of people on Norfolk Island considering the lack of response to the against argument is that they are neither here nor there. I view this as a situation just like mobile phones where we had a referendum on mobile phones some years ago and the majority of the community stated, no they didn't want mobile phones. The Legislative Assembly of the day and a short while ago decided that the introduction of mobile phones was a must to achieve some income from the Telecom GBE and that was one of the aims and the other argument was also to keep up with the modern world, people when they come to Norfolk Island they want to be able to use mobile phones etc and our trunking system was getting updated so we took the decision that we had to have the introduction of mobile phones so I view the reintroduction of the 9.5 metre buses as something similar along those lines. The Legislative Assembly back in 2001 decided that they didn't want 40 seat buses but we've moved on a bit now. Our tourism has gained a bigger foothold on Norfolk Island. We actually own our own airline we're trying to increase our visitor numbers to 40,000 plus per year, that's yet to be seen and I'll collect \$100 off the Chief Minister anyway, but that is the aim and if that aim is achieved we must be able to transport these visitors to the island, on what our livelihood depend on, around the island in style and comfort and if groups come over here and there's thirty in a group and they don't want to be split into two buses well then it's up to

the tour operator to try and accommodate their request so just with those few words there I think I'll be supporting the motion. I will be supporting the motion mainly due to the lack of arguments against probably more than anything, thank you

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

QUESTION PUT  
AGREED

MR N CHRISTIAN NO  
MR SNELL NO

We now move to the detail stage. Is it the wish of the House to dispense with the detail stage. We so dispense and Mr Nobbs I seek final call

MR NOBBS Mr Speaker I so move

SPEAKER Thank you Chief Minister. I put the final question that the Bill be agreed to

QUESTION PUT  
AGREED

MR N CHRISTIAN NO  
MR SNELL NO

The Bill is agreed to thank you

#### **FIXING OF THE NEXT SITTING DATE**

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

MRS JACK Mr Speaker I move that the House at its rising adjourn until Wednesday 4 June 2008, at 10.00 am.

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

QUESTION PUT  
AGREED

The motion is agreed to

#### **ADJOURNMENT**

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

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

MR NOBBS Mr Speaker just in brief, there'll be the usual Minister's forum on the radio tomorrow morning commencing at 9am and all and every Minister is of course, very welcome to come and discuss issues on the radio and the combined Chamber of Commerce President and myself will be walking through Burnt

Pine this Thursday from around 10am to hopefully complete the contact that we've been making with the retail section and expanding that further later on

MR SHERIDAN Mr Speaker just a last reminder as to the Child Care review that I'm part of. I'll be down at the Radio Station tomorrow morning just after 8 o'clock with other members of the review group that are available and also for the public so that they can approach us directly we'll be at the A & H Hall on Saturday morning between 11 and 1pm, thank you

SPEAKER Thank you Mr Sheridan. 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 4 June 2008 at 10.00 am.

