



MRS JACK Thank you Mr Speaker I'm still awaiting discussions or letters back from both Minister Debus and Minister Garret. I have spoken with the Secretary to Government who is going to chase up those matters when he and the Chief Minister are visiting with Minister Debus next week. Until then, that's as far as I am

SPEAKER Thank you. Am I to believe that Minister Debus is coming to Norfolk. Is that what you mentioned

MRS JACK No Mr Speaker the Chief Minister and the Secretary to Government are travelling offshore and having meetings with the Minister for the Attorney General's Department and Home Affairs next week

MR B CHRISTIAN Thank you Mr Speaker a question for Minister for KAVHA. Could the Minister update the House and the community on the status of the latest KAVHA management plan

MRS JACK Thank you Mr Speaker we had a KAVHA Board meeting last week and at that meeting the Conservation Management Plan was discussed. They were asking my comments and the Chief Minister is also a Member on the Board for comments to the ten submissions that were given to the Board regarding the Conservation Management Plan. I hadn't received a copy of those submissions until the Wednesday afternoon. I felt that I hadn't a chance to read it in time for the meeting on Thursday and so I together with the Chief Minister am discussing those submissions and I have to bring those submissions to the executives for discussion before we actually put in a Norfolk Island Government response on a type of spread sheet to the KAVHA board. Then the two lots of discussions or ways of dealing with some of the aspects of those submissions will be discussed but at the moment it's still me having to get those submissions out to my fellow execs to form a suitable response. Once we have reached that stage it was felt by the KAVHA Board that we wanted to do more than just send responses to those ten submissions to the people who wrote than saying we accept and acknowledge receipt of your submission. We want to give a more detailed response and so those who have sent us submissions are concerned about not having received a response. The reason is that we want to give more than a standard we acknowledge of your letter. We want to put in a more detailed response to their submission. Hopefully that will be able to take place within a few weeks but the process is a bit slow I grant you, but as I said it is starting to progress

MR GARDNER Thank you Mr Speaker, a supplementary question if I might just in relation to that Minister are you able to indicate when the Conservation Management Plan may be scheduled for formal ratification

MRS JACK Thank you Mr Speaker at this stage no. I can't give a definite time line. We've dropped so far behind the plan for February last year, the time frame has totally slipped

MR B CHRISTIAN Thank you Mr Speaker just one more for the Minister for KAVHA. Recently the Minister received a letter from the Commonwealth saying they had no intention of considering lease land within the KAVHA for freeholding. How long has the Minister been aware of this policy

MRS JACK Thank you Mr Speaker that policy has been I think with all the Minister since about 1980. Since Minister MacDonald was there apparently it was a policy I was informed. I sent and asked for it to be clearly stated that it was continuing to be a policy of the current Rudd Government and this was done. It had been muted at certain times but I wanted a definite response because of the couple of lines that were present in the draft Conservation Management Plan. It was something that I was not fully aware of and I wanted them to definitely state that yes, this is a policy of this Government

MR B CHRISTIAN Thank you Mr Speaker a supplementary question. I'm sure the Minister would correct me if I'm wrong but has the community or Members at certain times been led to believe that leasehold land within KAVHA may be up for what review in one of the stages of the leasing process

MRS JACK Thank you Mr Speaker certainly in a couple of meetings and I sought clarification because one of the submissions that I was able to glance through had me stating that very thing, that I was pushing for the leasehold land to be freeholded in some areas within KAVHA. What I had always stated was that I would certainly move to have the leasehold land, the instructions so that leasehold land, if it was a special use try and have that special use moved to rural residential say, and that was always my stand there. I said to some leaseholders in KAVHA that I had no trouble in helping them with changes of use of their lease but others that I could not see that they would stand a chance for that change to occur. That is why the Crown lease instructions that I pushed for, the moratorium on those to be lifted and with the help of the current Acting Administrator that did occur. I have also said to a freehold land owner within KAVHA that I believe I would try and help them because I believed they needed some assistance and I felt for their case and I have continually tried to assist them in dealing with the issues that they have with building in KAVHA

MR B CHRISTIAN Thank you Mr Speaker just one more a supplementary question of a similar case to deal with the leases Minister when will we expect to see the next round of review for the changing of leasehold to freehold properties on Norfolk Island including outside the KAVHA area

MRS JACK Thank you Mr Speaker that will be the second stage of the land initiative. I think it was about the 8<sup>th</sup> January I sent a response to Minister Debus informing him that towards the end of the previous Government the then Minister for Territories Jim Lloyd had sent me a letter asking me for my views on leases that would be affected in the second round of that initiative. I spoke with relevant Members of staff of the Administration and we actually added to the list. With the election I hadn't had a response to the list so in about early January I sent a letter to the Minister informing him of this correspondence and asking him for where the matters now stood. That is another letter that I spoke to the Secretary to Government about yesterday and asked him to represent the case, the need for a response and the need to move forward on that second stage when he and the Chief Minister visit with Minister Debus next week

MR SHERIDAN Mr Speaker a question for the Minister responsible for the airlines. Minister is this Government still on track to incorporate Norfolk Air into a separate entity by the 1<sup>st</sup> July of this year

MR CHRISTIAN Thank you Mr Speaker, certainly that is the intention and early in the new financial year Norfolk Air will be incorporated as a 100% Government owned company

MR SHERIDAN Mr Speaker another one for the Minister responsible for the airlines Minister with a lot of information being discussed within the community in the past few weeks with regard to the change of air service carrier from Ozjet to Our Airlines from May next year, do you envisage any problems with our services between now and the time that our airline commences operation into Norfolk Island

MR CHRISTIAN Thank you Mr Speaker, and thank you for that Mr Sheridan. No I don't anticipate any problems whatsoever. What I've consistently said is that we are aiming for a seamless transfer from one carrier to the other. Ozjet are contracted to provide that service through until mid May next year. They are required to provide us with a newer generation of aircraft by no later than December 31 of this year. There is nothing in the contract that prevents them from bringing forward the newer type

aircraft if they choose to do so. However if they run the current 200 series aircraft until December 31 the letter of termination that we served on Ozjet offers them an early exit opportunity at that time. They have indicated at this time that they do not intend to take advantage of the early exit offer and will in fact carry on until mid may next year and at that time we will transition to a new carrier, a 737-300 will be based in Norfolk Island with a Norfolk Island livery. The call centre will remain as it is. The management of the airline will remain as is. A full crew will remain in Norfolk Island and we are currently negotiating with Our Airlines to provide a second crew in Norfolk Island on a full time basis. The purpose of this is to prevent delays from a previous day rolling on into the next day. It's desirable that we overcome this problem as we move to a situation where we have daily services and we've had a few problems in the past where for instance, if an aircraft doesn't arrive until midnight at night and the pilot's need to have a twelve hour break a scheduled departure at 8 o'clock in the morning can't take place until midday so it does throw everything into disarray. So that's the situation there. The new aircraft from May next year will have a significant increase in volume for cargo and also weight wise for cargo we will move from 1000 kg on each flight out of Sydney Brisbane and Newcastle to 1500kgs. There's been quite a bit of comment in the community and also in the paper last from people who choose not to take in all the information that's provided to them in Press Release and various radio interviews that I've given and they continue to say that we are becoming a one airline operation. Well that is far from the truth. Under the new arrangements with Our Airline, Our Airlines current aircraft will be the back up aircraft for our service and likewise, ours will be the backup one for theirs if they need it. Negotiations are underway now with another carrier who is about to acquire an aircraft and it's likely that, that aircraft will be operated on our airlines AOC so we will in fact, in effect, have a fleet of three aircraft which we can call upon in times of disrupt. It's also worth reflecting on where we've come from with Ozjet. In the early days when Mr Gardner kicked Norfolk Air off with Ozjet, Ozjet had three aircraft in Australia. One was based in Brisbane and one in Norfolk Island and basically one sat on the ground as a spare so at that stage they always had a spare aircraft, but no airline in the world can afford the luxury of having a spare aircraft sitting on the ground not being utilised so as Ozjet's business grew the spare aircraft disappeared and we then ended up with a situation where we had an Ozjet aircraft in Perth, an Ozjet aircraft in Brisbane and an Ozjet aircraft in Norfolk Island and a fourth aircraft was generally always in for maintenance, so we had four aircraft in the fleet but only three of them really available at any given time for service so that meant that the spare aircraft that we had at the beginning of the process no longer existed and in a disrupt situation we would have to call on the one from Brisbane or Perth if need be or in some instances Ozjet hasn't been able to provide the back up at all and we've had to go elsewhere. That elsewhere has been Our Airline in recent times. It's also worth mentioned that even an airline as large as Qantas don't have any spare aircraft so when we've had to go out to get a spare aircraft to recover a schedule and we've gone to Qantas on a number of occasions and quite often it was three or four days before would could get the aircraft because they've got to schedule crews and availability into their rosters. Likewise when we've had weather disrupts or mechanical disrupts from New Zealand it can take up to three or four days for the Kiwi side of the operation to recover so I think what the Norfolk Island Government has done in negotiating the way forward is in Norfolk Island's best interest from an operational stability point of view and also from a financial stability point of view an the system that we are trying to create with our partners in Our Airline is a situation where smaller countries around the pacific band together to overcome the tyranny of distance and a small population so we work together rather than compete with each other and I think that's a noble goal. It's unfortunate that in recent days a lot of what I term it rubbish has been circulating in the Norfolk Island community with many comments made by the new owner of Ozjet Mick Leavesly that he's going to compete with Norfolk Air, he's going to run Norfolk Air out of business, he's commented that it's a pissant airline, the Norfolk Island Government is broke, Norfolk Air has no substance. All of these things I totally disagree with and I've made it quite clear on a number of occasions in the last week or so that I don't think it's in our interest to be in business with these people and the sooner they depart the scene the better and that's all from me



incinerator. What happens now is I spoke with the Environment officer this morning is that the report will go back to the community group that has been in on this project for their discussion and then it will be put out to the community to read and to digest. During this stage it is hoped that the consultant from URS will be on island and he's trying to be contacted today to have this progress get to that stage in the next two to three weeks. Following that we will be dealing with the EIS Environmental Impact Studies, and then the placing of it and I will be seeking to put in an application for grant assistance for its purchase in place at the relevant site through funding available under the new coast care funding arrangements through the Commonwealth

MR B CHRISTIAN Thank you Mr Speaker just one more for the Minister for the Environment. Minister a straightforward question. On the subject of apples. Will apples or fruit ever be imported into Norfolk Island

MRS JACK Thank you Mr Speaker the protocols for the apples have been completed and those have been forwarded as it becomes into the schedule three matter and I've sent those protocols and the relevant amendments that would have to occur to the act to the Commonwealth for their perusal so that when I bring the matter to the House all the agreements will be done and any concerns raised will have been dealt with and for example, if I should hear from the Commonwealth and they agree with everything, with protocols and can see no harm to the amendments to the Plants and Fruit Diseases Act that I propose to bring forward, let's say for example I can do that next month it can stay on the House for another month but when it went to EXCO for signing off the Acting Administrator can deal with the amendments there and then so yes, I can see the importation of apples but I'm awaiting on word back from AQUIS through the Acting Administrator

MR B CHRISTIAN Thank you Mr Speaker one for the Minister for Tourism and Health. Minister would you be able to give the latest update of the progress or plans to develop a new Hospital and Aged Care facility for the community of Norfolk Island

MR GARDNER Thank you Mr Speaker, I think I answered this question in the House last month when Mr Christian was absent but for his benefit, and obviously for his those that weren't able to listen to the rebroadcast last week or the month before last the rebroadcast of that, I can advise that I have had discussion with Director of the Hospital David McCowan in relation to the development that we are focusing on a staged approach to the development, in other words taking a part of the Hospital, a single unit and developing that, rather than looking at a wholesale rebuild of the entire Hospital in one hit and it's that staged process will have its initial focus on the aged care component of the Hospital Mr Speaker . There have been some conceptual drawings that have been prepared and as I understand the people who work at the coal face, that's the nurses and the staff at the Hospital have been asked to provide some comment on those conceptual drawings and plans. Once those are settled the intent is to have those professionally compiled as working drawings and then to consider the options for the funding and construction of that element of the new Hospital construction

SPEAKER Thank you Mr Gardner. Any further Questions? We move on

## PRESENTATION OF PAPERS

Are there any Papers for Presentation this morning Honourable Members. No. We move on

MRS JACK Thank you Mr Speaker I present the audited accounts of the Museum Trust on behalf of the Museum of Norfolk Island

MR CHRISTIAN Thank you Mr Speaker. Mr Speaker in the absence of the Chief Minister due to ill health, I table a disallowable instrument. Mr Speaker, in accordance with Section 41(2) of the *Interpretation Act 1979*, this instrument is a direction given by the Chief Minister to the Acting Chief Executive Officer of the Administration of Norfolk Island pursuant to Section 23(1) of the *Public Sector Management Act 2000*. The direction is dated 20<sup>th</sup> May 2008 and relates to the performance of the functions and powers of the Chief Executive Officer, as provided for in the Act. 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. Mr Speaker in accordance with Section 41 of the *Interpretation Act 1979*, I table the Goods and Services Tax (Amendment) Regulations 2008

MR MAGRI Thank you Mr Speaker. Mr Speaker in accordance with Section 41 of the *Interpretation Act 1979*, I table the 1Road Traffic (General) (Amendment) Regulations 2008

MR GARDNER Thank you Mr Speaker, I table the inbound passenger statistics for the month of May 2008 and move that the paper be noted

SPEAKER Honourable Members the question is that the paper be noted

MR GARDNER Thank you Mr Speaker, interesting results for the month of May. Certainly leading to some growing concern about the contribution from the New Zealand market. As the Minister for Finance alluded to in his questions without notice responses it is my intention to travel with the General Manager of the Tourist Bureau and the chairman of the Tourist Board to New Zealand in a couple of weeks to have some discussions directly with Air New Zealand and with the wholesale and marketing arms of the Norfolk Island Government Tourist Bureau in New Zealand about those results and about what the future may hold. I certainly just need to clear up one issue. The intention in going to New Zealand is not to talk Air New Zealand out of flying to Norfolk Island. It is certainly my wish and I think the desire of the industry as a whole to ensure that Air New Zealand continues to service Norfolk Island as it has done for many years and to our ultimate benefit and all of our efforts will be directed in maintaining those services however as we are all aware, there are significant changes in the airline industry worldwide, primarily because of the price of oil and we are witnessing that in response from airlines globally on a daily basis cutting services, needing to offload staff, change their direction, change their emphasis and their priorities and of course as we've struggled or the New Zealand market has struggled over the last twelve months, Air New Zealand has had to very carefully look at its own performance for all of its services and routes around the Pacific and globally and of course Norfolk Island has floated to the surface and has become the object of their concern about sustainability of the route. Obviously with the monies that we've invested over the last twelve months in repositioning ourselves in the New Zealand market I think without any doubt that has stemmed the flow of visitor numbers away from the island. We have performed in that regard far better than many other destinations and I think that's directly attributable to the effort that has been put into the New Zealand market however that hasn't satisfied our need to improve the performance out of New Zealand and increase the numbers and as was tabled in the House last month the budget clearly indicates that we are committed to ensuring that we achieve growth out of the New Zealand market and so the effort in travelling to New Zealand is to talk to our partners and I include Air New Zealand as one of our partners, to see what we can do in a combined effort to reverse the declining numbers that we have been experiencing. Despite that if you look back over the figures that are tabled certainly May out of New Zealand was disappointing, even though there was a special charter that delivered another 128 people or thereabouts on those special charters out of Auckland and despite the downturn for this month compared particularly to last year which is a

change of about 300 out of the New Zealand market it performed better than the year before. So this isn't the first time that we've come under the microscope as far as the destination is concerned. We have reacted to the 2006 performance for May by increasing our investment in the New Zealand market. It certainly paid dividends last year over the year before. But we are faced as I've explained with some increased challenges from that Sector of the market so we'll be doing our best to address that issue over the next couple of weeks. There will also be an opportunity early in July with visits of some of our wholesalers from New Zealand to Norfolk Island to talk with the industry generally but we will be making a concerted effort to talk with our partners as I said, in New Zealand in a couple of weeks time including Air New Zealand. That said, when we look at the same time last year as far as total arrivals out of New Zealand with the decline of 300 we've clearly improved out of Australia to about the same number. Again that market will present the same challenges that the New Zealand market is presenting at the moment. We're just going to have to be smarter and better at what we do obviously. The challenges increase and our responses to that will need to be a little bit sharper and a little bit smarter than our competitors because of the external global pressures that are brought to bear on the whole tourism industry. I think its commendable for both the airline and our marketing arms both in Australia and New Zealand that they have been able to perform so well in what is a high pressure environment for tourism at the moment and as we discussed with the Minister for Finance the other day, this next twelve months is going to be a challenge for us but I'm confident that we have the wherewithal and the skills as a combined unit both with the airline and tourism to meet those challenges head on and achieve those goals. There is a secondary matter which arose since the tabling of the last inbound statistics. Mr Sheridan had done a spread sheet and formally raised some matters with me in relation to the arrival statistics, and that spread sheet contained the average passenger loading, the number of flights, and the seat load factor and he raised that out of his interest to see because the passenger percentage load factor looked outstanding and in some instances were outstanding. Well over 100% of the number of passengers that an aircraft could physically carry. He raised it out of his interest saying when do you then click in an additional service to carry the demand and over the last three or four months it goes without saying that there has been solid demand and great performance as far as seat load factors on the aircraft are concerned, and just returning to the comments in excess of 100% we sought some advice from Steve Mathews, our statistician and obviously Acting Chief Executive Officer in this matter and he's prepared a paper that explains the inbound passenger statistics and the totals and clearly the tourist arrival stats are accurate, they are genuine visitors to the island, the complications arise in these figures where in that mix there's a local component and we weren't aware until Steve was able to provide us with the documented advise that the local arrivals also included local aircrew so the 100% loadings plus included the three four and five local air crew, I think even greater numbers in some cases, that were arriving on each flight and that had swayed the figures to show a far greater seat load capacity then there actually were so if you removed the arrivals of the local aircrew from those numbers then the seat load factors actually get back to more in line with the seat load factors provided by the airline. So it's been an interesting and worthwhile exercise but that said, clearly the performance of the airline over the last three or four months has been outstanding and clearly with the corporatisation of the airline over the next few months will be asked to make some careful decisions and Tim Sheridan is a Member of that Board and certainly if he is prepared to continue to do this analysis of the figures I think we are in good hands and I thank him for bringing that forward because it satisfies I think some lingering concerns that some of us may have had for a while and particularly in Tim's mind. That said, the figures that I've tabled certainly do indicate t out of New Zealand the challenge that we face and it goes without saying that will be repeated in the Australian market over the next few months as the affect of global oil prices do come to bear and as I've said, I think we have wherewithal to be able to respond positively to that and continue our upward trend in growth in visitor numbers to Norfolk Island

MRS JACK

Thank you Mr Speaker I was just wondering did the Minister talk of the challenge in bringing people to Norfolk Island but there's also been the challenge that I believe was listed in the Norfolk Island Tourism Strategy of making those

numbers or somehow bringing in a higher yielding tourist and I know I've asked it before but I was just wondering has there been devised a method that the Norfolk Island Government Tourist Bureau has of determining what is the yield that tourists are dropping here, are money dropping here, and apart from just the survey on the back of the departure form is there some other analysis that is showing just where those monies are being spent along the lines of the EconTech sixteen areas

MR GARDNER Thank you Mr Speaker, I'm happy to respond to that, the tourism strategy correctly identified the desire for a higher yielding visitor and that can be achieved in a number of ways, unfortunately potential visitors to the island don't walk around with a stamp on their forehead saying look I've got a lot of money to spend or I'm going to yield a lot to you in my visit to Norfolk Island but a number of surveys and Mrs Jack has already discussed one of those. There are further surveys I think the evidence in the Tourism budget that will be undertaken during the year, the retail surveys and those sorts of things to see what people are looking for so that we are able to position ourselves to provide what people are looking for to ensure that we do get a higher yield, because if a visitor comes to Norfolk Island and there is nothing in the shops that's really attractive to them and there's no tour out on the island that's really attractive to them, then the money will stay in their pockets. We want to encourage people to participate fully in their time in Norfolk Island at all levels, through the retail market, through the provision of services generally elsewhere and through accommodation and there's different ways of achieving greater yields when you turn your mind to that. You can ask for the industry as has happened in the tourist accommodation to improve its standards, thereby giving a greater yield through tourism. You can ask the retail industry to look long and hard at the products that they have for sale and some of those higher end products certainly have performed very very well which leads to higher yield, but I think one of the issues that has been the centre of debate for quite some time, has been our focus on the length of time that people stay on the island because we don't necessarily have to eternally just drive for greater numbers all the time. We can achieve the same result, we can achieve a higher yield per person by just getting them to stay one day longer. Another one day per person on the island could deliver us \$40,000 more bed nights for example, in a year and that in the past has not been an easy thing to achieve. Primarily because of the infrequency of air services. As the Minister explained earlier today I think with a desire to want to move to a daily frequency of services the potential to encourage people to stay a little longer really does come to the fore so that's an area that we can target and that's an area that the Tourist Bureau are conscious of, I think the airline is conscious of that, so there are many ways of achieving the yield without necessarily having to change the demographic that we are targeting but at the same time we can be looking at the demographic question as well so it's not just a single fix, there's a number of ways that we can improve yield generally across the board within even the existing market without having to extend any further but we are conscious of the challenge. We have to adapt to see how we are going to manage that in the future. Thank you

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

QUESTION PUT  
AGREED

SPEAKER Thank you. Any further debate Honourable Members

## STATEMENTS

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

MR MAGRI

Mr Speaker, Members may be aware that the air cargo contractors for Norfolk Air recently wrote to regular customers advising that due to the rapid rise in the cost of jet fuel, it was proposed that air freight rates would increase. The standard rate would rise from \$3.30 to \$3.65 per kilogram effective from 15<sup>th</sup> June. There was also a proposal that from 1<sup>st</sup> July Norfolk Air would move to charging for air freight on a volumetric basis. In short, that would have meant that rates for air cargo would be based on weight or volume, whichever was the greater. Mr Speaker, some members of the Chamber of Commerce expressed concern over the changes. As Minister for Commerce and Industry and on behalf of the Government, I met with representatives of the Chamber some two weeks ago to discuss the situation. I undertook to convey their concerns to Norfolk Air and my ministerial colleagues and to report back to the Chamber on the underlying reasons for any changes and on any variations to the information they had received. Mr Speaker, I declare that as an importer myself I could be seen to have a conflict of interest over this matter. For that reason, I have left the detailed discussions with Norfolk Air and their agents to my colleague the Minister for Finance. I advise that these considerations have resulted in substantial change to the position which was advised to importers and I now provide Members and the community with further information. I understand that the increase of approximately 10% in the basic air cargo rate is the first rise for approximately ten years in the tariff for incoming cargo from Australia. There has certainly been no increase since the government became involved in airline services some three years ago. Given the rapid escalation in fuel costs, this rise has been unavoidable. In relation to the charging for cargo on a volumetric basis, I can advise that Norfolk Air has decided to defer any action on such a change until at least 1<sup>st</sup> October this year. Mr Speaker, I am advised that volumetric cargo charges are levied by airlines to provide a realistic yield (per cubic metre) for cargo uplifted. An aircraft has a limited hull capacity, so excessively volumetric cargo can significantly reduce cargo income if volume charges are not levied. The charging of volumetric weights ensures that the uplift of full paying general cargo is not delayed by bulky cargo, or at the very least the airline receives a realistic yield from this bulky cargo. IATA Volumetric charges are as follows: International Freight: The greater of actual weight or 167kg/cubic metre. Domestic Freight: The greater of actual weight or 250kg/cubic metre. Volumetric charges have not applied to the Australian route since Ansett withdrew services in 2000. The Australia/Norfolk route is the only route worldwide that I am aware of that does not charge freight on a volumetric basis. Members would be aware that volumetric freight rates have applied to freight from New Zealand for many years. Norfolk Air's intention was to commence a reduced volumetric rate of 125kg/cubic metre from 1 July 2008. This was a significantly reduced volumetric rate compared with other airlines, and should only have affected significantly bulky freight. The aim of this charge was to discourage (or at least receive realistic income from) excessively volumetric cargo such as empty containers, which delay general paying cargo. It was believed that this charge would reduce cargo backlogs experienced at certain times of the year. It was also assessed that even if cargo was charged at the 125kg/cubic metre rate, it would still be comparable with landed sea freight rates. Given the concerns of importers regarding the effects on volumetric charges to the landed cost of their goods, it has been decided to undertake an assessment over the next three months in order to: 1. Identify the consignees which will be affected by volumetric charging; 2. Quantify the additional revenue which would have been collected by the airline due to volumetric charging; and 3. Make a decision whether to apply the volumetric charges from 1<sup>st</sup> October based on the above results. Norfolk Air believes that by delaying the introduction of volume charges whilst still retaining the volume data and assessing the impact of volumetric charges to importers, it can achieve the following: 1. Acknowledge feedback from the importing community regarding the volumetric charges and provide some cost relief over the next four months for affected importers; and 2. Collate data on shipments which will be affected by volumetric charges to ensure that importers can be made aware whether their cargo will attract volumetric charging. It is expected that this period will educate the community that volumetric charging should only affect excessively bulky freight. I am grateful to the Minister for Finance and Norfolk Air for the consideration which they have given to the concerns raised by the Chamber of Commerce and individual importers. I believe that they have taken a sound decision to

undertake detailed analysis of the effects of any change before moving to volumetric freight rates. Thank you, Mr Speaker

MR ANDERSON Mr Speaker could I move that the paper be noted

SPEAKER Honourable Members the question is that the paper be noted

MR ANDERSON Mr Speaker I would like to thank the Minister for the special interest he's taken. I think the survey over a period will be of great assistance to all the commercial sector. As is the case with any of these times it's always a fear factor that comes into these things and I think a few people who find the criteria that's being used for bulk freight is not at the standard that it is at the present time but at least it does give everyone a chance to assess the situation and I thank the Minister for that

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

QUESTION PUT  
AGREED

SPEAKER Thank you.

MR GARDNER Thank you Mr Speaker, my statement this morning is to advise the appointment of Justice Gary Downs to the supreme court of Norfolk Island . As some would be aware the Norfolk Island supreme court consists of a Chief Justice and such other judges as are appointed in accordance with the Norfolk Island Act. Justice Downs joins Justice Jacobson who was appointed I think last year which leaves a vacancy of, I believe, one further judge on the departure of Chief Justice Mark Weinberg who has left the service of the supreme court of Norfolk Island after I think about two to three years service to join the Court of Appeal in the State of Victoria. I would like to welcome Justice Gary Downs to the bench of the supreme court of Norfolk Island and also acknowledge the service of Justice Weinberg on his departure and wish him well in his service in Victoria. Thank you

MR SHERIDAN Mr Speaker I've just got a brief statement on the Inquiry into the Cost of Childcare Services. Mr Speaker as part of the Inquiry into the Cost of Childcare Services in Norfolk Island the Minister responsible for social services the Hon Vicky Jack requested that the report be tabled in the House at the June sitting. Mr Speaker there has been a hold up in the preparation of the Report on purpose mainly because the review group considered it necessary that as much information be gathered as is possible. To this end the review group has decided to undertake a survey from within the community and this has been carried out over the past two weeks with a closing date for the survey forms only last Friday being the 13<sup>th</sup> June. Mr Speaker the review group were also of the opinion that this Inquiry was an extremely important task and did not want to prepare a report with information from which one could say was not up to date information or information provided solely from census material and or other Administration records. The Review Group believed that it was vital to hear first hand from the community and this has been progressed in the form of a public meeting and by this survey which was conducted in the community of Norfolk Island. I can report now that the survey results have been collated and the information has been considered by the review group and the next step is to prepare the report and attempt to come to conclusions and recommendations that would appease a lot of the community's concerns. It is the intention of the review group to have a report ready for the July sitting of the House. Thank you Mr Speaker

SPEAKER Any further Statement of an official nature. No. We move on

**MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – No. 16**

Honourable Members I have received the following Message No. 16 from the Office of the Administrator which reads, that in accordance with the requirements of subsection 22(1) of the Norfolk Island Act 1979 His Excellency the Governor-General on the 30<sup>th</sup> May 2008 declared his assent to the Subdivisions (Amendment) Act 2008 (Act No 9 of 2008). That Message is dated the 3 June 2008 and signed Owen Walsh, Acting Administrator

**REPORT FROM STANDING COMMITTEES**

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

**NOTICES****MISSION STATEMENT OF THE NORFOLK ISLAND GOVERNMENT OF THE TWELFTH LEGISLATIVE ASSEMBLY OF NORFOLK ISLAND**

**SPEAKER** Notice No 1 stands in my name so I ask the Deputy Speaker if he would take the Chair

**MR SNELL** Thank you Acting Deputy Speaker. Get Notice No 1 bears the title, Mission Statement of the Norfolk Island Government of the Twelfth Legislative Assembly Of Norfolk Island. Honourable Members I fully support the principle that the Legislative Assembly of Norfolk Island maintains a mission statement. Members will recall that the 7<sup>th</sup> Legislative Assembly adopted on the 18<sup>th</sup> October 1995 a mission statement for the advancement of internal self Government on Norfolk Island. At the Impact of Bills and Subordinate legislation Committee of the 11<sup>th</sup> Legislative Assembly on the 15<sup>th</sup> November 2004 included in its procedural guidelines that Norfolk Island legislation should meet the goals of that mission statement. I acknowledge that it has been 29 years since Norfolk Island commenced its passage to internal self Government with the blessing of the Federal Government. Whilst there have been some progress of course this process is yet incomplete. To further the objectives set out in the preamble of the Norfolk Island Act 1979 I think the 12<sup>th</sup> Legislative Assembly should have a vision. I think we should offer some guidelines and goals to work towards. It would have been my preference to reaffirm what had been decided previously but I accept some views and circumstances have changed. In fact, some views of the island residents have changed regarding the previous Legislative Assembly's mission statement. I take those views into consideration. Past Members of the Legislative Assembly, far more experienced than I have shown support. Some have raised valid issues on whether a mission statement is indeed necessary, however, at the end of much discussion at the time a mission statement was stabled. Mr Deputy Speaker the Chief Minister in his Strategic Plan 2007/2009 sets out a range of objectives. These include growing prosperity for all of Norfolk Island; delivering better services; ensuring a sustainable environment for living; promoting fairness, opportunity and responsibility; enhancing leadership communication and consultation. I would like to refer a brief summary of the major actions of the Norfolk Island Government in relation to these objectives and if Members will bear with me. We have adopted a strategic planning approach to cover the whole term of the Assembly, consultation with the public and key stakeholders and publication of a detailed strategic plan; Budget on target for a projected surplus, even after provision for depreciation, infrastructure improvement and systems upgrades; New Econtech report with positive analysis of current financial position and policy projections for the future; Successful implementation of GST and abolition/reduction of other major taxes and charges; GST revenue exceeds target projection; GST Review completed and outcomes being implemented which will close loopholes and improve procedural effectiveness; Commencement of new five year tourism strategy; Creation of task forces at NI Tourism including ambassadors, branding and accreditation groups; Successful re-establishment of NI Tourism Awards; Television and media advertising in rural and regional Australia in partnership with the NI tourism industry and the

Commonwealth; Ongoing growth in visitor arrival numbers, which meet the projections for economic sustainability in the Econtech report; Creation of greater flexibility in tourist accommodation through changes to legislative provisions concerning the transfer of accommodation licences; Substantial growth in Norfolk Air services, including new services to Newcastle and Melbourne; Launch of Norfolk Air website, allowing online bookings by the public and by wholesalers, aircraft scheduling and flights information, links to all NI accommodation houses and many other services; Corporatisation of Norfolk Air to facilitate transparency and accountability under a community-based management board; Successful move of the Norfolk Air customer service call centre to NI; New contractual arrangements to ensure the future of Australian services, the basing of a larger aircraft in NI and a further Australian destination; Growth of employment in NI (cabin crew and call centre) for new airline operation; Progress toward establishing a new port/harbour, including feasibility study and Ministerial visits to ports in Brisbane and Yamba; Meeting with the Port of Brisbane Authority to consider its structure as a model for a new NI port corporation; Ensuring the future operation of NI Airport as a category 6 facility and improving safety through RESA works, which will also create on-island employment and business activity; Coordinated works programme at NI Airport to improve the functioning and the value of an important public asset – fully funded purchase of new fire engines, building of new fire station/emergency services centre, improved traffic flows/parking/security/approaches through car park project; Improved baggage screening and passenger security measures at NI Airport; Two rounds of grants under the Toon Buffett Environment Trust – 9 community projects funded; Agreement from the Commonwealth to permit 99-year leases within KAVHA and to permit conversion of Crown leases in KAVHA from Rural to Rural Residential (subject to compliance with specific conditions); Ongoing upgrade of KAVHA facilities – change shed, fences, barbecues etc.; Successful National Heritage listing of KAVHA; Nomination to UNESCO of KAVHA for World Heritage listing as part of the Commonwealth Convict Nomination group; New draft management plan developed for KAVHA including ongoing community consultation and input; Completion of process mapping and preparation of tender documentation to assist in moving to implementation of International Financial Reporting Standards and system-wide software to facilitate budget and management in the public sector; NIG support for up to 14 projects for Regional Partnership Programme/Regional Development Australia funding, including a new cultural centre; Purchase of the ANZCAN facility at Anson Bay, with multiple projected public uses; Bid to host the 2017 South Pacific Mini Games; UNESCO recognition of the Norfolk and numerous initiatives to promote the use of the language, including expanded teaching programme at the school; Agreement that NI will host the Standing Committee of Attorneys-General early in 2009; Increased participation in ministerial councils involving Commonwealth, state, territory and NZ reps – eg SCAG, Cultural Ministers, telecommunications, education, employment, training and youth affairs etc.; Minister for Finance to be a keynote speaker at the next Telecommunications Ministers Conference in June 2008; Acquisition of Ball Bay fuel facility and creation of Norfolk Energy to manage that site together with the distribution of fuel to retailers, wholesale customers and the airport; Successful launch of new GSM mobile telephone network; Finalisation of telecommunications contracts and commencement of a new carrier, resulting in large reductions in IDD call costs to users; Implementation of a new renewable energy initiative to allow consumers to sell electricity generated from BP solar cells back into the power grid; Extended hours at the Liquor Bond and stabilisation of prices through absorption of the GST; Review of commercial practices within the philatelic service; Request to ABS to review the basket of goods making up the RPI; MOU with NSW Department of Education and Training on ongoing education services (now in final draft); Agreement in principle and draft MoU on new apprenticeships; Completion of Hydrology Study – water and waste management in NI; Householder guide to protecting groundwater; *Ultimate Lady* adventure fishing as a niche tourism industry; New prospects for exports to NZ following attendance at Pacific Trade Expo in Auckland; Pensions paid at higher rates than in Australia; New fringe benefits for pensioners – free telephone rentals; Draft Fisheries Management Plan – at community consultation stage, to be followed by consultation with AFMA and Commonwealth Minister; Policy development on new immigration/population initiatives to integrate with environmental sustainability strategies;

New package of justice legislation and we commend Mr Gardner for his areas of bringing in the new package of justice legislation to comply with our further development of internal self Government; New hospital working group created to design a new hospital and identify funding sources, again credit to Mr Gardner; Cost of living working party established; Public Accounts and Estimates Committee report on grounds and reserves maintenance; Natural Resource Management Plan – final consultation draft; Natural Heritage Trust Advisory Group established and functioning; Internship for an environment assistant; State of the Environment Report in final draft; High temperature waste management system study commenced – final consultation draft due June of this year and a credit to Mrs Jack for her efforts in the waste management area; Commencement of high temperature disposal system for hospital, quarantine and animal waste materials and again a credit to Mrs Jack for commencing and having that system completed; Groundwater reserves survey completed and information stored in a database for future planning and reference again a credit to Mrs Jack; Revegetation of reserves project including substantial plantings at Headstone, Anson Bay and 100 Acres Reserves; Review of the Norfolk Island Plan proceeding on schedule, with substantial public input received; Road upgrades with focus on improving safety and extending the useful life of existing roads; Decision to complete Burnt Pine Upgrade phase 2 – Rawson Hall to Airport section and Mr Magri is to be congratulated and of course the Minister for Finance for all his efforts, particularly with Norfolk Air; Rural numbering system extended to provide street addresses island-wide; Cultural Ministers Council – arts exhibits and programmes; Delegation to Pacific Festival of Arts July/August 2008 in Pago Pago. Mr Deputy speaker I think this new revised mission statement is a workable and simplified version that encompasses all the views previously expressed around this table and reaffirms this Legislative Assembly's commitment to the good governance of Norfolk Island. I commend the motion

DEPUTY SPEAKER Thank you Mr Snell. Thank you for that brief introduction to the Notice. I would like you now to move the actual notice please

MR SNELL Thank you Deputy Speaker. I move that, in recognition of vision statements endorsed by the Legislative Assembly of Norfolk Island on earlier occasions, now this, the Twelfth Legislative Assembly of Norfolk Island, hereby endorses the following as the mission statement of the Government of Norfolk Island "Delivering quality services through sustainable governance so that the people of Norfolk Island might preserve their unique language, traditions and culture and continue to determine their own future."

MR GARDNER Thank you Mr Deputy Speaker, as the Speaker has correctly identified there has been a lot of discussion about the need for a vision and what that vision should embrace. You would have noted that I departed the Chamber a couple of minutes ago just to have a look at the vision from the 7<sup>th</sup> Legislative Assembly that was endorsed by the 11<sup>th</sup> Legislative Assembly and noted that its words expressed a vision of the Legislative Assembly of Norfolk Island rather than that of the Government of Norfolk Island and I think that we probably need to give that matter a little consideration. It is my preference that it is a vision statement of the Legislative Assembly. There are nine of us elected to this position and from time to time the Governments of Norfolk Island have been made up of three Executive Members, four Executive Members and five Executive Members so in the main, they are usually the minority. This is the exception in this Legislative Assembly in that the Government is made up of five Executive Members but at an appropriate time I would move to amend the motion, the wording of the motion itself to replace the reference to the Government of Norfolk Island to the Legislative Assembly of Norfolk Island as the representative body of the whole community rather than the executive side of Government and then clearly adopting the vision as something of the community rather than of a select group of people within the nine Members of the Legislative Assembly and in that regard I agree with the Speaker's opening words where he said our Legislative Assembly should have a vision. Let it be the vision of the Legislative Assembly. The Speaker did discuss the Strategic Plan and that in itself is an

interesting document. One that I've been very pleased to be part of the formulation of but as yet it stands as a non status document as it has not been formally recognised or endorsed by the Legislative Assembly. The Chief Minister has published it under this name but as yet it hasn't been formally debated discussed or endorsed at this level and it is probably something that needs to be done hand in hand in the preparation and formulation of this vision because although each of the Executive Members as part of that Strategic Plan were asked to provide a list of items that they would like to see achieve, they certainly aren't matters that have been debated around this table and the Legislative Assembly have formally adopted as the challenges and as the matters that we want progressed even though I would suggest that the bulk of them would be warmly embraced by all Members around this table because most of them are commonsense matters, would want to improve things, the way we do things and the way we govern, but it is important to give standing to the document for an Assembly to formally adopt a Strategic Plan and I think that that's a debate we need to have. The Speaker in his debate listed a vast number of things that are underway or have been accomplished or have attracted a great deal of consideration. Many of them a great deal of criticism in the community but that is the role of a Legislative Assembly and also the role of a Government to sometimes do the unpalatable things and they do attract criticism and will continue to attract criticism whether its things to do with the supply of fuel or the contracting of air services and a whole host of other issues, Public Service salary increases or wage increases for the Legislative Assembly or how the hospital does things or is Tourist Bureau marketing things in the right way or over World Heritage Listing. There are always going to be heaps of controversy surrounding those things but we're prepared to make those hard decisions. We were put here to make those hard decisions. To do the assessments and ultimately with the vision or the goal of ensuring that they are gong to deliver a better outcome for the community as a whole. In that regard we have to have a vision statement and I applaud the work that's gone in to trying to keep the proposed vision statement as a short and succinct statement of what we're about, where we want to go and what we want to deliver and I think that's a great thing and a significant improvement over vision statements that have existed in the past. It is proposed that if we adopt this that vision statement will be available for printing on Legislative Assembly and Government letterheads so that in written communications with the rest of the world people really do understand what we're about. Some critics and there's plenty of them, will look at this mission statement and say well, it doesn't really say much, but in my view, my personal view, the secret to success of a vision statement is all of the underlying material that supports the vision statement and that includes a Strategic Plan and hence my view that it's necessary that we have the debate that locks that in to ensure that, that's exactly what we want to do as a group, as a team, going forward and if it is, that's a great thing. We have a Strategic Plan. We have a clearly spelt out map of what the executives want to achieve that has the full endorsement of the Legislative Assembly or as best can be fashioned, the full endorsement of the Legislative Assembly because there will always be in some areas, from some factions, from some lobby groups within the community a desire not to go down a particular path. Whether it's building a harbour or doing research for it or those sorts of things, there is always going to be criticism and opposition in some areas. I only give those as examples. They are important things that we have to consider with the mission statement and there are the other supporting documents that may well include things like the Public Sector Management Act for the delivery of services and making sure that, that is robust enough to deliver what is in our Strategic Plan and ensuring that our Employment Act lives up to the wants and aspirations of the community and what we do with our tourism Strategic Plan and our health delivery services and world heritage listing and the whole gambit of matters that we have plans developed for but at the end of the day for a mission statement to be successful all of those thing needs to be working in unison to achieve that ultimate goal so for those who say this is a do nothing, say nothing type thing, it may well appear that on the surface, but the secret of success as I have said, is in the underlying supporting documents that goes to support this mission statement. I'm more than happy to support it Mr Deputy Speaker and at an appropriate time I'll come back to you. I'll be interested in other's views on the wording of the motion to amend it to remove the reference to the Government in Norfolk Island and put in what I think is the appropriate body which is the

Legislative Assembly of Norfolk Island which is the representative body of the community of Norfolk Island

DEPUTY SPEAKER Thank you Mr Gardner. Just before I ask for further debate. I note in the motion we are actually talking about the mission statement. Now I'm going to come back to Mr Snell but is it the intention to replace the vision statement from previous Legislative Assembly's because I do note that the vision statement and the mission statement are two completely different issues. You have a vision for long term views and the mission statement is your immediate task on hand so maybe Mr Snell you would like to take that on board when the time comes and if it is the intention to replace the vision statement maybe this motion needs to be amended

MRS JACK Thank you Mr Deputy Speaker. Very simply I applaud the speaker for bringing this forward and especially in amending it to this more deliverable capacity that is before us. The one that was muted first was to my mind relevant to times past and particularly with the Government's issues in 2006. I like to think that we've moved on in a couple of areas since then and I appreciate the smaller more precise statement that's being put forward and I have no trouble in supporting it and I look forward to and I agree with Mr Gardner on making it a statement of the whole Legislative Assembly. I think that's far more appropriate and one that is in keeping with this place. Thank you

MR MAGRI Thank you Mr Deputy Speaker I thank the Speaker for providing us with the opportunity to recommit to a vision for the people of Norfolk Island and to give support to a condensed and hopefully more useable vision statement. Mr Deputy Speaker the idea of a vision statement can be a little subjective, so I offer the following. A vision statement generally describes the intentions of an organisation and what that organisation can achieve within its sphere of influence. A vision statement assesses the specific requirements which must be met, including in our case, a complex network of social and community services for our families our environment and our economy. A vision statement is generally short, is not restrictive and describes the highest level objective of that organisation. Mr Deputy Speaker a vision statement focuses on tomorrow and is timeless. This vision statement before us today generally achieves these things where the intention of the Norfolk Island Legislative Assembly within its sphere of influence is to deliver quality services through sustainable Governance so as to provide and sustain a political and social environment within which the people of Norfolk Island might, amongst other things preserve their unique language traditions and culture. More detailed considerations as the social and community obligations and desires for our families; our environment and our economy whilst not dealt with specifically in this statement are obviously inferred. Specific desires and aspirations will change from year to year and from Legislative Assembly to Legislative Assembly but the mechanism with which such achievements can be made will remain timeless. So the key feature and the highest level objective of this vision for the Legislative Assembly of Norfolk Island is to continue to provide and sustain the political and social environment in which the people of Norfolk Island can remain the architects of their own destiny and desires and continue to determine their own future. Thank you Mr Deputy Speaker. I will be supporting the motion today

MR SNELL Thank you Acting Deputy Speaker I acknowledge firstly the comments by Mr Gardner. The statement on the Government of Norfolk Island. I have no problems in amending that to the Legislative Assembly of Norfolk Island but the reason for including the Government of Norfolk Island was that this mission statement was to be placed on the Government letterhead and whether there will be a difference whether it's a statement of the Legislative Assembly or the Government of Norfolk Island I'm very happy to have that amendment. Regards to the query by the Chair, the mission as to vis a vis the vision I believe that it's comparable and I'm very happy to have the word mission substituted by vision in the preamble to the motion

MRS JACK Thank you Mr Deputy Speaker so the word "mission" just prior to the "mission statement of the Government of Norfolk Island" is now replaced with the word "vision", and it now becomes the "vision statement of the Legislative Assembly of Norfolk Island" is that correct

DEPUTY SPEAKER That is how I believe the amendment is proposed

MR MAGRI Thank you Mr Deputy Speaker I have no trouble in supporting both of those minor amendments to the motion

MR GARDNER Mr Deputy Speaker I'll formally move that amendment

DEPUTY SPEAKER Thank you Mr Gardner. I put the question that the amendment to the motion be agreed to

QUESTION PUT  
AGREED

Therefore I now put the question that the motion as amended be agreed to

QUESTION PUT  
AGREED

The ayes have it, that motion as amended is agreed to. Thank you. I invite Mr Speaker to come back to the Chair

**NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ACT 1980 – RE-APPOINTMENT OF MEMBERS TO THE NORFOLK ISLAND GOVERNMENT TOURIST BUREAU**

MR GARDNER Thank you Mr Speaker, I move that this House in accordance with subsection 4(2) of the Norfolk Island Government Tourist Bureau Act 1980 recommends to the executive member that he re-appoint Matthew Christian-Bailey; Marion Christian; Nadia Cuthbertson; and Morgan Evans, to be members of the Norfolk Island Government Tourist Bureau for a period of 12 months from 1 July 2008. Thank you Mr Speaker I've spoken to Members around the table about these appointments over the last couple of weeks and as you would be aware Mr Speaker both Mr Ian Anderson is the MLA representative of the Legislative Assembly on the Tourist Bureau and Mr Wally Beadman was reappointed a couple of months ago now and there is a requirement with the four other positions on the Tourist Bureau for those vacancies to be filled. As you are aware they are twelve-month appointments so are necessary to have a full complement of Members. It is with pleasure that I am proposing the reappointment of these four individuals. It has been an interesting twelve months with this team on board including Mr Anderson and Mr Beadman and I think the diversity of personalities and interest. I am aware of vibrant debate and discussion, enthusiasm and trust me, not always do all of these people see eye to eye, but I think that's what makes this Tourist Bureau or the one that's in place at the moment such a good working unit. Yes many Members of this Tourist Bureau are perceived in the community as having a degree of conflict with their position because some of them have tour companies, because one of them now is a wholesaler, because others are from the Chamber of Commerce but I think it's important to understand that when you are dealing with the primary industry in Norfolk Island you want people who have a sound knowledge of how the industry works and these people are a cross section of people involved in this board, certainly do have that sound knowledge of just how the industry works and operates. Other people have raised issues in relation to the perceptions of conflict that maybe the positions on the Tourist Bureau may be and are used by some as a way of feathering their own nest. I have said before and in my initial address to the Tourist Bureau at the beginning of this Legislative Assembly I made it very

clear to them that issues or perceptions of conflict will be dealt with forthwith within the Tourist Board on any matter arising and was assured by the Chairman and Members of the Board that they were very, very conscious of being looked at under close scrutiny by Members of the community and the way they perform their roles and I am more than satisfied Mr Speaker that the necessary oversight to ensure that any potential conflicts are dealt with is in place, is working and is delivering results for the benefit of the community of Norfolk Island on a wholesale basis. I have great confidence that renewing of this team for a further twelve months will only add strength to our marketing and promotion campaigns and as a solid and enthusiastic team and one that is keen to fully embrace the implementation of the tourism strategy over the next twelve months and in that regard, I commend this motion to the House

MR ANDERSON Mr Speaker I endorse the Minister's comments and just add that it is a very well balanced Board. I have not seen problems of conflict of interest and in fact I see it as one of my roles as the Legislative Assembly Member on there to ensure this does not happen and to date it hasn't. As I said it is a very well balanced board and I endorse the motion

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

**ORDERS OF THE DAY**

We move to Orders of the Day Honourable Members

**APPROPRIATION BILL 2008-2009**

SPEAKER Honourable Members we resume debate on the question that the Bill be agreed to in principle and Mr Neville Christian you have the call to resume

MR CHRISTIAN Thank you Mr Speaker, the revenue fund budget for the 2008-2009 financial year is a substantial one and it is also a balanced one with a forecast surplus of \$4,800. During the course of the financial year we expect to receive a total of \$14,747,300 in revenue. Revenue from taxes are estimated to total \$3,338,500 and the source of this income as is follows. We have customs duty, secondly we derive income from land title fees, we have commissions from Tattersalls, we have companies fees; stamp duty, liquor licencing fees, departure fees and absentee landowners levies. Revenue from charges are estimated to total \$656,000 and they consist of the following, crown lease fees, court fees and fines, pasturage and dog fees, mobile plant hire, timber royalty, sale of surplus equipment, property rentals, curator of deceased estate fees, sale of forestry products, tanalith plant charges, customs warehouse fees, customs out of hours fees, Immigration fees, assets transferred from other entities, profits on sale of fixed assets, Australian Federal Police contribution to policing, planning application fee, building application fees and miscellaneous revenue. The income from earnings are forecast to total \$10,752,800 and they consist of the following. We have income from interest on investments, the GST, which we have budgeted to receive a net amount to the revenue fund of \$5.9m for the next financial year so obviously the gross amount derived from GST is well over \$6m and that funds the operation of the GST office and also the duty drawback system that's in place. We also have income from management fees. Liquor sales, sale of rock, gaming, postal services, water assurance, workers comp, airport, Norfolk Air, Norfolk Telecom, Electricity, lighterage, Healthcare Fund, Norfolk energy, roads, museum management fees. Most of the ones I've just mentioned there fall

into the categories of the GBE's and we take dividends from those GBE's as a source of revenue for the revenue fund so once again, that demonstrates I suppose that you take the documents and read them, the benefits that the various Government Business Enterprises have for the community of Norfolk Island by providing the funding that is necessary to run the larger part of the Administration and thereby reducing direct taxation in that respect. On the expenditure side we are proposing to spend an amount totalling \$14,742,500 and this expenditure can be broken into three main categories. They are firstly salaries and wages. We expect to spend \$6,599,100 on wages in the financial year going forwards. This amount makes provision for the recent pay increase granted to public servants by the Public Sector Remuneration Tribunal but does not provide for the pay increase sought by the MLAs as to do so in my view, could be judged as being presumptuous. Secondly, recurrent day to day expenditure totals \$8,042,400 and lastly we have identified \$101,000 to be spent on capital items. Mr Speaker this is the largest revenue fund budget that has ever been laid before the Legislative Assembly for consideration and proposes record expenditure in respect of health, welfare and education and I expect that the relevant Ministers will contribute more to the debate when they have the opportunity. Subsidies and grants given to various organisations in Norfolk Island form a major part of the revenue fund's expenditure and the beneficiaries are the hospital which will receive a grant totalling \$1,350,000 and I think Mr Gardner mentioned last week and he'll probably do so again this time that we've made provision in the budget this year for vaccinations for children at birth and school age children and also we've made a provision for the gardisil I think it is, vaccination for cervical cancer in teenage girls from about 13 to 19 years of age. Secondly, the Tourist Bureau will receive \$1m initially with a commitment from me to provide another \$285,000 as the year goes on and when we combine that with Norfolk Air's \$500,000 marketing budget, the result will be \$1,785,000 being available for the important task of promoting Norfolk Island in the Australian and New Zealand marketplace. Once again I think that's probably a record amount we've funded from within Norfolk Island and its worth noting that this year we do not have a contribution from the Commonwealth. The roads GBE will receive \$300,000 from the revenue fund in fuel levy equipment payments and just to wrap up a few of the smaller ones which sort of highlights where the revenue fund helps other organisations within the community I just give a brief overview. The Army Cadets will receive \$5000, the Banyan Park Playcentre will receive \$14,000. This is a little more than what we would normally give Banyan Park and the idea here is that Banyan Park for a while has been I suppose struggling as to how they deal with the impact of GST,. The view that we've taken with the GST review and hopefully will become law shortly once the drafting is done and we get to deliberate on it, is that we would not require Banyan Park to register for GST purposes and as they don't register they could not claim the GST charge to them by service providers so what we would propose to do is make an assessment of the amount of GST Banyan Park would pay and increasing the annual grant to them by an equivalent amount so that simplifies the paperwork for Banyan Park so I think we've given \$2000 more than last year and that's the first stage in that process and if we need to make further adjustments as we make changes to the GST legislation we will revisit that issue. Culture and heritage will receive \$12000, sports promotion in Norfolk Island will benefit to the tune of \$5000, Youth Sport in Norfolk Island will benefit by \$2000 and of course, the Museums rely on a significant grant from the revenue fund to survive and this year the grant will be \$80000 and I think from memory and Mrs Jack will remind me if I've got this wrong, the Museums had originally sought \$90000. We have trimmed it a little bit and the reason for doing that is to apply a little bit of pressure to the Museums to be a little bit more commercial in what they do and to that end they've got to try and make the REO Café perform a little bit better and they may also have to raise some of their admission charges that they currently have in place. I have previously stated when the Appropriation Bill 2008-2009 was first introduced to the House that the 08/09 revenue fund budget has been prepared without any increase in taxes and levies and once again I think that's a pretty significant achievement and I commend the Bill to the House

MRS JACK

Thank you Mr Speaker I did speak to some extent last week but I would just like to add on to some of the another areas or actually go over

some of what I said two weeks ago I think it was. Just to say that in the area of land use and environment, all the programmes there are running due to great commitment by the staff there, the environment officer in sourcing NHT funding, or Natural Heritage Trust funding and in doing that the officer is also bringing in to this sphere work for programmes for the forestry division. But the officer has recently been notified that she's been successful in five funding applications. The first is to continue the hydrology study. It is the third stage of the study, the first being related to all the historical knowledge about water catchment on Norfolk Island, the second was the study involving water sampling in an island wide survey and the third study and the funding for this actually ties the previous two reports together and gives recommendations. Recommendations that for example could see us looking at a catchment based approach to managing our water quality on the island and by this I mean breaking the island into definite catchment areas and investigating each one. Catchment areas could be the one like water valley or the Cascade area. Both are important areas as both are downstream from Burnt pine so its looking into those catchment areas. Another programme that was successful was the invasive programme to assist in the dealing with the invasive pests on Norfolk Island and this broke up into two programmes, one for the argentine ants and the other for geckos. So both those are awaiting further reports. I've just been informed that the report from Peter Davies who was over here assisting us in the argentine ant programme in May arrived with the acting manager for land use and environment, Alan McNeil last week and has been delivered to the relevant officers within the Administration so I'm looking forward to discussing the ongoing treatment programme and again with my colleague the Minister for Commerce and Trade who is also assisting me in this area Mr Magri. Another example of positive funding was the revegetation programme and when I mentioned before the joining of forces between Land use and Environment and Forestry one must congratulate the Forestry boys on their fantastic efforts that they've been having at 100 Acres and Crystal Pool at the recent Art in the Park at 100 Acres I think many of the community saw a positive result done there by Forestry and again I commend them on the excellent job they've done in this area on revegetation. The final programme that's being undertaken actually crosses over into a GBE and that's the funding and sourcing of a glass crusher for the Waste Management Centre. Now the Waste Management Centre is a GBE but it's good to recognise that staff that are funded through the revenue fund are assisting in gaining the grants that will assist in turn the Government Business Enterprises. This glass crusher, all the work has been done, all the specifications have been completed and its hoped that tenders for this piece of equipment will be called for within a week so that's a positive move and its good to see that sort of work moving forward within the Administration and assisting the community. I've already spoken, even as I said Mr Speaker the Waste Management Centre is a GBE and in questions without notice I was asked about the high temperature incinerator and dealing with municipal waste so I won't go over that again. In planning the major programme that will be continuing throughout the coming financial year will be the completion of the Review of the Norfolk Island plan. I understand this work is progressing and the finalisation date which is about February 2009 is still on track. Another work that will progress through the 08/09 financial year will be the review of the DCP for signs, the Development Control Plan for Signs. Members of the Legislative Assembly have been given a document that has compiled comments and includes comments from public submissions, the Planning and Environment Board as well as the planning officer and we're being asked to consider those submissions and give forth our comments. We are meeting again to discuss this at our MLA's meeting next week so hopefully that is not too far away from completion as well. Education I spoke in the last meeting about the true cost of education and how the need to recognise upgrades in technology must be included in these costings and I congratulate the Minister for Finance Mr Neville Christian in his application of a grant from Norfolk Air to the School. That grant will assist greatly in the replacing over a two year period all of the 96 computers currently in use at the school. It's also going to include some replacement of printers and it's just been a fantastic benefit to the school. There'll be a flow on and I'll mention that later talk about the grant at Banyan Park. Another factor we must look at is the maintenance of buildings at the school. The Minister for Finance had a brief look at some of the concerns being raised by staff in this area when we both visited the school a couple of weeks ago

and I'm sure that he too, recognises the need to establish a proper maintenance programme that is adequately funded in forthcoming budgets. We all recognise the need for a new hospital and what I'm asking us all here today is to also recognise the need for a better building maintenance programme at the school and fund it appropriately. The funding that was asked for was cut back and there were reasons for that and I can fully understand it but doesn't take away the fact that if you do start to look around there are some immediate problems in maintenance at the school and I just look forward and I'll just mention it here but some of those concerns will be addressed in the 09/2010 budget. When we come to Forestry livestock and noxious weeds together with the tanalith plant, as I mentioned before Forestry's work is being tied in with the Environment section and I do applaud them with the programme that they are doing with their revegetation programme. Livestock and noxious weeds sees an amount of some \$5000 being included to maintain ongoing health testing of the herd and the current stock health programmes and I think that's great because that's looking at more than just, well it looks into possible public health issues and again I'm very, very happy that that's being maintained. The Tanalith plant I view this area and I acknowledge the need for plant replacement here. If the Administration is to continue with this operation then there needs to be made some upgrades to existing plant. Overall I believe that we need to have an open review to look not just at plant but also at alternative chemical solutions currently being used in areas outside Norfolk Island and consider the relationship and any moves to new occupational health and standard requirements. If we look at the KAVHA contribution I notice the request was for \$468,400 and the amount was settled at \$365,900. Now whilst not receiving the original ask, the actual figure for 08/09 is still a 20% increase over the 07/08 figure and I think that increase is recognising the importance of the site to the island. One thing I would like to say in this area is the major work that was due for action in the coming year, was the replacement of the roof in this actual building to remove remaining asbestos. That action has been deferred for the present. One reason for this was due to the fact that in my role of dealing with the Waste Management system our ability to send asbestos and other recyclable goods off island through the port of Yamba has been shut down. That port is seen as a domestic terminal, not an international terminal and there are no full time quarantine staff on hand so that if we were to load up the ship and then ask them to defer their entry into Australia to either Brisbane or Sydney that would involve large increases to harbour or port fees and those fees increase would more than negate any of the cost advantage in our recycling programme and so until I can either fix that problem we have at Yamba or look for other places where we can send that waste I am loath to have any large quantities sitting around the Waste Management Centre. As it is we have a growing amount of aluminium and steel cans growing there and I don't need to add to it by large amounts of asbestos so I have asked that, that be deferred until I can find a new entry point into Australia. I would just like to say that the maintaining of the roof presents no immediate health concerns and I believe there are other ways that the current Project Manager can deal with the issue in stabilising any of the asbestos tiles. One of the last areas is the Banyan Park Playcentre and the Minister correctly said that the ask was for \$16,000 and the grant was maintained at \$14,000 which still sees a 16.6% growth in the grant to this facility and again as the Minister for Finance says this increase is to offset the GST paid by the Centre and while I do recognise that the centre did apply for this subsidy as I mentioned of some \$15,990, of this some \$1,600 was for the purchase of two computers listed as being acquired for computing skills/activities for children and as I mentioned there's going to be a computer upgrade at the school and I asked the head of the computer department, Mr Errol Wilson if some of those computers that are being replaced could be put together and supplied as an interim measure to the Banyan Park Playcentre. He has said that can be done, so over the next two years as those 96 computers are replaced I believe the Banyan Park Playcentre should come away with more than just two computers for their students and that's a very positive result for the Playcentre. Lastly the Museum Subsidy, again the Minister for Finance is correct in that the \$90,000 has been maintained at \$80,000 and that has provided challenges and we are looking at increasing from the 1<sup>st</sup> July all fees into all the Museums and some charges also will go up, prices will go up within the REO. I would just like to say that last year the REO did give a net profit \$21,400 and that's to be commended over some of the previous years

when it was actually costing us to having it open so I commend the attitude and the good commercial sense trading that's been going on there. However we like to think we can improve in that area. I see the current Minister for Tourism is saying that it's been well attended by various Members within this Legislative Assembly so again, don't stop boys, keep on going. That's it for me. There's some challenges ahead but I agree with Mr Gardner, that we can rise to that challenge and we can perform extremely well. Thank you

MR GARDNER Thank you Mr Speaker, as Members would be aware a couple of weeks ago on the introduction of the Appropriation Bill 2008-2009 I spoke at some length about the impact on my areas so it's not my intention today to revisit that detail but there are a couple of issues and in relation to the quarantine question Mrs Jack just raised in relation to Yamba I just wonder whether we have explored the possibility of utilising Brisbane Ports Quarantine Officers on an ad hoc basis with the arrival of a ship in Yamba and maybe picking up those additional costs. I'm sure it would be far less than those of having to divert a ship to either Brisbane or Sydney or maybe because we are developing a relationship with Coolangatta Airport for our next flight, maybe seeing if we can utilise quarantine staff from Coolangatta Airport to clear the ship in Brisbane for waste management purposes

MRS JACK Thank you Mr Speaker could I just say that there has been one instant in the past where we had to get quarantine staff in there for the last lot of asbestos that was taken in some eighteen months to two years ago and it was the reluctance on behalf of the Quarantine Officers being prepared to do it again was my understanding, so yes, while we did look at it, it was the lack of desire to continue with that

MR GARDNER Thank you Mr Speaker, just continuing on my discussion about the Appropriation Bill 2008-2009, and I'll thank Mrs Jack for that response, there has been over the last couple of weeks some further progress in relation to one of the other projects that I talked about which was initiatives in the aged care area generally, and I talked about an equivalent home and community care programme in Norfolk Island. I'm pleased to advise that the Director of the Hospital has been proactive in that area and has prepared a paper on a number of initiatives that is proposed for introduction and I spoke of those a couple of weeks ago which include the home help area, assistance with transport for shopping and the like for our elderly citizens and with that in mind the Director of the hospital will be reconvening the Aged Care committee with some community representation on it for the primary purpose as I said a couple of weeks ago, of exploring those options that are available so I'm pleased to say that we're off to a bit of a flying start and hopefully in due course I'll be able to bring back those recommendations to Members of the Legislative Assembly for implementation to assist with aged care in Norfolk Island. I spoke to Members at MLA's yesterday about some costs in the supreme court area which has been allocated \$20000 under the budget with an estimate for a significant civil case that will be happening later this year which may well exceed the total allocation at that time, but we will have to monitor that obviously and come back to the House for supplementary appropriation if we exhaust that vote, but it's always very, very difficult in the case of the courts to be able to clearly identify exactly what it's going to cost you from year to year because you just don't know what crimes might be committed or civil actions that might be commenced and the dealing at any level in the court process and of course that has an impact on our legal aid areas of responsibility and in this budget there is a further contribution by the Norfolk Island Government to legal aid to meet our commitments under the Memorandum of Understanding that establishes legal aid in Norfolk Island. It's also worthy of note that this year, we are faced with a significant contribution in the order of \$270,000 for custodial costs in Australia. It's something that is certainly a major increase over previous years. **Something that's not entirely foreign to us but in understanding that, that is the cost of having three people from Norfolk Island interred full time in a mainland house of detention and we need to understand that is a cost that this community will need to bear. In one of those instances that cost will need to be borne for the next two years at least, in another, it could be that length of period or longer and in the last one which relates to the**

**McNeil** trial, there'll be at least another sixteen years plus that this community will bear those costs. They aren't insignificant numbers but we need to understand that those are the costs of doing business as far as justice in Norfolk Island is concerned and it forms a part of this budget obviously. Sport promotion is something that over the years has been trimmed back. At its peak we were contributing I think about \$12000 to sports promotion and as pressures have come on over the last few years, that has been reduced. I'm pleased that at least we've got \$5000 this year which repeats what we had last year and it was well utilised last year and we've had some good results and have been able to support a number of different teams and individuals to achieve their goals as far as coaching training and competition are concerned. I hope that over the next twelve months we will be able to go a few steps further with sports promotion and events promotion generally, so it's a sports initiative and also a tourism initiative to supporting events and that is to work with the airline in developing a policy, or hopefully locking in a draft policy that I've provided to the Minister in relation to supporting both sporting organisations and other organisations that conduct events in Norfolk Island to provide a similar level of support to that which our wholesale partners enjoy for bringing in a certain number of visitors to the island. They enjoy the benefit of one in twenty policy. Obviously we need to give that further consideration and the change of management of the airline is another opportunity to give that further consideration as is the corporatisation of the airline itself or that Board to give consideration to that draft policy and I certainly hope that it is embraced to assist those people who are actively out there trying to support visitations to Norfolk Island from both a sporting and events perspective. My final words in relation to this are again just repeating my words of a couple of weeks ago as I said in earlier debate that its important that we keep our eye on the future in this twelve months, as I said in earlier debate in statements I think when I presented the tourism arrival statistics, is that we are faced with some challenges, and I'm glad that Mrs Jack is of a similar view to me that we will rise to meet those challenges over the next twelve months but remembering that those challenges from global oil prices and the affect they have on the airline industry have the potential to have significant impact on Norfolk Island but as I said earlier, I'm confident that we have the where withal and the skills to be able to address each and every one of those issues as they arise. We need to be conscious of that because if we can't maintain at least our position and some growth in tourism then we possibly may not meet our income projections and that does bring with it its own issues and own concerns but Mr Speaker I look forward to the next twelve months and the continuation of the delivery of solid services in Norfolk Island and as I said a couple of weeks ago, half of the remaining \$8m after the removal of salaries and wages from the budget are in my areas and they are significant sums of money and we have good groups of people both in health and in tourism in the management of the health care scheme and in those other areas that continue to monitor and ensure that we get the best bang for the buck that we possibly can. Thank you

**MR ANDERSON** Mr Speaker I only have one comment which I made last Sitting in that I commend Minister for Finance on not increasing fees and taxes specifically GST. I believe that an increase there would have been catastrophic and I commend him on that. Thank you

**SPEAKER** Thank you Mr Anderson. Any further debate. I put the question Honourable Members

**QUESTION PUT  
AGREED**

The ayes have it. The Bill is agreed to in principal

Is it the wish of the House to dispense with the detail stage. We so dispense. I call on Mr Christian

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

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

QUESTION PUT  
AGREED

Thank you. The Bill is so agreed to

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

SPEAKER Honourable Members we resume on the question that the Bill be agreed to in principle and Mr Nobbs had the call on this. Mr Gardner you will take the call

MR GARDNER Thank you Mr Speaker, if I could just explain to the listening public that the reason you called on Mr Nobbs was that in my absence from the House last month he, on my behalf, had introduced the three pieces of legislation that I have listed in the Order of the Day being this Bill we are dealing with now, and the two following Bills I thank the Chief Minister for undertaking that task on my behalf. As I understand it the Chief Minister went into quite some detail and read into hansard all of the explanatory memoranda that attached to these various bills so it's not my intent to go into that same detail today. I have asked Members in the intervening period if there are any additional comments in relation to this piece of legislation and the others but the Law of Negligence and Limitation of Liability bill is one that has challenged us or our response to the challenges has been about for some time. A little disappointing I guess that it's taken us three or four years to actually get pen to paper and draft legislation that address the issues that arise or have arisen that have led to the promulgation of this legislation but unfortunately we just don't have limitless resources that we can just direct at everything that we want to every minute of the day to ensure that we address every matter that arises but you will recall some three or four years ago some of the issues that arose because of liability and insurance issues generally which at one time threatened even the holding of such events as Bounty Day, the Country Music Festival, the Beach Carnival and those sorts of things, simply because people and organisations were unable to adequate insurance. That led to a number of initiatives by most if not all of the mainland states and territories to look at the Law of Negligence and Limitation of Liability generally, and I think it's probably fair to say that Victoria was the leader in that area and much of this legislation that we have before us today is based on that original legislation that was put together by the Victorians and subsequently enacted and to some degree picked up by all of the other States and Territories so there is a degree of consistency across the board with other jurisdictions with which we deal and where we draw our legal services and expertise from. There is a general capping provision for maximum payment of half a million dollars which is indexed by this bill for pecuniary damage in respect of physical injury or death, for \$350,000 for non economic loss, pain and suffering and that's where this is capped. It does deal with issues and I know the Chief Minister spoke about those as far as the good Samaritan, you know, helping somebody on the side of the road and providing you some protection if they were to suffer some additional injury or something, those types of people are protected where under our current arrangements in Norfolk Island there was doubt about that. It also does provide protection for volunteers such as people like ambulance drivers and cliff rescue people and people who are generally trying to assist other people in their specific endeavours. It is something that is long overdue for our attention and this Bill does deal with it amongst a range of other issues but in commending the bill to the House I say not before time. Thank you

MR MAGRI Mr Speaker I just wanted to agree with the Minister there where he says not before time. Both the capping of the limit to a liability action which helps to contain insurance costs and protects against excessive damage awards; providing protection for public authorities and volunteers are necessary and appropriate

and in my opinion should have been done years ago and I thank the Minister for his diligence in bringing it to the House and I'll definitely be supporting it today

SPEAKER Thank you Mr Magri. Any further debate Honourable Members. I put the question

QUESTION PUT  
AGREED

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

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

MR GARDNER Thank you Mr Speaker, I move that the Bill be agreed to

SPEAKER Thank you Mr Gardner, any further debate. I put the question

QUESTION PUT  
AGREED

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

### **TREES (AMENDMENT) BILL 2008**

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

MRS JACK Thank you Mr Speaker. Mr Speaker this is as I mentioned when I introduced the Bill last month, this is a housekeeping matter and I just look forward to the Members support in continuing on with the progress and moving the Bill

SPEAKER Thank you Mrs Jack. Any further debate Honourable Members I put the question

QUESTION PUT  
AGREED

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

We move now to the detail stage. Is it the wish of the House to dispense with the detail stage. We so dispense. Mrs Jack I seek a final motion

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

SPEAKER Thank you Mrs Jack. Any further debate. I put the question

QUESTION PUT  
AGREED

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

**LIMITATION OF ACTIONS BILL 2008**

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

**MR GARDNER** Thank you Mr Speaker, my words in relation to the previous legislation the Law of Negligence and Limitation of Liability Bill extend to this one in relation to the role of the Chief Minister and again I thank him for introducing the bill to the House. The Minister for Commerce and Trade has indicated to me that he's hungry and I just wonder whether that is some encouragement for me to hurry up! I'll endeavour to keep it brief. That brings with it its own areas of concern at times too. The limitation of actions Bill in a way goes hand in hand with the previous legislation the Law of Negligence and Limitation of Liability Bill in that it relates to actions that people can take and in most other jurisdictions such legislation has been in place for many, many years and is primarily designed to give some certainty to arrangements and some finality. In other words, there is a line drawn in the sand and you don't go past that. You are given the option to be able to look for an extension of time in certain circumstances. In this Bill there are extended time frames that are provided in Norfolk Island in special recognition of special circumstances that Norfolk Island might find itself in and that primarily relates to the commencement of actions for personal injury which under this Bill is provided at six years in Norfolk Island instead of three years elsewhere including New South Wales and Victoria and the difference that is proposed is because of the perceived difficulty that potential litigants may suffer in Norfolk Island as a result of the difficulty in obtaining professional advice and assistance necessary to commence claims within a shorter time and in any event the reason for a shorter period in other places has much to do with the insurance systems and level of litigation that exists elsewhere but to explain that may be a little further because I know it's been a query that you've raised with me on a couple of occasions Mr Speaker. It provides a little more flexibility and we're trying to be fair to all concerned when we look at legislation like this, and its got to be just and Norfolk Island is a long way away from the major centres and a long way away from your expert legal advice and a long way away from your expert medical advice and if you have a personal injury we are giving some consideration to that in this bill to provide an opportunity for people who may have a legitimate grievance. A little more time to be able to put their case together and I don't think that that's unreasonable. Again this is legislation that is long overdue. We have other laws that touches on the fringes of this type of legislation but a lot of the other legislation that impacted on other jurisdictions was never extended to Norfolk Island, never embraced by Norfolk Island and so things have always been left up in the air ad infinitum. This provides some certainty and as I said goes hand in hand with the other legislation that we passed earlier today in some ways but does give the certainty that people are after and again, I commend the Bill to the House

**MRS JACK** Thank you Mr Speaker I'm just wondering Minister my understanding was that following a birth at the hospital there was some 25 years for that if there was a problem for that problem to be dealt with. Does that mean that now there's only a six year gap. Or was I incorrect in the beginning for that 25 years for a patient to claim against our hospital

**MR GARDNER** Thank you Mr Speaker, I am unable to advise with any certainty Mrs Jack as to whether the 25 year arrangement was in place. I think probably it was – I could be wrong here but that may be at common law but the ability within this is, I think its up to the age of 18. I would need to satisfy myself and I can't at the moment put my finger on the detail within the bill but I think it's up to the age of 18 and then the limitation of actions provisions click in

**MRS JACK** So it takes a child to 24

**MR GARDNER** 24 as I understand it, but I'll confirm that with you Mrs Jack but at this stage if it is an area of concern I am happy to adjourn the bill but I think

that we have dealt with that. Yes it does. It allows until the age of 25 so it's eighteen plus seven when an injury is deemed to be discoverable and the time to start so it is well catered for within the bill and that's just a reference out of the explanatory memorandum that I read from

SPEAKER  
put the question

Thank you any further debate Honourable Members I

QUESTION PUT  
AGREED

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

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

MR GARDNER  
to

Thank you Mr Speaker, I move that the Bill be agreed to

SPEAKER  
question

Thank you Mr Gardner, any further debate. I put the

QUESTION PUT  
AGREED

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

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

SPEAKER  
that the Bill be agreed to in principle and Mr Gardner has the call to resume. Mr Gardner

MR GARDNER  
Thank you Mr Speaker, again I thank the Chief Minister for the introduction of this amending Bill during the May sitting. Again, this one has been a very long time coming. The primary Act is the Legal Profession Act 1993 which we are amending and for information of Members only two sections of that Act has ever been commenced and I think and really they don't have a great deal of effect, so the rest of the Act has sat there, never commenced, and has been the subject of a lot of discussion and debate over a number of years with every best intention and I can say that because it was my very best intention to try and do something about it, and it actually may have been longer five or six years ago to try and commence it and get some certainty into the regulation of the profession in Norfolk Island. All those years ago the hiccup in that arrangement was the non agreement at that time of another Law Society to act as the disciplinary body or have oversight of disciplinary matters that are established within the primary bill itself and then further refined under the amending bill that we have before us today. With the passage of time we've had agreement from the Act Law Society to act in that role. There still needs to be some refinement of that relationship but that Society has been provided with the supporting regulations that will come into play as a result of the passage of this Bill. Those regulations, the amending bill have been circulated to the legal fraternity and also to others with an interest in our legal jurisdiction including the judges of the Supreme Court, the Chief Magistrate and others inviting comments and I think it's fair to say that I've had one direct written representation that talked about the definition of practitioners. Those issues have been addressed in the drafting of the amending bill and that is the extent of the feedback that I've had. There's been anecdotal feedback through a couple of channels. One I think that was roundly critical of moving in this direction because the fear was that it as going to prevent people providing pro bono services in Norfolk Island but this is a necessary step for one reason in particular. As you are aware we participate in the Standing committee of Attorney's General from where we gain a lot of

knowledge and information in relation to the development of legislation and regulation and disciplinary issues generally and the Commonwealth have indicated for a number of years and it was probably the genesis of my look those years ago at commencing the provisions of the existing legislation where they had indicated that if the states and territories did not have their legal profession legislation up to an acceptable standard that they would extend Commonwealth legislation to the states and territories, in other words, implement the Federal regulatory system for the profession generally and for the assessment of the provisions of that proposed extended legislation would in effect almost extinguish the profession in Norfolk Island overnight simply because of the overly burdensome requirements for registration and licencing and those sorts of issues so Mr Speaker a few years ago the effort was put into amending the legislation and wanting to commence it. We needed to promulgate the regulations that would support it. That's all been done now. It has been discussed widely. Generally I believe it has the support of the legal fraternity. Certainly there has been no negative comment from the magistracy level or the judge level and I was only aware of one other minor issue that had to do with the appointment of Queen's Counsels and whether this legislation propose to embrace that. No it doesn't. no it is not our intent to be appointing Queens Counsels in Norfolk Island. I don't think that even at present there is an ability to do that but I'm going back some years now to some advise that I've seen in relation to that matter but I think that it didn't allow Norfolk Island to be able to do that anyway, but that said, again, this is long, long overdue. It will provide some certainty. It will provide protection to customers of the legal profession in Norfolk Island. It provides a fairly straightforward process for registration and for the ability of local practitioners and legal practitioners to deliver their services in Norfolk Island in an appropriate manner under legislation and I again commend the Bill to the House

SPEAKER Thank you Mr Gardner. Any further debate Honourable Members I put the question

QUESTION PUT  
AGREED

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

We move now to the detail stage and Mr Gardner you have foreshadowed a detail stage amendment

MR GARDNER Thank you Mr Speaker, I move that the Bill be amended as follows. In the Schedule, insert after item 15 "15A. Subsection 29(d) and Delete "14(2) or". If I could just explain that Mr Speaker it sounds a bit techno gookish, but it really is just to remove a reference to what will be a repealed subsection of the bill following the passage of this legislation so it removes that incorrect reference from the principal Act itself

SPEAKER Thank you Mr Gardner. Any further debate Honourable Members. Then I put the amendment

QUESTION PUT  
AGREED

That amendment is agreed

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

QUESTION PUT  
AGREED

I now put that the remainder of the Bill is agreed to

QUESTION PUT  
AGREED

Thank you Mr Gardner. I seek a final motion

MR GARDNER  
amended be agreed to

Thank you Mr Speaker, I move that the Bill as

SPEAKER  
question

Thank you Mr Gardner, any further debate. I put the

QUESTION PUT  
AGREED

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

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

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

MR B CHRISTIAN  
adjourn until Thursday 17 July 2008, at 10.00 am.

Mr Speaker I move that the House at its rising

SPEAKER  
debate Honourable Members. I wish to make one statement. Members you will note that the next sitting of this House is set for a Thursday. I appreciate the Members taking into consideration that I will be attending the 39<sup>th</sup> Presiding Officers and Clerks Conference in Adelaide and returning on the 16<sup>th</sup>. Due to financial constraints I will be attending on my own and not with the Clerk at this time as I did in Rarotonga. I hope I don't get lost. But I would just like to make that notice Members. The question is that the motion be agreed to.

QUESTION PUT  
AGREED

The motion is agreed to

### **ADJOURNMENT**

MR ANDERSON  
adjourn

Thank you Mr Speaker I move that the House do now

SPEAKER  
participation in adjournment debate Honourable Members. Mr Magri

MR MAGRI  
the House and wish the team going to Saipan next week the best of luck in representing Norfolk Island and also I was going to wish Nepean the best of luck in the cross country but its been cancelled due to the weather and Nepean would probably have definitely won anyway

SPEAKER  
this time. We appreciate that you are probably hungry. Thank you. Is there 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 17 July 2008, at 10.00 am

