



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
12TH NILA HANSARD – 19 NOVEMBER 2008**

PRAYER

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

Good Morning Honourable Members

CONDOLENCES

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

MR SHERIDAN

Mr Speaker it is with regret that this House records the passing of John Martin O'Sullivan was born in Dunedin, New Zealand on the 15th of March 1954 the second son and 4th child of Leo and Beverley. The arrival almost killed him. He contracted golden staph and his Baby Health book didn't start for another month but referred to him as "A dear wee babe" once his survival was assured. It seemed from that moment on he would be a risk taker. At the age of 3 he jumped off the high diving board at the local swimming pool' beating his small red togs to the water by a full 3 seconds. At the age of 4 he drank weed killer out of a ruptured pipe thinking it was milk. John attended St Joseph's primary school in TeKuiti, St. Kevin's high school in Oamaru, Silverstream and TeKuiti High School. He had a penchant for going AWOL and a despairing Rector once offered to pay for a one-way ticket out, requesting, however, advance notice. John was a practical joker and anyone who knew him had a story. John left high school when he was about 17. He was very good at poetry and in fact had at least one poem published in Landmark – a leading poetry magazine. He moved to Palmerston North and quickly established a reputation as an innovative painter, which came about mainly through his ability to paint a room or building without scaffolding – he would simply sling a rope over a rafter and paint swinging from it. John left Palmerston North for Norfolk initially to attend his sister's wedding. He returned a year later and stayed until his accident in 1995 when broke his back and crushed his spinal cord. This accident forced him to move to Australia. His arrival at his ultimate destination of Armidale was largely as a result of the considerable support received from his friends, Colleen and Ric. He would often comment on how this support had opened doors for him and given him chances he would not have had otherwise. John's life was made so much easier through the friendships he developed in Armidale and the support he received from so many people. John made the best of his opportunities and graduated with an honours degree in English literature. Not content with that scholastic achievement, he commenced a law degree, graduating in April this year. He had almost completed his College of Law requirements when he died. John lived life to the fullest and even his disability provided him with a great source of amusement. Not so long ago, he took a trip to Ireland with one of his closest friends from Norfolk Island. He found many kindred spirits among his Irish relatives who accepted his disability as no more than an eccentricity. Jovial. Open. Honest. Naughty. This community will remember Johnno O'Sullivan. To his father, his family and many friends this House extends its deepest sympathy.. Mr Speaker, may he rest in peace

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

PETITIONS

Are there any petitions this morning Honourable Members?.

GIVING OF NOTICES

Are there any notices Honourable Members?

QUESTIONS WITHOUT NOTICE

Are there any questions without notice this morning Honourable Members

MR B CHRISTIAN Thank you Mr Speaker I have a question for the Chief Minister . Has the Minister as yet received a response from Minister Debus' office in response to a letter sent from your office regarding governance changes on Norfolk Island

MR NOBBS Thank you Mr Speaker and thank you Mr Christian for the question. Members and the community would be aware that following the visit from Minister Debus we took advantage of every opportunity to meet with the Administrator and discuss issues and possible spectrums of governance models that had been alluded to in our formal and informal meetings. We've also corresponded with the Minister's office directly on two occasions to formalise the arrangements and the way that we are going to be moving forward. As of today I don't actually have a response, I understand through the Office of the Administrator that there's a response being worked on however, given the deadline spoken of by the Federal Minister and given everyone's concern at where our future lies we certainly hope for an expedient response so that we can commence those aspects of what is happening in Norfolk Island's future in the background, the Legislative Assembly has carried out comprehensive work on evaluating our position and future. Thank you

MR B CHRISTIAN Thank you Mr Speaker I have another question for the Chief Minister. Minister in the Norfolk Islander dated 8 November 2008 the Minister stated and I quote "...the five Executive Members will continue to act as the Board of Norfolk Air". Does this mean that the executive has no intention of forming a Board of Directors for Norfolk Air

MR NOBBS Mr Speaker this question obviously falls in the portfolio responsibility of the Minister for Finance however in the interim where we are acting as the Board obviously we take those responsibilities seriously and at this point I handle any other response to that question over to the Minister for Finance

MR N CHRISTIAN Thank you Mr Speaker I can handle that. I think it was always my intention to create Norfolk Air as a 100% owned Government entity but some events have overtaken us and I have spoken about this previously in response to Questions Without Notice and I've also made statements on the radio in respect of the matter. Mr Speaker all of the Articles of Association and Memorandum of Association have been prepared and are ready to go. However, prior to formalising things I posed a number of hypothetical questions to the external consultant who is providing advise to me on what you could do and could not do in respect of airlines. For instance, we all know that the airline operates out of the airport GBE's budget and we all know that for the quiet time of the year that the airline does experience significant negative cash flow, and that is the direct result of the Norfolk Island Government's desire that a firm schedule be put in place which gave stability to our wholesale partners in selling Norfolk

Island. Now if we go back a couple of years, the negative cash flow in the quiet period and that's basically July and August and September were minimised, and in previous years they had been minimised in a significant way and that has been the ability of Ozjet to absorb about half of the negative cash flow by giving us discounts to keep the services going because it has obvious benefits for them, it had a cash flow for them and it kept their operational crew on the island, occupied. However this year around Ozjet wasn't in a position to offer those discounts so therefore the entire burden of funding the negative cash flow fell on the resources of Norfolk Air. Now if we go back to November of last year the airline was on target to achieve a result at the end of June this year of about \$2m however, things start to get a heckova lot more difficult around November when fuel prices started to go through the roof and the increase in fuel prices triggered a mechanism within the contract which required Norfolk Air to pay the additional fuel costs over and above those specified in the contract rate and Mr Speaker those increases escalated fairly rapidly to a situation where at its peak, we were paying \$350,000 per month over and above the normal charter prices in additional fuel costs. To combat that, we added fuel surcharges on three occasions of about \$20 each on a return ticket. Now theoretically that should have been enough to neutralize the increased fuel costs but where the difficulty comes in is that you always are sort of chasing your tail, you are acting after the event and for instance, when fuel surcharges were introduced say in January, it may well be March or April before you start to get the benefit and in the meantime you've got to still operate the aircraft for the income that the passengers have paid to date. The way we would get around that in the foreseeable future is that as the price of fuel comes down we will obviously keep our surcharges in place, until the income sort of caught up and then we will reduce our air fares accordingly, but what happened Mr Speaker is that it consumed a heckova lot of the airlines cash surplus which had been accumulated over a couple of years and I think the information that I gave at the last meeting, that was around about \$7-800,000 and we then ended up in a situation where I dipped into the airport funds by about \$27000 and that was the most recent information that I had. Now the questions I posed to the External Consultant were along these lines, if I corporatised the airline it has to have its own cheque account and that causes some operational difficulties for the accounts section of the Administration who would become the finance section of the airline. They have to have two lots of computerised cheques, one will be the Administration of Norfolk Island and the other would be Norfolk Air Limited and you might not think that's a big problem but it does pose some problems for the Accounts section and what I asked the External Consultant, was that if the airline was set up as a separate entity could the Administration pay all of the bills on behalf of the new entity and at the end of each month, the Finance Manager who happens to be the Finance Controller of the Administration and the airline, just write one single cheque to reimburse the Administration for the expenditure that had been made on behalf of the airline. The answer given to me was no. I could not do that. The Articles and Memorandum of Association also complied with the schedules in the Norfolk Island Act which prevent the Norfolk Island Administration from borrowing, so the airline could not have an overdraft and could not borrow, so if I had incorporated the airline and it had insufficient capital to conduct its operations it could not borrow from either the Administration or from any other commercial financial institution so I was snookered there again and I didn't think it was responsible for me hand over the airline to a new Board which had in effect no money to work with. Now what the consultant told me was that the only way that I could fund the airline in the event that it ran out of its own money was to have two classes of shares. Ordinary shares and redeemable shares and if the Airline Board needed to call on the Administration for some assistance it would get that assistance by issuing redeemable shares that the Administration would purchase, the Administration would advance the cash to the airline, when the airline was then back in a positive financial situation, it would redeem those shares by buying them back, taking them out of circulation and giving the Administration back its cash. Now that's how the system has to work but it's a cumbersome system. Under the circumstances, if the airline needed money, it would be the five executives it would be coming to asking for assistance and for the time being until the airline rebuilds its coffers, I think it will remain as is, that there's the five executive members of the Norfolk Island Legislative Assembly

who will continue to perform the function of the Board of Norfolk Air and sometime in the future when things are a little different we will revisit the issue of handing over to a Board. I must also mention that there has been some correspondence to the Norfolk Islander which is critical of the situation and saying that the Board needs to be in place so there's an apolitical body running the airline. Mr Speaker I've got to say that I don't really think it makes much difference, because whether it's a community Member on the Board or the executive Members around this table, we all have one common goal, and that's delivering people into Norfolk Island so we can maintain our sustainability so that's the long but short answer there. There are some difficulties in creating the Board at the moment, in handing over an organisation which is undercapitalised. I don't think it would be the responsible thing for me to do

MR SHERIDAN Mr Speaker a question for the Minister for the Environment. Minister at the last meeting of 15 October, you stated that the ongoing tests for dioxins would happen in an expeditious manner. Minister has the results of these new tests been received as yet

MRS JACK Thank you Mr Speaker no they haven't. Its' a bit unfortunate when I report to Mr Sheridan that there were several delays in getting the bottles and containers for testing over here, the laboratory concerned had them freight forwarded to us but the person who picked up the parcel to freight forward it on thought it was a domestic matter and so the package was lost for some time. It did eventually arrive and unfortunately there has been some lack of expediency in going out and doing the testing. I spoke with the CEO quite frankly yesterday and I have received a memo from him yesterday afternoon, that states that he had spoken to staff, that the sampling will be ready for despatch on the Sunday flight to Brisbane, and if necessary in order to avoid any delays in getting the package to the laboratory if it went unaccompanied baggage the problem of perhaps getting lost in the freight shed, that if necessary that freight would be accompanied and delivered to the laboratory so that we can be assured that the testing will be undertaken or could start next Monday. It was unfortunate, it was not what I envisaged but it is being dealt with. Thank you

MR SHERIDAN Mr Speaker a question for the Chief Minister. Chief Minister what is the reason that all the Administration workplaces have the luxury of having bottled water supplied from Cascade Soft Drink

MR NOBBS Mr Speaker that's a question from left field. I would imagine that the onus is on us to provide a workplace that has certain facilities. I wouldn't have the principles of those facilities in front of me at this stage but I would imagine it falls along the lines of a workplace that is conducive to staff working and OH&S and those issues

MR SHERIDAN Chief Minister if that's the case, what's wrong with the water that's collected off the Administration workplace roof for drinking

MR NOBBS Mr Speaker I'm not aware of anything being wrong with that water. I assumed you were referring to the water coolers that enabled people to get cooled water in the workplace so that is more of a convenience rather than necessarily an issue of the catchment water that we have in the Administration buildings

MR SHERIDAN Mr Speaker a supplementary question. Chief Minister considering that water is a valuable resource on Norfolk Island and that the Administration roofs obviously catch a heckova lot of water, and obviously it is stored where possible, so would you undertake to remove this luxury where-ever possible and where not possible, because of no water storage facilities, undertake steps to install such facilities and encourage Administration workers to drink rainwater that is stored for that purpose

MR NOBBS Mr Speaker I will certainly discuss this with the CEO and we'll evaluate all of those outcomes

MR B CHRISTIAN Thank you Mr Speaker whilst on the subject of water a question for the Minister for the Environment, is it a current requirement that all commercial premises utilising underground or bore water to have Government controlled water meters installed and who monitors these meters

MRS JACK Thank you Mr Speaker there was a condition in the associated development plans that were attached to the Norfolk Island plan, the one that was on water, that meters be installed. To this date I'm not aware of that development control plan coming into being over issues, with several parts of that plan and as I've stated both in this Legislative Assembly and early, that development control plan needed to be reviewed by the Draftsperson. There are concerns that have been now agreed to by Legal Services Unit that sections of that plan are at odds with the Act which of course cannot be, and so when I am able to get that up on the priorities list that should be dealt with, but I don't have that development control plan before me but I understand there was a request or a requirement for bores to start being metered in order to gain historical data. Not to start charging people but just to start gathering data so that the Administration can start assessing just how much water is being used from our valuable resources

MR B CHRISTIAN Thank you Mr Speaker a supplementary question, why would it not be the intention Minister being a natural resource, for the water to be charged when it's being utilised on a commercial basis

MRS JACK Thank you Mr Speaker well, that's something that would have to go before the House Mr Christian, and I'm not going to try and presuppose the decisions taken by this House. It could be a very valuable consideration but one that I'm not about to pass judgement on in this place today

MR SHERIDAN Mr Speaker another question for the Chief Minister. Chief Minister I note that in an answer to a question on the procurement process for the RESA works, you quoted that in accordance with the Administration policy and guidelines on procurement of goods and services the process of services to complete the RESA works were obtained. Minister one of the steps in accordance with the Administration's policy is that of any tender over \$1m will only proceed with the assistance of an independent probity auditor. Minister can you advise who the probity auditor was for the RESA works

MR NOBBS Mr Speaker given the manner in which we've engaged contractors for the RESA works those tendering individually were not above the \$1.2m, so there was no call for the auditor in that aspect

MR SHERIDAN Mr Speaker a supplementary question so Chief Minister you're saying that a project that's worth well over a million dollars, because it's broken down into components and given to sub contractors on that basis, and each of those contracts aren't over \$1m, well then there was no requirement of the Administration's own policy for a probity auditor to be involved

MR NOBBS Mr Speaker it definitely hadn't been raised to me as something that we needed to consider as an issue given the scope of the works and the contracting arrangements put in place, however as in any case throughout the Public Service we are able to call for audit if we so desire

MR SHERIDAN Mr Speaker a further supplementary question. Chief Minister I'm just looked at the Administration policy and guidelines and it says that all tenders received and all tenders received and tender evaluation group evaluation

reports shall be forwarded to the Tenders committee through the Chief Executive Officer. For tenders of over a million dollar the report of an independent probity auditor will also be presented. What I asked, were these reports, when these tenders were evaluated by the Tenders Committee which is the executives plus the CEO, were these evaluation reports etc presented to the executives in part of their evaluation of obtaining these services from the tenderers

MR NOBBS Thank you Mr Speaker and thank you Mr Sheridan, as I've pointed out in a previous meeting, there are the three levels of evaluation that have gone into each of these stages for the tender process. Given that each of those components when it's taken to the Tenders Committee is bought to us on the value that those tenderers have placed on those elements of work, in none of those cases did the tenders value exceed the \$1m mark, so the result of that I would imagine in accordance with the Act there was no need for an audit to be included in those tender documents that were presented to the executives

MR SHERIDAN Mr Speaker a further supplementary question there please, Chief Minister I put to you that the Administration's own process in obtaining these services not only for RESA but also I was going to ask you questions on the fire station and the fire vehicles, but I don't believe that the process in the documentation here from you, have been followed. Minister will you undertake to appoint an independent probity auditor to examine the processes and provide to this House as to the integrity of these processes

MR NOBBS Mr Speaker I have no problem with that at all. As has been pointed out in the House, generally we don't give notice of an audit however I have no issue with any check that is carried out over the handling of any component of these areas of the project

MR B CHRISTIAN Thank you Mr Speaker I have a question for the Minister who has responsibility for the Hospital. Would the minister be able to give an update on the current debtor levels of the Norfolk Island Hospital, namely, how much is owed to the hospital, of this, what is the amount outstanding greater than 60 and 90 days, and how does the debtor level compare to six and twelve months ago

MR GARDNER Thank you Mr Speaker, my understanding of the debtor levels is that they have been markedly reduced with the active debt collection arrangements that are in place at the Norfolk Island Hospital. Obviously I don't have the detail that Mr Christian wants at my fingertips this morning. I'm happy to dig that out and provide it to Members of the Legislative Assembly in due course

MR SHERIDAN Mr Speaker another one for the Chief Minister please. Chief Minister in reference to the Administration's insurance policy for public liability, are the public covered when individuals and or community organisations use Administration facilities to conduct their own activities

MR NOBBS Thank you Mr Speaker and thank you Mr Sheridan, in recent days I have actually had a series of emails or a couple of emails that involve perhaps this issue that Mr Sheridan is referring to, and an example of what is being questioned by Mr Sheridan I suppose is the use of Rawson Hall for things such as A & H Shows and the various activities whether they be school or private enterprise that go on within that area for example. The Administration does have an insurance and public liability policy that covers those areas and in general cases where it's a one of type affair where the person fills in the application form for rental of the hall or the supper room, that form actually enables the coverage of their activities as long as they are within the scope of what the insurer covers for the building's usage. The difference with perhaps the person who has been in contact with myself and perhaps Mr Sheridan, is that the insurance or our insurers for our public liability do not at this stage have coverage in our

policy for a regular weekly event, particularly, a regular weekly sporting event that may incur injury. In saying that, I do know that the officer who we have as our Risk Management Administrative Officer is currently looking to see whether there are ways that we can assist with a small group such as the one that has approached us to perhaps get them a better rate or see whether we are able to provide other coverage

MR SHERIDAN Mr Speaker another question for the Chief Minister please, Chief Minister can you advise if the project of RESA and the construction of the new fire station are on schedule and on budget

MR NOBBS Thank you Mr Speaker the fire station I would probably hand over to the Minister for Finance to give the update on that one, in terms of RESA I spoke to the project manager this morning just to see whether there are any issues that have come up recently or whether there were any scheduling difficulties. He's let me know that everything is going to schedule, the equipment is operating correctly, the densimeter testing which is all about the density of soil to ensure the compaction is right, is going to plan with a good composition of soils and maintaining well within the threshold of soil density for the RESA area. They are now moving up 300 mm per day, it was 250 mm per day when I last reported, as you may be able to envisage, as the platform rises it also diminishes in surface area at the top so that's enabling a slight increase in that rate, and from my recollection, there's about 3.2 metres still to come up

MR SHERIDAN Mr Speaker virtually a supplementary question there for the Chief Minister and then I'll ask the Minister for Finance about the fire station. Minister what is the total budgeted costs for the RESA works, that's all the works associated with RESA

MR NOBBS Mr Speaker I don't have those figures with me at the moment, I think \$1.2m, however given that we've also commenced a full review of all areas perhaps I can give a further update on that at the next Sitting as well

MR SHERIDAN Mr Speaker maybe I can ask the Minister for Finance the same question with regards to the fire station, whether it's on schedule with the budget and what is the total budget for the new fire station

MR N CHRISTIAN Thank you Mr Speaker I think from memory and I'm only speaking from memory now, that the total budget for the fire station is somewhere in the order of \$1.5m \$1.6m. at the moment how the system has worked is that the Administration has purchased through a competitive tender process all of the major parts of the fire station, that is the building materials as such, and the provision of labour is on an hourly rate. The effectiveness of the work is measured against internal construction estimates and at this stage I would say that the fire station will be completed on time and on budget unless something extraordinary comes out of the woodwork that I'm not aware of at this stage Mr Speaker but I am planning to meet with the Finance Manager tomorrow at some stage in conjunction with the Chief Executive Officer to look at how the airport is going in general, because we are aware that there has been a downturn of tourism activity in Norfolk Island and the original airport income figures may need to be revised and I will be briefed on that tomorrow

MR SHERIDAN Mr Speaker that sort of leads me into a supplementary question, I have a question for the Minister that he's just touched on, and it is whether or not the airport enterprise has enough consolidated revenue in this years budget to adequately complete the RESA works, construct the new fire station, purchase the new fire engines, freight the vehicles to Norfolk Island or our component of it, alterations to the airport terminal and the revamp of the airport terminal carpark

MR N CHRISTIAN Thank you Mr Speaker certainly when the budget was prepared some time last year, there was adequate funds in the airport to cover all of those things and to come out on the 30th June 2009 with I think about \$1.1m or \$1.2m in kitty after making the first \$600,000 payment to the Commonwealth as well. Obviously we have had some downturn in tourism in the last couple of months so I will be briefed on the impact of that on the airport's budget and if changes need to be made they will be made and Mr Speaker, one of the reasons the RESA work was taken on board on an hourly rate basis in exactly the same way as the work was done in the redevelopment of JE Road, and the reason why we've taken the labour on an hourly rate in respect of the fire station, is to provide flexibility because we have not entered into a formal contract with anybody, we can slow down the work, vary the work, defer the work, without incurring penalties. That's the reason it was done like it is. It was always an expectation that things could not go according to plan, and if they didn't go according to plan and we had to vary our work schedules, we could do so without penalty. The work programme at the airport would allow me to defer for example if we needed to, the upgrading of the car park, we could limit the work at the airport terminal for instance to just completing that which was started and that's the extension to the arrivals hall area, for instance, we could erect a fire station and only complete the aviation fire fighting requirements and defer the completion of the internal fit out of the emergency services building, for instance we could complete the western end of RESA and then have a break for two or three or four months before we complete the eastern end of RESA and bear in mind Mr Speaker that the western end of RESA is by far the largest part of the RESA project and will consume more than half of the time and money allocated for RESA so they are the sorts of things that we will consider in the next few days, and as I've said I am receiving a briefing from the Finance Manager tomorrow. If changes need to be made they will be discussed at Executives and the outcome of all of that will be fed into the budget review process which is well under way now, and I will probably speak out in detail at the December sitting of the House and no doubt the Chief Minister will incorporate some aspects of that in his statement to the nation address in December as well

MR SHERIDAN Thank you Mr Speaker just a further supplementary question to the Minister, I think he touched on it, you made mention of the first repayment to the Commonwealth for the airport upgrade, that is due in July next year, is that right Minister of some \$600,000 yearly after that, is that correct

MR N CHRISTIAN Thank you Mr Speaker there's a little bit of a variation, the first payment is due I think from memory on the 9th June 2009 so it's in this financial year. It's a payment of \$600,000 and from thereon it would be a payment of \$1.2m per year paid at the end of the financial year I think in each year

MR ANDERSON Mr Speaker a question for the Chief Minister. Can the Chief Minister please advise what progress has he made on the enquiry that was to be initiated on the resignation of a previous Chief Executive Officer, Ronda Wheatley

MR NOBBS Mr Speaker thank you. Standing Orders will actually preclude me from talking about individuals. I'll take this question on a broader basis if that's allowable by you Mr Speaker

SPEAKER Just on the matter of the enquiry would be fine

MR NOBBS Certainly. Mr Speaker at a certain stage of employment of one of the executive areas of the Public Service we had some issues that raised some awareness to a lack of framework for an equitable process of evaluation of complaints of various natures at that level within the public service. As a follow up from that we engaged initially with the Merit Protection Commission and the Public Service Association in Australia to assist us in putting together a framework to handle that. They worked with us and what the outcome of that was, was a suggestion from them to engage an external consultant or solicitor to carry out those enquiries independently.

That was carried out through my office and continued on for some time. In the interim it became pretty obvious that we needed to fix the Public Sector Management Act so that there is equity in process for inquiry to the top levels of the structure. So following on from that and during the process of the external consultant I did further work with the Merit Protection Commission and sought advice from the Administrators Office, the Australian Government Solicitor's office, our contracted Legal Draftsperson as well as discussion with the executive and in doing that have commenced some drafting which I now have the draft format of just recently arrived, to evaluate which will enable us to carry out these enquiries on a, as I said before, with correct process and equity for all involved and in saying that, there obviously needs to be some protections and things like that for those who are involved on either side of those complaint issues. I'll be bringing to this House I would imagine within the next month or two at the latest, those amendments for hopefully everyone's assent so that we can tidy up that area of our management of enquiry and issues to all levels within the Public Service. Thank you

MR ANDERSON Mr Speaker a supplementary question. Chief Minister that's fine, but basically speaking as far as circumstances that happened there, we have got nothing started, no enquiry or act of process of those issues that came up

MR NOBBS Quite the contrary Mr Anderson, as I said at the start, we did engage with the Merit Protect Commission who then advised us on the external consultant which we did engage at that instance and that process has been going along however there still needs to be a tidy up of the Act and there still needs to be the ability to carry out any enquiry if it is found to have basis for a need so that this can be done properly

MR ANDERSON That's fine Chief Minister but when will the House see some report on the instances that we have had which we were assured would be enquired into and would be reported on

MR NOBBS Mr Speaker the answer to that would really be dependent on our ability to provide those protection mechanisms so that that enquiry process can go through from start to finish. Given the external consultant that we engaged he said that there were some issues that he was having trouble dealing with and so this is also to ensure that it really comes down to protection of those involved in enquiry on either side, and this is all about fixing that issue. There has been an amount of work done by the consultant, however it's not at a stage where I can present a formal report to the Members around the table but the purpose of the amendments that I'm proposing to bring to the House that is specifically to enable these issues, in the case of existing ones and future ones, to be properly carried out, equity given, process carried out and reporting made

MR SHERIDAN Mr Speaker a further supplementary question there, in regards to the complaints against the Chief Executive Officer Chief Minister how many complaints are outstanding which have not been resolved against the current or past CEO's

MR NOBBS Mr Speaker I would be talking about individuals and I do not intend to do that

MR SHERIDAN Mr Speaker I'm asking for a number

MR NOBBS Mr Speaker the number if relevant to those involved, in terms of, if I give you the number then people would perhaps misinterpret who has complaints of a certain number in regards to them. I would actually seek your advise on that one Mr Speaker. I have no issue with providing a number as long as it's not going to put us in any issue with Standing Orders
I have no advise

SPEAKER Chief Minister the Standing Orders pertains to an officer of the Public Service. The complaints have been levelled at this stage to a person who is no longer an officer in my understanding of this you are quite free to answer the question in stating the number if you so wish

MR NOBBS Mr Speaker it's worth noting that there are some live complains of people who are still in the Public Service. I would give a rounded figure that is, as far as I'm aware in terms of live issues, below five, in fact below four as far as I'm aware, however if you look at persons who are no longer working for the Administration that adds probably another seven or eight

SPEAKER Thank you Chief Minister. If those persons that you referred to are identifiable in this case you are at liberty not to answer that but the choice of course is yours

MR ANDERSON Chief Minister those complaints, are they written complaints

MR NOBBS Yes they are

MR B CHRISTIAN Thank you Mr Speaker I have a question for the Minister for Social Welfare. Minister is the pension paid to some locals by the Australian Department of Veterans Affairs, counted as income whilst assessing eligibility for local pensions and if so is this practice considered appropriate

MRS JACK Yes it is and yes it is considered appropriate

MR SHERIDAN Mr Speaker a question for the Minister for Tourism and see if I'll get a straight answer Mr Speaker. Quite some time ago, some months ago, I believe that the Tourist Bureau had some accounting problems which resulted in the Tourist Bureau not being able to reconcile their accounts. Minister how much money was the Tourist Bureau not able to reconcile and how is this problem being sorted out today

MR GARDNER Thank you Mr Speaker, at this stage I understand from the financial reporting that's been undertaken that somewhere in the region, I haven't the figures obviously before me today, but somewhere in the region of in excess of \$44000 is unaccounted for in the operation of the Tourist Bureau over the last financial year which had led to issues being raised as far as the audit report is concerned. Members might recall that I tabled the annual bureau report at the last sitting in relation to the Tourist Bureau and the auditors have looked at the books and obviously because of the discrepancies are unable to provide a full audit report at this stage. They have made a number of recommendations and a number of investigations are continuing in relation to the inability to be able to balance the books and those matters are with the police as we speak and I expect that we'll have a report in due course

MR SHERIDAN Mr Speaker a question for the Chief Minister. Chief Minister what processes are in place to ensure that Administration personnel do not utilise Government time and or resources to conduct activities not associated with their Government job and also Chief Minister are workplace audits completed to ensure that the Administration resources are not being utilised for other or inappropriate purposes

MR NOBBS Thank you Mr Speaker and thank you Mr Sheridan. A very valid question. It is my understanding that any person who is engaged in the public service who is to undertake other work and I think this even goes as far as voluntary work makes application to the Chief Executive Officer to engage in that work and that is then determined by the Chief Executive Officer whether they are able to do that. In terms of audit of public or Administration owned equipment being misused I'm

not entirely sure what the existing processes are. I'm aware that the CEO is preparing a memorandum to go to each area of the Public Service to highlight that, that type of thing is unacceptable. I will make an effort to talk to him after this meeting to see what if any audit processes are available to him in that context, thank you

MR B CHRISTIAN Thank you Mr Speaker a question for the minister responsible for Norfolk energy. Minister given the drop in world oil prices by some 50% could the community expect to see a reduction in the price of fuel on the next tanker and maybe a reduction in electricity costs

MR N CHRISTIAN Thank you Mr Speaker I would hope we can see a reduction in the price of fuel and therefore electricity but there are some variables that come into play. They are these. Firstly whilst the price of oil has fallen in US dollars, so has the value of the Australian dollar against the US dollar fallen and I don't quite know what the net effect of that will be. Secondly if we compare Norfolk Island with Australia, Australia basically has a cost of fuel at the pump which fluctuates on about a ten day cycle, because that's the frequency of new fuel coming into the country from the refineries in Singapore and elsewhere. In Norfolk Island the cycle is about every three months and we can either gain or lose depending on what part of the cycle we happen to make our purchases in and in the past our fuel has predominantly come from storage facilities in Noumea, has been transported to Norfolk Island by a little tanker called the Greater Therese. That tanker has a limited life because it doesn't satisfy shipping regulations these days for the transport of fuel. It is a doubled bottom tanker but not a doubled hull tanker and therefore is likely to go out of service in the next year, year and a half. I've been advised that the next delivery of fuel into Norfolk Island which is due in late November early December will in fact be made from storage facilities in Fiji utilising a different tanker, so that's another variable that comes into effect Mr Speaker which at this stage I can't give you any indication as to what that effect will be but overall we would hope that fuel prices will come down and if they do come down, savings will be passed onto electricity consumers

MR ANDERSON Mr Speaker would the Chief Minister please advise what response was received from the ICAC subsequent to the visit of the Deputy Director, Lyn Atkinson, some six months ago

MR NOBBS Mr Speaker we are actually still awaiting the final report of the areas covered in their scoping visit. Just to give a broad overview of some of their areas that they had made recommendations to prior to that report, and I should point out that the reason that report has taken some time, is the ICAC obviously has to be quite clear and careful in sterilising such a report so that it doesn't put anyone in a difficult position who may have raised an issue, and in that context they are currently preparing a list of areas that they think we need to look to them to give us a contract type coverage and that coverage may be things such as education programmes throughout the service and available to help people understand what those areas of corruption could be interpreted to be and what they need to be aware of so out of that, the first year of any implementation of an anti corruption type mechanism is going to incur perhaps a slightly larger cost in that there'll be a setting up of the education programmes, there'll be a setting up of the resources and things like that, so the report that they are currently compiling and sending to my office will encapsulate two stages, one which will be an outline of the facilities and mechanisms used to provide an education process which would then enable an ongoing review process if we require that to happen as well. This is an area that I'm particularly keen for us to get in place, just to provide an extra avenue of evaluation of any of our areas and also to perhaps enable those who have made the various allegations on a number of levels to put their backbone where their mouth is I suppose and so at the soonest that I have that report I'll actually provide a report to this House. I did recently meet with ICAC and Lyn Atkinson who was on the island carrying out that scoping works and pointed out that we were very keen to get the report in its

totality as well as an understanding of what the costs would be to the Norfolk Island Government

MR ANDERSON Chief Minister have we received any advise in reply back from ICAC over this period and what have we done to chase the matter up

MR NOBBS Thank you Mr Speaker I quite clearly stated a second ago that I have met with ICAC just recently following the scooping visit. In the interim as I discussed with Members in an MLA's meeting that there had been a response letter that I think was sent to us from Commissioner Kroops in ICAC to basically give us the update that Lyn Atkinson had returned from the island after the scoping visit and was preparing a report. We subsequently asked and put in writing to request that report and in a recent visit that I had to Sydney I met with them also to point out the reasoning behind the information we need in terms of cost analysis and benefit

MR GARDNER Thank you Mr Speaker, a supplementary question if I might, just in relation to that, Chief Minister does any of the feedback that you've received in your meetings with ICAC or following Lyn Atkinson's visit to Norfolk Island suggest that corrupt practices exist in Norfolk Island or does it only highlight the lack of the processes and procedures in the event that in the future a corrupt practice might exist

MR NOBBS Thank you Mr Speaker and thank you for the question Mr Gardner, they didn't actually highlight any issues in terms of existing corruption issues so I thank you for bringing that to the fore so I can point that out, however they did raise an issue that some people may be unaware if they are acting in what could be perceived on a lower level, corruptly and in that I mean that perhaps interaction between officers and things like that which could be misinterpreted so yes, thank you for that question

MR N CHRISTIAN Thank you Mr Speaker could I ask a supplementary question please Mr Speaker. Would the Chief Minister be able to advise this House what anti corruption measures are in place in respect of Commonwealth politicians

MR NOBBS Thank you Mr Speaker as far as I'm aware they are not subject to ICAC however I'll take that question on notice and provide more information than just that brief statement at a further sitting

MR ANDERSON Mr Speaker a question to the Minister for Finance, I understand that there are two propositions available and being offered to the community in which would enable electricity to be generated by solar systems to be fed into the grid and credited to the consumers account. One is being offered by a former resident Kieran Black. Can the Minister please advise if the other system is being offered directly by the Administration or is it too a private undertaking

MR N CHRISTIAN Thank you Mr Speaker I'm not quite sure what the question was but I think that I'll provide an answer. I understand that Mr Kieran Black has a system or systems available for sale in Norfolk Island which can be connected to the grid and there are a number of other businesses in Norfolk Island that are able to offer systems to the public and I understand that the Administration itself may be able to offer one particular brand to the public. Is that sufficient

MR ANDERSON So the Administration in fact is offering the system that is in opposition to the private systems

MR N CHRISTIAN What I've understood Mr Anderson and I may have to get some further clarification on this, but the Administration imported a system from Western Australia in order to assist with the accreditation of the trade people in Norfolk

Island who would do the installation of systems for customers. There have been a number of people who have expressed an interest in purchasing a similar system to that purchased by the Administration to do the accreditation training and the supplier of that system has indicated that they would have a preference to only deal with the Administration rather than anybody else in Norfolk Island as their agent. It's unusual but not without precedent because you may recall Mr Speaker that for many years we were the Reiko agents in Norfolk Island and I will seek further information if Mr Anderson requires it

SPEAKER Thank you. Just one moment Members please. We do note that time for questions without notice has expired. May I have a motion please for an extension

MR GARDNER Thank you Mr Speaker, may I extend it by fifteen minutes please

SPEAKER Thank you Mr Gardner. Is that agreed Honourable Members. Thank you. It is agreed

MR ANDERSON Mr Speaker a supplementary question to Mr Christian, so the short answer to that is yes, the Administration are supplying

MR N CHRISTIAN I'm not certain that we are, but there's a possibility that we can. A question was raised with me at executives the other day in respect of some deposit taken as being going on by an Administration employee, as to whether it was deposits taken on behalf of a customer for a service to be provided at a later date by the Administration or was the Administration employee taking a deposit to provide a service to a future customer in respect of a business conducted by himself. The CEO of the Public Service has undertaken to make some enquiries and report back to the executives. I don't expect to get that report until next Monday Mr Anderson

MR GARDNER Thank you Mr Speaker, on the eve of the informal visit of the Joint Standing Committee to Norfolk Island it's probably an appropriate question to yourself as the Chair of the Public Accounts and Estimates Committee, Mr Speaker are you able to report on progress of the implementations on the recommendations of the your committee's report

SPEAKER Thank you Mr Gardner. That is a concern of the committee as a whole and we have made some enquiries as to the implementation of those recommendations but to answer your question, no. I have no further information on this implementation but Minister Magri may be able to shed some light

MR MAGRI Mr Speaker I would just add to the Minister and the Speaker that the motion when the report was tabled was that the Chief Minister would be responsible for the implementation of that report and I believe that the recommendations of the report were intended to be implemented within a twelve month period and that the Chief Minister provide an update to the House at the six month junction which I think is the December meeting so we could expect some form of report from the Chief Minister at that time

MR GARDNER Thank you Mr Speaker, maybe if I could redirect that question to the Chief Minister

MR NOBBS Thank you Mr Speaker there was some work carried out on this prior to the engagement of our current CEO and at the engagement of our current CEO I've spent some time discussing the Estimates committees report and options that perhaps need to be assessed and addressed out of it. I haven't as yet received a report back from the Chief Executive Officer and I might point out that I

haven't actually requested one, specifically for this meeting from the Chief Executive Officer on the implementation process of that report however, it certainly hasn't fallen off the table or onto a back burner, it has been something that's being discussed in various forums by the Chief Executive Officer and through our other statutory bodies such as the KAVHA Board

MR MAGRI Mr Speaker a supplementary question on that, I'm just wondering whether the Chief Minister is aware of any constructive moves made by the previous Acting CEO to implement that report

MR NOBBS I'd have to take that one on notice Mr Speaker to do a bit of searching through records to see what was achieved there

MR B CHRISTIAN Thank you Mr Speaker I have a question for the Minister with responsibility for KAVHA. Minister you were asked by KAVHA landholders for a copy of the letter you received from Minister Debus. The landowners were emailed that letter last night. It was dated the 23rd June. Minister why would it take 21 weeks to email that letter out to landowners and was there any reason for the timing

MRS JACK Thank you Mr Speaker some landowners, in that letter there were several disenfranchised I suppose you could say, and that letter was sent to those people, mainly the leaseholders shortly after I received that letter. It didn't refer to all the landowners and I just didn't see the need for it, Mr Speaker. The reason why I sent it out last night was I thought I would be getting a question today with regards to the presence of the review of KAVHA that was given notice in the paper last weekend and I thought it would be an appropriate time to just bring all the 22 odd bodies that have interest within KAVHA, the landowners, the leaseholders, the groups such as the Church of England and the Lions Club, just to bring them up to speed with letters that have been passed to and fro as well as some information and possible suggestions for submissions to the KAVHA review and that was the reason Mr Speaker

MR GARDNER Thank you Mr Speaker, a question to the Minister for the Environment. Minister is the Government preparing a submission for the review of the Environment Protection and Biodiversity Conservation Act of the Commonwealth as was recently notified in mainland newspapers

MRS JACK Thank you Mr Speaker. Yes to my Honourable colleagues question. Yes we are. We have engaged the services of Mr Peter Davidson who Members may not be aware, though some around this table would be aware that when the EPBC Act was being muted, when it was being put forward, submissions were called for from all the States and Territories within Australia because it was thought or proposed at that time to make it relevant to all States and Territories including Norfolk Island and that year was about 1998 and Mr Davidson then was in the employ of the Administration and undertook to formulate that submission. All areas of the Administration I believe were asked for comment and I think outside committees or groups were also asked for comment. That submission went in, the Bill became the Act and it continued to have reference to Norfolk Island. It has reference in as much as it covers the presentation, the formulation of the Conservation Management Plan which we will be dealing with later on in this sitting, it also has relevance to the protected species of flora and fauna and it also has relevance when doing development applications for possible action on Commonwealth land so we are undertaking a submission. I was on the radio with Mr Davidson last week. It was my intention then to put a notice in last weeks paper. Unfortunately that didn't occur but the Secretary to Government and I are working on that this week. It was actually Mr Gardner Mr Speaker who found the notice in the Courier Mail I think on Saturday the 1st November and so it's been very fortunate because the submissions for the review are a very narrow time span and I think they have to be in no later than 19th December this year, even though the report is not due for handing to the relevant Minister Mr Garret in the Commonwealth

until the 31st October 2009 but I believe it is important that we as a Government as well as the Administration, as well as other groups, the Flora and Fauna Society, other environmental groups on Norfolk Island put in a submission and state whether it has worked for them, it has worked against them, but use it in a positive way in order to make it continue to work on our behalf

MR SHERIDAN Mr Speaker a supplementary question. I do have a couple of questions I don't think I'll get through them today. With regard to the EPBC Act there's been some concerns by various landholders specifically in the area down here over the last couple of years. Will those concerns be part of the Government's input into their submission to the review

MRS JACK Thank you Mr Speaker if I can, if the landowners have the concern about the action of the Environment Protection and Biodiversity Conservation Act as it relates to them personally then I believe they should be the ones to make that submission to the EPBC Act. Mine are more in tune with island wide and not on the specific concerns. I am aware of those concerns that they may have but you know I have raised issues with the Commonwealth before through motions in this House and have been told very definitely in no uncertain terms that the Commonwealth has a certain view and I appreciate that response, and if landowners wish to still persist in trying to change things then I believe it is for the landowners to continue. I certainly don't want to be the Minister that is there and you may have some of the leases resumed by the Commonwealth. That's some of those issues that are being discussed

MR SHERIDAN Mr Speaker a further supplementary question please. Minister isn't that your job as the Minister to represent the views of the community, no matter whether they are actually in KAVHA or outside of KAVHA, whether they are a leaseholder or a freehold land owner. Isn't that your position to collect these views and collate them and put together a substantial submission to the review on behalf of the people that you represent

MRS JACK Thank you Mr Speaker yes it is and it's something that I've been doing. Maybe not continually since I've been in this role. It's taking those concerns forward to Minister Debus. Now yes, this is a submission to the EPBC Act but those submissions once behind the doors are nonetheless going to be sought comment from the Attorney General's Department and they're views are being made very clear. To me it seems a bit like flogging the horse. The response has been made clear. It has been made clear in the CMP that I'm putting forward today. It has been made clear on letters and that CMP is there under the EPBC Act. I feel that I have done those issues, I have represented those landowners concerns, but I agree with Mr Sheridan, this is a separate submission, and perhaps if the landowners do a submission then I could discuss the way the Government could incorporate that into a Government submission but you know, I feel a bit caught there Mr Speaker because I appreciate their concerns I really do, but at the same time, I am aware of the stance of the Commonwealth in this matter and it has come very firm and fixed and a submission is there in the hope of change and I am very concerned with the way that, that could go

SPEAKER Thank you Mrs Jack. Before we continue Mr Sheridan, we are coming to the end of the extended time. May I have a motion please for an extension

MR SHERIDAN Thank you Mr Speaker, may I move that the time be further extended

MRS JACK Thank you Mr Speaker for a period of another fifteen minutes please if I can suggest

SPEAKER Thank you Mrs Jack. Is that agreed Honourable Members. Thank you. It is agreed

MR SHERIDAN Mr Speaker a supplementary question please. Minister just listening to your response there, you seem very concerned with what the Commonwealth stance is and you seem to take the position of the Commonwealth. I would have thought that you would take the position, or not necessarily take the position, but I would have thought that you would take the concerns of the Norfolk Island community on board and represent them to the Commonwealth. Not necessarily take the Commonwealth stance

MRS JACK And I understand his position Mr Speaker, as I said, I can see where this can head from the response given in Mr Debus's letter and that gives me cause for concern. Now if the proposal here in this House today or if Mr Sheridan wants to come and we can discuss this matter in my office and we can put a proposal forward, then so be it and I will do that, but I need to have Mr Sheridan come to the office and we can have a great discussion there and then take it to Members and MLA's and we can move forward but let's have a discussion with all Members coming into it because that's what I've also asked for, is for Members to put their submissions in and if we need to collate this submission to the EPBC Act so lets in MLA's have that discussion and act on it and I'm fine with that

MR MAGRI Mr Speaker just a supplementary question on that one. I wonder if the Minister is aware that despite the Commonwealth's opinion on this whether the Minister is aware that this will remain a festering sore and it needs some resolution. I know it's probably not as important as saying sorry to the Aboriginals, but this won't go away and I just wonder whether the Minister is aware of that, until its resolved

MRS JACK Thank you Mr Speaker until what is resolved?. Until the leasehold land within KAVHA is made freehold. We've had a definite answer from Minister Debus on that. Until the building or the development applications change? We have the Norfolk Island plan and the review is in there. Until the boundary is changed for KAVHA. I've undertaken an independent review using Sheridan Bourke as I've stated from the Consultants offshore, Gold and McKay and Hogan I think, to come over and be appointed as a temporary heritage advisor to the Board and finally deal with the nine odd submissions which came in, in 2007 and for various reasons were delayed. I am trying to deal with these issues and find resolution. To make out that I'm not representing the community I do take offence at because I am slowly but surely dealing with these issues and they are extremely emotive, and to use your words, festering, but if we are going to put a submission in, let us at least do one if you want me to put that submission in, let us at least make it relevant to the terms of reference for the EPBC Act and not go off on a completely different angle because it is those terms of reference that will determine that submissions validity, not the emotive desire for some conclusion and that is all I am stating here in that manner

MR SHERIDAN A further supplementary question there Minister. Minister would you consider entering into a bilateral agreement with the Commonwealth under the EPBC Act

MRS JACK Yes Mr Speaker but to get a bilateral agreement you have to have a willingness from both parties and I don't believe that that would be forthcoming but you know, that could be part of our submission. If that is in the terms of reference for the review of the EPBC Act yes. Let's put it in. but if you are gong to be taken seriously you've got to follow those terms of reference. To start coming in and trying to do what is outside those terms of reference then it's not just a simple matter. Getting officers in our Departments and theirs, and the Commonwealth's, start talking and then working their way up the system. It's a very long process and it's also seeing if

there is a chance and working a bit downwards as well. Just to write a letter saying let's have this, is not the way it's done. It's going to be a long and involved process that will also say, will require of us to be able to prove that we have the wherewithal, the resources and the expertise to maintain a very highly involved Act. Just laying it on the table

MR SHERIDAN Mr Speaker a question for the Minister in regards to the KAVHA governance review that she indicated or referred to just a while ago. Minister who drafted the terms of reference and did yourself or the Norfolk Island Government have any input and who is funding the exercise

MRS JACK Thank you Mr Speaker I expected a question as I stated earlier. Let me say, that I've come a little prepared. I support the review however I wouldn't have used the word governance at the top of it. In fact in a letter that I sent to Minister Debus on the 5th of February requesting a review to take place, I used the word administrative and that is the word that I would have used instead of governance, I would have used administrative and operational review of KAVHA. In my letter to the Minister I mentioned that, and I just quote from it Mr Speaker, that there have been concerns with KAVHA's management for some time but recent events have given greater priority to reform of the existing arrangements. I refer to KAVHA's inclusion on the National Heritage List and preparation of a contemporary Conservation Management Plan for the area and its recent nomination for World Heritage Listing. I believe that it is an opportune moment for our respective Governments to formulise our joint management of KAVHA as a statutory body, to commence and assist in that process I've prepared an outline of some suggested changes for your consideration and comment. I regard the changes proposed as providing a framework that can ensure KAVHA's future management is effective, accountable and transparent and that the sites heritage values are properly promoted and protected. And some of those headings I used Mr Speaker were "a new KAVHA Management Authority" as stated earlier in the heart of the letter the Authority to be established as a statutory body with appropriate legal powers to administer KAVHA including the power to contract and employ professional and other staff. The legislation would also clearly define the Authority's auditing and financial reporting requirements. The changed Authority Membership that the representatives of the Australian and Norfolk Island Governments to each appoint their own appropriately qualified and experienced representatives to the authority. The representatives would be part time for a set term of say five years, and this term would ensure continuity and a corporate knowledge. New staffing arrangements, review KAVHA's existing staffing arrangements against current and future needs and consideration would need to be given to areas such as conservation, maintenance, interpretation, marketing, promotion and commercial development. Staff employed in the Norfolk Island Restoration Team to become employees of the new Authority. Statutory audit and reporting arrangements. The Authority to be responsible for the operation and audit of the KAVHA Trust Fund. Statutory audit and financial reporting requirements with the Authority reporting to both Governments and revised funding arrangements. Review the funding formulas and the limits set out in the current MOU. Mr Speaker the current MOU was signed in 1994 by our very own current Deputy Clerk, Mrs Gaye Evans in her role of Minister for Health and Education at the time. But what it also mentions in this particular MOU is Museums and Museums in the Terms of Reference are listed as being possible ways of being incorporated and I think we need to consider not it coming in under the same Authority but a better working commitment, a greater co-operation and sharing of expertise between the Museums and KAVHA. The Museums are an extremely valuable and vital part of the site and I believe that this site is due to really grow and blossom because I'm the optimist, when the World Heritage Listing comes in. So if I could just say there that what I urge the community to do in this review is to be smart in their approach to it. Putting it bluntly that if you go in there and chest speak I don't believe it will get you anywhere. I ask them to be constructive, to be positive and to be innovative and to make it work, to make this review work for us, us is the whole Norfolk Island community because I believe this review is a great opportunity to make

serious change and to make it really start to work, and as I said to people with involvement in the KAVHA area in that mail out that was done yesterday, that when I was with one particular group the KAVHA landowners, they were going on about why aren't we on the Board. We should have a place on the KAVHA Board. This is a great opportunity to put that submission forward. They have an honest case to put before and to be included on that Board and I just urge them to do it, I really do and as I say, I welcome the review and I look forward to some positive feedback going into there for the community. Thank you

MR GARDNER Thank you Mr Speaker, a supplementary question please. I note the terms of reference that the Minister read out and I just have a couple of questions in relation to the review. Particularly in relation to terms of reference giving consideration to the future employment of current Public Service employees and the prospect that they may form or become employees of a new Authority who is the CEO of the Administration handling the Government's preparation of the submission in relation to that matter, because obviously it's a pretty important matter when you are asking people to give up a role as a Public Servant in Norfolk Island potentially to undertake a role as a Member of a separate statutory authority. The second question in relation that is the board Membership question and is it proposed that we as an Assembly will give consideration to exactly the point the Minister was encouraging landholders to make, and that is as far as a Legislative Assembly position to incorporate in a submission suggesting the future make up of the KAVHA Management Board to include people such as landowner representatives in Norfolk Island and others

MRS JACK Thank you Mr Speaker if I could take the second part of the question first. That was my suggestion on a possible way forward, not a all of Government view, but this is at the moment what I could consider, this is what I'm wanting to look at as so to me it's a guideline that I would take to members and say this is what I'm looking at, what do you fellows think. Yes no. Expand out. Contract. Toss out. But they were what I thought were some positive steps forward and its great I think when you go to a group you have some of your own ideas because then it gets other people thinking of ideas so yes I would consider that this may be a basis in a first MLA's application. I notice Miss Ayeliffe is due here the first week of December and so this will be put out in paper form for discussion at MLA's because we need to have that common submission put forward to take to her and other Members may because of the various bodies that they represent also become involved in other submissions to Miss Ayeliffe. So that was that one. The second was the involvement in the CEO well, you know, the Administration would need to make a submission as well as the Legislative Assembly. They may have it on more the operational type level. We are more on policy and administrative but I think also on the operational level from the KAVHA Works Team, from the Planning Officer from the Stock Inspector, all those sorts of areas, anyone with involvement or not just with involvement, with daily interaction, which of course is the entire Norfolk Island community needs to be aware and to start saying well, how is this, how are those terms of reference going to help me. Can I expand on the operations that I have. Can I start to work with the site in a better, more positive way. This is a sharing opportunity and we all need to be aware of it, and to make some really forward thinking submissions, because it doesn't happen that often that we can get a chance to be part of reviewing such a vital part of the island.

SPEAKER Thank you Mrs Jack. I do note Members that we have again exceeded time for questions without notice has expired. May I have a motion please for an extension

MR B CHRISTIAN Thank you Mr Speaker, may I extend question time by half an hour longer minutes please

SPEAKER Thank you Mr Christian. Thirty minutes has been the time proposed. Is that agreed Honourable Members. Thank you. It is agreed. Question time is again extended by thirty minutes this time

MR B CHRISTIAN Thank you Mr Speaker, he kind of took away my supplementary question a couple of questions ago while prioritising a Minister to ask a question, but if I'm able to go back a couple of questions and just ask the Minister when talking about the representations of landholders in KAVHA, how many submissions have you actually made to the Australian Government representing the KAVHA landholders and their concerns

MRS JACK I took the motion of the House to Minister Debus on several occasions, I don't make formal submissions but I write to Ministers on individual landowners behalf and concern with what they feel is disenfranchisement of their ability to use their land within KAVHA. When I'm in Canberra I've gone and seen officers and talked with them on the same sort of level, so if you are asking for formal submissions through the House not that many, or formal letters more. In the overall communications of putting forward landowners concerns, a lot. Does that help in any way

MR B CHRISTIAN It sort of does. A supplementary question to that so I can get a feel for the Minister's outlook on it, does the Minister believe that the Pitcairn people are the most important part of the KAVHA process

MRS JACK Definitely. That's why, can I just add to that Mr Speaker, that's why I think it extremely valuable and I know that Mr David Buffet while he was a member of this table, was extremely delighted when the National Heritage Listing was done because this area recognised not just the convict settlement but also recognised the arrival in 1856 of the Pitcairners and the importance and ongoing life in this area that those people have had. It also recognised the Polynesian settlements or the place, the arrival of the Polynesians before the convicts and that was a great achievement and so yes, that's what I'm getting at. It's in the development and as you proceed with these plans that the positive involvement of getting yourself into these plans more and more and being a part of the process. It doesn't always come out, gosh nothing ever does but to include in there

MR SHERIDAN Thank you Mr Speaker virtually a supplementary question, going back to the KAVHA Government's review, Minister can you explain why there are four issues that the review will not consider that seem to contradict the proposed outcome. As an example, the review will not consider the application of Commonwealth and Norfolk Island's environmental protection and heritage legislation in KAVHA yet an outcome requires identifying the adequacy etc of current management etc in accordance with the EPBC Act

MRS JACK Can I just ask Mr Sheridan, because I must admit that I didn't bring up the terms of reference Mr Speaker. So what's the question

MR SHERIDAN The four issues seem to contradict what they are trying to achieve and the proposed outcomes because one of these...

MRS JACK its about the MOU and the Administration and operational within this site. It's about the ka Board and what they do in this site. It's not about the boundary. It's not about land tenure. It's about what goes on in the site and... I still think you can refer to, it says will not consider the application of the Commonwealth and Norfolk Island Environment Protection and Heritage legislation. I still think however that given certain wording that some impact, you know, you can still reference it. They're not just going to come straight out and it's not going to be a whole, this legislation and this clause doesn't; suit or is too onerous or cumbersome or takes up too many resources, or is hard for me to cost if I'm doing a development application and I want

that particular clause changed, but the ability is there I believe to state that while it doesn't say, you know, we're not going to talk about the application, you can still refer to it and talk about the onerous nature of it. I think it is remiss but you can't.. you know, I think you can still refer to it, but they are not going to start changing the legislation because of it but it will also give you the ability to move ahead for perhaps a further movement to review the legislation but if you've got a problem with Norfolk Island legislation then this is the forum that, that change can happen and it doesn't need this sort of review to bring that around. People can go straight to the representatives and voice their concerns. Motions can go to the house

MR B CHRISTIAN Thank you Mr Speaker I have a question for the Minister for Tourism and may be shared with the Minister for Finance. Would the Minister give an update on the marketing co operative between Norfolk and carnival cruises and are we on target for cruises in 2010

MR GARDNER Thank you Mr Speaker, my involvement in the cruise liner visits to Norfolk Island have been limited at this time to assisting in identify a panel of people who will manage the process going forward. The negotiations as such have been more so a Minister for Finance bailiwick at this stage so it is probably appropriate that he answer and hopefully he will be able to provide more information than I can on that at this stage

MR N CHRISTIAN Thank you Mr Speaker I am happy to add my bit. I don't think we've actually been called on to assist with the marketing directly. Carnival P&O were quite happy to take all of that on board at this stage but as Geoff has mentioned I think Terry Watson will head up the coordination of the group in Norfolk Island which will pull together all the interested parties in Norfolk Island that we need working together to make this a success so he will co ordinate the stakeholders as such in providing transport to get people to and from the jetties, hopefully encourage the Sunday markets stallholders to be at the jetty when the boat arrives and that sort of stuff and also to assist in the selling of the activities that Norfolk Island has to offer. From the Administration side of things, what we've got to do before March 2010 is mainly logistical. We have to provide a couple of pontoons that will facilitate the berthing and unloading of the passenger tenders at Cascade and Kingston, and we are in the process of getting some quotes for all of that work, and the second stage there is the ships tenders require a draft of water alongside Kingston jetty of about 1.5 metres which is the design which the refurbishment of the Kinston pier provides for, the depth of water, and we will shortly in conjunction with Mike Johnson, the Works Superintendent and co, devise a plan to remove the silt alongside the jetty that has accumulated since it was last done, probably in maybe the early 80's or something like that. We've commissioned Don Taylor to do a survey of the seabed alongside the jetty. That survey has been complete and we are just awaiting calculations from Mr Taylor to inform us of the likely volumes of silt that will have to be removed and then the Norfolk Island Government will communicate with the Administrator to see if that is work that can be done as routine maintenance or whether an application needs to be made in respect of the EPBC Act to gain approval for the work and that's the stage we are at now Mr Speaker

MR B CHRISTIAN Thank you Mr Speaker a question for the Minister responsible for Quarantine, Minister recently in the local paper dated 8 November referring to Asian geckos I quote it is worth noting that some geckos and other lizard species were also seen mainly in places where large amounts of imported goods are held unquote. This was signed by the Acting Environment Officer. Is this not another indication that quarantine practices are inadequate at best and what are the Minister's intentions to address this concerning matter

MRS JACK Thank you Mr Speaker I wouldn't go so far as to say inadequate at best because we have very thorough quarantine regulations going into Australia of all animals, insects, whatever sneak in and in fact one of those giant

African foot snails or whatever it's called still manages to get into the odd container, so no, I wouldn't say that. What I would say though is that given the circumstances that we have and the method of unloading and the fact that our freight is not containerised I believe that we have a very good reputation. It's not perfect but I believe given the circumstances at the way freight is brought into this island, I believe it is quite good. It can be improved Mr Speaker but the problems then come in with putting a shed there to hold all freight until it has been independently dealt with, sprayed and then released before going out to the community. Putting a shed at the two jetties would seem to be a decent solution. Cascade one could see that being catered for extremely well, problems arise in this KAVHA area given its status in local national and possible world listing and so then you come to the point where without containerization freight would be taken here, then carried half way across the island if not all the way across the island to a freight shed with the possibilities then of it being a next to zero worthwhile practice so there are issues. How best to overcome them I'm not sure. I believe that the statement that was made could have been better worded, but however, it's out there but as I say I think that given the size of the insect problem and the fact that the Asian geckos have not expanded to the state where the experts who came onto the island thought they would have gone in the last two years, we have been given a possible breathing space. I note that there were three colonies found, geckos have been taken back for DNA sampling to see if its three separate colonies or whether those three colonies have actually come out from the first colony that became established up there in the centre of Burnt Pine and then we will find out even more about the effectiveness of our quarantine laws Mr Speaker, because if it is one colony that's been carried inappropriately by baggage or buses or whatever, in backpacks then that will tell us that they are clever little beasts and not that we've had three lots of poor quarantine matters but there's room for improvement and I'm sure that we can all put our minds to possible methods of improving that aspect of our Administration capability

MR B CHRISTIAN Thank you Mr Speaker just a supplementary question please because I tend to disagree with the Minister. In the last few years Norfolk Island has been invaded by many foreign pests, wasps, spiders, geckos, ants to mention a few. Is it going to require our having snakes and cane toads here before we actually realise that these pests are slipping through the net and we do something about it. Why can't we be proactive and review the system that we are using now, instead of being reactive every time a new species come in here, we seem to react by bringing in experts to assess how far they've spread and what we are going to do about it. Why can't we get on the front foot and say, okay what are we going to do about this system rather than just dealing with each pest species as they invade Norfolk Island

MRS JACK Thank you Mr Speaker I think it's easy to sit there and talk those points. They are valid points but we as an Assembly are prioritising and also funding measures. Now I would take it that I put Mr Christian with his concerns on the cost of living enquiry, I asked him to be on that panel, so what I suggest this time Mr Speaker is that we initiate another form of enquiry or panel and I ask Mr Christian to head or be on that panel and let's start looking at this problem and dealing with it

MR SHERIDAN Mr Speaker just a supplementary question for the Minister. Minister it seems there are some concerns obviously with some parts of the community with regards to the way our borders are secured. Wouldn't it be appropriate for the Government or the Administration to undertake a review of their management of their border security

MRS JACK Well this could be part of the terms of reference if you like Mr Sheridan for Mr Christian to look at

MR SHERIDAN A supplementary question Mr Speaker please. Minister are you saying that you have no faith in the Administration or the Government to undertake a review. You would rather pick Members from the community to undertake

something that should be as a matter of course, that these things should be reviewed time after time

MRS JACK Thank you Mr Speaker I'm not fobbing it off. I'm concerned there

MR SHERIDAN Well that's what it sounds like

MRS JACK Well it certainly isn't' my intent Mr Sheridan. I think we need to have Members of the Legislative Assembly who are concerned with that aspect on there. I think, well I don't think I know that the compilation of such a board would include members of the Administration as well as Members of the community. We need to get some independence in there as well and perhaps we need to get somebody from outside. I know that as far as AQUIS are concerned I've had some very positive responses from AQUIS in the taking of our rubbish back into Australia so perhaps assistance could be expanded into looking at our own borders as well but it needs to be a proactive measure in dealing with these concerns and I think that we start with people that are concerned and then see where the problems lie and start dealing with them on that basis

MR B CHRISTIAN Thank you Mr Speaker I agree with Mr Sheridan. We have an entire Health and Quarantine Department. Surely they can undertake a review of their own practices and assess that review and if further action needs to be taken by a Board of independent people, well I can see it saying there's a problem and there would be a process that I would see as appropriate

MRS JACK Mr Speaker its been determined by these gentlemen that there is a problem. What I'm saying is what they would then do is ask that part of the Administration as part of the overall review to come in with that separate. What do they see as going wrong. Where do they think that matters can be dealt with. Do they have the same concerns. If not, why not. But they need to be running in conjunction and be part of the same review. I mean Mr Christian to me has said he has no faith, then why would he have faith in a report done by the relevant section within the Administration. Get the review going. Ask that section to give forth a paper on their problems and if they see themselves as being unsuccessful in their area but for goodness sake to work together...

MR B CHRISTIAN Mr Speaker I did not say

SPEAKER Just one moment. Let Mrs Jack finish please

MRS JACK No that's alright

MR B CHRISTIAN I did not say I had no faith in the department. My question was, the indication of the current quarantine practices were inadequate. I did not say anything about the department itself. I said a review of the practice and the process of quarantine and I want to correct that

MRS JACK Fine then Mr Speaker. Let's ask that particular Department to look at their practices and to comment on those practices and work together

MR SHERIDAN Mr Speaker I have a couple there for the Minister sitting on my right. Minister it's in regard to the convict sites world heritage nomination document that I have here in front of me. Can you advise why its' taken from January this year when the nomination was completed until the last sitting of the house, that was in October, to have copies of the Australian convict sites world heritage nomination document made available to the island community

MRS JACK Thank you Mr Speaker I got those documents I think just a few days delivered to my office just a few days before. Many emails have gone between myself and people working on the Draft nomination. There were continual I suppose corrections needed, and trouble with maps and then just in the editing process but as soon as those, well within a matter of a few days those documents came to my office I had placed them, I had given one to Mr Sheridan, one to the head of Eco Norfolk for her interest, one for the public library, one at the school, several at the KAVHA offices, I believe Mrs Anderson has one, and there may have been others placed out as well but it was no deliberate attempt to hide or I don't know, delude the community it's just that the time that took

MR SHERIDAN Mr Speaker one final supplementary question there please, in the document there Minister they refer to a document entitled the Australian Convict Sites Strategic Management Framework 2008 which is claimed will ensure the full protection and conservation of all the nominated sites including KAVHA. Minister is this document available for the community

MRS JACK Thank you Mr Speaker I'll see if it can be made available. I know that there is a diagram as I pointed out to Mr Sheridan that shows each of the States and Territories with their relevant legislative framework or plans that govern their particular sites, and over that was the EPBC Act however I personally don't have that document here. I'll see if one is available and see if I can have it made available to Mr Sheridan to give to whoever is concerned

MR B CHRISTIAN Thank you Mr Speaker. I've only a couple of questions left. This one is for the Minister with responsibility for waste management. Minister I recently in the House asked you if the Waste Management Centre had implemented a work plan. I ask again because the Waste Management Centre is not only in a shambles it is also a breeding ground for feral cats and other pests. Is the centre in such chaos because of the lack of funds Minister or is it the lack of motivation or management on the ground

MRS JACK Thank you Mr Speaker I know that Mr Christian is concerned about this area. He raised it in a very open discussion with MLA's on Tuesday. As to the causes of the current state I think I'll best leave that for the Chief Executive Officer to be more definitive. I know that we've all had our concerns over recent times and made them clear or brought them to the attention of the new CEO and I'll just leave it at that

MR B CHRISTIAN Sorry Mr Speaker I have one more question, its in the form of a follow on from a question I asked the Minister for Social Welfare, Minister are there any current social welfare recipients suffering hardship as a result of the way extra income is being assessed

MRS JACK Thank you Mr Speaker and thank you Mr Christian it also enables me to expand a little on the answer relating to DVA income. I didn't want to appear flippant about that either, but it all comes back to the definition of income in the current Social Services Act and it could be seen to be, well I'll read it out to you because I went to an email that I received earlier this week, I thought I might be getting a question on this as well. In the Act it states that income in relation to a person means any personal earnings, moneys, valuable consideration or profits earned, derived or received by the person for his own use or benefit by any means and from any source whether within Norfolk Island or not and includes a) a periodical payment by way of gift or allowance, hence a pension could be interpreted there and b) a payment that the executive member or an authorised officer determines to be in the nature of income and it goes on to say but does not include a payment that the executive member or an authorised officer determines to be not in the nature of income or that for some other

reason the executive member or an authorised officer determines should not be regarded as income. Mr Speaker since the last Legislative Assembly I have been approached by a couple of people concerning income and the way that the review has treated particular income that they have received. It's never the intention of the Act, myself or this House that extra hardship should be a result and in some cases there may need to be a review of certain determinations. Mr Speaker the Social Welfare Board is meeting tomorrow and it is my intention to go and talk to the Board about a couple of issues. One of them being the way income is perceived or treated and as I cannot make a determination on my own, I'm hoping that by having this very good discussion with the Social Welfare Board that a recommendation can come to me that can see perhaps a policy change or shift. I don't want to pre-empt that Board but there will be discussions held to discuss those representations that have been made to me. In relation to treating DVA pensions as an income, yes they are, just as other people from other countries who may be on war pensions and living on Norfolk Island have their pensions treated as income. I know that Minister Debus raised it in a meeting of Members. His concern over that, because he had had representations by current DVA recipients here on Norfolk Island over the concern of the way their pensions are treated. Ministers have discussed some of those issues in the executive and perhaps we need to maybe look at those issues as well but I should advise people that they are being reviewed. There are several aspects that are going to be reviewed. The electricity rebate for example hasn't been reviewed since it was introduced and that's 5 cents in every 28 cents for the first 300 units obviously hasn't been reviewed since electricity was 28 cents per unit and that certainly needs to be reviewed and I've been discussing it with the Minister for Finance about reviewing that, as well as my colleagues and Ministers. Another one was the car registration. Another one was the telephone line rental and perhaps extending that out to include a percentage of the basic ADSL rental so there are matters that are coming into consideration. We are very grateful for the representations that have been made to us, because with those representations we can move forward and hopefully have a better resolution for those affected. Thank you Minister

SPEAKER I do note that again time for Questions has expired but before we move on Minister Jack I do note that you mentioned I think that the Deputy Clerk Gaye Evans was a signatory to the Memorandum of Understanding in 1994. Just to clarify my copy of the Memorandum of Understanding says that Mr Brown was the signatory. Could we have clarification

MRS JACK My apologies Mr Speaker. I beg your pardon. John Brown. Oh yes. For and on behalf. My apologies Mr Speaker. I do apologise to.....

PRESENTATION OF PAPERS

Are there any Papers for Presentation this morning Honourable Members

MR N CHRISTIAN Thank you Mr Speaker in accordance with section 19 of the Goods and Services Tax Act 2007 I table the July to September quarter results and Mr Speaker I'll just read the quarterly report into Hansard. The Chief Revenue Officer has provided the report and she says, accordingly I provide the following information. A) this report covers the receipts for the months of July to September 2008 as well as amounts paid by NBN holders for the September period but prior to the September period due date. As at the 30th September 2008 the GST Office received the following figures of payments for the relevant months and Mr Speaker the numbers go on from April 2007 and I would have read them out previously so I'll abridge this by starting at July 2008 so for July 2008 the income received was \$474,536.33, for August 2008 the income received was \$331,928.06 and September the income received was \$2289.92, bear in mind Mr Speaker that the requirement to pay the September GST liabilities would not occur until the following month. B) NSL. The GST office is still receiving payments of NSL with payments received for the period 1 August 06 to the 30 September 08 totalling \$603,802.34. C) Total revenue. In total staff in this unit has

collected a net amount of \$8,449,053.94 since the commencement of NSL and subsequent GST legislation. This figure includes GST and NSL received and credit payments made to NBN holders. D) Duty drawback. As at the 1st April 2007 the duty drawback figure was \$2,202,072.65. The amount of duty drawback owing to NBN holders as at the 30th September 2008 stood at \$1,253,671.42. This amounts to a total of \$948,401.23 being paid in duty drawbacks including \$87,679.48 in duty drawback rebates being paid out to NBN holders upon bona fide sale of a business. E) GST audits. Audits of input cash credits are regularly undertaken by the Chief Revenue Officer. These audits have highlighted significant amounts of input tax credits being claimed by NBN holders. The GST office as a result of these audits has received additional monies. The Chief Revenue Officer intends to conduct further audits of NBN holders. When the GST Act review has been finalised and NBN holders are required to submit a list of all input tax credits claimed we'll be able to audit the majority of returns lodged per month. F) GST review. The review of the GST Act has been discussed and approved by Members of the GST Working committee meeting with the Norfolk Island Legislative Assembly. We are awaiting Legal Services Unit to complete revision of the Act currently being undertaken by Peter MacSporran and G) Staffing. The GST office is fully staffed and the Chief Revenue Officer now reports to Mr Bruce Taylor, Executive director Corporate and Community Services rather than reporting directly to the Chief Executive Officer. This commenced within this reported quarter and Mr Speaker the Chief Revenue Officer goes on to say that this was submitted in accordance with the requirements of the Act and I so table that document

MRS JACK

Thank you Mr Speaker I take this opportunity to table the KAVHA Conservation Management Plan. Mr Speaker it is twenty years since the last KAVHA Conservation Management Plan or CMP was agreed to. In doing some research earlier this week I could find no actual reference to its presentation and acceptance in the House except for a reference to its existence on the 27th August 1989 Hansard. I'm pretty nervous here Mr Speaker because I don't want to fluff it up again, but I'm sure because I took a copy of the Hansard, that it was then our current Deputy Clerk, Mrs Evans who was in her role as Minister for Community Services in the Fifth Legislative Assembly and it was just with reference to appointment of Norfolk Island representatives on the KAVHA Management Board and the reference was that functions of the Board are to provide advice on the management of KAVHA in accordance with the Conservation Management Plan of 20th June 1988, the two Governments having agreed in principle that the plan having formed the basis of the board's work. It is noted that this Conservation Management Plan has been a long time in the making. The current Conservation Management Plan in use is the one that was agreed on the 28th June 1988 and in that document there was a policy for review, policy 6.3.6.3 that states the Conservation Management Plan should be reviewed every seven years after adoption. Well I stand to be corrected but my understanding is that the Conservation Management Plan were not adopted until 2004 so it is fair to say that the plan was in need of modernising, of becoming more current, more in line with where we are today, while recognising where we want to be in the future and need to be brought into line with current trends in conservation as well as recognising the role that the site plays in the everyday life of the Norfolk Island community. The Conservation Management Plan needs to reflect our desire for possible adaptive reuse of certain structures within the KAVHA area, while maintaining the integrity of the area and finally, the CMP needs to be able to show the world that we not only value our site and the context of expectation for inclusion in the World Heritage listing but that this community is able to interact with it on a daily basis and that the site is richer for that as its story is one that is still evolving. KAVHA is not a static heritage site caught in a time warp. It is one that is in constant use by the local community and visitors alike. It is a pivotal social and cultural area, a major tourism attraction. Already the importance of this site is acknowledged. The Kingston and Arthurs Vale Historic Area or as we know it, KAVHA, is on our own Norfolk Island Heritage Register. All Commonwealth crown land in the KAVHA area is included in the Commonwealth Heritage Register and on the 1st August 2007 KAVHA was placed on the National Heritage list and as I alluded to earlier, it forms part of the Commonwealth serial

nomination for World Heritage listing. KAVHA is one of the eleven sites in the nomination. 1988 to the present we have used the same CMP. Yes we have tried to develop a couple of CMP's in the intervening years, and haven't been able to get them across the line so why do we need one now. Why don't we just carry on with what we have. Three main reasons dictated the need for such a revision. To meet the daily management needs of KAVHA and its attendant input into Development Application in Norfolk Island. The second was when the CMP was commissioned a review was needed to meet the requirements of what was then, the prospective national Heritage listing, and thirdly, a review to meet the requirements of prospective World Heritage listing. There is a requirement when nominating a site that the management plan for the site be one that is current, and can be used in moving forward. As I see it, the World Heritage listing for this area is about the livelihood and well being of a major aspect of Norfolk Island tourism and its people, the Norfolk Island people and this CMP is about securing that tourism, securing the faith that people have in the site by going forward. In ratifying this document, this Government, this Legislative Assembly is continuing to recognise the importance of the site given by all Assembly's that have gone before. I take this time to acknowledge that I've not been the only Minister involved in the process of developing the CMP. My colleague the Honourable Geoff Gardner while Chief Minister in the Eleventh Legislative Assembly was in at the beginning of the World Heritage nomination and subsequent realisation that a revision of the 1988 CMP was required. Mr David Buffett, also Chief Minister in the Eleventh Legislative Assembly initiated a consultancy for producing the CMP. To these two gentlemen I acknowledge their part in this long and sometimes arduous process. I say long, because the starting date was just over two years ago and I thought that we would be at this point, at least a year earlier, however when you are dealing with two Commonwealth Departments as well as a highly involved community when all are putting forward concerns submissions and responses are having to be agreed to by all stakeholders, then I guess slippage is to be expected. Some of the urgency is softened when you were notified when the World Heritage nomination had been put back a year for inspection in the latter part of 2009 not 2008, with notification in 2010 not 2009. Several drafts were produced for consideration by the board, and these drafts were continually refined until in February this year a draft was made available for public comment. The process in seeking public comment was carried out in accordance with the Environment Protection and Biodiversity Conservation Act 1999, which we call the EPBC. In publication of notice about a management plan for national heritage places, section 32(4)(f) the Attorney General's Department invited Members of the general public, both on Norfolk Island and elsewhere, the Norfolk Island Administration and any other person with rights and interest in the KAVHA Conservation Management Plan to provide written submissions relating to the draft plan by close of business Monday, 17th March 2008. A copy of the draft plan was available at the Attorney-General's Government website or by emailing the contact officer. Copies of the draft plan were also on display at the KAVHA Secretary's office, the Office of the Administrator and the Norfolk Island library. At the opening of business on the 25th March 2008 I was informed that the relevant officer within the AG's Department had received seven submissions and during that day two more submissions were received by the officer and presented to Board Members with the recommendation that they be accepted, which occurred. Responses to those submissions have been prepared and I understand they are ready for posting to the individuals and the one group who lodged submissions. One Saturday in early March, I think it was about the 8th all Members of this Legislative Assembly together with the KAVHA Secretary, Ms Anita French, gathered to consider the draft Conservation Management Plan. The plan was considered by Members page by page times paragraph by paragraph throughout the day. At days end I was instructed by Members to draft two letters. The first letter dated 14th March was in response to a comment in the section headed, Land Tenure. I sought clarification to the sentence the Australian Government's policy is that no further land in KAVHA is to be freehold. I felt that this statement had never been so stated before. Hinted at. Yes. Muttered. Yes. But never really out there and stated. My view was that for a few hope remained that one day the land initiative just might extend to KAVHA. The response from Minister Debus received the 20th May reaffirmed the comment and has

placed the matter beyond any doubt. Letter number two, also dated the 14th march was directed to the officer receiving submissions and contained points for clarification and points for correction. On the 15th October Members again met to discuss the draft CMP with amendments. Mr Bruce Baskerville the Site Manager for KAVHA was present at that meeting. He advised Members that all points for correction had been noted and accepted. He then went on to discuss the more troubling topics raised under points for clarification. Namely, the definition of the term ruin. The change of name from Management Plan to Conservation Management Plan in order for consistency between the plan and the Norfolk Island Plan of 2002. Clarification of the sentence, no new buildings should be permitted in KAVHA; advantage points to be defined and included. Each Members was asked for further comment. You may recall that at the end of the discussion I asked each Members in turn if there were any more concerns and or corrections that they wanted to raise and in fact, Mr Speaker you were the only one to indicate yes, and I asked you to take the corrections direct to the Site Manager which I understand you did. The Conservation Management Plan was placed on public exhibition and comments were received. Those comments submissions were considered by the Board and either accepted, rejected or modified. A final amended version was produced as a result of the accepted and or amended comments and presented to Legislative Assembly Members at the October meeting and that version, with maps has now become the final issue that I present here today. Having said that I am also aware of the number of corrections, whether they be spelling, punctuation that Members are finding and communication with officers I understand that all those areas should be able to be entered into the electronic version prior to printing. No Member has come forward or contacted me with concerns of a substantive nature. In closing this CMP that I table today has been through a public consultation process. My colleagues around this table have had two meetings, the first being the all day affair, discussing the content of this plan. Away from Norfolk Island both the Attorney-General's Department and the Department of the Environment, Water, Heritage and the Arts, through their Membership of the KAVHA Management Board have had input into the CMP and this CMP has been agreed to by the full Membership of the KAVHA Management Board and has been ratified by the Norfolk Island Government. I would like to thank all those who have contributed to the development of this Conservation Management Plan and to all my colleagues with me today who contributed to the making of this important document guiding the future of the KAVHA site. A special note of thanks must also be made to Puss Anderson, the previous Project Manager of the KAVHA site, and the font of information when it came to the history both old and new of the site. Puss has made a significant contribution to this document to this document and that assistance in its preparation cannot go unacknowledged and I thank you Puss for that. Mr Speaker I commend the plan. Thank you

MR GARDNER
noted

Thank you Mr Speaker, I move that the paper be

SPEAKER
be noted

Honourable Members the question is that the paper

MR GARDNER
Thank you Mr Speaker, just a question for the Minister on the process from hereon in for the making of the Conservation Management Plan. As I understand it, there are some statutory matters that need to be addressed. Primarily that would fall under the operation of the Environment Protection and Biodiversity Conservation Act which require the Federal Minister to endorse a plan that is submitted to him within a particular period of time but my question for the Minister was more in relation to the process from here on in as far as the KAVHA Board's endorsement of the plan prior to it obviously needing to satisfy those statutory requirements

MRS JACK

Thank you Mr Speaker on this presentation today that will be noted by the representatives of both Government Departments on the board.

They will then in turn take it and have their sections ratify it. That will be presented as a total agreement then that will be forwarded to Minister Garret for the sign off

MR B CHRISTIAN Thank you Mr Speaker I just have a question for the Minister. Minister last June in answer to a question asking for an update on the KAVHA CMP you said that you wanted to do more than just send responses to those ten submissions from the people who wrote than saying we accept and acknowledged receipt of your submission. You said that you wanted to give them a detailed response. Minister have you done so

MRS JACK If I can Mr Speaker the responses don't come directly from me, but via the submissions officer within the Department where their submissions were sent. What has happened is I have seen those drafted response. I have made comment on the content of some and asked for some changes to be made. Each of those responses to submissions are not just thank you for your submission, we acknowledge receipt. Dated blah. I consider that each of them are somewhat individual. Of course in some cases there have been, in many of the submissions there may have been a common thread and in dealing with that part of the submission, some sort of tables could have been developed and those tables have been used but I am happy that those, each, applicant has had their submission fully answered and it's not just a bland acknowledgement

MR B CHRISTIAN Thank you Mr Speaker just to clarify Minister. The submissions made by the ten people have been given a detailed response to date

MRS JACK Those responses I understood were going out earlier this week Mr Speaker

MR B CHRISTIAN Just one supplementary on that please Mr Speaker, Minister have you written or emailed the landholders about the current status of the Conservation Management Plan which you told them almost two years ago, was important and urgent

MRS JACK I think in my gosh... I'll just see if I've got that letter that I sent out last night. Did it refer to it at all. I'll have to check. I did like to draw to the urgency factor in that CMP in my statement that I made in tabling it because I am aware that I may have used those words in a previous response to a question without notice, that sense of urgency never left Mr Speaker, but as I said in my statement, it was softened owing to the pushing back of the time frames for world heritage. The urgency was we needed to move on this matter. It wasn't all haste less speed and to hell with any considerations but I felt we had a certain momentum going on there and I just continued with that momentum but that urgency as I said you know there was slippage, there was serious slippage and it would seem to be unavoidable giving the consultation between two Government departments in the Commonwealth as well as here as well as landowners. It is certainly something for the files that I would like to put a note on in five years time when this CMP is due for review that you really need to start the process well before, start involving the community and start doing it all because it is not a simple process and in order to get full consideration you need to start the process, maybe at year four and start getting it out there, making the community aware, start calling for even for submissions on an informal basis to ourselves so that those submissions can be collated here and maybe given a bit more impetus, I don't know

MR MAGRI Mr Speaker just firstly I would like to express my acknowledgement of the work that I've seen Minister Jack put into this. It's quite a document that Members of the public who can't see it, a hellova lot of work has gone into it but just to go on further, I've just got a question that whilst not actually specifically dealing with the management of KAVHA it is a management plan, so I just want to ask the question of the Minister in relation to my thoughts about how different controls and

own so sorry, I digress, but the KAVHA Management Board is in charge of those day to day, the overarching EPBC and what role do the Norfolk Island community have into that process, the opportunity is there to have increase with as I said, a submission to be on that KAVHA Board

MR GARDNER

Thank you Mr Speaker, I just have a couple of comments on the draft Conservation Management Plan, the final version of the CMP as being presented to us. Mr Speaker I guess the progress on the development of this reminds me a little bit of the progress made by an aardvark as it would sort of wander along and you know it sways from side to side, it moves fairly slowly as aardvarks do and I guess that's a fairly good analogy as far as the progress of this is concerned without necessarily the spikes and the hissing and the flapping of the tail that an aardvark might provide at the end of the day. This I don't believe has those thorns and attachments. It's been through a very rigorous process and the Minister did advise earlier about the attempts in 02 and 04 with draft CMP's. I was on the KAVHA Board at the time as was Mr David Buffett and both of us were very keen to ensure that any revised CMP for the operation of matters within KAVHA truly reflected the timeframes and the periods of settlement and didn't focus entirely on the convict side of things and so you'll note if you compare these CMP's that quite a bit of detail has been included in relation to the Polynesian settlement and a significant amount of detail has been included in the third European settlement if I can refer to it as that, of the Pitcairners and although it is difficult to be able to assess with any absolute accuracy, the Pitcairn settlement has far outlasted any previous European settlement, there is no doubt about that, but the doubt exists as to whether it has yet endured as long as Polynesian settlements in the area, so the Pitcairn settlement is now clearly reflected as being a massively important part of the KAVHA area and part of the reason for the non completion of those draft CMP's was ensuring that that document actually did reflect those periods of settlement at least at the same standing of those given to the convict settlements. Mr Speaker, I've spent the last couple of days, as we've just recently received the final draft in the last couple of days, going through this document and have highlighted a number of still spelling and grammatical errors in the document and that shouldn't obviously prevent this from being finalised. I'll detail those errors and certainly make sure that they are incorporated in the final version, because it is important when dealing with the document of this nature, particularly one that will be hung up as a document of sufficient status and standing to support the World Heritage Nomination that it is actually free of as many errors as we can possibly identify. There is also a mapping error, a cartographical error in the document in relation to the cross hatching of Commonwealth owned properties in Kingston. It still includes the property with the Commissariat Store known as All Saints Church. That area of land as Commonwealth owned land which it is not. It is owned by the Church of England so there is a correction that is required to be made there. The Minister spoke about the process that we followed as Members of the Legislative Assembly in turning our attention to the content of the Conservation Management Plan. We have spent a lot of hours in giving consideration to it, the potential impact of it, what any changes may mean, what policies may mean and one of the policies that's addressed in here is actually being pre-empted I guess in a way by the Governance review that's being undertaken because actually one of the policies in here actually talks about going off and doing it, so the ball has already begun to roll in a lot of areas with the full support of the KAVHA Board, at this stage and so in saying that it does highlight some new activities and new policies, and consideration to evolving trends as far as conservation management is concerned, and they are appropriate but I think the major change from that, that Members considered back in March and since that period of time has been the change in the format and the number of management policies and that has taken a while to get my head around where those changes have occurred and what that means for the document, but in essence it doesn't in my view change the substance of the document in any form or fashion at all, in fact I think some of the changes and comments that some of the Legislative Assembly Members have been provided I think all of them have been taken on board which actually better reflects our understanding of the management principles of the site as far as Norfolk Island is

concerned. There's always an element of the fear of the unknown in a document like this, but the Environment Protection and Biodiversity Conservation Act is very very specific in relation to how these plans will be developed and if there was any thought that this governance review might in some way exclude Norfolk Island from having an input into the management or the promulgation of future Conservation Management Plans, again, the legislation that binds the Federal Minister to the environment is very specific and the plans of management, must be done in co-operation with the State or Territory whichever place these properties exists, so there is an ongoing legislative requirement to ensure that Norfolk Island has a say and that is particularly important, obviously and reflecting the history and the input that so many people on Norfolk Island have had in the development of the KAVHA site. The document before us save for those issues that I've raised as far as grammatical errors, spelling errors are concerned, and also the mapping error is, as I say, a thoroughly, carefully and professionally prepared document that would stand up to I'm sure, scrutiny by the Federal Minister who has to endorse it, as part of the provisions of the Environment Protection and Biodiversity Conservation Act and I'm sure will stand up to scrutiny for the ongoing management, not only under Norfolk Island legislation, our own heritage legislation and planning legislation but also that of the Commonwealth in relation to Commonwealth sites, Commonwealth heritage list sites, National heritage list sites and eventually the World Heritage listing for the site. Thank you

MRS JACK Thank you Mr Speaker just in relation to those errors, I would like to thank the Minister for Tourism and Health for bringing those couple of errors to my attention earlier this week. I've already notified the people in Canberra and they are on standby, to have all the corrections detailed to them, and I'll do that electronically, before the final print is done for the document, because these documents will go out to quite a few people but I thank Members

MR SHERIDAN Mr Speaker just a few words. When will this document be made available for the public to access it

MRS JACK I'll try to have it done as soon as possible, you know, what are the time frames..... within the month. I can't give an actual detail. I can provide an answer to Mr Sheridan within the next couple of days and make an announcement in the paper as soon as I find out, if that satisfies Mr Sheridan, I have no problems in doing that, as trying to pin down to a date. We are under legislative time frames here

SPEAKER May I ask the Deputy Speaker to please take the Chair so that I might make a few comments

MR SNELL Thank you Mr Acting Deputy Speaker and thank you Minister Jack for the presentation of this very voluminous document and I endorse the comments by Mr Gardner, but it still reflects us with a great deal of sadness and dismay that such a document is necessary and it's been alluded to of course by Mr Magri. This is certainly not the ideal fix to the many queries and concerns of residents, particularly those who have land and live in and around the Kingston area. I'm sorry for them and disappointed that this document won't satisfy their demands and I'm concerned that some implications this document may contain regarding the usage of the areas, particularly for tourist operators and so on, and possible charges and restrictions on access and so on that may be introduced at a later time but it comes with no surprise, when you look at the policy and review which was given to the Norfolk Island Council in the 1970's when Senator Withers and of course Mr Ellicott, the Honourable Bob Ellicott, gave the island its first real indication of internal self government and one of their conditions amongst many, was in regard to zoning and land development and the Government stated at the time that they were of the view that steps should be taken within a twelve month period to finalise and adopt by ordinance a suitable plan of the island and consideration be given to the declaration of various areas including Mt Pitt as

a national park and Philip Island as part of the national estate and so on so these are very important considerations and I am of the opinion that had this not transpired in the last how many years it's been going on for now, the last twenty years that they would have introduced legislation for us without our consultation may be, and I can only support the content of this to that degree, that at least we have had some input into the document itself. I'm disappointed again to see reference in the document that there are some errors, that land tenureship has been specifically noted that there will be no more, the Government's policy that there will be no more land in KAVHA to be freehold. I notice also that as part of this document that there is no mention and I hope this is intentional, that Pitcairn Islanders arriving here in 1856 is not mentioned in the chronology of visitors to the island, so maybe they recognise that we are the residents and they have no mention of that, in that section at all. But there are other things and I can only support the document in relation to its application and I congratulate Mrs Jack

MRS JACK Thank you Mr Deputy Speaker and thank you Mr Speaker for your support. Yes, I can understand in one way why it's not but I think it important that, that date also be note in the back and includes the arrival of the Pitcairn Islanders and I'll have that done but I did take it as visitors Mr Speaker

MR GARDNER Thank you Mr Deputy Speaker, I would certainly hope that the Pitcairn Islanders wouldn't be classed as visitors. They are permanent residents. They are the life blood and they are the culture of this place and long may it endure forever and ever, one would hope

MEMBERS Hear, hear

DEPUTY SPEAKER Any further questions Honourable Members. I ask the Speaker to resume the chair

SPEAKER There being no further debate I put the question that the motion be agreed to that the paper be noted

QUESTION PUT
AGREED

The ayes have it. That paper is so noted thank you

MR NOBBS Thank you Mr Speaker I table the updated Administrative Arrangements Order as in the list of Executive Members and their portfolio responsibilities. I table this document following the Minister for Commerce and Trade portfolio adjustments. The Minister for Commerce and Trade has now undertaken portfolio responsibilities for postal, philatelic and liquor bond and has already undertaken a review process of some areas within the new responsibilities in conjunction with the Chief Executive Officer. Thank you

SPEAKER Chief Minister the date of the paper please

MR NOBBS Thank you Mr Speaker the date of the paper. The paper is dated the 20th October 2008

MR N CHRISTIAN Thank you Mr Speaker I table the audited financial statements of the Administration of Norfolk Island for the year ended 30th June 2008. I don't intend to say much today because this is an extremely thick document. What I will do is lead members through the consolidated income and expenditure statement for the year and the income for the year came in at \$30,083,617. We had expenditure of \$26,926,618 giving us a surplus before depreciation of \$3,156,999 and after depreciation has been applied, \$3,091,042 that leaves us with an income excess of

\$65,957 so all in all it's a pretty pleasing result that we've actually covered depreciation in its entirety for the 2008 financial year

SPEAKER Thank you Mr Christian. Any further Papers for presentation. No

SUSPENSION OF SITTING

Members it's now getting near to 1 o'clock. Would the House wish to suspend the meeting until 2.30 this afternoon

MR CHRISTIAN Thank you Mr Speaker, I think we should continue because the Airport Amendment Bill and the Electricity Supply Amendment Bill's aren't going to be dealt with to finality today

SPEAKER We still have Statements to attend to

MR NOBBS Thank you Mr Speaker I support the adjournment to 2.30. I have an official engagement that I do have to attend around 1.30

SPEAKER And I also wish to meet the Joint Standing Committee at the airport and I would seek agreement from all Members. Honourable Members we suspend this meeting until 2.30 this afternoon

RESUMPTION OF SITTING

We resume our sitting Honourable Members

STATEMENTS OF AN OFFICIAL NATURE

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

MR N CHRISTIAN Thank you Mr Speaker, the delivery of the two new Rosenbauer Panther Aviation Fire Fighting vehicles to Norfolk island by 36 Squadron RAAF yesterday marks a momentous day in the history and development of Norfolk island and demonstrates beyond doubt what can be achieved when the Norfolk Island and Commonwealth Governments co-operate and combine resources to deliver a beneficial outcome for the people of Norfolk Island. Mr Speaker, it is important that I publicly acknowledge and thank my parliamentary colleagues who have supported and encouraged me during the assessment, procurement and delivery process which has resulted in Norfolk Island being the proud owner of two Aviation Rescue and Firefighting vehicles which are "state of the art" and equal to any, anywhere in the world. Mr Speaker, I also wish to thank the Hon. Bob Debus, Minister for Home Affairs, the Defence Minister, the Hon. Joel Fitzgibbons and the Federal Treasurer, the Hon Wayne Swan, for the respective roles that they have played in facilitating the delivery of the vehicles to Norfolk Island by the RAAF. Mr Speaker, I also wish to thank the Administration personnel and in particular, Gerri Downie, Basil Randall and Brian Buffett who have been trained in the use of and mechanics of the fire vehicles and Mr Ken McEwen of Sasgar Pty Ltd who facilitated the purchase, training and delivery of the Fire vehicles. Mr Speaker, I must also thank the leaders and personnel of 36 Squadron who yesterday demonstrated the awesome capabilities of the C17 Globemaster III and Australian Defence Force. Mr Speaker, not only did the RAAF deliver the new aviation rescue and firefighting vehicles, they were also able at short notice. To medivac young Zach Reynolds to Brisbane for medical attention after injuring himself in a school playground accident and for this the Norfolk island community is eternally grateful. Mr Speaker, the events of yesterday included a number of firsts and some of them are:

1. First ever landing of a C17 Globemaster III in Norfolk Island
2. First ever night landing of a C17 Globemaster III in Norfolk Island

matter how much information we make available about our unique economic, cultural and social models and our success as a largely self-sufficient community, we are constantly subjected to reviews by departments, ministers and parliamentary committees which want to radically change the way we are governed. We sometimes feel that nobody in Canberra is listening, or even attempting to understand our aspirations and vision for this beautiful place, or to help us with the problems we face as a small and remote community. It has puzzled Norfolk Islanders for many years why there is such a disparity in views between the tens of thousands of everyday Australians who visit here (and in many cases return over and over again) and marvel at our self-sufficient and sustainable service delivery, compared with the constant criticism from parliamentary committees and bureaucrats who seem to want Norfolk Island to conform to some unrealistic model of ideal government, purportedly delivered in Australian rural communities. The Minister's statement has brought this issue into stark relief. We in the Norfolk Island Government see ourselves as being essentially in the business of service delivery to our community, in partnership with the private sector, non-government organisations, local families and individual community members. Our focus is on good *outcomes* in delivery of services which are comprehensive, equitable, accessible and effective. By contrast, it is clear that the Canberra club of politicians and bureaucrats are focussed on *bureaucratic processes* and massive over-regulation, not on outcomes. How else could they possibly believe that the way to improve services in Norfolk Island would be to extend a massive array of Canberra's taxes, legislation and bureaucratic regulation? Do they seriously contend that their model has achieved better results in remote Australian communities than the community-based Norfolk Island model? Winston Churchill famously said that "*...for a nation to try to tax itself into prosperity is like a man standing in a bucket and trying to lift himself up by the handle*". Only last week, the Secretary to the Australian Treasury again called for major reform to the Australian taxation system. He highlighted the problems caused to the Australian economy by a complex web of 125 separate taxes and some 5,700 pages of legislation. Not surprisingly, we do not see the extension of these sorts of bureaucratic regulations and legislative complexities to Norfolk Island as being likely to achieve positive outcomes for our community. The massively complex Australian taxation and social welfare systems have failed to deliver prosperity – or even fair and equitable services – to many Australians in remote and rural communities comparable with Norfolk Island. Indeed, the recent independent study by a group of prominent Australians for Desert Knowledge Australia concluded that many remote parts of Australia are akin to a "failed state". They identified the characteristics of failed states as including poverty, violence, lack of basic services and lack of government legitimacy, and concluded that these are everyday realities in remote regions of Australia. In a media comment on the same day as his statement to the Australian Parliament, Minister Debus contended that Norfolk Island was in danger of becoming a failed state, apparently because of his belief that we were "*...falling well behind national standards*" in some areas of service delivery. We do not agree with the Minister's assertion, and I shall return to the specific details of those service delivery areas later. But for the moment, it is interesting to note that the independent definition above of a failed state related to the complete breakdown of law and order together with a lack of basic services. Nobody could seriously contend that such a definition could apply to Norfolk Island now or in the foreseeable future. Any serious study of outcomes in remote Australian communities puts Norfolk Island at the forefront in delivery of health, education and welfare services. We are seriously concerned by the implication in the Minister's statement that these services should be reduced to levels comparable to those delivered to other Australians in "remote mainland locations", which do not have full service hospitals, fully free education from reception to year 12 or the range of welfare services provided by our government/community partnerships. We have consistently provided information on our unique economic and service delivery models to government, parliamentary committees and independent studies, but it seems that nobody in Canberra can absorb that in terms of good outcomes, our system works well and has continued to do so as it has been refined and developed in almost 30 years of self-government. Our unique public/private partnerships ensure that we retain services that comparable communities in Australia have lost – for

instance, among many others, we have two full-service bank branches, our own full post office, pharmacy, public library, police station and local radio and free-to-air television stations. Our community, unlike so many in remote Australia, is not losing services and shrinking in size or civic pride. Rather than acknowledging this considerable achievement, the constant focus from Canberra seems to be on “normalising” us to a model of a mendicant territory rather than encouraging our self-reliance and sustainability. Minister Debus rightly identifies that in 2006, the Commonwealth spent a full year studying Norfolk Island governance, including the commissioning of several external studies by bodies including the Australian Grants Commission, the Australian Bureau of Statistics and the Centre for International Economics. Much of the focus of those studies was on how to introduce comprehensive Australian-style taxation measures in Norfolk Island and on extending many thousands of pieces of Commonwealth legislation to the Island. The Minister goes on to note that at the end of that extensive period of investigation and study, the former Australian Government “somewhat mysteriously” decided in late 2006 not to make governance changes to Norfolk Island. The decision was not at all mysterious, it was based largely on the old axiom that “if it isn’t broken, don’t fix it”. Federal Cabinet looked at all of the information available to it, including independent econometric analysis by Econtech Pty. Ltd., and made a conscious decision that no change was necessary to the basic Norfolk Island governance model. The then Minister for Territories, the Hon Jim Lloyd MP, said that any changes would not be in the interests of Norfolk Islanders. On 20 December 2006, he issued a statement that governance changes “...*would not be in the interests of Norfolk Island at this time as the Island’s government works to build a long term future for its community*”. It may be significant that the only report which was based on the negative economic or social impacts of extending Commonwealth taxes and laws to Norfolk Island – that is, the report from the Centre for International Economics – has never been made public. Minister Debus conceded during a recent visit to Norfolk Island that he has been unable to view the CIE report which was being treated as Cabinet-in-Confidence. The Norfolk Island Government has made application to the Commonwealth for access to that report a number of times, but it has not been provided to us. It should also be noted that in 2006, Federal Cabinet had before it all of the reports of the Joint Standing Committee on the National Capital and External Territories (JSC) to which the Minister refers. The JSC has not made a report to the Australian Parliament since then, although it is due to arrive in Norfolk Island later today and will no doubt issue a further report in due course, although it has no formal reference. In considering the future governance of Norfolk Island, The Commonwealth saw no need in 2006 to take action on the various reports of the JSC. In fact, for many years it has only been the Norfolk Island Government which has acted to improve services or legislation in areas identified by the JSC, with the sole exception of action taken by the Commonwealth in 2004 to disenfranchise a number of Norfolk Island permanent residents, who were prevented from standing for office or voting in elections for the Norfolk Island Legislative Assembly. As highlighted in our recent submission to the Senate Select Committee on State Government Financial Management, the Commonwealth has routinely ignored recommendations from the JSC and other parliamentary committees for action which might have had beneficial effects for Norfolk Island. Without wishing to debate every detail of the statement by Minister Debus, I need to put on the record a response to some particular matters. The Minister stated that the Australian taxation system applies in other external territories such as Cocos and Christmas Islands “...without detriment to the development and governance of those islands.” We disagree strongly with this assertion, on the basis that those territories have never been given the opportunity for self-government which Norfolk Island has enjoyed and thus have not had the chance to develop the sort of self-sustaining and more prosperous model which applies here. As a consequence, we have had many years of full employment and do not experience the poverty and welfare-dependence of those external territories which have little real employment and minimal private sector activity. Norfolk Island receives many approaches from other external territories, from remote and island communities in Australia and from our Pacific neighbours, seeking to emulate the unique community-based self government model which has served Norfolk Island well since 1979. They

see us as the success story in this region of the world and a role model for their future development. Minister Debus perceives that Norfolk Island has a significant number of citizens of high wealth and a “growing proportion” of people who are “significantly disadvantaged”. No evidence is provided to justify this view, which is not supported by Norfolk Island census data. There are in Norfolk Island, as in almost all parts of Australia, a small proportion of some citizens with substantial private wealth, and some on relatively low incomes. But the gap between rich and poor is much less than in most small Australian communities and substantially less than in Australian cities and suburbs. It would be hard to find a single example of destitution or poverty in Norfolk Island to compare with those in rural Australian towns, much less with those in central cities and depressed suburbs in Australia. Minister Debus quotes the differential between the tax-free minimum wage in Norfolk Island and the taxable minimum wage in Australia as an example of disadvantage, without taking into account the direct and indirect impact of Australia taxes on take-home earnings and on household costs. For example, since there are no land rates or property taxes in Norfolk Island, these are not passed on to wage or salary earners in higher rental or property costs. Similarly, the Minister asserts that Norfolk Island pensioners would be better off under Australian social security rules. However, if the Commonwealth’s income, assets and citizenship tests were applied in Norfolk Island, it is likely that up to half of current pensioners would receive no social security entitlements whatever. Norfolk Island has programmes for welfare, employment, health and education which are carefully designed to meet the unique circumstances of our community. We contend that while the details of these programmes are different from those in the Commonwealth, the *outcomes* are comparable, and in many cases more favourable, for those in need in our community. Minister Debus asserts that Norfolk Island is “...falling well below national standards in areas like health...”. This statement is inaccurate and is not supported by the facts. We are probably the only part of Australia where public patients do not face any waiting lists for elective surgery. We provide free dental care at a fully staffed dental clinic for all children from birth to the end of school and to pregnant women. A Norfolk Island doctor describing herself as “stung into action” by the Minister’s statement, wrote to the local newspaper outlining hospital services as including “...*casualty/outpatients, one operating theatre, pharmacy, Xray and ultrasound and laboratory services. There is a maternity suite with one delivery room, one intensive care bed and 20 general care beds, including those for the aged. A separate building is used for antenatal classes and a baby health clinic...*” I add that other available health services include physiotherapy, pathology, blood bank, ambulance and emergency medivacs. There is universal health insurance in Norfolk Island – once again, on terms different from those in Australia but with outcomes designed to ensure a health safety net for every person on the island. That said, we recognise the need for new hospital buildings and the Hospital Board has established two working groups which have made substantial progress on projects to replace the existing hospital buildings and to improve aged care facilities, within the resources of the Norfolk Island Government and community. These plans will involve the phased replacement of buildings in modular form, with first priority being given to aged care facilities. We are also conducting a current study into home care options for aged persons in Norfolk Island. We welcome the statement of the Shadow Minister for Justice and Customs that the opposition “...stands ready to work with the government and people of Norfolk Island to achieve the best possible outcomes for this unique people and environment.” We regret that she was unable to proceed with plans to travel to Norfolk Island this week, but would welcome a visit from her at some time in the future. In the meantime, we will be happy to call on her in a future visit to Canberra to provide further information on Norfolk Island governance and our strategic plans for the future. We also agree with the Shadow Minister that the process of governance reform should not be rushed and should be based on sound and detailed consultations. The Shadow Minister expressed the quite common view that “...Norfolk Islanders just want to be left alone.” That is not the case – we wish to work in positive partnership with the Commonwealth to achieve the best possible outcomes for Norfolk Island and all of its residents. While we do not see the extension of full Commonwealth taxes and legislation to Norfolk Island as being likely to achieve positive outcomes, we do look to the

Commonwealth for advice and expertise in a wide range of areas. This includes two areas highlighted by Minister Debus in his statement. We are in the process of developing new measures to enhance workplace safety in Norfolk Island, particularly in relation to mechanisms to deal with issues raised by employees or complaints of unsafe management practices. I am personally grateful to Minister Debus and the Commonwealth Attorney-General's Department for providing specific advice on how to proceed with these matters. Based in part on that advice, drafting instructions have now been issued for changes to legislation and regulations and I look forward to bringing those before the Assembly in the early part of next year. Minister Debus also mentioned child protection and welfare as areas where attention was necessary to ensure that Norfolk Island measured up to national standards. We were already working on those areas, having identified needs to improve mechanisms to protect the welfare of children and to deal with offences against children. A bill to provide for children's welfare has already been drafted, based on similar legislation in Australian jurisdictions. That bill is currently under reconsideration by the legislative draftsman, as we judged that some of its provisions were overly bureaucratic, given Norfolk Island's circumstances. Draft legislation has also been prepared to provide for specific children's court judicial functions. I expect that both pieces of legislation will be placed before the Assembly by the respective ministers in the near future. Mr Speaker, what we hope to achieve from the discussions now underway with the Australian Government is a new, certain and more positive two-way relationship between Norfolk Island and the Commonwealth. We wish to see the removal of the uncertainty about the continuation of self-government which is so damaging to business, investor and community confidence. We wish to draw on the expertise of the Commonwealth and others to assist us with better financial programming and improved public sector structures and performance. We wish to work actively with the Commonwealth to ensure that new economic initiatives to broaden our commercial base are encouraged and supported by both parties. We believe that we have demonstrated our willingness and ability to work closely with the Commonwealth on environmental and heritage protection and enhancement (for example in KAVHA and in Natural Heritage Trust projects), and are grateful to the Australian Government for the financial support it has provided in these areas. We believe that this model of close bilateral cooperation could be extended to other programme areas as a basis for a new governance relationship. In this context, we welcome the statement from Minister Debus that "...the Australian Government are working in many of the countries of the Pacific to establish political stability and economic prosperity and we have an obligation in our own territories to uphold those same principles". We would be happy to work with the Australian Government on that basis, especially as we believe that there is much we can share with our neighbours about our successes - and maybe even our problems - in aspiring to similar goals. Thank you, Mr Speaker. Could I move that this paper be noted, tabled and printed and I further foreshadow that after completion of any debate on this motion I propose to move as follows, that the House resolves that the Honourable Speaker should convey the Statement as noted and printed to the Honourable Speaker of the House of Representatives in Canberra, requesting that the Honourable Speaker bring it to the attention of Members of the House of Representatives. Thank you

MEMBERS

Hear, hear

SPEAKER

Thank you Chief Minister. Honourable Members the question is that the paper be noted. Is there any debate?

MRS JACK

Thank you Mr Speaker look I appreciate the statement made by the Chief Minister. I support it's being moved to the Speaker of the Australian Government and I think we all need to go and buy an ice-cream! I totally support it Mr Speaker

MR GARDNER

Thank you Mr Speaker, I welcome this statement and I certainly hope that the community as a whole welcomes it because it does clearly outline the preparedness of the Legislative Assembly and the Norfolk Island

Government in particular to enter into solid and meaningful discussion with Minister Deb us in particular, but also with the Commonwealth of Australia as a whole on the future of Norfolk Island and also on the subject of things that they hold dear and are concerned about in relation to Norfolk Island and to discuss with us, those things that we hold dear in Norfolk Island that are important to us for our future development and obvious sustainability. It is important that – and I know that the Chief Minister points out in his delivery speech that a criticism to some degree is levelled at Bob Debus based on a perceived lack of factual data, and clearly when the arguments are being had, it is important that both parties, both the Commonwealth and Norfolk Island Government and community when responding are able to ensure that their arguments are supported with factual data. It's an observation, it's not so much a criticism that we are able to do that, rather than just fire off generalisms about things. And certainly one of those areas that was reported to me on the recent visit of the Minister was a belief by the Minister that the hospital was derelict. When I've taken that up with Members of Federal Cabinet in relation to that they have scoffed at that and said well seriously, how can a building be derelict and you still are operating a hospital out of it. So it is important that we get the words right and it is important that we support whatever we are saying and also invite the Commonwealth to ensure that what they are saying to us is supported by factual data. I'm interested in the statement that was made in the Federal Parliament by the Minister in relation to the danger – I think the way it was put was the danger of Norfolk Island becoming a failed state. Clearly as the Chief Minister has expressed in his presentation the definition of a failed state relates to, or the characteristics of a failed state relates to things like poverty, violence, lack of basic services, lack of government legitimacy etc and there are claims from people within the community that there is a level of poverty in Norfolk Island, that there is from time to time and in some people view an ongoing problem with domestic violence and the like, some that would argue that we don't provide basic services in some areas and that there is some lack of Government legitimacy particularly in relation to accountability and transparency mechanisms and the like in Norfolk Island and people and I respect their right to voice their concerns in that way. That's their own personal feeling, that's their view, that's their opinion, but again, when taking those things on board and we do that down here when Members of the community come to us and say look, things are crook, what are you going to do about it, how are you going to fix it up, we give consideration to those things, but look there isn't a Government on the face of the earth that can be everything to everybody all of the time, it just doesn't happen that way, but you do strive to maintain the best level of services that you possibly can. The Australian Government attempts to do that as best they can in rural and remote areas of Australia and even within their cities in Australia but there are major variations in the level of services delivery Australia wide. New Zealand wide. US wide. I mean, people who have travelled around the world can see in first rate modern industrialised nations that there are huge gaps between the super wealthy and the poor and all of those so called industrialised nations are fraught with the problems of health provision services, social welfare provisions, crime and violence. That's nothing new. And yes we do get a little tense when people focus their attention on Norfolk Island and say gee you people are way behind times. I would suggest that if we were way behind times Mr Speaker there wouldn't be too many people remaining living on Norfolk Island because we would all want to go somewhere where it was all much much better. I would hazard to say Mr Speaker that the primary reason that most of us are here is because we are so very very comfortable with the standard of living and the way of life that we experience on Norfolk Island. It is the primary purpose that I'm here. If it was any better anywhere else I could probably assure you I would be attracted to wanting to move somewhere else. I don't. I passed this wonderful little gem in the Pacific nearly thirty years ago. I was on holiday and though most of the people around this table would suggest that I'm still on holiday, it's for a very good reason that I stayed. There is no better place Mr Speaker and as you know I've travelled very widely over a number of years and I still keep coming back here because I don't know of a better place. It's as simple as that. So we do take offence and we do get our hackles up when people say that things are crook in Norfolk Island. That's not to say that this is paradise. We still have our hiccups from time to time and we've experienced those over the years. We've

had some disasters in Norfolk Island as far as some of the crimes that have been committed in Norfolk Island. We are stretched when it comes to making ends meet. I don't know of too many nations on the face of the planet that aren't stretched to the same degree and in the same way to ensure that they are able to provide everything that they need to for their constituents. You know, it's a wonderful thing that the Australian Federal Government are able to fly the flag that they've got billions and billions and billions of dollars of surplus and it's a wonderful thing that they are able to come and support the needy in times of need but even they Mr Speaker, even they are limited by the quantum of the funds that they have available to them to do that. And in between, you need to really look behind that and to say gee, are all remote and rural places in Australia and all communities in Australia, are they all places that Australia can hold up proudly and say, we provide services and we provide support, to all of those communities, similar to that that's contained within the parliamentary circle in Canberra. They can't do that. They won't do that because they fail terribly at that right across the board. There are people in desperate need Australia wide just as there is a perception that there are people in need in Norfolk Island. We do our damndest to make sure that we address those areas in Norfolk Island. I'm not quite sure if the Commonwealth are quite so passionate about addressing that in their own back yard. However that said, I think that the question that the Commonwealth have posed, and even though they are a bit lax in wanting to recognise the things that we do well, in fact I think they never recognise that, but the question more so is, as the Chief Minister said in his statement, you know we've got two full serviced bank branches, our own full post office, pharmacy, public library, police station, local radio, free to air television stations and the whole other array of services and facilities in Norfolk Island which look I agree, probably far outstrip any comparable community and there's a real problem in trying to compare communities. Even the Grants Commission were unable to do that other than to be able to pick up one aspect and how it related in Norfolk Island and compare it to say, Nhulunbuy or that might have been health services and then transport services and compare it with somebody out in outback west Australia. There is no single comparable community. It is a unique type of arrangement, but the question really is, and it is a concern I know held around this table, is the question of being able to sustain the ongoing provision of all of those services and I think that that is the core question that both the Commonwealth are searching for answers on, that we are searching for answers on and both our supporters and our critics in the community are looking for answers on. How can we sustain it? And we know. We've talked and had questions around the table this morning questioning the state of finances as far as the completion of the RESA project and the completion of the fire station. There are questions. It's one of the reasons why we've triggered an early review of our revenue fund budget in particular but also including the Government Business Enterprise budgets because there is a recognition that there are elements globally that potentially are impacting on us and may impact on us more in the future and our responsible response to that is to trigger a review of what our anticipated revenue is against what we've planned to expend and our Minister for Finance and Chief Minister are commended on taking those steps. It is a responsible course of action. But it's come about simply because we are concerned with ensuring that we can remain viable and continue to deliver the level of services that we've undertaken to provide to this community. I think there have been suggestions that we remained silent or inactive on wanting to provide additional services or maybe improve the level of services that we have. Health is one of those things that's under the microscope from Mr Debus at the moment and the Chief Minister in his presentation has made reference to some of the issues that are happening in the health area and some of the matters that are being considered in the health area as far as the projects to replace the existing hospital buildings and I've made some reference to that in previous presentations to the Legislative Assembly about the phased replacement of buildings centering on a modular form with the first priority being given to aged care facilities. That is an issue that we are clearly aware of. It is an issue that the Commonwealth have raised with us. It is an issue that I would hope that I can say we are working in partnership with the Commonwealth on. We've had the Office of the Administrator that have provided us with advice about seeking assistance in that area through various

federal funding programs. We are still awaiting advice from the New South Wales Health Department on ensuring that our proposed modular construction philosophy in fact is in accord with modern day practice and thinking as far as redevelopment of health structure, and when that comes in we will then take the next step so we are not adverse to engaging with people, with the Commonwealth and with people in the community if they want to be part of that, engaging with them to ensure that we can advance some of these things. One of the more recent improvements in the delivery of health services that's been a concern for many years in Norfolk Island was the undertaking by the Legislative Assembly to fund the immunization of our young children and also to provide for the cervical cancer vaccine gardasil, to our young ladies on the island between the ages of 12 and 18. I think I said at the time at the presentation of the budget that we are not too far behind too many other places in doing that. It took something like 90 something years for the Commonwealth Federation to introduce a similar programme Australia wide. We're only a couple of years behind that so you know, once it had become a national program, we looked at the benefits of that and we've decided that it is something that should be supported and I certainly hope that the Legislative Assembly and subsequent Legislative Assemblies can follow in our footsteps and ensure that we will continue to provide those services and look where we can to improving services. Look where we can to improving services with aged care and we have an Aged Care Committee. A little frustrating Mr Speaker both for myself and members of that committee that things can't be ramped up and moved a bit quicker, but we recognise the restrictions of resources and personnel in driving some of these things, but we are making some headway. We are making approaches about funding for support for increasing the scope of aged care facilities, aged care programmes in Norfolk Island and we've got, as I understand it, a proposed visit from DVA and intend to have discussions with them about expanding their programs in Norfolk Island and how the community can piggy back on some of those programs in Norfolk Island. We have one of the Members of the committee has made a submission to one of the Senate committees at the invitation of the Administrator because Mr Speaker the Senate committee have been triggered into action because there is an absolute major shortage and a future huge shortage of aged care places in Australia and so the Senate Select committee have been given its instructions to go out and say well, how can we address these sorts of issues. We're tacking on the back of that so we recognise that. We've got an aging community in Norfolk Island and we will make the submissions to ensure that we are best placed to address those, to consider funding proposals and applications and also for training and securing expertise to look at those services in Norfolk Island. Yes it's taken some years, but when you look over the fence, and I was recently in Brisbane and you see that there are two aged care homes on the Brisbane River that have just been pulled down, both accommodation 50 or 60 aged persons in those homes to make way for six or seven penthouse apartments on the same site, you really do become concerned and I know the Queensland Government have got significant concerns about catering for their aged care patients in Queensland and I know that those fears are held Australia wide. We've had visiting politicians from Tasmania who have come to us and said, gee if only remote and rural parts of Tasmania were able to provide the same services that you people do on Norfolk Island it would be a tremendous thing for the communities of Tasmania. The criticism that's come from our colleagues in Tasmania is the last thing you want to do is let the Commonwealth interfere in the delivery of your health programmes in Norfolk Island because it's something that's really caused havoc in Tasmania. And I'm not making that up Mr Speaker. I think we've all spoken to those visiting politicians from Tasmania in relation to those matters and I guess it's true to say, and the Chief Minister has said in his presentation that people do admire what we do in Norfolk Island but that's not to say that we can't do it better but we would rather do it in cooperation with people rather than from an adversarial stance. Lets see where we can assist each other to go forward and as I said recently, to some Federal politicians, I have always admired Ian Campbell who was primarily responsible for providing the funding for the upgrading of the Kingston pier, when as the Minister for Territories he came over here and he said to me one day, it wasn't necessary to keep knocking Norfolk Island for what it's trying to do. What is necessary is where the Commonwealth can assist Norfolk

Island to assist itself. And that was a breath of fresh air. Unfortunately he was taken away from that ministry and put into the Environment portfolio and subsequent events saw him depart Federal parliament but he had an awareness about Norfolk Island and he had an appreciation for some of the unique attributes of Norfolk Island and a belief that it wasn't necessary just to throw out the baby with the bathwater and come in with a heavy handed approach and pursue the line of normalization again, a line that the Chief Minister has used in his speech today. Mr Speaker Members are aware that we've had various people who have made representations on our behalf or have provided a lot of detail to various committees of inquiry and I remember not so many years ago when we were being hammered by the Joint Standing Committee over Governance issues, but again they kept on bringing in health and social welfare and those sort of issues, and we had the then President of the Australian Medical Association, I can't think of his name right at the moment, Dr Bill Glasson who had actually practiced on Norfolk Island, he was the then President of the AMA and I phoned him up one day and I said, look Bill, I just would like you please to give your take on the provision of health services in Norfolk Island and would you be prepared to put pen to paper and document them because I would like them, without fear or favour, would like to present that to the Joint Standing Committee and he did that, quite happily, and despite the opposition of the then Chair of the Joint Standing Committee, Senator Ross Lightfoot, I think it was Senator John Hogg who encouraged the Joint Standing Committee to allow me to read into Hansard the content of that reference that had been provided by Bill Glasson. Mr Speaker that spoke volumes for the level of services, the quality of services and the way that those services are delivered in Norfolk Island in comparison to Dr Bill Glasson's experiences in remote rural Australia. We were streets ahead. Streets ahead. Yet to this day, that sort of reference from somebody who could be viewed as being a professional in their field, a leader in their field nationally, not in Norfolk Island, but nationally in Australia, there has never been a recognition of that by a Joint Standing Committee or any other committee of the Australian Parliament. Instead we have these words that we are falling well below national standards in areas like health, and that our hospital is derelict. Mr Speaker that is absolutely incorrect and I've been able to provide hopefully this afternoon some evidence of that certainly in the words of Dr Bill Glasson who was the then President of the AMA. Mr Speaker I don't have much more to say on this, other than, as I say I welcome the position of the Legislative Assembly and the Norfolk Island Government to want to engage with the Commonwealth in a constructive manner and in a cooperative manner but I do appeal to ourselves and to the Commonwealth that when they are considering the state of play, the state of the economy, the state of our services in Norfolk Island and when we are countering any criticism that they have, that they are supported by fact and not supported by hearsay

MR N CHRISTIAN

Thank you Mr Speaker I would just like to offer some support to the Chief Minister here. I agree wholeheartedly with the content of the statement that he has made today and I agree with his proposition that this should form the basis of a resolution of this House which is forwarded on to the Speaker of the House of Representatives and I applaud Minister Gardner for his comments and I would just like to add some of my own. Personally I've got to say that I'm disappointed in the way that Minister Debus visited Norfolk Island and went about the business that he did. I was fairly disappointed that he described Norfolk Island as a potential failed state when we are working our backsides off to deliver a sustainable future in Norfolk Island and we need the Commonwealth's assistance. Not their criticisms or obstructions. Minister Debus went on to say that there were some doubts about self Government and if you look at the mix of Australian States and Territories if ever the title of failed state could be applied to any one place in Australia that would have to be the State of New South Wales. It's got poverty; it's got crime; it's got people dying on the waiting list for elective surgery; it's got people dying on the waiting list for emergency surgery; it's just been on the end of a damning report in respect of its public hospital system, but nowhere have I seen Mr Debus proposing to Federal Parliament that self government should be taken away from the State of New South Wales. It's rather hypocritical Mr Speaker. I was also offended when Mr Debus arrived in Norfolk Island and described our

hospital as derelict. Mr Speaker his description is totally at odds with the content of the Pacific Asset Management Technology Report I think it was, which was a report commissioned and paid for by the Commonwealth which described the Norfolk Island hospital as adequate for the purposes that it was performing if it was maintained at its current level. Obviously, we would like to replace the hospital and would do so in due course and we will do our best to maintain it in its current workable state without over investing in it because we know we are going to replace it in due course. The interesting thing in all of this is there is absolutely nothing preventing the Commonwealth from making a contribution financially to the replacement of the hospital under our current governance arrangements. It's arguable that the Department of Territories in Canberra who provides advise to Minister Debus and so on, should as a matter of course, write to the Norfolk Island Government prior to each federal budget session inviting submissions from us on how they can help for the year going forwards. If they are the Department responsible for us, that is what they should be doing. Instead, they appear to be hell bent on shutting us down and destroying us, and Mr Speaker from where I sit that's not fair play and that's not what I consider their role to be. I was also concerned with comments that came back to me that resulted from the meeting Minister Debus had with the Chamber of Commerce. As I understand it, and I could be corrected if I'm wrong, that Minister Debus basically said that the Norfolk Island Act had to be repealed. I know that he told us that he couldn't understand the schedules. I have no difficulty understanding the schedules Mr Speaker and I'm sure if Mr Debus applied his considerably capable mind to it he could understand them as well but you need to have a want to understand them and a willingness to make it work. What I am really concerned about in all of this is the position put to the Norfolk Island Chamber of Commerce by Minister Debus appeared to have been supported by our Administrator, Mr Owen Walsh. Now where my concern comes from Mr Speaker is this. The previous Administrator Mr Grant Tambling did all he could to destroy self Government in Norfolk Island. He actively campaigned against us. At a recent inquiry that I appeared before into State and Territory Finances he made a number of recommendations that we could call them in respect of our GBE's and things like that, that we should dispose of them, that we should get rid of them, but he had not one ounce of fact or anything of substance to back up his assertions, they were just hollow words. Mr Speaker the concern for me is that during Mr Tambling's time as Administrator of Norfolk Island his principal advisor was the current Administrator in his previous role as Official Secretary and I therefore think it is appropriate that the present Administrator Owen Walsh issue a public statement on where he stands on the matter of continued self Government for Norfolk Island because many in the community may not know it, but the Office of the Administrator also holds the role of Chairman of the Executive Council of Norfolk Island and I feel that it would be unfair for the Executive Council of Norfolk Island to be chaired by an individual who did not share the executives passion and goal for continued self Government in Norfolk Island. Thank you

MR MAGRI

Thank you Mr Speaker. I would firstly like to offer to my colleagues who spoke this morning, and especially the Chief Minister with regard to his response to Minister Debus' statements in the Australian parliament, my support. I totally agree with basically everything that's been said. One of the points that I wanted to drive home here was to use just a word of caution in going forward from here. Personally I totally agree with the Chief Minister that the best way forward from here to through constructive dialogue with Minister Debus and the Commonwealth. I think that the best result for Norfolk Island going forward will come through improving our relationship with the Commonwealth. It was a commitment that we all made when we went to the polls in March 2007 and I think that yesterday the example of the Australian Air force working hand in hand with the Norfolk Island Government is just a small example of what we can do when we work constructively together. Just one of the points that I wanted to make, a specific point about one of the things that Mr Debus referred to in his statement, he relied heavily on the Joint Standing Committee reports and in particular the 2005 report on Norfolk Island on its financial sustainability and then went on to compare Norfolk Island with the Indian Ocean Territories. Mr Speaker in line with the Minister for Tourism and Health's desires to stick to the facts and not hearsay, what I'll do is I'll just record

some of the words out of that report and use these words, not my words, as a word of caution in going forward and these are remarks in that report made by a Miss Sophie Panopolous MP. Under the heading Lessons from the Indian Ocean Territories, Miss Panopolous says *It is a regrettable fact of history that once prosperous island states on Australia's doorstep has become economic and social basket cases due to their removal of self governance and total incorporation into Australia, from too much interference from the Commonwealth at the expense of the Australian taxpayer.* Miss Panopolous goes on to say that a case worth mentioning is that of the Cocos Keeling Islands were there was once full employment, there is now significant unemployment. With an unemployment rate of 60% and a raft of social ills. Under a separate heading out of that same report the heading being Maintaining Norfolk Island's Cultural Uniqueness, Miss Panopolous says *It is a somewhat perverse notion that we should impose an Australian style taxation system on Norfolk Island which could have dire consequences on the local economy and community relegating Norfolk Island to a helpless welfare state. If Commonwealth taxes and welfares were to apply on Norfolk Island then instead of near full employment there would be a significant influx of welfare dependency from afar who would simply want to move to an idyllic sanctuary.* Mr Speaker obviously the way forward here is to sit down and negotiate as equals with the Commonwealth and I know that we've talked about this and we stand ready to do that. Sure, nobody wants more than the Norfolk Island people to mend the uneasy relationship that exist between us and the Commonwealth but I would also warrant that the issues that lie between us and a good relationship with the Commonwealth are very fixable. Mr Speaker I'm sure that you will agree that the Minister's Press Release using the words "failed state" were unfortunate but I'm also sure that this Minister would not want to be known as the Minister that makes Norfolk Island a failed state. Thank you Mr Speaker

SPEAKER Mrs Jack before we proceed, I would just like to make mention that reference to the Administrator in any way whatsoever, whether it be in the form of influencing the House and or being disrespectful, is certainly not part of this debate and please if you are going to make mention in any respect please keep that in mind

MRS JACK Thank you Mr Speaker it's just in reference that all have had about the Joint Standing Committee who the Chief Minister has acknowledged has arrived on the island today, and it's in recognition of phrases such as "support what we are saying" and "start engaging in the process" and I think that while there may be mixed views around this table of reports made by Joint Standing Committee and maybe the lack of consideration given by, whether it's Minister Debus' department or whoever, on the tremendous responses we have given to those Joint Standing Committee reports over the years and the seeming lack of recognition of those responses. I think we can initiate a good process tomorrow, when we as Members take the opportunity to have informal discussions with the Joint Standing Committee. I know that tomorrow evening there is a women's forum meeting and I'll be going along and listening to women there and I understand that a couple of Members of the Joint Standing Committee are going to be present so I'll be interested in hearing what the community has to say and what they have to say about the community and responses and dialogue that was to come back from the last meeting that they attended and it's all part of this process of having to start somewhere in that dialogue process and finding some common ground. I look forward to it. I consider it a bit of a challenge because I've been present and seen them come and go before, but nonetheless we'll start here, we'll try and start to educate and to make them aware of this special place we get to call home. Thank you

MR ANDERSON Mr Speaker I'm glad to see that all the debate we've had to date has been on the positive side which is excellent. The response by the Chief Minister is excellent. Geoff, of course, many points brought up for discussion. I think that the most disappointing part of it is the motherhood statements made by Mr Debus, not backed up by facts. This is very disappointing and I personally would call on Mr Debus as suggested by Neville, to stick to the facts. One thing that Mr Debus should

do, is quickly come up with specifics. Something to start discussions with. Now he made it very plain that he's looking to us to come up with something for us to start the ball rolling with a model. Now that's all very well and I can understand why he's done that. It makes sense. It's the way that I would do it if I were in his position. But I think he just has to stop and think for a moment. What are we trying to achieve. We want an outcome that is right for everyone. Now I personally would call on Mr Debus to come forward and make some basic suggestions as to how he wants to go about this process. None of us here want to be fighting with the Australian Government. We want to achieve what is best for Norfolk Island and Norfolk Islanders and they should be looking, that is the Federal Government, should be looking at what they want to achieve for those Australians and Norfolk Islanders who live on Norfolk Island and the point Mr Debus has to realise if he's honest with himself, is that the things that he is suggesting not backed by fact, is that if he goes and implants the full Australian system on us, the very people he is trying to protect are going to be the worst effected if we don't continue to have a strong commercial sector we've got nothing. We will have unemployment and all those people who need help, won't get it. Pure and simple. So just a couple of points there which everyone else has brought up before. We need to ask Mr Debus to just stick to the facts. Now generalities are no good. We've got a wonderful hospital, we've got a wonderful education system, there's just so many things that we have done very well and in the self Government states Norfolk Island has done a remarkable job. It is always going to be incredibly difficult, any population of 2000 people, under 2000 people are going to be battling. How could they be otherwise, but that doesn't mean that they don't try and make a success of what they are doing and we have made a success of what we've been doing. What we need, and again it's been suggested, we need assistance and I personally add my tuppence worth to ask today that Mr Debus just think about how he is going to help

MR B CHRISTIAN Thank you Mr Speaker, I just briefly want to give my support to the Chief Minister's statement. There are two things that Ministers have stated and one was Minister Gardner saying that Norfolk Island is a gem. I think Norfolk Island is one of the best places to live in the world and I echo what Minister Gardner said, that is mostly why we live here and the Chief Minister stating that we wish to work in a positive partnership with the Australian Government. I think that is a very positive way forward and I see this as an opportunity to begin negotiations with the Commonwealth to be able to see a path forward that is beneficial to Australia and to the people of Norfolk Island. We can go through and pick all the areas that Minister Debus generalised on but I think with further negotiations, without getting our back up or anyone instantly saying that we are going to be having tax brought into Norfolk Island on a full scale, I believe it's a bit early to be saying that. I can understand the defensive position of some people by saying that but also in supporting the view of others that say it may be a good thing. I agree with what I feel is the way forward with this, and we need to work with the Australian Commonwealth rather than to just defend ourselves against something we don't know

MR GARDNER Thank you Mr Speaker, and Mr Anderson makes an important point about I guess a call on Mr Debus and the Commonwealth to see how they can help. How they can help. They have some ideas about how they can help and there is a vast range of options that are available and extremes in those options. One of them is obviously tweaking the current arrangements and that may be the view of the Legislative Assembly of Norfolk Island that with some tweaking the current model generally will suffice for years to come. The other extreme is total absorption and we become nothing more than say a local council under the bailiwick of the ACT or New South Wales and there's constitutional issues obviously that come into play there as to just how that would be managed but at the end of the day it has been argued that there are significant impediments placed in the way of the Commonwealth and particularly Mr Debus's office in how they can go about assisting Norfolk Island because of the complexities of the Norfolk Island Act and I think that Mr Neville Christian might have made reference to the schedules. Certainly I understand that was the argument that was

being run. That the Norfolk Island Act is too complex and it doesn't allow the Commonwealth to be able to assist where it would like to assist. Now I think those of us around the table would be well aware of Australia's ability to assist not only its states, territories and other persons, but many of the island states and nations around us and in many other areas of the world. I mean it's something that first world countries do. They provide humanitarian aid, and I'm not suggesting that we need humanitarian aid, but they provide humanitarian aid, and aid and they've flown as they did last night, a medivac for us. They didn't have to do that. They chose to do that but it wasn't the Norfolk Island Act that stopped them from doing that and I don't for one minute accept the argument that the Norfolk Island Act is too complex and prevents them from being able to provide assistance. I've listed for discussion with Members, and we didn't get the opportunity to speak about it yesterday and we probably will have further discussion about it next week, but a bill as I understand it that is either before the Federal Parliament at the moment or about to go before the Federal Parliament that was circulated on the authority of the Minister for Finance and Deregulation the Honourable Lindsay Tanner MP which is entitled The Nation Building Funds Bill 2008. Mr Speaker that piece of legislation is one of a package of three Bills as I understand it that will establish three new financial asset funds to provide financing sources to meet the Government's commitment to Australia's future by investment in critical areas of infrastructure such as transport, communications, energy, water, education and health and a COAG reform fund as a vehicle through which capital transfers from the funds may be disbursed to the states and territories and funding provided in future budgets may be disbursed to the states and territories. This bill Mr Speaker that I'm referring to will establish three separate funds. The BAF which is the Building Australia Fund, the Education Investment Fund and the Health and Hospitals Fund and they will be funded by the surplus's from the 2007-2008 budget. Without going into too much detail Mr Speaker those funds between them will have the benefit of \$15 billion in funding, will also have the proceeds of the Telstra three sale and the assets of the communications fund placed within them, and will also have the assets of the higher education endowment fund placed in them. And importantly, I note in the clauses in the explanatory memorandum to this bill that it is intended that this Act will extend to every external territory including Norfolk Island. Mr Speaker this is a mechanism, that if it commences on the 1st January 2009 as is planned, provides more than adequate machinery and mechanisms for the Commonwealth to be able to assist Norfolk Island if it so chooses. Now I'm not suggesting for one minute that we just settle on a hand out mentality if it extends to Norfolk Island but what I am suggesting is that it does put to rest the argument from the officers within the Department of the Attorney General, puts to rest the argument that there are impediments that are place in their way in being able to assist Norfolk Island in a meaningful way as far as infrastructure and provision of health services and that sort of thing in the body of the Norfolk Island Act. It doesn't need the Norfolk Island Act to change. They are passing a piece of Commonwealth legislation that extends that ability directly to Norfolk Island so when I have raised this and discussed it with elements of the Commonwealth the suggestion has been oh well, maybe the focus isn't so much on your lack of infrastructure and the like the focus is more on governance and sustainability. All well and good. But I don't see how to any degree at all that the Norfolk Island Act in its current form prevents the Commonwealth working with us to tweak the arrangements to ensure that any concerns that they have as far as governance and its transparency and accountability which we've been through for years and years and years and still they haven't recognised all the very important steps that have been taken, despite the fact that even though we've taken those steps some people would say that we are unable to police them, clearly we can do better in that area, but the point is that there are no impediments in the Norfolk Island Act that prevent the Commonwealth if they so choose, wanting to assist us in a meaningful way and it's not just by the provision of funds. We have in the past and I don't think that this Legislative Assembly has spoken about it, but we have in the past made representation to I think at the time, Dr Woolridge in relation to a contribution from Norfolk Island for the extension of Medicare to Norfolk Island and if those types of contributions were a means of fending off the perception and the widely held perception both by the politicians and

certainly the bureaucrats in Canberra that Norfolk Island are nothing but bludgers, because we've all heard that, and the perception that we are takers and we are not givers, we can fend that off but it's just a matter of simply working through each of the areas of concern and coming to a consensus or an understanding about the best way forward. Now the best way forward and I think that's been proven in 2006 and we've argued is not just simply this general approach to Norfolk Island, look just embrace it and it will all sort itself out in years to come. That certainly doesn't give any consideration to how the community will fare, how the business community will fare, whether there will be a fair and equitable contribution for people on Norfolk Island and an appropriate disbursement or for want of a better words, of funds back to Norfolk Island to support its programs and its infrastructure and its development. We have talked around this table about inviting Mr Debus to outline to us in detail the concerns he has in each and every one of those particular areas. If it's about infrastructure, if it's about Governance, if it's about sustainability, if it's about financial management, whatever it might be, and to expressly detail exactly what the issues are, based on fact and for us to do the same thing from our end. The issues that we've had over the continuation of the Office of the Administrator for example, which was an issue which was on the table in 2006 under a revised strategy or proposal to issues over communications, to issues over the review of the Norfolk Island Act which was clearly undertaken over the promulgation of the Act in 1979 that it should be reviewed on a five yearly basis about establishing a mechanism to do that without the, as I think the Chief Minister refers to in his speech, without the need to refer each and every thing to the Ministers as they pass through the portfolio who all have a new wonderful idea about how you treat the rabble on Norfolk Island or continued reference to Senate Select Committees or to Joint Standing Committees or the like. Having a meaningful mechanism to review the performance of the Act which in turn, reviews the performance of the Norfolk Island Government the Legislative Assembly and the community as a whole. A meaningful way to sit down, review those things, put them on the table, discuss them, make the recommendations and ensure that those recommendations are implemented. We haven't had that since 1979. There hasn't been a mechanism. The closest I think we ever got to it was when we used to, certainly in my early days in the Legislative Assembly, experienced a couple of inter governmental meetings. They were formal meetings between the Governments. That was lost somewhere and I'm not certain why that was lost, but it was meaningful. There was a formal forum for consideration of issues and those things were dealt with. Now whether that was perfect or not, I'm not certain but it certainly was one of those issues that we need to highlight, because the last thing we want is for these things to continue to come back and revisit us every couple of years. We need a formal mechanism for being able to resolve any difficulties or any concerns. And it's a two way street. It's not just the concerns the Commonwealth has with us, it's vice versa. And Mr Speaker that's nothing new or different that we're asking for. We don't participate in COAG but the COAG Forum, that's the Council Of Australian Governments provides each Australian State and Territory Government to be able to raise issues in a formal setting for resolution by that body and those are discussions between the states and territories and the Commonwealth so we are not proposing anything new but we need something better than what we've got because it simply hasn't worked, and anyway, we detailed those things. We asked Bob Debus and he is a very reasonable man, I have no doubt about that, to detail exactly what the issues are. We set out a clear and concise programme of discussion on those points and areas of negotiation and we work co-operatively to try and resolve those issues and if we need to change the way we are doing things, so be it, let's be big enough and brave enough to accept that and change them, but by the same token, I appeal to the Commonwealth that if there are things that they can do better, now they need to give consideration to that too, and I think that is a meaningful and appropriate way of dealing with the current issues that we have. I don't detect the same sort of adversarial approach that we had in 2006. this is a different mechanism and it has the potential to deliver positive outcomes both for the Commonwealth and for Norfolk Island and I applaud the Chief Minister and Members of the Legislative Assembly for their support for the process that we've mapped out. I just want the Commonwealth to embrace it and not to have the cloak and dagger type arrangements that we

experienced in 2006 because that was not constructive for anybody. It certainly was not constructive for the community as a whole. It caused a lot of pain and suffering within the community and the business community paid a significant price in that. There was a significant lack of confidence in the future going forward. We don't want a repeat of that. There are already difficult enough times that not just we are struggling with, Australia and the world are struggling with. Let's not try and complicate it and make it any worse than it actually needs to be. The co-operative approach is supported Mr Speaker. We just hope that the Commonwealth is going to embrace that notion and work with us to resolve these difficulties, not against us. Thank you

MEMBERS

Hear, hear

MR NOBBS

Mr Speaker just in closing I just thank Members for their input today. Particularly for their support and the support to the resolution at this stage and I would just like to point out that the Norfolk Island Government has been, and will continue to be communicating and working co-operatively with the Australian Government as we have been, and just point out that since Minister Debus took that office, we've invited him on numerous occasions to Norfolk Island obviously, but also provided written communications and on numerous occasions we have travelled to Canberra, not just to talk about issues but also to talk about our future. The infrastructure, management and the responsibilities we are taking there. Also to point out the reforms that we've already introduced and those that we are currently working on. Although we do currently await some communications from Minister Debus' office following his visit to Norfolk Island. In the meantime the Legislative Assembly as a whole has been coordinating our evaluation and response to that visit. In talking when Minister Gardner was just talking, he talked about the instability that this can actually throw on our community. It also has an impact on us in that we have to evaluate the management of our programs. In this type of process we are asked to justify our existence. It impacts on our private sector. Not long after the Minister made his announcement some of us were contacted by retailers who asked, should they order new stock or not. These are things that hit right at home. They also naturally enough, impact on our tourism and tourism is of course our main revenue stream. We are quite often visited by specialist in a wide range of areas on Norfolk Island. Those specialists may come from sectors that look after environment, renewable energy, a wide range of specialists who come to Norfolk Island and commend Norfolk Island on being at the forefront of many initiatives to look after environment, to look after renewable energies, to look after even patient care, so there are some things like that which quite often don't get to see the light of day or become headlines, they are just a day to day operational thing. Minister Gardner also mentioned the opportunity for representations in forums such as COAG. I couldn't agree more. We quite often find out about things through the newspaper, such as the EPBC Act changes and things like that, whereas if we engaged in a body that actively listened and also actively engaged in issues that relate to all of us in terms of small communities, whether we are located in the Pacific or a local council in Australia, then that provides not only a better outcome in terms of we being heard, but we're also hearing their issues and we may have something to offer there and I would be very surprised if we didn't frankly. Probably one issue that I do want to say, prior to closing, is that Mr Debus did speak of making a presentation to the House of Representatives in December or early next year. They are frightening time frames for us if we are not getting solid communication so as much as we are absolutely pro active in getting involved in that, we absolutely rely on Minister Debus and his officers to reciprocate in those communications so that we can all get the best outcome possible here and just in closing Mr Speaker I think Norfolk Island is the unrecognized jewel of the crown in Australian Territories. We have done an absolutely outstanding job with a limited number of resources, with a limited revenue source, with a wide range of needs and a community that is not backwards in coming forwards in telling us that it needs something, or if we are needing to make any adjustments so I definitely look forward to us taking this on the front foot to a co-operative approach to all this. Thank you

SPEAKER Thank you Chief Minister. Honourable Members the motion before us is that this Statement be noted and printed and I put that question

QUESTION PUT
AGREED

The ayes have it

Chief Minister I now call on you to move your next motion that you foreshadowed

MR NOBBS Mr Speaker I move that the House resolves that the Honourable Speaker should convey the statement as noted and printed to the Honourable Speaker of the House of Representatives in Canberra requesting that the Honourable Speaker bring it to the attention of Members of the House of Representatives

SPEAKER Thank you Chief Minister. Is there any debate on that motion

MR GARDNER Thank you Mr Speaker, just in relation to it I certainly note that all Members had input into discussion and debate on the statement before the House and that it is proposed to be sent to the Speaker of the House of Reps and brought to the attention of Members. I would be interested in Members views on attaching to that statement a transcript of Hansard in relation to debate on the motion itself as a supporting document to that statement

SPEAKER Is that agree Honourable Members? That is agreed

MR GARDNER Thank you Mr Speaker, whether it needs the motion to be amended to say that supporting documentation or however it may be that a transcript of Hansard as pertaining to the presentation of the Statement

SPEAKER That would be preferable and if the Chief Minister so agrees

MR NOBBS Mr Speaker I move that the House resolves that the Honourable Speaker should convey the statement as noted and printed, plus the transcript of Hansard, to the Honourable Speaker of the House of Representatives in Canberra requesting that the Honourable Speaker bring it to the attention of Members of the House of Representatives

SPEAKER That is the motion Honourable Members . I put that question

QUESTION PUT
AGREED

The ayes have it Honourable Members

Any further Statements of an official nature. No. Before we move on I seek leave of the House to table the Provident Account Act 1958. Thank you In accordance with subsection 4A(8) of the Provident Account Act 1958 I table the Financial Statements of the Provident Fund for the year ended 30 June 2008

Any further Statements of an official nature. No. We move on Honourable Members to Notices

NOTICES

AIRPORT (AMENDMENT) BILL 2008

MR N CHRISTIAN Thank you Mr Speaker. I present the Airport (Amendment) Bill 2008 and move that the Bill be agreed to in principle. Mr Speaker this Bill proposes to make provision to protect part of the Administration finances in respect of Airport Landing Charges. In the past the Administration suffered considerable losses through the closure of airport operators who have removed themselves from the island by ceasing operations for economic reasons or because of bankruptcy. In the current economic climate it is thought prudent that such provisions be made. The Bill is intended to extend the Regulation making power to ensure that in future it will be possible to require new operators, those that are not at present flying into Norfolk Island, or that are owned by or operated for the Administration to lodge security deposits with the Administration. The Regulations will be able to establish a level of deposits at the greater of an estimate of three months landing charges or \$500,000 whichever is greater. It is also envisaged that the Regulations will provide detail of such things as the manner of payment and the place at which deposits are held and their accessibility by the Administration for overdue charges as well as their return to the operator who ceases operations. Thank you Mr Speaker

SPEAKER The question is that the Bill be agreed to in principle, Any debate Honourable Members. Mr Christian

MRS JACK Thank you Mr Speaker just while the Minister was reading that out, and I understand that to make Regulations if an operator was to come to the airport or come the Administrator tomorrow and say it is our intent to start flying next week, would they be encapsulated in this. Should it be necessary, is it necessary, can it be done, that should this be deferred as a matter for the next day of sitting should the bill get up that it refers back to today's date. Is that need there

MR CHRISTIAN Mr Speaker I'm not introducing this Bill to fix on any particular problem that I see on the horizon, it's purely a housekeeping measure so that we are not caught in a situation that occurred when a number of previous airlines have gone belly, that's Norfolk Jet Express and flight West I think, where the Norfolk Island Administration was left with maybe somewhere between \$600-800,000 in unpaid landing fees so I'm comfortable to just introduce this today and deal with it at the next meeting. There is no sense of urgency about it Mr Speaker

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MR GARDNER Thank you Mr Speaker, I'm certainly comfortable with the provisions of the Bill because as I understand it, it does provide the flexibility to either impose the bond, and I don't know if that's the right term but for the purposes of this discussion if I refer to it as a bond, I know in my discussions during the week with Mr Sheridan, who unfortunately is not with us this afternoon, he had raised a concern about the imposition of the bond as maybe being potentially a disincentive for persons in the future, whenever that may be to want to provide services to Norfolk Island but as I understand it, it is not unusual for airport authorities elsewhere to impose such bonds against charges that might be levied or whatever the case may be, so I'm just raising the issue on behalf of Mr Sheridan because I know he raised it with me during the week and I'm sure that we'll have some further discussion on it in the intervening period but clearly it is something that we need to carefully consider so that it doesn't present itself as a disincentive for people either to continue flying if they are already flying into Norfolk Island such as Norfolk Air or Air New Zealand but a disincentive to those that in the future may consider either if they were to take over Norfolk Air or Air New Zealand were to withdraw its services, God Forbid, but if it were somebody who wanted to pick up that route from them if it wasn't Norfolk Air for example, so as I said I'm comfortable with the provisions but we just need to ensure that we are conscious of the potential for maybe that disincentive to be out there and just how we are going to manage that side of things but because the flexibility does exist, to either impose it or not as I understand it, so I

would be interested in Members discussion about that over the intervening period before it comes back to the House for final passage

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

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

QUESTION PUT
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

ELECTRICITY SUPPLY (AMENDMENT) BILL 2008

MR N CHRISTIAN Thank you Mr Speaker. I present the Electricity Supply (Amendment) Bill 2008 and move that the Bill be agreed to in principle

SPEAKER The question is that the Bill be agreed to in principle, Any debate Honourable Members. Mr Christian

MR N CHRISTIAN Mr Speaker the ability of households and businesses to generate electricity surplus to their needs by means of solar arrays has the ability to reduce the reliance on diesel generated electricity and also reduce emissions. The purpose of this Act is to encourage and facilitate the use of solar power by establishing the procedures and conditions for the supply of solar electricity into the Norfolk Island electricity grid. In recent years the development of grid interactive or two way grid connection has become popular. The process uses a sophisticated control equipment so if a renewable energy system produces more power than required the excess power is fed back into the grid. When the system doesn't produce enough power then the grid is automatically reconnected. It is intended that the Administration will offer net billing arrangements so that the consumer will only pay for the actual electricity consumed from the grid. In the event of a consumer supplying more electricity to the grid than is consumed from the grid, their electricity account will remain in credit and the credit can only be redeemed by consuming electricity from the grid. The Administration will make no monetary payment for electricity credits. The solar arrays or panels produce electricity as direct current. The DC electricity from the panels pass through a grid interactive inverter which converts the DC electricity into alternating current which is how electricity is supplied by the grid. This AC electricity is then used by any appliance operating in the House or business. If more electricity is produced than required then the excess will be fed into the electricity grid. Conversely, when the solar system isn't generating enough electricity to power the House or business power will be drawn from the grid. By this process grid interactive systems eliminate the need for a battery backup for when the sun doesn't shine. In effect, the grid serves as a battery. Of course without battery storage a grid connected system will shut down when there is no power on the grid. It is intended that the regulations will not permit the connection of a system that has a battery backup as this can cause difficulties for the grid. The Bill provides that the Executive Member may issue permits for solar power systems that meet the regulation requirements to be connected to the power grid. Provisions is made for a substantial penalty for illegal connections, those for which no permit has been issued, as well as a penalty for the provision of false or misleading information

MR GARDNER Thank you Mr Speaker, yes, I must admit that the bill is a little confusing in that so much of most of what is contained in the explanatory memorandum are matters that will be as I understand it, dealt with by regulation rather than by the proposed amendment to the Act, because basically all this Act is doing is providing a mechanism for somebody generating solar electricity to be connected to the

grid so as I understand it, it will be regulations that set out the detail. That's my input but I fully support the Bill and commend the Bill to the house

MR MAGRI Mr Speaker basically I just want to say what a wonderful thing it is that we are embracing renewable energy on Norfolk Island and I'll be supporting the Bill

MR N CHRISTIAN Thank you Mr Speaker just to clarify the points raised by Mr Gardner. He is correct. This bill just amends the principle piece of legislation to all for the supply of solar generated electricity to the Administration and it provides an ability for us to make Regulations and the Regulations will set out the mechanisms by which it works. For instance the Regulations will identify the types of meters that you will have to have in future whether the Administration will buy power from potential power generators in future and the like so this is the first step in something that will probably evolve over the next few years but as Mr Magri has said, it's encouraging. The reason I've done it with the support of my colleagues, on a one for one basis, is to actually encourage a minimum of 10%, so enough people to put these solar grids in to achieve a penetration of about 10% and that will make a meaningful reduction in the amount of diesel consumed at the power house. If the barrier of entry was too high people may not invest in the technology and therefore we would not derive any real benefit at the powerhouse so let's hope everybody comes on board. Now one of the things that we agreed on as our policy at a meeting of MLA's earlier in the week was this, and when I have a few spare minutes I will actually put this down in a press release and issue it, so that the community understands clearly where we are coming from. People who apply to the Federal Government for a subsidy to purchase the system can get a substantial contribution from the Commonwealth and I think that may be up to 50% towards the capital costs. We felt that it was important in Norfolk Island that the Norfolk Island Government make some sort of contribution, we obviously couldn't match the Commonwealth's contribution and what we have decided to do is this, any of the solar grid connect systems that are imported into Norfolk Island by the home owner directly, or business owner directly will pay import duty on the total purchase price. If they buy it from a retail or wholesale supplier in Norfolk Island GST will be chargeable on the total price. Once a person has installed the solar array onto an approved property and the Electricity Manager signs off on the connection we will then by way of ex gratia payment refund in full any GST or duty paid and I think that's a remarkable thing for the Norfolk Island Government to do and demonstrates that we are serious about encouraging people to connect Solar power generation to the grid

MR B CHRISTIAN Thank you Mr Speaker I commend the incentive for renewable energy that the Minister is implementing here, just a couple of queries on the Bill for the Minister would be, wouldn't it just be a matter of Regulations if the wind generation was to be bought into Norfolk Island the same as solar generation or would we need a whole new Bill to allow for wind generation to be incorporated in the same manner, and also the Minister is saying that he's hoping for a 10% reduction in the use of power on Norfolk Island to save diesel, is there a cap on that or what happens when we go past the 10, is there a mechanism, does it matter, just to rest the concerns of people in the community

MR CHRISTIAN I haven't put any limits on the system at the moment, obviously if we end up with a 20% penetration or a 30% penetration we would have to look at the financial impact of the powerhouse and what we will be doing is internal separating the two things, we would have the power house as the generator and we will have the reticulation system as the other arm and we do actually do that internally now and if the penetration of renewable energy became so great that it was adversely affecting the power house bearing in mind that the powerhouse becomes your battery or your 100% backup we would just in time amend the one for one so what we would eventually do for instance, and don't hold me to the figures, but at the moment electricity is 70 cents per unit, it's probably costing us 30 cents per unit to distribute it, 40 odd cents

to produce it, so in future we may pay the producer of renewable energy electricity 30c or 40c per unit and then we would on sell it at whatever the retail price was at that day, so that's something for another day. In respect of this legislation it's specific to electricity that's generated from solar photovoltaic. It doesn't apply to wind because there are some wind integration problems. For instance, if the Administration of Norfolk Island embarked on a programme to put in wind towers, part of that project would include sophisticated integration equipment to ensure that the power that was fed into the grid was mains quality power. What we are worried about at the moment, is that if we allow people with small wind generators, and there are a number of them around, you can buy them for yachts, you can buy them for homes who have no power at all, and they predominantly produce power mainly for 12 and 24 volt systems and they are truly responsive to the amount of wind blowing and what would happen if they were connected to the grid without the sophisticated computerised control equipment, is that the frequency of electricity would be severely distorted in the grid. Now if you lived a long way from the point of which that electricity was fed into the grid the grid would dampen it out and fix it, but if you happened to live next door to a connection that was allowing poor quality power to be fed into the grid, you would suffer significant damage to things like televisions, microwave ovens and the like and I can't allow that to happen at the moment. In future it's a total possibility as the technology gets more sophisticated

MR MAGRI Mr Speaker just one more thing that the Minister for Finance might consider before next month when we will probably be passing this Bill, is whether he could perhaps make somebody available from the Public Service to be the central, or a person that people could direct questions about this system, because just in my different travels around Norfolk Island there's been a lot of confusion about exactly how this might work so maybe you could identify somebody in the Administration who could either answer the questions or could direct the people to the right place

MR N CHRISTIAN Thank you Mr Speaker, I certainly am happy to take that on board and I'll talk to the CEO about that. He may be able to nominate somebody within the Administration, the ideal person would be the Electricity Manager I think and I might say Mr Speaker as well that the type of meter that is fitted to the individual consumers properties may change. If for instance you need to upgrade your meter, the Administration will hold a few of them in stock and provide the meter on the rental basis identical to how we do it now. Some of the newer electronic metres, single phase ones, which can't run backwards will have to be replaced with ones that are able to run backwards. The older ones that have the spinning wheels on them can run both ways so they are probably okay to remain connected and if you've had them for twenty years or so it's highly unlikely that you are going to wind them back past zero in the next couple of years and in respect of three phase connections, that's also the case. Some of the three phase older meters can run backwards so we can keep track of that but some of them will have to be replaced so it's a horses for causes and as I mentioned the other day to Members some of the photovoltaic systems may require the running of a couple of additional lines from the connection or the inverter to where ever the meter is because the connection point into the household needs to be a specified distance from the panels that generate the power and if you've seen in Norfolk Island in recent times, we developed a trend of putting the meter at the front fence so its easy to read and in some circumstances the lines from the front fence to the house may have to be upgraded but the electricity Manager will be able to provide technical advise in that respect

SPEAKER Thank you Mr Christian. Any further debate Honourable Members. I call on Mr Christian for a final motion

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

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

QUESTION PUT
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

ORDERS OF THE DAY**PUBLIC SECTOR MANAGEMENT ACT 2000 – DETERMINATION TO AMEND THE HUMAN RESOURCES POLICY AND PROCEDURES MANUAL SUBSECTION 3-10**

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

MR NOBBS Thank you Mr Speaker I might just read the paragraph out of the Orders of the Day just to commence it. And that is that that this House, having considered the written comments of the Norfolk Island Public Service Association and the Norfolk Island Public Service Board in respect of the draft determination to amend subsection 3.10 Mileage Allowance of the Human Resources Policy and Procedures Manual, does hereby in accordance with and under sections 26 and 28 of the *Public Sector Management Act 2000* make the draft determination in respect of subsection 3.10 of the Human Resources Policy and Procedures Manual by replacing subsection 3.10 of the Human Resources Policy and Procedures Manual dated 22 February 2006 and substituting the draft determination, and declares that a copy of this motion, signed by the Speaker shall be the instrument in writing of the Legislative Assembly for the purposes of paragraph 26(1)(d) of the said Act, Mr Speaker to demystify all the numbers and things there, what this relates to is use of private vehicles and the mileage allowance that is enabled for those people who are using their private vehicles in Public Service. What has come to light in the not too distant past is that the current HR Policy wording with regard to the mileage allowance, reads this way, 3.10 mileage allowance. Mileage allowance will be payable to an employee where it has been agreed by the Administration that the employee may use their personal vehicle to conduct Administration business and the mileage allowance is payable as follows, 1600 cc or less, 41.01 cents per kilometre, more than 1600 but less than 2 litre 49.9 cents per kilometre, more than 2 litre but less than 3 litre 52.4 cents per kilometre, more than 3000 cc 55.9 cents per kilometre. Still in reading from that part of the policy, these rates should continue to be reviewed having regard to the environmental impact of motor vehicles on Norfolk Island an encouragement to use smaller size vehicles to reduce vehicle emissions. Some of that sounds quite acceptable however, what this does enable in its existing form that we seek to amend today, is that anyone is able to allow a public sector employee to use their vehicle without it going through any scrutiny or accountability so the former Acting CEO has prepared a modification to that, and I should point out that I've taken some time with the current CEO as well as with the Members around the table to talk about this issue on a number of levels. The new 3.10 mileage allowance documentation reads as follows, 3.10.1 Concepts. The Administration generally provides vehicles for use of staff Members whilst undertaking official business. Staff Members are encouraged to use the Administration vehicles provided. No staff Member can be directed to use their own private vehicle while undertaking official business. Where staff Members do use their own vehicle whilst undertaking official business they will be compensated for that use by way of a mileage allowance. Mileage allowance will not be paid for staff travel to and from work unless such travel is part of an emergency call out. I actually won't read every paragraph out of this but what I will point out is that there is specific provision in here that the application for your vehicle, or a public sector officers application to their private vehicles goes through not only their supervisor but also the supervisor will then make a recommendation to the CEO so thereby we've introduced an accountability element into this to ensure that if vehicles are to be used as in private vehicles, to be used in Public Service work then it goes through

two levels of scrutiny and that is the length and breadth of the main thrust of this change to the policy and I fully support that and the new CEO also supports that. There is one of the final paragraphs is 3.10.6 which is the rates for mileage allowance. Rates for mileage allowance will be in accordance with the schedule of allowances as approved by the CEO, such schedules will include vehicle categories and the rates payable. Rates will be reviewed annually and may if necessary be the subject of submission to the Remuneration Tribunal. The current CEO has asked that perhaps we might modify that to say rates will be reviewed annually or on an as needs basis and may if necessary be subject to submission to the Public Sector Remuneration Tribunal. Mr Speaker when I brought this to the House at the last meeting, we also detailed some of the previous rates, the current rates and the proposed rates. I also sat down with the Chief Executive Officer to assess some of those rates and what I would like to do today is not actually approve the proposed schedule of rates, I would like if everyone is in agreement, to approve the change in accountability for the change the HR policy enables to ensure that anyone who has undertaken to use their private vehicle goes through a process that involves the supervisor and CEO and the schedule of rates, I will sit down with the CEO and we'll determine the best outcome for that given the cost movements and I will bring that back to the House so in that regard, I have provided this information to all Members and inclusive of that is a response from the Public Service Association and the Public Service Board whereby I sent them a copy of the draft before us today and asked for their responses and both of them were in agreement and thanked me for their opportunity to comment so I just want to invite any discussion on this one

MR GARDNER Thank you Mr Speaker, just a question to the Chief Minister in relation to the schedule of rates. I know he's going to have further discussion with the Chief Executive Officer in relation to them, but just drawing on the provisions of the existing policy which suggests the rates are set to encourage the use of smaller vehicles. Is it intended therefore that the rates will be such that people will be penalised for using larger vehicles.

MR NOBBS Mr Speaker I would have to take that one on board. I think it's a very valid point and I think the Chief Executive Officer in his deliberation as to the allowance of a private vehicle being used, one of his deliberations should be what vehicles is being used in that context and if it's actually suitable so I will take that on board. Thank you

MR GARDNER Thank you Mr Speaker, my apologies, penalise is probably a bit of a harsh word, that wasn't the word that I intended but I was trying to get my mind around the words of encouragement within the existing policy that says they'll be structured in such a way that it encourages use of a smaller vehicles so in that context penalise isn't the right word but to discourage people from using larger vehicles for Administration tasks

MRS JACK Thank you Mr Speaker just if the Chief Minister is intending to have further discussions and to consider this is it his intention to again defer this for another month

MR NOBBS Well what this actually enables, if we reach agreement today, is this will enable the modification of this to the HR Policy which will enable the accountability in terms of private vehicles being used for public sector work. It does enable in 3.10.6 that the rates will be reviewed by the Chief Executive Officer however I do give an undertaking that when we form that review I will bring it to this house so that everyone is aware of what the outcome is

MRS JACK Thank you Mr Speaker so if I may again, are you proposing a further amendment to your motion or an amendment to that

MR NOBBS There is three words that I would like to add in 3.10.6

And that is where the rates will be reviewed annually or on an as needs basis and make it necessary to be the subject of a submission to the remuneration tribunal

MR GARDNER Thank you Mr Speaker, just referring back to the substantive motion where it says basically we are substituting the draft determination and declares that a copy of this motion shall be the instrument in writing for the purposes, does the draft determination at the moment contain that schedule of rates because, with what you are intending to do, it shouldn't

MR NOBBS Mr Speaker yes, it doesn't. Again I'm not suggesting we lengthen this further than it needs to but if Members would feel more secure in my bringing this back to the House at a later date, I've no issue with that as I've given an undertaking to review those rates and the like with the Chief Executive Officer

MR GARDNER Thank you Mr Speaker, I thank the Chief Minister for providing me with the draft determination and it very clearly just states that the schedule of allowances will be approved by the Chief Executive Officer so the schedule of allowances doesn't form part of this, that is something in addition to that so with that in mind I have no issue with bringing this matter to finality today if the Chief Minister so chooses

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

QUESTION PUT
AGREED

Thank you. That motion 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 Mr Speaker I move that the House at its rising adjourn until Thursday 18th December 2008, at 10.00 am.

MR N CHRISTIAN Thank you Mr Speaker I think we need to explain to the community why the meeting has been moved to Thursday 18th December rather than Wednesday 17th. It's a fairly simply explanation. The Norfolk Island Government, principally myself and the Minister for Tourism, meet every three months with our wholesale partners in Australia and the next meeting is scheduled to be in Brisbane and it occurs during that time frame and the intention will be that the meeting of the House will be deferred until Thursday so that I will return to the island on the Wednesday and can participate in the meeting and Mr Gardner is also in a similar situation

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

QUESTION PUT
AGREED

The motion is agreed to

ADJOURNMENT

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

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

SPEAKER As I foreshadowed I wish to make a short statement on my recent visit to Tahiti. As part of a delegation of 82 persons who celebrated the 220th anniversary of the arrival of the Bounty in 1788. Interested persons from Australia New Zealand Pitcairn Island and Norfolk Island attended the unveiling at Point Venus of a memorial stone and plaque dedicated to the memory of the Tahitian ladies who had sailed away on the Bounty to Pitcairn Island and of course never to return. The plaque also included the names of all of those on board the Bounty at that time. The event received wide press coverage both in newspaper and on television. Unfortunately the delegation met with some transport problems however I believe all who made this remarkable journey enjoyed the experience and came away with a warm feeling of appreciation of the historic ties in our culture and heritage with of course our cousins in French Polynesia. Wherever possible the Tahitian people made us most welcome and their generosity and caring for our wellbeing was exceptional. As representative of the Legislative Assembly I was involved in a number of official functions starting with a meeting in Huahine with the Mayor and staff. The delegation was entertained by communities of the City of Papeete, Mahina, Rouri, Paa. Ffaa and during the week I was also privileged together with others to attend the Festival of International Arts. Several presentations were made to me on behalf of the people of Tahiti to the people of Norfolk Island and in due course these will be displayed hopefully at the Airport for public interest. I wish to record my appreciation to fellow Members of the Legislative Assembly for the opportunity to represent the Government in Tahiti and her islands and I wish to record that Tahiti and some of the places we did visit are suffering huge financial problems due to the global and other financial implications, they are facing huge environmental problems and land degradation, water and many similar problems associated with Norfolk Island however, I think that we handle ours in such a manner that we lead that country in its efforts there. I wish to record also my thanks to the Members of the delegation who proved to be great ambassadors to Norfolk Island, those 80 odd people who travelled there, those 80 odd people who travelled there, they were great ambassadors for Norfolk Island, the conduct of all our people were exemplary and I wish to record my thanks to Archie and Celia Bigg for their help with organising and assisting me in the many functions I had to attend, Karen and Chris Gatehouse and their sons, Arthur Evans and his partner Judy and I hope they all came away with a warm appreciation of what was involved. We also at the time there, was invited to twin with one of the communities of Arui which includes a huge population of over 6900 people and of great historic importance to the Bounty story and certainly here to Norfolk Island and that will be progressed at a later stage. Thank you

MR NOBBS Mr Speaker just briefly, tomorrow is normally the morning of the government forum on the radio. We do have some meetings with the Joint Standing Committee tomorrow that we are committed to. What we will attempt to do tomorrow is between the hour of 9 and 9.30 in the morning, to have a brief forum on the radio for anyone who is interested, there is a fax number of 23298 or an email at news@radio.gov.nf if anyone has any queries or issues they would like us to discuss while we are on the radio tomorrow and I invite again all Members and Ministers to come and participate on the radio

SPEAKER Thank you Chief Minister. I would like to remind Members of course that tomorrow is a meeting with the visiting Parliamentary Joint Standing Committee and on behalf of the House I welcome the members of the Joint Standing Committee here on Norfolk Island. As we all know, they arrived today and are leaving on Saturday. The Chairperson is Senator Kate Lundy of the Australian Labour Party of the Australian Capital Territories. The committee comprises membership from the ruling Labour Party, the Liberal Party and the National Party together with support staff. The purpose of the visit of course has been termed as a familiarisation visit

however we will take the opportunity I'm sure to have discussion on a wide range of matters of mutual interest to us all. The committee has shown interest in spending some time looking at our infrastructure in addition to hearing representations from members of the public and on behalf of this House I extend a warm welcome to the Members of the committee and staff and wish the committee a pleasant constructive and fruitful stay whilst on Norfolk Island. Thank you

SPEAKER Any further debate in adjournment Honourable Members. There being no further debate I now put the question that the motion be agreed to that House do now adjourn

QUESTION PUT
AGREED

Therefore Honourable Members this House stands adjourned until Thursday 18th December 2008, at 10.00 am.

