



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
12TH NILA HANSARD – 1 DECEMBER 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 BRIAN GEORGE BATES on Wednesday, 3rd December 2008. Brian was born at Maryborough in Queensland, on 14th September 1938. He was an only child. He lived with his parents in Bopel in Queensland, a timber and sugar cane township until he was 13, when George, his father was killed in a sawmill accident. He then lived for some time with his grandmother, his mother in Maryborough, and with his uncle and aunt, Doug and Pat Bates. Brian's father had seven brothers and sisters and the whole family were avid tennis fans and cricketers. His uncle and aunt, Doug and Pat were exceptionally keen fishermen and so sport and fishing thus became constant themes throughout Brian's life. When he'd finished his secondary education Brian started a banking career. He secured a position with the Commonwealth Bank. Entry was by merit selection. He was posted, firstly to the Annerley branch in Brisbane, then Hervey Bay. His National Service number came up whilst at Hervey Bay and he did his basic training and trained to be a Signaller. These months were reasonably uneventful, yet some elements of his training remained with him for a long time. When Brian returned to the Bank after his National Service, he joined the relieving staff then was posted to Blackall where he worked for two and a half years. He was at Blackall when, in about 1959 Brian received notification of a transfer to New Guinea. When he called at the Staff Department to tidy details of this transfer, they unexpectedly asked him if he would like to go to Norfolk Island instead. Without a moments hesitation he said 'Yes' and then asked 'where is it?' From the time of his arrival here in 1960, to his death, he loved the place. Some 48 years ago Brian lived firstly at 'Redleaf' with the Omblers and then in a flat owned by the Bowman family at the top of Grassy Road. His transport was a belt driven, limited cc motorbike. Brian's sporting interests naturally took him to the tennis gatherings and he met Brenda Randall on the courts at Cheryl Tennis Club. They were married at the Chapel of St. Barnabas in 1962, at the conclusion of Brian's term with the Bank in Norfolk Island. The next eight years were spent in the Brisbane area whilst Brian worked in various city and suburban branches. In 1970 Brian's mother died and he and Brenda moved back to Norfolk Island. He worked at Martins Agencies for a time, and then in 1971 commenced another career with the Norfolk Island Administration as cashier in the Accounts branch. By 1973 he was the Acting Accountant and within 5 months was substantive in the post. He occupied this position for the next 10 years - and did so with distinction. During his tenure he was also appointed as the Company's Auditor Authority in 1976; elected to the Public Service Board in 1979 and is likely to have been present at the inaugural meeting of public service officers, who in July 1982, founded the Public Service Association. Brian resigned from the Administration in May

1983, although in later years, he returned in a part time capacity as Internal Auditor for another ten years. He resigned to embark upon a third career - a political career. Brian was a Member of this House in the 3rd, 6th, 7th and 8th Assemblies. In the 3rd Assembly he was appointed Minister for Finance. He was also a member of the Immigration Committee. He was subsequently on the Task Force, which initially examined a broad based consumption tax. Almost a decade later, the Task Force's projections were taken up in many parts with the N.S.L. and this continues to today's G.S.T. Brian's political career demonstrated his skills and character, with some strength. He had good financial skills. He had fairness and equity constantly in his mind. He challenged and stood up where he thought there was not a fair go for people whose home this Island is. Brian was appointed the Assembly's representative to the South Pacific Mini Games Organising Committee for the Games held here in 2001. He was very proud that he had his name on the Honour Boards of the Golf, Bowling and Tennis Clubs. In the wider world of sport, Brian supported the Norfolk Island Amateur Sports Association and was its President for almost a decade. In the years of his Presidency, Norfolk Island took a major step and secured acceptance into the Commonwealth Games Federation. He and Brenda accompanied the first Norfolk Island team to the Edinburgh Commonwealth Games in 1986. Around 1982, Brian established his Advance Fishing Enterprise and conducted the business for some 16 years. He was fortunate to have from his earliest days in Norfolk Island, the fishing skills available to him of a number of experienced Islanders. People like Funny Bill and Booney (Buffett) and his father-in-law Wilfred Randall. His son Darren now operates the business. Brian and Brenda have three sons - David, Darren and Wayne and lost twins. They have two grandchildren, Ashlan and Nova and Brian cared for them and their well being just as they cared for him, especially in his more recent years of serious illness. Brian developed lymphoma about 10 years ago. He fought this disease with success. It went into remission over the past 3 years and he was back into fishing and gardening. In the period of remission he found it manageable and pleasurable to get in the boat with Darren and to visit David in his business in Brisbane. Regrettably, a melanoma then developed, and it was this that eventually took his life. He had reached 70 years. To Brenda and his sons and their families, to his extended family and to the many people in our community who were his friends, this House expresses its deepest sympathy. Mr Speaker, may he rest in peace.

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

PETITIONS

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 Minister responsible for Norfolk energy. Will the Minister be presenting a statement in regard to the price of fuel, namely, will the price be reduced and will electricity tariffs also be reduced leading to Christmas

MR N CHRISTIAN Thank you Mr Speaker I wasn't intending to make a statement today as I don't have a paper from the Public Service but a press release will be in Saturdays paper but what I can say that is in respect of diesel fuel there will be a reduction of about 23% on the wholesale price and in respect of unleaded petrol there

MR B CHRISTIAN Thank you Mr Speaker a further supplementary question Chief Minister why couldn't the report that was prepared in 2004 be utilised at this time. Is it out of date

MR NOBBS This is the taxation report?

MR B CHRISTIAN Correct

MR NOBBS That report at the time suggested that initially an income type tax arrangement may work better however the ASIO and Treasury and other Members of that working group established that it was going to be quite cumbersome and difficult to administer taxation from the documentation that I have and getting access to the relevant figures to ensure that everyone was kept in line with the requirement, I suppose was one of the issues that they had at that stage so hence the reason they've further recommended that we move down the line of a consumption tax

MR SHERIDAN Mr Speaker a question to the Minister responsible for tourism. Minister a question with regards to the Tourist Bureau and taking into consideration that our tourist numbers are low and also that the Tourist Bureau at this point in time is expanding significantly and at the moment advertising for two new positions and they've just leased more accommodation. Minister is this prudent to advertise for these positions now when numbers are low and the economy is struggling as such, and will the Tourist Bureau be able to manage this new set up within their budget or will they be asking for more funding

MR GARDNER Thank you Mr Speaker, and I appreciate Mr Sheridan's question. Mr Speaker the two positions that are referred to, one is a marketing manager which is a new position and the other is the office manager's role which has recently been vacated which is being readvertised. Mr Speaker I had planned to make a fairly extensive statement at papers time when tabling the tourism arrival figures which will detail the reasons why the Tourist Bureau is going through the process that it is. It is seen as being absolutely imperative that adherence is ensured to the Strategic Plan that this House passed last year and the industry as a whole has embraced. As a whole I say there are always some critics out there who think it's the wrong move but as you will hear from me at the time of Presentation of Papers the meeting I recently attended earlier this week in Brisbane certainly fully endorsed the strategy that is in place and the direction that both the Tourist Bureau and the Norfolk Island Government and the industry as a whole are taking in relation to tourism in fact one of the very positive comments that came out of the meeting with wholesalers on the weekend is that without the direction that we have launched, the impact on tourist numbers in Norfolk Island would have been a lot more dramatic as far as decline in numbers so those are the experts in the field that are casting their eye over our operations and they are 100% behind the Norfolk Island Government and Norfolk Island Tourist Bureau and its endeavours. Thank you

MR SHERIDAN Mr Speaker a further question in regards to the actual additional monies side of things if the Minister could elaborate on that

MR GARDNER Sorry Mr Speaker, I didn't deliberately overlook that, it's just the question had so many parts to it. I can say with confidence that the Tourist Bureau won't be requiring any supplementary funding for its activities this year. All of those matters that have been undertaken were included in the budget preparation at the beginning of the year. There has been some rationalisation of our current marketing services that are undertaken by other bodies on our behalf both in Australia and New Zealand that will provide the necessary funds for the marketing manager's position which will be a position that is funded by the Norfolk Island tourism but will be a resource that is utilised by both tourism Norfolk Island and the Airline in its marketing

campaigns and it is absolutely vital in the competitive environment in which we are operating

MR SHERIDAN Mr Speaker just while I've got the Minister's attention if I could direct another question to him. Minister can you advise the community why your absence's are always obvious and evident from the monthly Radio forums and as well as the public meetings at the A & H Hall that the Legislative Assembly recently had. Can you explain as to why you haven't been available for those meetings

MR GARDNER Thank you Mr Speaker, I'm always available. I think when the radio station have asked me to attend the radio station, George Smith the manager, I've always been willing to attend the station at his request. As the Chief Minister has indicated to us on a number of occasions, he invites participation of all Members. It's not always possible for all Members to get to all functions and on Saturday I had a private function to attend. I think I had alerted the Chief Minister to that fact and at the end of the day I certainly don't shy away from my responsibilities, my duties to the community, they know where I live, they have my phone number, they meet me every day in Foodland or on the street, I am approachable. I don't know what Mr Sheridan's hinting at but certainly I try to ensure that I am across all of my responsibilities and attend to them as best I can in the time I have available to me

MR B CHRISTIAN Thank you Mr Speaker a question to the Minister for the Environment. Has the suspected contamination of ground water in the Burnt Pine area been resolved and what was the cause of contamination

MRS JACK Thank you Mr Speaker and thank you Mr Christian. The suspect contamination I did ask about not so long ago and I was aware that no further action had been undertaken. There was a slight slump in the pipe but according to a verbal report made to me there was no leakage from this. That the slump was caused by some subsidence in the soil beneath it and that the Public Service had been able to purchase a high pressure hose and had put it through that part of the pipe and managed to clean up any sort of adhesions to the pipe, butt no leakage had been caused through that pipe. Further than that, I would have to take it on notice and then bring you back further information at the next sitting or in MLA's

MR SHERIDAN Mr Speaker a question for the Minister responsible for KAVHA. Minister at the last meeting you said that you supported the KAVHA governance review by Ms Ayeliffe. Is it correct that you actually requested this review

MRS JACK I did. I said that I think when I was talking to a letter that I wrote, I said that I am concerned over the way the board is perceived to act by Members of the community and that if we are moving forward into a new era for KAVHA which I hopefully and firmly believe we are with the World Heritage listing then I believe we need a statutory authority to give it credence it this was something that I called for. It was a review of the board of management and not a review of governance of the area but management or administration of the area

MR SHERIDAN Mr Speaker a couple of supplementary questions. Minister who appointed Ms Ayeliffe and to whom does she report

MRS JACK Thank you Mr Speaker the Minister for the Territories, Minister Debus for Attorney-General's ended up by appointing Ms Ayeliffe. She is a retired Public Servant and the report will be made available to both the Department and to this Government. Can I say that I had approval from the Board, the Board was in agreement that a review should take place and the then chair of the Board wrote to the Chief Minister giving support that a review should take place which was very gratifying indeed. It was unfortunate that some months later there was a 180 degree turn because the view of the Minister became different to the view of the Board. The view of

the Board was that the Board should undertake the review. But the Minister had a different view and so it escaped, but nonetheless Ms Ayeliffe is there. I think her recent visit to the island she was extremely approachable and a great number of people who use the area whether for private means or on a commercial basis made themselves available to her and she was an excellent person to talk to. I know that myself, Geoff, the executives and other Members of the Legislative Assembly who could meet her, did so and I think you yourself took time and I find it to be very positive to the beginning of the process

MR SHERIDAN Mr Speaker a further supplementary question on the appointment, Minister as Ms Ayeliffe is a former employee of the Department of Territories and Heritage and has acted as an advisor to the Heritage people on the KAVHA Board would you consider that there's some concern or potential for bias in her reporting

MRS JACK Thank you Mr Speaker sorry was she a heritage advisor to the Board. I know she helped in setting up the original Memorandum of Understanding and that in some ways you could see it as a conflict but in other ways you could see it as a positive move and that she is aware. I leave it up to individuals to take their own conclusion. I did say at one stage that the use of the word independent in the media release that came to us may have been a full stretch but nonetheless it was out of my hands on the forwarding. I did mention it in the draft when the draft was presented to me but that was ignored

MR SHERIDAN Mr Speaker one final supplementary just to do with KAVHA Minister just in relation to the Minister Debus letter dated 23 June which was concerning KAVHA which was a reply to your letter that you said to him, and I believe in that letter you intonated no support for the request for the review of the boundary you just indicated that you had been directed by this Legislative Assembly to write to the Minister. Minister would you release a coy of your original letter to the KAVHA landholders that are of concern to the KAVHA landholders

MRS JACK You want me to release.....

MR SHERIDAN Your original letter. A copy of it

MRS JACK My letter to the Senator following the motion

MR SHERIDAN Yes

MRS JACK Sure

MR SHERIDAN Mr Speaker a question for the Chief Minister. Minister is it correct that you are a Members of the KAVHA Board.

MR NOBBS Yes

MR SHERIDAN And you've attended meetings of the KAVHA Board. And have attended meetings of the landholders with their concerns, so do you agree with Mrs Jack's assertion that she is in no position to assist the KAVHA landholders with their concerns and they should deal directly with the Commonwealth

MR NOBBS Thank you Mr Speaker. I think the Minister with responsibility for KAVHA has followed through those concerns in the way that we have directed her to raise the issues of the KAVHA boundaries. I know that at various stages in the process there have been meetings with the KAVHA landholders and that has been many and varied and just off the top of my head I can think of a number of instances where external consultants have also come to discuss with the landholders

representatives as well to ensure that those issues are being carried forward and the purpose of the current process with Lynden Ayeliffe is also to ensure that they have the opportunity to put their view and I understand one of her views was perhaps to have someone on the KAVHA Board so I don't think the Minister has stepped away from bringing those views forward

MR SHERIDAN Mr Speaker a further supplementary question for the Chief Minister. Chief Minister have you yourself considered any solutions to the issues raised by the community and the landholders. I just wonder if you could answer that Chief Minister

SPEAKER Mr Sheridan I might remind you that a question shall not ask for the expression of an opinion or for a legal opinion. Chief Minister if you wish to answer that question you may do so

MR SHERIDAN Mr Speaker I'm happy to rephrase it. Chief Minister have you considered any solutions to the issues raised by the community and the landholders

MR NOBBS Thank you Mr Speaker yes we have discussed a range of areas even in our MLA's forum we've discussed many and varied options that would maybe be worth considering. At this stage I don't have the specifics with me at the moment but we definitely carry forward their concerns with us when we go to these meetings

MR ANDERSON Mr Speaker a question for the Minister for Finance. Would you please advise the current situation on the installation of the solar systems by the Administration. Is it still being done by the Administration

MR N CHRISTIAN Thank you Mr Speaker yes and I thank Mr Anderson for that question. Over the course of the past week or so the Administration has met with most if not all of the electricity contractors in Norfolk Island who are able to install solar systems, that is the photovoltaic ones. Those electrical contractors had raised concerns about the involvement of the Administration in the provision and sourcing of the photovoltaic systems. There appeared to have been some misconception in the community that the Administration was actually doing it as part of our normal business and what's come out of these discussions is, I suppose, a degree of enlightenment as to what actually happened. Now it's been no secret that this Legislative Assembly was supportive of renewable energy options. We were keen to see at least 100 kilowatts per hour of renewable energy connected to the grid and the principal purpose there was to save diesel fuel at the power house. Now two electricity officers, that's John Christian and Aaron Graham, took it upon themselves to co ordinate the functions and the process and this needed to happen because where an individual was applying to the Commonwealth for a grant to purchase these systems, somebody had to be nominated as a system designer and installer and unless the system designer and installer was identified on the application to the Commonwealth, which not only identified the system designer and installer but also the supplier of equipment and the type of equipment, the Commonwealth would not consider the application. It then got a little more complicated as well, in that if for some reason after you had lodged your Development Application either the system installer changed or the parts or components of the system you were installing needed to be changed because of supply difficulties you had to notify the Commonwealth of that change and you actually ran the risk of having to start the process all again all over so it's a fairly cumbersome process, so what had happened there is that individuals who had decided to proceed with an application to the Commonwealth and to purchase equipment did so and they utilised a common bank account to pool the money and when the money was in the bank account for all of the systems that had been ordered, the money was transferred to the supplier on masse and the systems subsequently arrived in Norfolk Island. Now I think about 20 or 30 of the

systems have already arrived and some have been installed and the Administration's preference was for their staff not to be engaged in the installation. But after meeting with them and we became aware of these complications, that if they didn't actually carry out the installation after they had been nominated on the documentation as the system designer and installer, the Commonwealth may withhold the grant of funding which would then leave the person in a bit of a bind in that they've paid for the system but no Commonwealth funding would be forthcoming so the executives or some of the executives had a meeting with the head of the Public Service and we agreed to allow the Administration staff to continue with the installation. It then became apparent that there's possibly another forty systems in the pipeline that has been ordered and for the same reason the Administration staff will be allowed to complete the installation and connection there and we charge out I think at a rate that's I don't think, cheaper than the commercial sector. It's about \$35 per hour I've been told is our charge out labour rate so that process will continue. We then also discussed with the electrical contractors the possibility of standardising on one system in Norfolk Island and that they would go out to their customers and they would place their order with the Administration and the Administration would place the order on their behalf with a single source supplier, the idea being that we would have standard inverters and standard panels and the electrical contractors agreed with that process although some retained the right to go out and source their own, and we have absolutely no difficulty with that. I met with the head of the electricity service and the head of the Public Service to put that plan in place and it was then that all of the difficulties were drawn to my attention. That is, that there is no guarantee when you buy a system from a supplier that the next time you place an order you will get the same sort of panels or the same sort of inverter and you only have a six month time frame in which to complete the process from start to finish in respect of the Commonwealth funding and if the supplier that you were dealing with last month couldn't supply what he supplied last month and then supplied different components you then had to go back and notify the Commonwealth so it became a really really cumbersome and complicated and time consuming process. Now the upshot of it all is that the head of the Public Service wrote to the electricity contractors as far as I'm aware advising them that the Administration would withdraw from the process once the seventy sets had been installed and that the electricity contractors would now deal directly with their customer's and we would play no part in the sourcing or holding of stock. That's the situation today. However, I have also been inundated with complaints from Members of the community who have begged me to reconsider the Administration's position because they have on many occasions approached the local contractors and received shoddy or substandard service with some contractors absolutely refusing to do the paperwork required to access the Commonwealth grant so as I've said, at the moment the Administration has withdrawn from the process, we are being lobbied to re-enter the process and to make these systems available at a reasonable price to the community because I've received complaints about the individual electrical contractors not delivering so it's up to the electrical contracting industry in Norfolk Island to lift their game and perform, otherwise the Administration will have to re-evaluate its position. I mean, we're serious about getting at least 100 kilowatts per hour of renewable energy, photovoltaic, connected to the grid Mr Speaker

MR ANDERSON Mr Speaker a supplementary question. Thank you Mr Christian that's been comprehensive and I think would answer a lot of questions that people have had in our community. Can I ask Mr Christian's assurance that he will keep us posted as things transpire

MR N CHRISTIAN Yes absolutely we'll do that, and the Administration originally changed its position as a result of discussions held at an MLA's meeting and the appropriate direction was given to the Chief Executive Officer. We then had to rethink our position and that's been done and if we have to re-think the position again, well then we'll discuss it at MLA's again and take the appropriate course of action

MR GARDNER Thank you Mr Speaker, a supplementary question if I might. I became aware of changes to the solar rebate scheme on morning television this morning. There was something on it. I'm not sure exactly what those changes are but is the Minister aware of the changes and what impact if any those changes might have on consumers in Norfolk Island

MR N CHRISTIAN Thank you Mr Speaker I'm not aware of the changes and I would be happy to come up to speed on them. What I am aware of, is that from time to time some Commonwealth programmes are shut down as they come to the end of their life, but the indications that have been given to me is that an alternative programme would replace it. I was in Brisbane on Monday, Tuesday of this week and was heartened to see the Prime Minister, Mr Kevin Rudd announce a \$500m renewable energy package that will be available throughout Australia and I would hope that Norfolk Island would be able to benefit from that package, either directly by the individual consumer or on a larger scale with the Administration being an electricity generator

MR SHERIDAN Mr Speaker just a supplementary question there as well. As the Minister has quite rightly said, we've discussed this at MLA's a couple of time and the stance that we've taken each time has been different, and I believe that last Tuesday in MLA's I myself put up a proposal for everyone to consider but unfortunately the Minister for Finance wasn't here and Mr Gardner wasn't here but maybe the Chief Minister would like to just advise as to the Government's changing it's stance you might say, just something that we were considering and maybe we're doing some homework on it at this point in time and making it affordable for all residential properties on the island to access the system

SPEAKER Just a moment Mr Sheridan, questions cannot be debated. The Minister has quite rightly fully answered the question. If you have a supplementary question on a different matter I would suggest that you put that supplementary question in a manner to the Chief Minister

MR SHERIDAN Mr Speaker that's fine I'll leave it

MR NOBBS Thank you Mr Speaker I'll just say this, that we are constantly reviewing what we can do better in that particular policy area. The Minister for Finance has definitely taken a proactive role in it, the ideas that were thrown around at the recent Members meeting were I think, something that showed real foresight and some affordable ways that we can enhance the role out of photovoltaic on Norfolk Island but it will be something that we'll have to discuss further to see how it fits within the policy and the way that we work it in terms of our planning for the future

MR B CHRISTIAN Thank you Mr Speaker I do have a supplementary question to Mr Anderson's question on the topic of solar electricity would the Minister see if the electricity department undertaken some type of study to see at what point there is that we have a target of so many kva or watts out per hour, is there a point that a certain amount of people hook up to to the solar electricity that the electricity department would then have to look at maybe promoting more use of electrical components within the House to not be a negative cost to the electricity department. Is there a point where there's that many solar houses hooked up to the renewable energy that it starts to maybe not be feasible for electricity to run the two generators

MR N CHRISTIAN Thank you Mr Speaker and thank you Mr Christian for that question. Yes at some point in the future we could reach that saturation point but I think we're a long way from that at the moment and the next phase I see in this, I understand Mr Sheridan's proposal is probably to try and get every household on Norfolk Island to have at least one kilowatt of photovoltaic power feeding into the grid. And that we should encourage the people to do that and I think that's an admirable aim if we can achieve it. But the other thing that I would like us to consider, is this. The real asset that

efficiency ones, so what that will do probably in five years time when they become commercially available is that you will be able to upgrade your 27 kilowatt system to a 35 kilowatt system for not much cost because your mirrors don't change

MR SHERIDAN Mr Speaker a question for the Minister responsible for RESA. Minister could you advise if you progressed the undertaking at the last month's sitting to appoint an independent probity auditor into the RESA project and the fire station project

MR NOBBS Thank you Mr Speaker the undertaking I gave was that I would have no issue with auditing the project in terms of its management costs, or its process. As we've been engaged in the budget review process we've also had a recalculation through the RESA project and they are areas that we'll be further discussing in the next few days

MR SHERIDAN Mr Speaker a couple of a supplementary questions there. Chief Minister could you advise the community as to the process of removing the soil from the airport site and the actual delivery to the RESA project ie the removal of the topsoil and get down to the clay etc. Just that there's some concern in the community that the soil is being transported two or three times prior to its final resting place

MR NOBBS Thank you Mr Speaker this actually relates to two components of the project. One is obviously the retention of the topsoil so that we can get a faster regrowth and the dust and other problems that come from loose dirt sorted out by getting the grass to regrow faster. The other key issue is the density of the soil in its compaction rates in the RESA area to ensure that it complies with the standards and so what tends to happen is that, aside from just the relocation of the topsoil there is a stockpiling of the different densities of soil, the different clay components to enable some of them to be mixed together to give better compaction rates and better readings on the nuclear densimeter so it's really to make sure that we are complying with the standards

MR SHERIDAN Mr Speaker just a supplementary question, recently Chief Minister there's been some failures in the work at the Chapel end and I believe it was after some rain. But if so, under the project contractual arrangements, was it a design or construction failure

MR NOBBS Thank you Mr Speaker I'm not aware of any major failures in that area, particularly at the west end. What I am aware of is some work was done on the drainage system there and been a specific amount of work to take care of some long standing issues in terms of water run off at that end of the runway

MR SHERIDAN Mr Speaker a further supplementary there, Chief Minister I believe that after questions in the House last month you indicated that the RESA project at the north end was on schedule and close to completion. Stating that they were increasing their compaction to 300 ml each day and they had just over three metres to completion. Has this been affected as yet

MR NOBBS Thank you Mr Speaker I think in the ensuring period we've had some issues with weather and I'm not entirely aware of any major equipment issues however the time frame as I understand it now, if we were to work to the schedule provided by the project manager, would see this finished within a one month period given that we've suggested a shut down of the process over the Christmas period

MR SHERIDAN Mr Speaker just a further supplementary, so when is the actual completion date now for the northern end of RESA

MR NOBBS Thank you Mr Speaker and thank you for the question Mr Sheridan. I would actually like to take that on notice because we're having further discussions on how we move ahead with RESA and how we are also scheduling other areas within the public service so at this stage I would just indicate that within a one month time frame is the indication I have but I can certainly provide further information

SPEAKER Just before we move on Honourable Members we have reached the time allowed for Questions Without Notice. May I have a motion that Questions Without Notice be extended.

MR SHERIDAN Mr Speaker I think the clock might be a bit fast, but can I move that it be extended for another thirty minutes

SPEAKER Is the motion agreed Honourable Members. The motion is so agreed

MR B CHRISTIAN Thank you Mr Speaker I have a question for the Minister for Fisheries. Minister what is the status of the Fisheries Plan of Management and what was the outcome of your recent meeting with AFMA representatives

MR MAGRI Mr Speaker it's been a while since I've had any discussion on the Fisheries Plan of Management so for the listening community I might provide a little bit of history on the Plan of Management. When I first came into this job I spent a few months reviewing pretty much everything that had gone on previously with the management of the fisheries and the relationship between the Norfolk Island Fishing Management Authorities and AFMA and what became fairly evident fairly quickly was a desire by most of the groups, the management groups that had participated in fishery over the years, to develop a Fisheries Management Plan for Norfolk Island and the desire was really born out of a few frustrations in the inability in areas where they had inabilities to ensure compliance with some of the regulatory controls in fisheries and they include boat safety and the provision of catch data so that the fishery can be managed and for Norfolk Island it was important because whilst we over here believe that we manage our fishery particularly well, it's important that we be seen to be managing the fishery and the Fisheries management document was going to be the document to allow that to happen. A discussion paper suggesting a way forward was produced in June 2007, was agreed to by the Legislative Assembly and was endorsed by the executive of the Norfolk Island Fishing Association and we moved to develop a Fisheries Management Plan for Norfolk Island and what needs to be recognised with the Norfolk Island Fishery is the water is actually Commonwealth waters right to the high tide mark, and the statutory management of those waters fall under the Australian Fisheries Management Authority and the particular Act is the Australian Fisheries Management Act 1991 so we have to operate within the confines of that Act but we also need to recognise that we want to as much as possible manage the Fishery ourselves so a draft management plan was produced by June 2008, it was endorsed by the Legislative Assembly and it was further endorsed by the Fisheries Association of Norfolk Island and it was developed in consultation with the Fishing Association. Now this is, we've got to be clear here, this has been developed with the executive of the Norfolk Island Fishing Association, and the idea was to seek their endorsement, to then seek further endorsement from AFMA about the document and then to take it to wider community and the full Member of the Fisheries Association for consultation. That document was forwarded to AFMA for them to review it to make sure that it was compliant with their Fisheries Management Act and it received in principal endorsement from the CEO of AFMA and they wanted a further period to ensure that the document met all of their requirements under the Act. I'm still waiting for that document to return from AFMA. In the meantime in November this year I went and visited Minister Tony Bourke, the Australian Minister for Fisheries to discuss some of the further issues that I had with the fishery that were issues that were outside the scope of the Fisheries Management Act

and they are outside the scope of the Australian Fisheries Management Authority to provide and changes on and they were the two relevant areas. The first was an extension of the area of where we are allowed to fish outside of the box. A little bit of history about that, in the late '80's there was some concern by the local fishermen that Japanese trawlers fishing around Norfolk Island were destroying a lot of the fisheries on Norfolk Island and we'd all remember as kids, seeing the lights all around the shores. The Norfolk Island Fishing Association protested about those trawlers being here and upon agreement with the then Minister, I think the Primary Industries Minister of the time, John Kerry, they agreed to give Norfolk Island an exclusive area which the Japanese trawlers could not come inside and that's the area we now know as the box. What inadvertently happened is that the area that they could not come inside of, has now become the area that we can't go outside of and I explained to the Minister a technical reason why we have a window of opportunity that's opened up in the last twelve months to fix this problem and I believe that I had a fairly good meeting with the Minister in relation to that. The other issue was a minor one, but it was important to the Fishing Association and that is that the Norfolk Island Fishing Association have always referred to themselves as a traditional fishery and Norfolk Island Fisheries Management Plan was called a Norfolk Island Traditional Fisheries Management Plan. AFMA requested in their review that they could not accept the word traditional so I also took that issue up with the Minister because we firmly believe here that it is a traditional fishery. I'm expecting an answer on the outcome of my enquiry to the Minister soon, hopefully very soon and I'm also expecting an answer from AFMA as to final outcome of the Fisheries Management very soon

MR SHERIDAN

Mr Speaker a question for the Minister for Finance. Minister given the ever increasing advancement in technology and IT facilities these days, can the Minister advise the electorate how much public funds could be saved if teleconferencing calls, were made off the island to Australia rather than the Minister's travelling to Australia frequently on what some in the community could call a jaunt. Approximately how much public funds could be saved on travel allowance, accommodation etc by not making these trips and doing business by phone or teleconferencing etc

MR N CHRISTIAN

The simple answer Mr Speaker. None! Where appropriate, we use teleconferencing in Norfolk Island already, and where appropriate we visit the mainland to have one on one meetings to visit our business partners and whether that be in the airline or in the travel industry and that's the nature of the situation. There are many things you need to discuss at times that cannot be discussed in a teleconference situation for confidentiality reasons etc, and there are many times when you are in a meeting which includes multiple parties where you have to excuse yourself and go and talk to your side to get instructions and you can't do that in a teleconferencing situation so we use whichever system is appropriate and Mr Speaker I've said time and time again that part of the difficulty that Norfolk Island finds itself in now, is because in the past it chose to cut itself off from the rest of the world. If you want to be a player you've got to be at the party and that's why I think from now on in we've got to take the initiative we've got to be on the doorsteps of those that we want to do business with and that includes the Commonwealth Government of Australia

MR SHERIDAN

Mr Speaker a supplementary question, Minister do you believe that it would be appropriate for the Norfolk Island Government to have a representative located on the mainland so that these issues could be dealt with through an office say located in Canberra, Sydney, Melbourne, where-ever it may be and then maybe in that sense we wouldn't have Legislative Assembly Members travelling off island as much

SPEAKER

Just before you answer that Minister, that's quite a hypothetical question. Minister you may wish to answer it if you so desire

MR N CHRISTIAN Thank you Mr Speaker I'm more than happy to answer that, and the answer to the question is probably both. At some stage as our relationship with Australia matures, it may well be the case that we should have some representation in Canberra but at the moment you have to look at what a Minister does. Part of a Minister's job is a parliamentary job and another part of a Minister's role is purely commercial and in a commercial role we really do have to travel, and at times in the political role we have to travel as well and if you look at the Federal system in Australia, quite often, particularly Ministers, get to spend very little time in their own electorate. They're in Canberra. They're away from home. And that's just the nature of the beast

MR ANDERSON Mr Speaker a question for the Chief Minister. Chief Minister can you advise if you've had further correspondence to or from ICAC and if not can you give an undertaking to try and finalise the matter

MR NOBBS Thank you Mr Speaker and thank you Mr Anderson. Let me just start by saying that in the last few days I've received a submission from the ICAC and in that they've listed some areas of costing and service that they may be able to provide. As I mentioned in this House I have discussed this letter with the Federal Minister as to finalise arrangements with ICAC or even the Commonwealth Ombudsman's office requires collaboration between the Australian Government and Norfolk Island Government as there are some areas of legislation both Australian and Norfolk Island that need to be adapted to suit. In case you're about to ask me whether I've taken steps for the Norfolk Island legislation side, yes I have. There's an amendment proposed and also an Ombudsman Bill that has been prepared for me by the legislative Draftsman and they're things that we'll be discussing around our MLA's table very shortly

MR SHERIDAN Mr Speaker a question again for the Chief Minister. Chief Minister could you advise as to what the policy is on Administration enterprises competing against private enterprise

MR NOBBS Thank you Mr Speaker although I don't have a formal policy before me I think we put common sense at the fore there in terms of what we are providing in services and ensuring that they have positive impacts rather than negative ones on the economy

MR SHERIDAN Mr Speaker a supplementary question to the Chief Minister. Chief Minister do these enterprises such as the postal services with their competing businesses, have to pay GST, equivalent freight costs, have a mandate on making a profit as such a private business would or do the community subsidise these non profit enterprises through taxes and levies

MR NOBBS Thank you Mr Speaker my understanding is that they would be subject to GST and other charges, and I should point out that one of the aims that we saw as a Legislative Assembly when we came in, in March 2007 was to discuss many of the GBE's and areas within the Public Service to highlight that we wanted recognition of the break even point for them in their areas so that there was more a managerial stance taken to understand costs and profit and where their expenditure was going and what benefit it would be to the community

MR SHERIDAN Mr Speaker another question to the Minister with responsibility for the postal service. Minister currently the postal service is withholding mail to any person who has not paid their postal box rental and will not release their mail until the rental is paid. Minister this raises a number of questions as to whether or not it is legal to withhold a persons mail, whether or not they are late in the rental box payment and considering that there are standard procedures in place for overdue debtors. Minister will you advise the postal service to cease this illegal practice forthwith

MR MAGRI Thank you Mr Speaker. It's funny how you become aware of some of these things but what I'll do is I'll take Mr Sheridan's concerns on and address them appropriately. I can't say as I don't know the full story but I'll get to the bottom of it. If there's some illegal activity going on I'll certainly put a stop to it, but I doubt it

MR SHERIDAN Mr Speaker a question for the Minister for the Environment. Minister in regard to dioxins testing in the soil and sediment of samples from around the Headstone area, I believe that the testing has been carried out and the results are back on Norfolk Island. Can you advise as to what these results have determined

MRS JACK Thank you Mr Speaker. Mr Speaker I can say that with regards to the I think it was three locations for soil that the company that assessed the analysis done by ALS has said that Toxicox is of the opinion that dioxins detected in soil present a negligible health risk to people because the dioxin concentrations are within background concentrations for Australian soils and are less than soil guideline values intended to be protective of human health. I can say that this document is expected, I expect in a few days a letter to go out and this document will be made public, but there is just some clarification needed on one minor technical point and it's on what the firm refers to as sludge. But I can say that they say it is unlikely that there are any immediate risks to public health

MR SHERIDAN Mr Speaker just a supplementary question there for Mrs Jack. Minister in your reply you would just talk about soil samples.

MRS JACK Yes

MR SHERIDAN Was there sediment testing done separately from the tanks. Is that where you are referring to a sludge

MRS JACK Yes Mr Speaker

MR SHERIDAN Mr Speaker a further supplementary please, you've indicated that a letter will be provided to the residents concerned. Will the results on the analysis of the tests be provided as well

MRS JACK Mr Speaker I'll have to have a talk on that. Sometimes I feel that if people want to go and have all these tests and are not happy with mine they should go and provide their own, or pay for their own test to be done. I'm happy with the process that's been undertaken

MR SHERIDAN Mr Speaker just a final supplementary on that issue. Minister what further action if any has now been planned by the Government or the Administration in relation to these concerns

MRS JACK Thank you Mr Speaker as I say I'll just seek clarification on this one minor technical point. The document will be made public and then there the matter will rest

MR B CHRISTIAN Thank you Mr Speaker a question for the Minister responsible for Waste Management. Minister has the funding for the high temperature incinerator been secured and when will the incinerator be purchased

MRS JACK Thank you Mr Speaker no unfortunately the funding hasn't been secured and I think as I have said before, that with the cessation of the

Natural Heritage Funding that has now been wrapped up and turned into funding for Caring for our Country and Caring for our Country has different sets of guidelines and criteria to be met so I've spoken briefly about it Minister for Finance and Chief Executive Officer and it has been raised in MLA's but there is a need to continue and so other sources of funding may have to be secured

MR B CHRISTIAN Thank you Mr Speaker a supplementary question on that, so when Minister can we expect to see a high temp incinerator or are we going to look for other options of dealing with the problems of waste management

MRS JACK Thank you Mr Speaker I think we can be reassured that we paid for a report that has recommended that the high temperature incinerator is the best method to move forward and so the Membership agreed to that. I've gone out to the public and they in their numbers went and spoke to the consultant and seemed happy with it so I feel we are going to have to move forward on that aspect and the thing is to secure funding before we can move on to the next stage

MR B CHRISTIAN Thank you Mr Speaker a supplementary question please. Minister it is my understanding that we had previously secured funding or an amount of money to be put towards a high temp incinerator. Do we still have that fund or did we lose the ability to use that funding

MRS JACK Thank you Mr Speaker there were two lots of funding. Funding had been made available but I had to spend it. Actually spend it before the 30th June this year and we hadn't even gone through the process of what system would be best. I was wanting to keep good relations and not just abuse the funding issue, and the second is yes, we went dollar for dollar with the Commonwealth and I think it was \$30,000 from the Commonwealth and \$30,000 from ourselves and putting forward the money to get the report from the URS in order to gain a recommendation for the best type of waste disposal for our bulk of municipal waste that was generating at the Waste Management Centre

MR B CHRISTIAN Thank you Mr Speaker a further supplementary question. Minister am I right in assuming that not only did we have funding for the reporting but there also was funding available for the purchase of an incinerator

MRS JACK No Mr Speaker we didn't have the funding for the purchase of the big incinerator. There was funding that came – I would have to check up so I'm prepared to take it on notice but there was some confusion at times I know, with the high temperature incinerator that was for the veterinary, quarantine and hospital waste

MR B CHRISTIAN Thank you Mr Speaker one more supplementary question, Minister it is my understanding that we do have funding now for the purchase of a glass crusher for the Waste Management Centre . When can we see a glass crusher installed at the Waste Management Centre

MRS JACK Thank you Mr Speaker we do have the funding. It was left over from the green waste purchase, the machine for mulching the green waste. The tenders were called and I was advised, I wasn't on this particular group because the funding was from NHT funding and so they also wanted community Members involved in the purchase. That group decided or were of the view that the machine that they preferred was too big for our system and they asked the person, the supplier, to come back with a modified or smaller version. My understanding is that we are still waiting for those results to come back and that given the variation that has occurred since from the Aussie dollar to the Australian dollar we may well have to find money to add to it, because apparently the price was in American dollars. That's all I know Mr Speaker. If

Mr Christian is wanting more information I'm prepared to get it to him but I'll have to go to the committee and ask them for that information

MR B CHRISTIAN Just one more supplementary on that Mr Speaker. Correct me if I'm wrong please Minister but I understand that the green waste machine was purchased some two and a half to three years ago

MRS JACK Yes

MR B CHRISTIAN If we've had funding left over for the glass crusher for three years, it is my concern that we still don't have a glass crusher and it's taken three years to obtain. How long will it take for us to obtain an incinerator if it's taken three years for us to not even come to a conclusion of what glass crusher we're buying. I would just like to know if you can explain some reasoning of why it's taken three years to obtain something that is I believe a very simple purchase

MRS JACK Thank you Mr Speaker it might be simple out there in the commercial world but that funding wasn't mine to just go and spend any left over funding. Applications had to be made to the Commonwealth whose money it was to use that surplus in another format and they had to be satisfied that the way it was going to be spent had a relationship to the waste management centre through the mulching machine and that did take some time. Since then I've lost an executive director for the area, I've lost the manager and I've lost an environmental officer. I've gone through three Chief Executive Officers in the same time and it's been difficult to find the continuity to keep things up to speed. I try my best as do the Members of the Public Service that I do call on. How long is it going to take to get a Waste Management system up and running with a high temperature incinerator. How long is a piece of string. I'm doing my best to ensure that these projects are moving forward but I'm restricted by funds that are available as well as the ability for the Public Service to work doggedly on one aspect at a time. Everyone is working on multi tasking

MR SHERIDAN Thank you Mr Speaker. May I ask a supplementary there. Minister with regard to these lost people that you've just referred to, perhaps a missing persons claim up with the police

MRS JACK I wish it was easy to solve such frivolous question Mr Speaker. Unfortunately it isn't

SPEAKER Just before we go on, Mr Anderson you wanted to ask a question

MR ANDERSON Mr Speaker I do, a supplementary, but I'll wait

MR B CHRISTIAN Thank you Mr Speaker I do understand the Minister's concern and how long is a piece of string. My concern is that waste management is a very important issue, that a lot of people in the community hold with a fine amount of concern. I would just like to see whatever is required, whether it's a shortage of staff or whatever it is, that we give assurance to the community that we are dealing with the issue and not just continuing on this cycle of paperwork and reasons and excuses on why we haven't secured something as simple as a glass crushing machine which I believe and correct me again if I'm wrong Minister, but I believe the funding was actually approved to be used, the leftover from the green waste machine was actually approved some three years ago to purchase a glass crushing machine

MRS JACK I don't believe it was three years ago Mr Speaker, but however, Mr Christian has voiced his concerns at MLA's over the Waste Management Centre and the Chief Executive Officer asked him to join him at meetings there which he has done, and that we realised that there are concerns being voiced in

the community. We are trying to lessen those concerns and work forward and we'll do it as time permits. It's very hard that....I'm not going to go in there and micro manage Mr Speaker. I'll rely on my Chief Executive Officer to formulate better rostering systems perhaps or formulate different hours of opening and closing of the centre but those issues are being considered and being worked on. Thank you

MR ANDERSON Mr Speaker I would like to ask a question for the Minister for Tourism and Police. Have there been any developments that you can report on, on the missing money at the Tourist Bureau

MR GARDNER Thank you Mr Speaker, I think I provided an answer to that question that Mr Sheridan asked of me last month. As I understand it, the matter was a subject of a police investigation and advice from that investigation has been forwarded to the Legal Services Unit. I'm not sure at what stage that is at but as soon as I have more information to hand I will inform Members which is I think the same answer I gave to the question Mr Sheridan asked last month

MR ANDERSON Mr Speaker a supplementary question. That answer you gave then may have been correct. Have you since that time received any further advise

MR GARDNER Thank you Mr Speaker, I'm not certain about that. As you are aware I only got back to the island yesterday and was heavily involved in meetings yesterday afternoon. I haven't had a chance yet to clear all my email or other communications that have been generated over the last week but maybe I could ask Mr Anderson as the Legislative Assembly Member on the Tourist Bureau whether he's aware of any advise that might be able to provide and update to me on. So I'll submit that as a question Mr Speaker if I may

MR ANDERSON Mr Speaker I believe there was a reply from the Legal Services Unit on the matter. I don't know if it's appropriate for me to say what it was but I believe they've come to a decision

MR SHERIDAN Mr Speaker one final question for the Minister for Tourism seeing as how he's come to his senses a little bit. With regards to the new Norfolk Island brand that the Tourist Bureau is developing. Can you advise how much the programme will cost and when will the exercise be completed

MR GARDNER Thank you Mr Speaker, in the preparation of the budget earlier this year, I think some \$75,000 was set aside for product development. How that's broken down, I'm not sure whether I've got accurate detail on that but product development was directed in the budget as I understand it to a number of issues which included the accreditation as proposed under the strategic plan, experiences development, the brand development for Norfolk Island and experiences ordered as part of the research process and implementation of the green globe or something along those lines for green accreditation of businesses in Norfolk Island. As I said, some \$78,000 or thereabouts was proposed in the initial budget and that has been reviewed and has been reduced to about the \$45,000 mark or thereabouts to cover all of those areas, but I can't provide a break down of exactly what the branding activity will entail other than to say that the bulk of the work that's been undertaken to date, aside from some initial research undertaken by a company called Stoltz Now out of New Zealand which used a Roy Morgan research to research the Norfolk Island market and perception that people had of Norfolk Island and some of the icons that are held up in our marketing programmes. I'm not sure that the consultancy that will be entered into after the committee which is a voluntary committee on island made up of a large number of people have finished their work, exactly what that's going to cost, but I expect it will be somewhere in the region of \$20-25,000 in total

MR ANDERSON Mr Speaker if I may add a little to that question.

SPEAKER Mr Anderson questions can't be debated

MR ANDERSON Alright. Mr Gardner as you stated I believe most of that amount was voluntary work on the branding committee and I believe that is the main part of the work up to this point. Also I believe...

MRS JACK Point of order Mr Speaker when is the question coming

SPEAKER Thank you Mrs Jack. Mr Anderson you cannot debate an answer. You must ask a question

MR ANDERSON That is correct as you said Mr Gardner. The work at this stage has been mainly voluntary, is that correct

MR GARDNER I think that's exactly what I said in my answer to Mr Sheridan's question, that aside from some research that was undertaken by Stoltz Now, the bulk of the work that's been undertaken to date has been of a voluntary nature undertaken by the Branding Committee that's been established by the Tourist Bureau which includes a significant number of people from the general community with varying levels of expertise and interest in the matter and I think I did indicate that the consultancy that will be left for the actual development of the brand is something that I don't expect will exceed the \$20-25,000 in total but it's all been budgeted for, it's all part of the Strategic Plan which has been embraced wholeheartedly by this Legislative Assembly

SPEAKER Thank you Mr Gardner. Any further Questions Without Notice Honourable Members . We move on then

PRESENTATION OF PAPERS

Are there any Papers for Presentation this morning Honourable Members

MR NOBBS Thank you Mr Speaker I table the Annual Report of the Public Service for 2007-2008 and if CEO and it reads thus. "It gives me great pleasure to submit the 2007-2008 of the Administration of Norfolk Island for presentation to the Norfolk Island Legislative Assembly. The report has been prepared in accordance with the Annual Reports Act 2004, the Public Sector Management Act 2000 and Public Monies Act 1979. the Administration continues to deliver services and perform well despite changes in vacancies within the corporate management group, recruitment for a new Chief Executive Officer is currently well under way which will provide stability and some certainty to the executive levels within the Public Service so that gives indication of some preparation time for the report. During the financial year under review, among other things the Administration and its staff agreed to purchase arrangements for two new aviation fire and rescue vehicles for the airport, agreed on tenders and process for a fire station and emergency services building, commenced an asset revaluation process as part of the implementation, purchased and installed new fuel storage tanks and distribution pumps for Norfolk Energy agreed to the purchase of a new x-ray machine for the airport, agreed to the purchase of bobcats for roads and Waste Management, agreed to the purchase and implementation of equipment for digital television broadcast, migrated international con activity for Telecommunications to a new carrier, installed and implemented a second earth station for communications redundancy, introduced wireless hot spots for internet usage at various café's, undertook training in implementing solar systems into the electricity grid, began on forming a plan for Argentine ants control and eradication, undertook sealing works at Captain Cook in conjunction with National Parks, upgraded and maintained Country Road, received a

CASA award for excellence for best island airport, and commenced the process of the RESA work. I would just like to pass on my thanks to Mr Mathews, who was the Acting CEO at that time, for his preparation of that document and let the community know that it will be available in printed form in the New Year and is soon to be available electronically. I table the document

SPEAKER Are you tabling the document and to move that it be printed

MR NOBBS Thank you Mr Speaker, noted and printed

SPEAKER Do you so move

MR NOBBS Thank you Mr Speaker I do so move

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

QUESTION PUT
AGREED

Thank you. The motion is so agreed

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

SPEAKER Honourable Members the question is that the paper be noted

MR GARDNER Thank you Mr Speaker, I have a number of things to say in relation to the inbound passenger statistics for November. Clearly there has been for a period of some months now a steady decline in visitation numbers compared to the same period last year, with some bright spots, but generally a trend downwards and in earlier response to questions Without Notice I made reference to my recent visit to Brisbane to meet with wholesalers and to meet with the airline representatives and others in relation to tourism in Norfolk Island. Unfortunately it was a meeting that was delayed by one month and obviously the concerns that both the Minister for the Airlines and I had in relation to the stagnation and the fall of numbers compared to last years figures was a primary area of concern for us and in our discussions with the wholesaler representatives around the table so the question is, in our minds, what are our major partners and stakeholders within the industry doing about the situation and I'm pleased to advise and I certainly would trust that the Minister for Finance would join me in my assessment of the very positive attitude that was held by all wholesalers maybe with the exception of one who is experiencing particularly difficult times, more so I think because of the model that they operate under rather than prevailing economic conditions, but clearly without exception all of the wholesalers recognised that the downturn in numbers is something that we are not shouldering alone, that it is something that they are experiencing generally across the board and however they remain confident about the future. They remain confident about the future and they are particularly complimentary about the Strategic Plan as I said earlier in response to Questions Without Notice, about the strategy that is in place and the initiatives that are in place to establish a solid framework for the future of tourism on Norfolk Island moving forward and particularly complimentary and it was very pleasing to hear of their belief that without the marketing partnership programme that we have entered into and that I've gone into some depth in this House talking about on previous occasions, that without that the impact of decline in numbers in Norfolk Island would have been far more extreme and so it's good to know that the major players, our major partners, recognise the efforts that have been put into

the development of the Strategic Plan despite the fact that they generally are encountering difficult times in their own businesses, as we are on Norfolk Island today, in relation to our own tourism business. There was at those meetings, extensive discussions about the future and included an assessment of market conditions, presentation by Triple A tourism in relation to the accommodation rating system in Norfolk Island which as Members would be aware I discussed previously in this House in relation to the recently completed Triple A tourism assessments in Norfolk Island and I had asked that they make a presentation to wholesalers because quite a lot of the criticism in relation to the rating system in Norfolk Island had been generated by wholesalers generally. A reluctance by them to use the Triple A tourism accommodation ratings in relation to Norfolk Island accommodation for one reason, and one reason only and that is that it simply did not reflect to the market the true standard of accommodation in Norfolk Island in comparison to accommodation in our major sources of market in Australia and New Zealand. With the presentation from the General Manager of Triple A Tourism to the wholesalers I think that they were a lot more comfortable and a lot more confident in the future of the rating system in Norfolk Island because of the changes and the tightening of criteria in relation to the star rating system in Norfolk Island as I've advised in this House on previous occasions, certain dispensations were given to Norfolk Island as a reflection of remoteness and other issues, particularly in relation to infrastructure and the supply of electricity and the lack of air conditioning, but as it was pointed out there, Norfolk Island is not alone in that. There are many remote and rural regions of Australia that are impacted even more heavily on by those sorts of a factors but it is important that the industry as a whole in its consideration that the market place doesn't have, the isolation and regional attributes of a place, they simply want to compare an apple with an apple, so if you've got a bed and a room, whether it be in the CDD or out at the back of Bourke or on Norfolk Island the ratings are similar and across the board and people have confidence in it in booking ahead, and it certainly was pointed out that, that is an important factor for the wholesale industry and their retail partners and distribution network that they can move with confidence to say that if a place is three or three and a half star or four star, in Norfolk Island and they market it as such, that they are not going to have disenchanted customers coming back to them after a visit in to Norfolk Island to say that it didn't rate. It's half a star or a whole star below what they expected and so that's it. That was a very important presentation and I think embraced by all those in attendance as being a timely presentation and a useful explanation of how Triple A Tourism have tightened up because it has resulted this year in about a 30% plus of properties on Norfolk Island being downgraded by a half star or more with a number of properties also being alerted to the fact that there are changes that they need to make in relation to their properties if they are not to experience a further downgrading at the next round so they've been given plenty of notice about that to ensure that there is a proper comparison that's able to be made in Norfolk Island against those from where we are drawing our market both in Australian and New Zealand. There was also at the meeting a great deal of discussion about the marketing partnership programme and I've already indicated that the views flowing from that is without that being in place and without a properly structured advertising and marketing campaign being in place we would have been subjected to a far worse figures than we have so to me that was a ringing endorsement of the fact that we've embraced the Strategic Plan and the direction and that we're moving ahead and can continue to move ahead with some confidence despite the downturn and the effects of global economy and how that's been impacting, not just on us but on other tourism destinations both within Australia and within the region and globally for that matter. That said, the global economic factors have had an impact but, I think it's fair to say that most of our wholesale partners when we were discussing the issues and going around the table identified it as possibly an advantage for Norfolk Island both the drop in the exchange rate between the Australian dollar and some of the major international currencies have had an effect on long haul travel and has people focusing more on domestic travel and the wholesale industry are very upbeat about the future of domestic travel and in fact some of those wholesalers that were looking at expanding into the long haul marketplaces for example, Canada and Europe have shelved those plans now to

concentrate on the short haul and domestic services and so they believe that as people start to wind back that spending that we may be the beneficiaries for that as people look at close to home destinations, English speaking with an Australian dollar or something that is comparable as far as the dollar is concerned without hitting them too hard in the hip pocket so as I say, they are positive attitudes and positive influences. The potential is there and as I think the General Manager of the Tourist Bureau said, at the meeting there might be plenty of potential but how is it that you are going to harness that potential and that's the secret to it. That's ensuring that we do have a presence in the marketplace. We are able to go out to the marketplace with some confidence, we are able to provide a very good product that people can be assured of when we say whether it's accommodation rating or that our restaurants and our tours are going to give them value for money that we clearly are able to deliver on that, because as all of our wholesale partners tell us, it's better to have people coming home saying that they've had a good time, they've had value for money in their accommodation and in the restaurants and on the tours and with the hire car companies, that pays dividends. Far more so than people that come back and say they felt ripped off at the tour or their hire car was unclean or had punctures or the steering wasn't good or the food wasn't good or the serving portions in the restaurants weren't up to scratch or the accommodation is unclean so they are positive about us maintaining standards and clearly those standards have been set in the Strategic Plan and in the way we are going about the implementation of that. During the course of the meeting also discussion was had about the changes to Norfolk Island tourism as far as the implementation of the Strategic Plan, its new structure, the activities that have been undertaken and the workshops with staff and the industry generally to try and ensure that we have a model going forward that is best placed to deliver on the Strategic Plan and that does bring with it a need to change personnel, increase the number of personnel, increase the exposure that we have in the market place and it will bring with it in due course, a need to look to further funding as we ramp this up. It's no good us just sitting on our hands and saying that \$1m is going to see us through in tourism marketing, particularly when you look at places like Fiji that's seen as one of our competitors in the region who are investing \$70-80m in the marketplace. It's pretty hard to compete with that sort of muscle power, so for us to continue to rely on tourism we are going to have to continue to invest in the personnel and the infrastructure and advertising and marketing campaigns that support what we are doing. We also, one of the beauties of these meetings is it is an opportunity for our wholesale stakeholders to discuss the good the bad and the ugly of the airline operations into Norfolk Island and the airline I think really do welcome that opportunity to get solid and positive feedback in many cases from the wholesale partners about airfare structures and about the initiatives that they have in the market place, about the services, about reduction in services as we've recently experienced and the impacts that they may have and pleasing I think to note, that at worst, because of the reduction in the services and I think all credit to the airline for the way it was handled, that our fall out or loss of bookings because of those changes amounted to nothing more than about 3% in total. I'm sure Nev can confirm that at a later date but it's pleasing to see that it's been handled professionally and without too many lumps and bumps in the responses that we've had in the general marketplace and particularly from the wholesalers who it wasn't too many years ago if you pulled the flight suddenly you'd have an enormous uproar, because it was usually done at very short notice without letting anybody know. This is done now in consultation and one of the wonderful benefits of having these regular industry meetings and face to face is the ability to be able to discuss these things and ensure that people are fully consulted on what is happening and have an ability to have some input because we do realise that these people do have a significant amount of expertise not just with Norfolk Island but nationally and internationally and with all sorts of airlines all over the region and all over the world so they have some particularly important input to make into the system and we benefit from that expertise. We also have the opportunity to discuss the Norfolk Island tourism exchange that will be held here on island in March of next year. It is an opportunity for the industry in Norfolk Island to meet with all of our wholesale partners from both Australia and New Zealand in the one place at the one time. There will probably be a few that are going to baulk at the fact that

they are going to have to pay for the privilege of attending the sessions but as was pointed out at our wholesaler meeting, the cost of it is cheaper than jumping on a plane and going to Australia and New Zealand. You have all of the wholesalers on your doorstep for two or three days. You are able to lock yourself away with them as an industry participant and be able to talk to them directly to the people who support you about resolving your issues without your having to look for accommodation and a car and drive around all over Australia and New Zealand talking to your major suppliers so it's a very positive thing and the Tourist Bureau and Terry should be very proud of the fact that they've been able to organise this and I think it will be a very successful thing for Norfolk Island and again another opportunity for the industry locally to engage with our industry partners in Australia and New Zealand. Without going on too much further there was an update on the Norfolk Island Branding project. It was also an opportunity for the wholesalers to work one on one with the airline and the Tourist Bureau in relation to refining their marketing partnership programs and the business that they have in relation to the airline and the utilisation of the different fare structures and to put that to best effect. Interestingly we had some very very positive comments, I don't know whether it was just because Neville and I were in Australia but it seemed to be that the phones were ringing hot about people wanting to come to Norfolk Island on that Monday as feedback from some of the wholesalers. We aren't quite sure exactly what has generated that interest. One of the wholesalers on Monday had record sales in relation to Norfolk Island. On Friday of last week a different wholesaler had a similar response. We're not sure what to. Whether it was advertising and a latent response to advertising that occurred in the past because as you are aware we've had TV advertising that's been running in Australia, which didn't have any immediate benefit or bonus but maybe a latent response where people have recognised it and then been tweaked by something else they've seen, either in a magazine for example or the RACQ magazine which has got some significant advertising in it at the moment but it did have the phones ringing and it was also suggested that possibly it may have been a flow on from the additional family payments, and payments to elderly in Australia as part of the Kevin Rudd initiative to give money back to people in Australia and possibly very difficult to really gauge it but possibly we've been an indirect beneficiary of that Commonwealth initiative within the Australian arena. Interestingly enough there's also been quite some activity with student travel or interest in travel to Norfolk Island not for the immediate Christmas New year period but I think extending out to take advantage of the six month advance purchase fares. I was talking on the plane to one of our students who had been at university on the Gold Coast who assured me that at every opportunity that they have, they are promoting the benefits of Norfolk Island as a tourism destination and she was able to tell me that she has a number of her friends that are committed to coming to Norfolk Island in the near future and also want to return with her next year so we've got plenty of ambassadors aside from our wholesale and their distribution network, plenty of ambassadors out on the road marketing and selling Norfolk Island for us and from all reports are doing a sterling job at that. I've received advise this morning, just moving away from the wholesalers meeting that we had in Australia on Monday, I received advised from the General Manager of the Tourist Bureau this morning in relation to our acceptance to Austalk which is a Tourism Australia initiative which is run in New Zealand on an annual basis. In the past we've attempted to become part of that but have been excluded by Tourism Australia and I think that the fact that we've now been embraced by Tourism Australia and will be part of Autalk in our own right is as a result of the representations that we made to Martin Ferguson, the Federal Minister for Tourism and to Tourism Australia. One of the benefits for outcomes I guess of the attendance at the Tourism Minister's Council Meeting and as I've reported to the House in the past, they have been keen to assist us. We've made the representations and this is just one of the flow on benefits of that attendance. It's as I understand it, an interesting expo of Australian product and of course in the New Zealand context we are seen as being part of the Australian product. It is something that is usually targeting at a higher level and is usually very well attended. It takes place in Australia so it was very pleasing to receive that positive news and again, another initiative as far as driving our exposure and ensuring that we are seen in the marketplace on a regular basis and this certainly ramps

things up and we look forward to a fruitful partnership with Tourism Australia in assisting us in our promotion efforts both in Australia and New Zealand at the end of the day. I don't have much more to add to that. Yes the inbound passenger statistics have been declining. We have met and addressed these issues in conjunction with the airline. The feedback that we're getting is that we have solid bookings moving forward right through until I think February we've a bit of a glitch but the other months of 2009 through until the second week in June when things traditionally start to drop off are looking solid. Which is encouraging. Too early I think and then some of the wholesalers recognise that, that too early to say that we've had the worst of it and things are going to improve because it's such a volatile marketplace the moment that we just don't know where things are going but certainly the signs are encouraging and are particularly encouraging the have the feedback that we've had from our wholesale partners on Monday in Brisbane and I'm hoping that Nev might be able to add some words to that. I see it as positive. And we are looking forward to a better 2009 then we've experienced in the last six months

MR N CHRISTIAN

Thank you Mr Speaker I'll just add some words here whilst we're on the subject of tourism. I did attend the meeting with our wholesalers in Brisbane on Monday and as Mr Gardner has indicated that was a group meeting on Monday where we all got together and talked about things of a mutual nature and on Monday afternoon and Tuesday, to individual wholesalers had one on one meetings with Geoff Murdock and Terry Watson and Wally Beadman where they could toss ideas around and a couple of little things that have come out of this meeting, I thought I should share with you. One of the criticisms I suppose that was levelled at us was that Norfolk Island seemed to be lacking in destination marketing. That we were a product out there that not too many people really knew about. We had plenty of product marketing in the marketplace and that is where you look at the escapes section you'll see individual properties highlighted, so we've taken that on board and what we are proposing to do is this, the marketing manager which will be recruited by the Norfolk Island Government Tourist Bureau will be a shared resource between the airline and the Tourist Bureau. That person will be funded by the Tourist Bureau as Mr Gardner has indicated earlier, by identifying savings elsewhere within the Tourist Bureau's current budget and what we will then do, is Norfolk Air will fund the destination advertising for Norfolk Island for the next six months as we go forward, and the marketing manager will actually co ordinate the whole lot. He will be the guy or she will be the person who will ensure that when a wholesaler runs an ad in a particular paper the destination advertising also appears in that same paper and hopefully on the same page. What the wholesalers have clearly told us as well, is that in that destination marketing there should be no reference whatsoever to the Bookeasy site at the Norfolk Island Government Tourist Bureau. If under the marketing partnerships programme we wish to retain their co operative advertising dollar. We've taken that on board and we've given the assurance that the destination marketing will make no reference to the Bookeasy system that the Tourist Bureau is running and anybody who wants to access Bookeasy does so at their own volition as they become more internet savvy I suppose, so that's what's happening there and I think it will bear fruit and we hope to have that person recruited and in a job by early January and what Geoff Gardner and myself have requested Wally Beadman and co to do is this, if a suitable candidate doesn't eventuate when the advertisement for the position closes this week, I think maybe this afternoon, that they engage somebody on a short term contract that is, a professional to get the destination marketing and co-ordinating happening. We want to hit the ground running immediately after the Christmas break. So that's what's going to happen there. Some of the wholesalers performed at a lower level than they did in the corresponding period last year, but interestingly enough a number of them performed a lot better than they did in the corresponding period last year and one wholesaler in particular did 30% better than last year so it demonstrates to us that if you do put the effort in, that you can still attract people to visit Norfolk Island in the current economic climate. One of the problems we are faced with at the moment as Mr Gardner has alluded to there is that in November I think visitor numbers out of Australia were down by not quite 900 people, or something like that for the month and that became apparent that one of Norfolk Air's major

wholesalers had suffered a huge decline in business. They had sold for the corresponding period 70% less this year than last year and last year they were the top performing wholesaler so we had some serious discussions with those guys because for the airline itself, just from the one wholesaler it represented a reduction in airline tickets sold of \$860,000. Now that's significant from one wholesalers and we sat down with them and had a bit of a heart to heart with them and I think we were able to convince them that their business model was not one that worked in a declining market and that if they wanted to continue to access cooperative advertising dollar from the airline then the Norfolk Island Government Tourist Bureau then they needed to do something in a hurry to they will come back to us by the end of next week I think with an amended advertising and distribution plan for us to consider and hopefully if we can get them performing at close to what they were doing before and that turn around can't come soon enough,. Interestingly, they also gave us an insight into the feedback that they get from visitors that they send to Norfolk Island and Mr Gardner and I had to take criticisms fairly on the chin and two areas that people gripe about, these aren't gripes that appear on our visitor information cards here, these are gripes that are on the feedback cards that the wholesalers collect from customers that they send to Norfolk Island. The first one is that shopping is as an experience in Norfolk Island rated poorly with most of the visitors, They all said they had money to spend but couldn't find anything to spend it on and the other big criticism that was levelled at us, was the practice of shutting early. Diners in Australia like to be able to eat out at 9 o'clock at night and they were particularly frustrated when they turn up at a restaurant on Norfolk Island and find that 6.30 its closed. I don't know how we get around that, but we've got to be mindful of it that these are some of the negative criticisms that are being directed our way but overall I thought things went pretty well and they are all on board. We've attempted to re-energise them and refocus them and I think once we get this dedicated marketing person on board, we will reap the benefits of that extra effort and that's about all I can say at this time. Thank you

MRS JACK Thank you Mr Speaker just one thing that the Minister for Finance or the airline alluded to was the Bookeasy reservations system and the fact that the wholesalers don't want that present on the cooperative advertising and I can understand that, but I also understand that it was in the Tourism Strategy, the process and going through and finding this firm to provide a central reservation system had gone through and some angst that was felt in the community was worked through, so how does that leave that system and how are we going to make sure it's promoted because that system does cater for another type of tourist and so how do we ensure that we get it out there

MR N CHRISTIAN Thank you Mr Speaker the simple thing is that the Bookeasy system, which I fully support, just becomes another distribution tool that we have available to us so it is in effect a wholesaler in its own right if you like so those who don't want to deal through the retail or wholesale travel industry won't do so, but they can for instance look at the Norfolk Air website and we will obviously at some time in the future have a link to the Bookeasy website or they may go to the Norfolk Island Government Tourist Bureau website and that will automatically take them to Bookeasy so it will actually in my view supplement what the wholesalers are doing but they do not want their advertising dollar which they spent in partnership with us, promoting the Tourist Bureau Bookeasy system and I can understand that and we've given them and undertaking that we won't

MR SHERIDAN Mr Speaker just a couple of comments. I realise that he's talking about tourism there and everything's been talking about the Australian market and I wonder if the Minister for Tourism could advise me or the community if there were any representatives from New Zealand at the meeting considering that I believe that tourism numbers from New Zealand have fallen by something like 30-40-50% and just before the Minister does answer that, I know that the Australian numbers are down slightly, but they tend to hold their own position and just in relation to

terminology when both Minister are talking about forward bookings being solid, are they talking about 40%, 50%, 60%, and then the Minister for Finance and the Airlines talks about one wholesaler has increased their sales by 30% to Norfolk Island. It just depends what number you are equating that to and then again the 70% downfall in the other ones. It just depends on what they were selling in the previous year. If they could enlighten us on some figures it would be very handy

MR GARDNER Thank you Mr Speaker, I haven't got the documentation with me to talk about the figures accurately. What I was referring to as to the forward bookings were the airline bookings and that's the seat load factor and how you put or assess whether they are solid or not is really based on historical activity and the booking timeframes that people adhere to. As we are aware the booking time frames have shortened. One of the wholesalers indicated that now they are experiencing a two to three week booking time frame before date of departure which was unheard of previously as far as their major business component was concerned, and each of them have different models and each of them market in a different way and each of them have a different booking pattern but generally the seat load factor that the airline experiences when you look at them each month out, based on traditional activity gives you an idea of how you will perform at the end of the day, and those were my references to the solid bookings. I hope that helps to explain it. The other issue was about New Zealand and I can refer Mr Sheridan back to hansard from the I think, August or September meeting where I spoke for must be nearly an hour about the outcomes of our very solid meetings that we had had in New Zealand now as we've just experienced with the meetings in Brisbane as I said in my introductory remarks, the meeting that we had in Australia was supposed to be held last month and so it was really only a couple of months after very intense meetings with our wholesale partners in New Zealand. I made a very clear and comprehensive statement following those meetings in New Zealand about the initiatives that were occurring in New Zealand, the changes in our strategic approach, the changes in the personnel that we were using to drive that strategic approach, the partnerships that we were trying to develop with Air New Zealand at the time to try and head off them pulling the flights which we didn't succeed in, because from the period that we had the discussions in New Zealand to the opportunity that I had to make the presentation in the House Air New Zealand had already made those decisions. But what we are attempting to do, and as I've said in the House on previous occasions, is ensure that we drive numbers out of New Zealand to such a level that Air New Zealand will give serious consideration to reintroducing a second flight out of New Zealand. Now that may come about sooner rather than later, with Air New Zealand's unfortunate experience with the loss of an A320 aircraft I think it was in the Mediterranean on a trial flight last month, as I understand it, that's been one of the reasons that they will now be slotting in place a 737 aircraft for the Norfolk Island service. What that in effect will do will drive their seat load factor on that flight up to just about full for the period until they get the other aircraft online and if we just keep chipping away at this and working hard at it, I think we're going to be in a strong position to get them to reintroduce the second flight but we are in the lap of the Gods as far as that's concerned because it is such a fickle industry at the moment. There is no certainty one way or the other, other than to say that our best efforts are directed at ensuring that we maintain the visitation numbers out of New Zealand that we've enjoyed in the past and actually move to grow them.

MR ANDERSON Mr Speaker I would just like to make a comment on the New Zealand market as opposed to the Australian market and this year the Board has spent a lot more money in New Zealand to try and pick up the situation there but traditionally, and this has been so for quite some time, a dollar spent in New Zealand on promotion is only worth approximately half the amount that is spent in Australia. In other words the dollar spent in Australia is likely to give you twice the result than the dollar spent in New Zealand. If it's a decision that we've already made for a particular reason, that's fine but the results are never going to be as high as the dollar spent in Australia

and it's been the case for years and that's why we don't experience any tourists on Norfolk Island. That's completely wrong but to ensure that the community and the industry are well informed on the island we have asked the co operation of the wholesalers in preparing regular reports back through the airline and the Tourist Bureau in relation to that so that we can publish those things on a regular basis. It's not to say that it hasn't been done, I know that with the General Manager's market Intel which is well received by the industry that he does from time to time highlight the different activities that are occurring in the different market places but there's certainly not enough room in that document to be able to say, you know, we're in the Courier Mail on Friday, Saturday, Sunday of whatever week and we're in the Australian and we're in some other magazine so what we will endeavour to do is to improve that reporting so that it does put to rest some of the concerns about the presence in the market place that are bandied around from time to time. I also omitted to say about the Austalk initiative that's occurring in New Zealand, that's a retail agent exchange type activity. It's an industry thing. However, it is aside from the industry aspects of it, they do have some consumer time set aside where people do come in and talk directly to the industry on those matters but we're talking about the New Zealand consumer market. I'm sure that as the details are finalised about Norfolk Island tourism's exposure at Austalk that there'll be information provided to the stakeholders on the island to see where and if they can participate or support the Tourist Bureau's activities at Austalk so I look forward to receiving that in due course. And the same about the Tourism exchange held in Norfolk Island , I would expect in the not too distant future that all on the island will be made very much aware of the holding of the Tourism exchange in Norfolk Island in March of next year and information on how they can participate or be in attendance and the programme of activities that will be in place next year

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

**QUESTION PUT
AGREED**

Thank you. The motion is agreed. Any further Papers for Presentation Honourable Members. No. We move on to Statements

STATEMENTS OF AN OFFICIAL NATURE

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

MR NOBBS Thank you Mr Speaker. Mr Speaker, at the meeting of the Legislative Assembly last December, I presented an end of year summary of the government's strategic planning and major achievements in 2007. As I indicated at the last meeting, the approach this year is to provide a broad-ranging report to the Assembly on the "State of the Nation" in Norfolk Island, together with a summary of the Government's forward planning. The reason that this approach is required is fairly obvious. The global financial and credit crises, and in particular their effects in Australia and New Zealand, pose new challenges for economies such as ours which depend heavily on tourism and discretionary spending by visitors. Visitor numbers in other South Pacific destinations and in key tourist areas of Australia have declined quite sharply since June 2008. With widespread recession predicted by the International Monetary Fund, it is likely that tourism worldwide will continue to decline in the coming year. Even before the main effects of the international slowdown became evident, sharp and continuing falls in world share prices and in superannuation earnings had begun to erode consumer confidence and discretionary spending by retirees. It is clear that consumers as a group are thinking twice about spending on holidays, and in many cases have cancelled or deferred their travel plans. This significant change in our major tourism markets has been reflected since July 2008 in reduced numbers of visitor

arrivals in Norfolk Island. As a prudent government facing an uncertain world economic situation, we decided that it was necessary to thoroughly examine Norfolk Island finances and to reassess our financial and strategic forward planning. We therefore requested the Administration to undertake a major mid-year review of our budget and the broader financial situation of all government activities. This has resulted in what I believe to be the most comprehensive and rigorous internal review undertaken since the commencement of self-government in 1979, of the finances of the Administration, the Government Business Enterprises and the statutory bodies. I commend the new CEO and the Finance Manager, who have guided the process and have put in very many hours of hard effort to facilitate this major review exercise. I have attended as a member of the budget review team, to not only evaluate our financial position, but also current processes. Other Ministers and senior managers have taken key roles in review of the areas relevant to their responsibilities. There has been a very close examination of our revenue projections and these have been adjusted down to represent a conservative approach for the rest of the financial year. Similarly all spending has been scrutinised and we have deliberately prioritised expenditures which flow directly to the local economy and underpin the tourist industry. Having examined the visitor arrival numbers, forward bookings and the trends in other comparable tourism markets, we have at this stage based our projections on a decline of 15% in visitor arrivals this financial year when compared with 2007/08. This figure may be conservative or even pessimistic, and later in this statement I will give some detail on what may be promising indicators of growth in some areas of inbound tourism market to Norfolk Island. As a result of applying the above analysis and of examining all revenue flows to date this financial year, the review has forecast a reduction in income to the Revenue Fund of around \$1.2 million, or 8.3% for the full year. There will also be a substantial reduction in the cash position of the GBEs, most of which was to be expected due to the major capital purchases and public works to which we were already committed. Members will recall that early in the life of this Assembly, the Government took decisions to stimulate the local economy through some major capital projects, particularly the further upgrade of the public asset of greatest significance to our tourism industry, the Norfolk Island International Airport. Much of the work being undertaken was also driven by the need to comply with international and national standards for runway end safety areas and emergency services. The investments we have made in these areas will guarantee the ongoing sustainability of the airport, and give us a platform for future growth in the tourist industry. The projections for revenue flows to fund these capital works and equipment purchases were based on continuing growth in airport revenue from passenger movement charges, particularly in light of the sustained growth in arrival numbers from mid 2006, which in the event continued until the middle of 2008. We were also presented with a window of opportunity to renew and build the airport infrastructure by the Commonwealth's decision to defer repayments on its loan for the airport runway upgrade, so that the first payment does not fall due until June 2009. Some in the community have suggested that the government could have spent these "saved" funds in other areas, but I think it is important to note that the revenue which accrued due to the deferral of the loan payments was specifically in airport passenger movement charges. It was our assessment that the most appropriate expenditure of these funds was in building the public investment in airport facilities to safeguard the future of our tourism trade, and in so doing to enhance the overall Norfolk Island economy. It is perhaps also worth noting at this point that in the period from mid 2005 to June 2007, the Norfolk Island Government insulated the local tourist industry from significant losses by underwriting the ticket sales of the collapsed private sector airline Norfolk Jet Express and carrying without payment many thousands of inbound visitors who would otherwise have received no value from their forward ticket purchases. This exercise and the writing off of some unrecoverable Norfolk Jet Express debts was at a cost of a total of \$2.1 million, which was funded from airport financial reserves. The recent projects at the airport recognise that those reserves would otherwise have gone into the sorts of capital works which are now in progress. The tendering and contract process for the airport projects was carefully designed to ensure that the majority of the funds stayed right here in Norfolk Island and that we did not incur expensive project management fees to

offshore operators. As well, we ensured maximum flexibility by spreading the works among a large number of local operators chosen through a rigorous tender process and paid on hourly performance. This gave us the flexibility to speed up or slow down the works if required for operational reasons or to meet changed conditions. As a result of the decline in revenues projected from the budget review, we have decided to slow down the rate of expenditure on both the airport fire station and Runway End Safety Areas projects. Both of these major works will continue to final completion, but there has been a cap placed on weekly expenditure which will result in some slowing of the works. As is common in Australia, both projects will also be suspended for a short time over the Christmas/New Year holiday period. The other major factor which affected our overall financial projections was the rapid rise in world oil prices, which flowed on to much higher fuel costs for the Norfolk Air operation for an extended period of 2008. The business goals of Norfolk Air include the maximising of tourism numbers to Norfolk Island, so it was not possible to fully pass on these huge increases in costs while maintaining fares which were competitive and supportive of the tourism industry. This has meant a substantial reversal in the profitability of Norfolk Air over the last six months or so. However, the current easing of aviation fuel costs and some adjustments to the flying schedule should result in the recouping of some of the losses made over future months, and the most recent revised budget for Norfolk Air projects a return to good yields in the next few months. We are fortunate to have a professional management team at Norfolk Air which has developed information systems which provide much more data than previously available to allow for timely responses to changed circumstances. Given the need for the Government to closely monitor the performance of this, our most significant business enterprise, the five Executive Members will continue for the time being to act as the Board of Norfolk Air. Mr Speaker, I had previously indicated that I hoped to have a completely revised budget and possibly a new Appropriation Bill to present to this sitting. This will not be possible at this stage. The Government only received the results of the Administration budget review yesterday, together with an options paper on some initiatives in both revenue and expenditure areas to deal with the expected shortfall in income compared with the original budget. The review has identified net savings of over \$400,000 in programme expenditures which can be implemented immediately without any reductions in services to the community. There are also options for further savings, mainly involving reorganisation of working hours or rostering. We have asked for further work to be done on costing these and exploring any potential workforce implications. The Government is also looking at the implications for the overall economy of Norfolk Island of any changes to its revenue or expenditure plans for the remainder of the financial year. This detailed work will not be complete for a few weeks, so in that sense I am not yet in a position to complete the "State of the Nation" report until all options are examined and in particular tested against their effects on the overall economy. Members would be aware that governments around the world, and in particular those in our immediate region, have responded to the global financial and credit crises with huge stimulatory packages. In Australia, the government has recently announced massive investment expenditure for local government infrastructure, state and territory government assets replacement and services (such as health and education) and direct cash payments to some individuals in an effort to boost consumption and stave off recession. In my discussions some three weeks ago with the Commonwealth Minister for Home Affairs, the Hon Bob Debus MP, it was agreed that we would hold another teleconference before Christmas. In that discussion next week with Minister Debus, I intend to explore what are the intentions of the Commonwealth in providing an equivalent level of economic stimulus to Norfolk Island as has been undertaken in the states and mainland territories, especially in view of the Minister's stated view that citizens here are entitled to similar benefits to those of residents of all parts of Australia. I will further inform Minister Debus that Norfolk Island is seeking access to the programmes now being developed by the Commonwealth to boost spending on renewable energy and on infrastructure development. Of course, my discussions with Minister Debus will also focus on the issues he raised in October and on the Norfolk Island Government response to the Commonwealth. As I have previously

advised, that response is in the final stages of preparation, and deals with a number of key areas, including:

- Review and simplification of the *Norfolk Island Act* and the governance structures which it creates;
- Maintaining and improving community service delivery in areas including child welfare, health and social services, with a focus on outcomes comparable to national standards;
- Responses to recommendations in recent external and parliamentary reports; and
- Ensuring that Norfolk Island services and taxes are fair, equitable and progressive.

As an initial action arising from the budget review and in order that we can keep open all options for changes to expenditure and revenue, the Chief Executive Officer will today take steps which will have the effect of limiting overall Revenue Fund expenditure to around \$1.2 million less than the amount agreed in the original 2008/09 budget. This is a temporary measure to ensure that all options for forward financial planning remain open while we undertake the further economic study and planning which I have outlined above. Naturally, this will involve full consultation with all Members of the Assembly and with the wider community to ensure that the overall economic outcomes are the best which can be achieved for Norfolk Island.

Mr Speaker, although these are challenging times, I indicated earlier that there are some optimistic signs and indeed some good news to report. My colleague the Minister for Finance will be announcing in this weekend's local media the new wholesale prices for unleaded petrol and diesel, both of which will show substantial decreases from existing levels. As well, he will announce the new electricity tariff, which will also amount to a significant reduction.

The Minister for Tourism and Health and the Minister for Finance have both recently returned from consultations with all of our major tourism wholesalers in Australia, and have reported some encouraging trends which may indicate an early recovery in our visitor arrivals, at least in some areas. I am advised that overall the wholesalers were positive about future prospects and some reported a recent sharp increase in the advanced purchase fare sales, concurrent with the recent rise in Australian consumer sentiment. Most wholesalers have been performing well and are confident of achieving target numbers, although there has been a sharp decline in numbers delivered by one of the larger wholesalers. Discussions were held with that organisation and urgent attention is being given to achieving short to medium term remedial action. Norfolk Air is also reporting improved forward sales and it is possible that we are seeing early signs of recovery in visitor numbers. That said, we believe that it is prudent to continue for the time being to work on a projected fall of 15% in arrivals for the financial year. Naturally this will be kept under constant review in light of trends in the marketplace, and Norfolk Tourism and Norfolk Air will continue with vigorous marketing programmes aimed at boosting overall numbers and widening the population demographic from which our tourists are drawn. In this context, our major competitors for market share at the moment are the Australian states and territories, all of which have seen substantial drops in tourism numbers. Like us, they are marketing on the basis that the Australian dollar is still worth a full dollar in their destinations, as compared with the much higher cost of overseas travel due to the sharp decline of the Australian dollar against the United States currency. Mr Speaker, I recognise that this statement is still not the full "State of the Nation" review which I had hoped to be able to present today. However, in the circumstances of world financial volatility and the huge and ongoing financial stimulus programmes occurring in Australia, it is very important that we carefully evaluate our options and deliver the economic policy settings for Norfolk Island which will both help us to deal with the recurring economic shocks from beyond our shores and position us to benefit to the maximum from the global economic recovery which will occur in the future. Mr Speaker, I commend the officers of the Administration who have steered the line-by-line examination of our finances. I believe that the process so far will become a template

for future budget planning, so that we can shift to a much greater focus on activity and outcome planning, rather than the approach of the past which has tended more toward incremental budgeting. It will also enable us to more closely align the budget with the Government's overall goals as set out in the Strategic Plan. Naturally, we will continue to provide a constant flow of information to the Assembly and the wider community on our forward planning and strategic thinking, and I will make another comprehensive statement at the next sitting. Thank you, Mr Speaker and could I move that the Statement be tabled, noted and printed

SPEAKER
be noted

Honourable Members the question is that the paper

MR GARDNER

Thank you Mr Speaker, and thanks to the Chief Minister for his statement. I like I'm sure everyone around the table and many people listening would have some concerns in relation to the content of the statement. We certainly do recognise major influencing factors that do impact on our economy and some of those the Chief Minister has rightly identified including the credit crises, the general state of the global economy, a great deal of uncertainty world wide and it's right to do that, it's right to identify those things. But it certainly does demonstrate and highlight our very precarious exposure to those influences which are in the main, well beyond our control and does again highlight the significant dangers of having all our eggs in one basket and deriving the bulk of our income from a single source, a single industry which is tourism and when that's affected it does affect us. The Chief Minister has pointed out that we are staring down the barrel of a \$1.2m hole in our revenue fund budget and about 8.3% reduction in revenue flowing to the revenue fund from all sources including taxes and those monies that we receive from our GBE's. I'm aware of the discussions the Executives have had about a method of addressing that, and clearly we need to turn our attention urgently to this, and I'm not saying that's not happening but we need to not fool ourselves that this is something that is just going to go away. It is something that's going to require some significant concentration and effort by not just the Executives in each of the portfolio areas of responsibility but by the Legislative Assembly as a whole because some of the options that we may need to consider may be a little unpalatable to some of us, no doubt all of us sitting around the table, and particularly many of those in the community. I'm interested in the Chief Minister's statement as far as the Chief Executive Officer of the Administration look into limited expenditure to \$1.2m less than that currently budgeted for in the revenue fund and I might ask the Chief Minister if he could maybe identify some areas of thinking as to where those savings may be identified in the revenue fund in the remaining six months of this financial year and interestingly, as I am aware that these external influences have impacted equally may be not to the same extent as far as the States and Territories total economies in comparison to Norfolk Island but they too have been significantly impacted these external influences. The Commonwealth Government has moved to provide assistance in that regard and the Chief Minister did intimate that he in his next discussions with Minister Debus may be looking to a response from Minister Debus on to what degree if any or level of assistance the Commonwealth may be able to provide to Norfolk Island to see us through the current economic climate. That I am sure, that statement, I am sure is enough to have a few alarm bells ringing and if the alarm bells aren't ringing we need a bloody good wake up but I guess my second question to the Chief Minister is, is it fair to say, and I certainly take it from the statement that he's made, but I would like a direct answer to it, is it fair to say that the request to the Commonwealth for assistance has not been ruled out

MR NOBBS

Thank you Mr Speaker and thank you Mr Gardner for the question. As I've indicated in the statement the discussion will revolve around what has been available in other Australian States and Territories and other areas and whether there was an intention to provide a similar assistance to Norfolk Island so I would say that nothing is ruled out

MR GARDNER It's good to see that all options are being kept open but maybe if I could just return to my first query and that was in relation to the Chief Minister requesting the assistance of the Chief Executive Officer to limit expenditure to \$1.2m less than what was budgeted for in the revenue fund budget and maybe in answering that question and the areas or the options that are available to the Chief Executive Officer to limit that expenditure and precisely what areas that may be, or those areas that are worthy of consideration, does the \$1.2m figure include the compounding impact of previous years deficits that we've experienced in the revenue fund budget

MR NOBBS Thank you Mr Speaker that's a difficult one for me to answer only in the aspect that I can only discuss this I suppose from our financial years that I've been in this seat. I am aware that there was a projected deficit of some \$600,000 that makes up part of this figure of course

MR SHERIDAN Thank you Mr Speaker I've got a very different view on this statement or state of the nation as the Chief Minister calls it. I don't believe it's a very good statement at all. There's nothing of substance in it really except to say that he's going to reduce the number to 15% of what they are planning on, or the number of visitors achieved will be 15% lower than previous years and that's something like 5,250 visitors less based on 35000 on what I think we had last year, or just over 35000 and it sounded just like a statement justifying the expenditure on the airline and the airport and the on the tourism areas. That's what it sounded like. I was expecting the Minister to come out and give us exactly where we stood in regards to our financial position. Now I know that he stated that they're working on the budget and the financial position has not really been made clear as yet, but I wanted to see as other countries have done, I want to see a stimulus package that will get this economy moving, in areas such as social services, pensioners, medical health relief, freight, cost of living. All these things taken into account. This statement does not address any of those at all! At all! It does not address any of them! The only thing, if you read between the lines, what the Chief Minister has virtually confirmed is that this Government is in no position to put out a package such as that and that we will be approaching the Commonwealth Minister cap in hand, virtually asking for some relief. That is all that is contained in this statement and I think it's a pretty weak statement considering that he made comment I think a couple of months ago that this will be made to have no definite detailed figures, and figures to back up some of the statements that he's put out there. I think it's a deplorable statement! I think it's a sad state of affairs that we find ourselves in now that we've got ourselves into such a financial position that next week we'll be on the phone to the Federal Minister asking for some relief

MR NOBBS Thank you Mr Speaker that's a total misrepresentation of what's in the statement. As I explained when I answered Minister Gardner's question, we are merely leaving the doors open in that regard. You talk about stimulus packages. Stimulus packages are available in those areas that have areas within their budget that enable it. Our budget is generated to the greatest extent by our ability to leverage off our tourism so, yes I do make reference to some of the works at the airport, I do make reference to what we are doing in tourism and our marketing and airline management and things like that. They are the levers that we have to hand. They are the levers that we have to make sure that we are doing our utmost in. Aside from that we also have to make sure that we are spending our money wisely and that has been the purpose of the review. The review has gone line by line through all sections to ensure that we are getting the best spend out of the money that we are putting into budgets and to ensure that we are able to provide services and not negatively impact on our economy. Thank you

MR GARDNER Thank you Mr Speaker, the reference from the Chief Minister of the line by line review and I understand that and appreciate that it has been an in depth review and I think it's only yesterday that the Executives had an opportunity to have a look at some of the preliminary findings, certainly obviously not

enough time to fully digest all of the information that's been provided, but maybe if I could just return to my previous question to the Chief Minister and certainly being conscious of the line by line review, clearly if the Chief Executive Officer is looking to limit the expenditure in the revenue fund by the \$1.2m, we would have a line by line assessment of where that can happen. Is the Chief Minister able to provide us with where generally, and the specifics would be nice but I understand that time doesn't permit specifics yet, to have been properly identified but generally where those savings of the \$1.2m might be best identified

MR NOBBS Thank you Mr Speaker quite rightly as the Minister points out, it is almost impossible for me to list each of those line areas off the top of my head at this point however, I will say that there were areas that we were committing funds to upcoming projects that we see will not have a negative impact if they are not carried forward in this financial year and so in those areas, we've put it to assessment on whether that money could be better spent in the new financial year and whether the outcomes of not carrying forward those projects would have a negative impact on the Public Service or the community at large and they were assessed on that basis. There were other areas that we looked at in a broad spectrum; it's actually quite difficult to give you the specifics. It looked at positions unfilled, it looked at everything all the way down to office requisites and charges within GBE's, so a whole range of areas and issues were considered

MR B CHRISTIAN Thank you Mr Speaker just to clarify that part of the Chief Minister's statement. Could Public Servants expect now another recruitment freeze and promotion of special leave and nine day fortnights and such as has been done in the past just recently by the Legislative Assembly

MR NOBBS Thank you Mr Speaker although that is not the case at the moment, it is part of a number of options that we will keep up our sleeve. We obviously have to be flexible and are doing our best to manage the public service, the overall economy and making sure that the Public Service are kept up to what they should be

MR B CHRISTIAN Thank you Mr Speaker just one more concern there from the Minister's statement, Minister in your statement saying that fuel has affected the yields of Norfolk Air and I believe you stated that you were looking at good yields for the next couple of months for Norfolk Air, the Minister for Finance in responsibility for the airlines in previous debates said I believe that the load factors for the January was 60% and 30% in February. Would our load factors not have to be a lot higher than that for us to get good yields from the airline or have you another method of working that out

MR NOBBS Thank you Mr Speaker I note the Minister with responsibility for the airline would like to add his comments to this as well however, it's not specifically looking at February, we're aware that February is a work in progress but it is looking at the ongoing yields leading right up to May June

MR SHERIDAN Thank you Mr Speaker my main concern really with this State of the Nation talking about cut backs here and cut backs there and we have to reduce our budget by \$1.2m and \$400,000 in the immediate future, etc etc is that already in a shrinking economy this will only make it shrink faster and I think what the community is really looking for is some leadership from this Government as to how we are going to get this economy back and moving, that is what they want from a State of the Nation statement. They want to see things, and hear ideas and see figures on how we are going to improve the economy. They understand that the next six months til 30th June they have a budget that has shrunk very much and now they're trying to manage it by – I don't know, laying off temporary workers, four day weeks, nine day fortnights etc, things like that, just to reduce the expenditure in the main revenue fund. This is not what the Norfolk Island community want to hear. They want to hear how we're going to fix

SPEAKER Honourable Members I have a Statement from the Chartered Accountants, CST Nexia dated 16 December 2008 and it reads, Dear Mr Snell. The Administration of Norfolk Island's audit for the year ended 30th June 2008. we have completed the audit of the Administration of Norfolk Island for the year ended 30th June 2008 and unqualified opinion was issued on the 21st October 2008. Please find a copy of our audit report to be read with the financial statements of the Administration. The Administration has the original copy of this report attached to the audited financial statements. They further go on to say if we can assist you further, please do not hesitate to contact us. Yours sincerely, CST Nexia, Auditors. And I now table a copy of the report referred to in the letter just read

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

SUSPENSION

Honourable Members I take note of the time. How about we suspend at the conclusion of Statement. We suspend the House to resume at 3 o'clock this afternoon. That is agreed. We so suspend

RESUMPTION

Honourable Members we resume our meeting of the 18th December. We suspended on Statement of an official nature but I give Members the opportunity if anyone wishes to submit a Statement

REPORTS OF STANDING COMMITTEES

Honourable Members are there any Reports of Standing Committees. No. We move to Notices

NOTICES

ROAD TRAFFIC (AMENDMENT) BILL 2008

Mrs Jack Thank you Mr speaker I present the Road Traffic (Amendment No 2) Bill 2008 and move that the bill be agreed to in principle

MRS JACK Thank you Mr Speaker I'll read into Hansard the explanatory memorandum and then if I may after that just give some reasons for why I've taken this step. This Bill seeks to clarify the existing law relating to driving under the influence and the use of breath analysis machines and does so by replacement of the existing sections 32 to 32J and the inclusion of additional regulation-making powers. Some consequential changes are made to amend the references to offences that are "major driving offences" under section 46 of the Act in respect of which courts must impose mandatory licence disqualification, and an up-date including changing a reference to the Crimes Act of New South Wales to the Criminal Code (concerning the offence of culpable driving). The principal change, the repeal and replacement of section 32 to 32J preserves the existing subsection 32(1) (that makes it an offence to drive under the influence of liquor or drugs) while extending the reference to "drugs" to include psychotropic substances" and including the offence of driving with a blood-alcohol level of .08 or more and retains the existing subsection 32(2) without change. The repealed sections are to be replaced by Regulations as the existing provisions are considered to be confusing and can be more clearly and consistently dealt with by regulation. The change then proceeds to expand upon the various consequences that may follow a breach or suspected breach of subsection 32(1) so that if a person is suspected of having breached that subsection he or she may be required to undergo breath analysis or a blood test. The new provision makes it clear that a person required to take a breath analysis may be detained for that

purpose and provides that if a breath analysis is done within 2 hours after the person is required to provide breath for analysis, the reading is to be accepted as showing the alcohol level at the time the request was made even if the person has consumed alcohol subsequently and if 2 tests were taken the lower is to be assumed. Consistent with the existing law, it is made clear that a person may still be convicted of driving under the influence of alcohol or drugs if the court is satisfied that that was the case and if the blood alcohol reading was less than .08. In this later regard it is noted that driving with a blood alcohol reading of .08 or more is a particular offence separate from driving under the influence but if a person had a blood alcohol reading of .08 or more the person would not also be convicted of driving under the influence. Breath analysis or blood tests are to be carried out in accordance with regulation. A certificate made out and signed in accordance with the Act or the Regulations is to be prima facie evidence of its content. It is also an offence for a person requested to take a blood test or to give breath for analysis to fail to comply with the directions of the police officer, to refuse to submit, to leave the presence of the police officer or do anything to try to alter the concentration of alcohol in the person's blood. A person required to take a blood test is required, as is the situation at present (section 32E), to pay a prescribed fee. The amendment to the regulation making power extends it to deal with the issues concerning breath analysis and blood testing that have previously been the subject of the legislation and the matters that are required. It is expected that the Regulations will be able to take advantage of and make provision for the use of new techniques and advances in technology in both areas. It is noted that the regulation places an upper limit on the fee that may be charged for a blood analysis which limit is the same as that in the present legislation. Mr Speaker in talking to this amendment I would just like to note that earlier this year as a result of a number of requests made to me through several groups on the island I moved a motion before this House asking for the responsible Minister to bring forward drink driving legislation. That motion was agreed to. Since then I've had several discussions with the Minister who has been working on this legislation however he has concerns over which type of drink driving legislation he should bring forward. Road side breath testing or random breath testing. In discussions with Members of the groups earlier mentioned, the Women's Forum, the Road Safety committee which includes the Police as well as Members of the community and the SAAR which is the Social Awareness Advisory committee the view from these groups is that the preference is for roadside breath testing. Mr Speaker I've had repeated requests asking me when is the legislation to be brought forward and so today in consultation with the Minister for Commerce and Trade I bring forward the Road Traffic Amendment Bill. Already under the current legislation the police can stop drivers who they consider to be driving under the influence of drugs or intoxicating liquor and have them undertake a blood test. This method is slow, blood tests have to be sent back to the mainland, chain of custody documents must be maintained, there are substantial costs involved in this system and due to the way the current system works, if visitors are stopped the time delays in processing blood samples mean that the visitor is long gone from our jurisdiction by the time results are back. This amendment means that when a driver is stopped by the police for driving in a manner of undue care and attention the driver can be asked to breathe into the hand held alcometer. This machine will provide fast and indicative information at the roadside. Driver's will be allowed to either continue driving if the reading is under the .08 limit or be taken to the Police Station should the reading be a.08 or more. At the police station a machine called the Drago Alco Test will be able to provide an accurate reading that will be recognised by the courts. I add at this point that all equipment is on the island and that regulations already exist in the Road Traffic General Regulations. In operation, I understand that this machine prior to a person breathing into it, does a self check, prints out a form and a zero read is given. The person then breathes into the machine through the mouthpiece, the machine then analysis's the breath then gives a reading on a print out. Following this the machine does a further self check and provides a further print out with a zero read, in other words, it recalibrates itself. Mr Speaker this system is recognised by the Australian Police and the Australian Judicial system. The machine will provide our court with accurate information and will allow the court to deal with drink driving infringements in days rather than weeks instead of having to send blood samples

to Australia for analysis. This system is not invasive. Breath sample against a blood sample. This in turn means that in a case where a driver is stopped due to the way in which they are driving, they would no longer be a need for them to be taken to the Hospital, thereby no longer subjecting staff at the hospital to at times, some unacceptable behaviour and language. Of course in the case of a motor vehicle accident, the need for a blood sample over the breath sample could be the preferred option and this would be carried out at the hospital. Mr Speaker the amendment legislation could have opted for random breath testing. This system was not the preferred system by any of the groups or individuals who have approached me, neither the Road Safety committee, members of the SAA Working Group, the Police nor I Mr Speaker support legislation for random breath testing. Mr Speaker I commend the Bill

MR MAGRI Mr Speaker I've got a funny feeling I'm going to be a lone voice here but I'm quite happy about that as long as I make my point properly. The Police currently have the powers to charge somebody with driving under the influence and in fact I was quite a young rebel at the time when it was introduced the first time and I can remember the Police at that particular time took particular pleasure in sitting outside the area where the young people would have a drink and took particular pleasure in using that particular law to take people to court. It seems there's been a drop off over the last few years in the way that the existing legislation is used. I'm not too sure why. I've got a funny feeling it's because it takes a determined effort by the Police to use good old fashioned policing and for some reason that doesn't seem to be good enough any more. The Police have the powers to charge people driving under the influence. The Police have the powers to take somebody's keys away if they don't feel that they should be driving. The Police have the powers to drive somebody home. They already have these powers. These are existing powers. But we seem to think that the only way to resolve the current issue that we've got, or the current suggested issue that we have with drink driving is to introduce this particular amendment. This particular amendment I am pretty sure will result in being the death nail to the community clubs. I'm pretty sure we'll see the Police back out in front of the Brewery. As angelic as I've been instructed that all Police are, I do not believe that this piece of legislation in its current form will be used without bias and if this House is determined to go down this path of introducing this legislation I won't be supporting it, and if this House is determined to introduce breath testing then I wonder why they are so fearful of introducing a random breath test. My preference is to leave the current breath testing and drink driving legislation that we have, not to support either this or random breath testing and I would hope that the other Members of this House would and can realise the implications of passing this Bill. I need to add that I am not in any way supporting people driving when they are drunk or not in a condition to drive. I believe the current legislation is satisfactory to cover those things

MR NOBBS Thank you Mr Speaker I just have question for the Minister for the Environment and it actually relates to the Police. If a person working for the Police on Norfolk Island should see someone behind the wheel of a stationary car and they suspect that, that person is a danger to drive, does this enable them to test them and charge them, or just in relation to that, is that able to happen in other places

MRS JACK Thank you Mr Speaker I'll have to look into that. My preliminary answer would be yes

SPEAKER It is covered under Section 32(A)

MRS JACK ... occupying the driving seat of a motor vehicle on the road and attempting to put the motor vehicle in motion. Yep

SPEAKER Does that answer your question

MR NOBBS Thank you Mr Speaker it certainly does

MR B CHRISTIAN Thank you Mr Speaker I too am reluctant about the purpose of this change in legislation. I too believe that the Police right now have an existing power to be able to charge and keep the roads safe from people they suspect of driving under the influence and the Minister says that changing this legislation doesn't allow for random breath testing, but just a question, in regulations it says the Administrator may make regulations for prescribing devices or apparatus for the purpose of taking a breath analysis. Does this mean he can just change the regs to go from breath testing to random or how the breath testing is conducted?

MRS JACK Thank you Mr Speaker in discussing the registrar, the random breath testing is a whole different system. It is a matter of setting up a roadside facility where a predetermined number of cars are going to go through and be checked and you have to maintain that and it's a costly exercise. I just don't think it would succeed here. We have a limited number of roads and everyone's got a mobile phone, it would all be going around and they'd be flat out getting one. This is two different systems and I believe the roadside breath testing, putting the onus on the driver and it's more accountable and a far more workable system

MR B CHRISTIAN Thank you Mr Speaker just to carry on from that. Would the Minister be able to clarify then, are you saying that the roadside breath testing will eliminate the need for blood testing at the hospital, when there hasn't been an accident, so why when you call it, I forget the correct terminology, but the Drago Alco Testing that this Legislative Assembly approved the use of at the Police station now, doesn't that already eliminate the need for blood testing of someone who is suspected, or why can't this legislation make it that, that there can then be used as the mechanism by Police if they suspect someone of drink driving, they can then be taken to the Police Station where I believe this machine is located and tested there

MRS JACK Thank you Mr Speaker my understanding is that we may have that breath testing capability but we don't have it in the Act to use it

MR B CHRISTIAN Thank you Mr Speaker so my question being, why can't we amend this proposal to use that mechanism rather than having to... my understanding of this, is this is going to be a roadside test, the Drago is actually a stationary mechanism that is used for testing after the initial test is done roadside

MRS JACK Probably cause. It's indicative rather than waiting for the actual accident. You can pull somebody up and the way it is now, the Police have to explain to the court what the person was doing that made them fear that they were driving under the influence. This way they can pull a person up, ask them to breathe into the alcometer, and it's instant. It's an indication of that limit I suppose. Now if it's under, it's fine but if it's over they take them back for the test and it's something that's recognised

MR B CHRISTIAN But if I may. What's the difference between that and random then, because you're saying that they have to have probably cause to take them back to the Police Station to test them on the Drago, they surely would have to have probably cause to test them with the roadside breath test. To me I just see it as a portable Drago that they would be utilising if it's not a random breath test, well then surely the probably cause would still have to be there whether they are testing them roadside or whether they are being tested at the Police Station. I'm just having a fear of the victimization that could come of this, and what is the real reason behind it. I understand the need to take away the inconvenience and cost to the hospital staff for blood testing which I'm sure was the case before but if we've got this Dragar at the Police Station and there's probably cause, the Police believe that people are under the influence of alcohol why can't they just take them back to the Police Station instead of actually having this roadside portable breath tester that I believe can be used against people indiscriminately which, to me is just another form of random breath testing

MRS JACK The system is for speed and accuracy or a better indication that will tie in with the Dragar Alco test meter and that will. I don't believe the Dragar Alcometer is actually working now for being taken into the court. It's all still on blood samples.

MR B CHRISTIAN Thank you Mr Speaker my point being, why not amend this legislation to say that the Dragar could be used as admission in court or whatever you like to say. I understand that it may not be in legislation now, but why do we need to go past the Dragar. Why can't we just say, I believe the statement in here is the test must be done within two hours. Well I don't think there's anywhere on Norfolk Island that you'll be two hours away from the Police Station that you could do a reliable and speedy test that will stand up in court. I can't understand why we have to introduce both

MRS JACK Thank you Mr Speaker I gave the answer. It's just the ease of the system. It's giving certainty and indicative notice to the Police that this person is to go back to the Police Station. I mean I can understand my colleagues concerns. He's saying one system, I'm saying this is the system that works in place and is accepted in other areas. You don't go buying half the system Mr Speaker

MR B CHRISTIAN Thank you Mr Speaker if I may. My point being. Why introduce both. If you're saying it's only half the measure

MRS JACK No. I'm saying it's the full system

MR B CHRISTIAN if the machine is only indicative, you still have to go back to the Dragar for it to be admissible in court so why have both. If you've got the power now under suspicion I believe they can actually take someone for a blood test, so why not just eliminate that, and if there's reasonable cause take them back to the Police Station for a quick non invasive breath test that will stand up in court. Why do we need this roadside breath testing because I believe it's just one step away from, okay, we're going to make it random. To me it's only in the definition of what is random and what is suspicious. That's my point and I will not be supporting this Bill in its present form

MRS JACK Thank you Mr Speaker as I keep on saying. Instead of having the police having to prove or reassure the court or somehow say that this person is doing this or this they have the indicative test from the person breathing in it. It saves time and effort for all concerned, for all parties and it's the initial part, it's part A of a two part system

MR MAGRI Mr Speaker I was just going to assist the Minister with one query about whether the Dragar is working, the Dragar is working now so I can help with that and I can assist Mr Christian with his query about the clarification about what the words "reasonably suspect" mean over "random" and without meaning to cast any aspersions on any Policeman I can tell you what it's meant in the past. Reasonably suspect means you drink at the Brewery, and random means nobody gets tested if they drink at any other clubs so let's not joke about what this means. This is a crazy piece of legislation that will be the death nail of community clubs in Norfolk Island and it will be used poorly and if we introduce and pass legislation that allows that type of activity to take place it's poorly thought out legislation and that's my point and I understand your point too Mr Speaker that it will be adjourned for another day, but at that next meeting we can very well pass it without the community having their opinion to it, so it's important that we highlight some of the concerns today

SPEAKER Thank you Mr Magri but the Road Traffic Amendment Bill will sit on the table for thirty days to allow the public to have that type of information

MR MAGRI Correct. Correct

MR ANDERSON I will be supporting the legislation. Once I vaguely understand what Mr Christian is saying I see it as being of benefit to motorists who might be pulled up who don't want to go to the Police Station and if they haven't had too many drinks and they are under then they are inconvenienced less so to me it's helping them as much as the Police. The big issue obviously is victimization, not being out drinking at night and me being a teetotaler and not enjoying myself as some people do, I can't really say first hand what it's like but I think the fact that the legislation we've got, where we have to go for a blood test at the hospital, and this is going to replace that legislation

MR NOBBS Thank you Mr Speaker I must admit that I intend supporting this legislation as I see it on the table. I have had many and varied meetings with the Police and I should qualify that by saying that they've been in an official capacity as well as on the wrong end of the stick in certain times and the options are already there as they have pointed out to victimize as legislation stands they could misuse their powers that are assigned to them in legislation as it exists. The benefit I see in this is that, and Minister Jack alluded to it in terms of it saving time, it would save time. It would also save resources. It would mean that the Police would be able to work effectively without having to return to base halfway through a shift, to carry out a test that maybe positive or negative depending on what outcome, and it may save lives and that's the other aspect of it that is obviously in consideration here. I've had discussions with the Police about driver training prospects for Norfolk Island and how they have attended many accidents with some of our younger Members of the community and some of our older Members of the community that have involved alcohol and have involved miraculous escapes. Probably miraculous mistakes as well but the purpose of this is exactly as I read it, and that is probably cause and just to go back on the question I asked earlier, which is whether someone was sitting behind the wheel in a car would they be found to be in the wrong, and section 32(3)(b) actually states that is or was occupying the driver's seat of a motor vehicle on a road and attempting to put the vehicle in motion, so that actually qualifies what I was particularly interested in and the reason for that is that I'm aware of other jurisdictions where people go to sleep in the driver's seat, not intending to drive but are quite often charged for the offence so I was interested to see if that was something that was likely to be an option here. My discussions with the Police have definitely shown me that the consistency and the personality that the Police bring to their duties on Norfolk Island is what determines whether they carry out any of our legislation in terms of the way that they could be interpreted to be victimization or consistent with policy so I intend to support this, however, I would like to see that if it does come to be, that we have some substantive report that it is a mechanism that's working for us and not against us

MR MAGRI Mr Speaker yes. I just wonder whether.... I'm not too sure that I agree with what Mr Nobbs just said. We are not introducing for the first time ever drink driving legislation here. We've already got that. And a lot of what he just had to say was relevant to that. And further this legislation is not about replacing blood tests or the Dragar or anything like that. This is something completely new of which I question some of the debate so far as to whether people have adequately considered the implications. Now I could very easily be mistaken by people listening to this, that I might be supporting drink driving. I do not. I support the current legislation as it stands and I support the Police getting out there and enforcing the current legislation. This is lazy policing that has the potential to be poorly used and it think that is not what this House should be considering

MR GARDNER Thank you Mr Speaker, as the Minister responsible for Police I think it is probably appropriate that I clear the air in relation to the Members of the current Norfolk Island Police Force and I certainly wouldn't want them to feel as though there was suggestion around this table that any of them act inappropriately in any of their duties, the professional duties that they undertake. I am aware however in the past of various complaints that have arisen in relation to certain officers that have been police officers in Norfolk Island. I'm also conscious Mr Speaker that the Sergeant of

Police has been down and addressed all Members of the Legislative Assembly and has been quite free, frank and open with his discussion and has taken on board the concerns that have been raised by some around this table and he recognises as I think the Chief Minister pointed out, that the legislation as it exists is just as open to abuse as anything that's being proposed here, as is any legislation and any role or function that's performed by a Minister, a Member of the Legislative Assembly a Member of the Police Station or a Member of any of the statutory boards, bodies and organisations that we have in Norfolk Island and generally how that's dealt with is that you move somebody aside if they are abusing their position or there are appropriate probity complaints systems that you can work through to get a resolution to that sort of abuse of position and as I've witnessed around this table on more than one occasion when we pass legislation that is found to be wanting, or has caused unintended consequences, it's a pretty simple matter for this House to redress that by repealing those parts of the legislation but not to give consideration to this and have the discussion, that's what we are having at the moment, that's the debate. The Jury is out in my mind. I'm prepared to be convinced that it's bad legislation. I'm not convinced of that at the moment. I'm prepared to be convinced that it is a necessary step to take. Equally I'm not absolutely certain that it's a necessary step that we need to take. You might say he's sitting on the fence. He can't make up his mind. Well quite frankly I haven't had the sort of feedback that I require to see both from people like the clubs, I certainly would be keen to have the Police back down here in the intervening period to have another chat to them about how they would see this being implemented because our first discussions weren't based or didn't have the benefit of draft legislation to inform those discussions and so it would be a useful exercise and I'm certainly happy to work with the Minister to bring the Police back down and work through this Bill with them to see whether that would allay any of the fears that abound but I'm certainly not about to wish that we ditch this legislation. I think it's a discussion that we as a community need to have. We need to identify the issues and problems that surround us and we need to argue through them and debate through them and if this is the first Bill that this Legislative Assembly is going to have some meaningful debate about, I really am going to welcome that because it's been a long time coming. But I certainly look forward to that debate for the remainder of today and certainly at the next sitting of the House. One thing that I am pleasantly surprised by is that you are able to replace nine pages of existing legislation and provisions to in effect achieve the same outcomes plus additional outcomes into two pages of legislation so I think that's legislative drafting efficiency at its best that you are able to do that but that aside, I understand the concerns for potential for abuse. That said, I also understand and appreciate the potential for abuse of any statutory position that anybody holds in Norfolk Island and we are not about, based on that potential to go and repeal all the legislation giving people authority for different things in Norfolk Island so I welcome the discussion and I certainly look forward to feedback from the community. It is a sensitive issue but I would also welcome the input of the clubs and associations to a degree we've had some of that feedback in past years on discussion of changes to the Road Traffic Act but I would also welcome the discussion of Members with the Police based on the provisions that are within this legislation and to see whether the fears that some Members around the table have for the potential for abuse can be allayed in due course, so I look forward to that happening Mr Speaker

MR SHERIDAN

Thank you Mr Speaker. This is fairly short. Whilst I understand what this legislation is attempting to do and as the speaker before stated, is condensing nine pages down to two and the facility of making the Police reduce their onerous task of obtaining blood samples etc at this point on how the legislation stands, but on saying that, as the Minister for Roads says, legislation already is there to cover this whole thing so I'm not one for just replacing legislation just for the hell of it. What I would like to see is some statistics on the actual need to replace this legislation. I understand why they would like to do it. It would make things a lot easier and at the moment as Minister Jack said, they took the Dragar down to the Police Station and it's not being used. It is useable but it's not being used because you can only use it in the case of an accident at this point in time. They're wanting to be able to use it in other areas and this is where we have to come to grips with it. What I would like to see the Minister do

before the next sitting is to bring some statistics to the table that show that there is a requirement and a need to change the legislation but also refer to the regulations. I believe you mentioned that there were regulations virtually already made for this. I would like to read the regulations in conjunction with the Act before I actually voice my opinion on which way I would go so if the Minister would take that on board by the next sitting I would really appreciate it, thank you

MRS JACK Thank you Mr Speaker the regulations are already made. They are in the Road Traffic General Regulations. I can supply them directly off the ISYS site. They are there for the Dragar alcometer. There are no regulations I understand from the Registrar this morning for the hand held alcometer because that's a machine that gives an indicative and not a proper calibration so they're all there if you want to read them, I can supply them

MR GARDNER Thank you Mr Speaker, do I take it from that answer that it's not proposed to promulgate any further regulations in support? Right. Thank you

MR MAGRI Mr Speaker I would like to say one more thing. Interestingly enough in Mr Sheridan's debate there he refers to the fact that we already have the Dragar testing machine at the Police Station so it's probably not that big a deal that we can use that as a reason why we should pass this law. I would just remind this House of my words when we purchased the Dragar with the intention of replacing it to do away with blood tests in the case of an accident that we don't use that as an excuse to pass random and roadside breath testing at that time. It seems to me that I'm a little concerned that now we're going to be using that fact that we have this machine as a reason why we should introduce this. That would be again – not good thinking

SPEAKER Thank you Mr Magri. Any further debate. I seek a final motion Mrs Jack

MRS JACK Mr Speaker I move that debate be adjourned and the resumption of Debate made an order of the day for a subsequent day of sitting

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

QUESTION PUT
AGREED

Thank you. That motion is agreed to, the debate is so adjourned

HEALTHCARE (AMENDMENT) BILL 2008

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

MR GARDNER Thank you Mr Speaker I table the explanatory memorandum and would like to read from the explanatory memorandum in my introductory remarks. This Bill proposes to make provision for members of the Norfolk Island Community who have over time, for some - a very long time, been able to obtain a suspension of the obligation to pay the healthcare levy because of their having acceptable alternative health cover through the healthcare packages available from the MBF Australia Limited group. This Group has informed its Norfolk Island contributors that with effect from 1 January 2009 they will no longer provide cover to Norfolk Island residents. These people will have to either make alternative arrangements or commence making healthcare levy contributions as soon as their cover ceases. Because some of these contributors will have been receiving or be entitled to receive benefits for medical conditions they will under the present law, not be entitled to obtain benefits in respect of

those conditions for 5 years after they join our system. It is to be noted that these funds do not have the same restrictions on eligibility to claim for pre-existing ailments and injuries as in the Healthcare Act. Because the situation that arises is not of their doing, this Bill provides an exemption from the provision that a person is not entitled to reimbursement of charges paid in respect of free medical services where the claim is in respect of an illness or injury from which the person was suffering before the date on which the person became an eligible person. The proposed amendment means that if, and only if, a person was on 31 December 2008, a member of a medical fund provided by the MBF Group and has not immediately joined another fund and obtained a suspension of their obligation to pay the healthcare levy, then from 1 January 2009 when their obligation to commence payment of the healthcare levy and thereby join the Norfolk Island scheme arises, they will not be subject to the disqualification provisions of paragraph 19(1)(e) of the Healthcare Act.

SPEAKER
Members

Thank you Mr Gardner. Any debate Honourable

MR GARDNER

Thank you Mr Speaker, the explanatory memorandum gives a very brief overview of what has brought this matter to the House in the form of an amending Bill to the Healthcare Act and that letter that was sent to MBF Policy Holders on or about the 21st October of this year, indicated that for reasons associated with recent amendments to the Private Health Insurance Act 2007 of the Commonwealth they would no longer be able to provide benefits for medical services provided in Norfolk Island however, they would be able to continue to provide services for holders of MBF health insurance policies in Norfolk Island who sought treatment for ailments or medical conditions in Australia so in other words, having to relocate to Australia to receive any benefit. Mr Speaker it's been quite a lengthy process of discussion and correspondence between myself, the Administrator, a group of MBF policy holders on Norfolk Island and others to try and resolve the issue. Initially there was I believe a misunderstanding that the interpretation that MBF had in relation to the provisions of the Private Health Insurance Act 2007 were not correct in that it did not preclude cover being provided by MBF or health services provided in Norfolk Island. The advice had been sought through the Office of the Administrator and I'm grateful to him for his assistance in this matter that suggested that there had been no change in fact to the situation that had prevailed prior to the passage of the legislation through the Federal Parliament and therefore, things shouldn't change. What in fact happened and has now been clarified was that the legislation passed through the Federal Parliament in 2007 reinforced the status quo and said basically that the provision of health services in Norfolk Island could not be covered by a private health insurance operator operating out of mainland Australia so in effect, what that means is that MBF and other private health insurance operators in Australia had been working outside of the legislative provisions for a great number of years and how MBF had actually come across this was a review of their own operations, a review of the legislation and clearer reading of the legislation indicated that they were prohibited from providing benefit cover in Norfolk Island for services tendered in Norfolk Island. I have sought for quite some time now clarification on that and have been given an undertaking some weeks ago now that MBF and I think their parent company Bupa were to write to the Chief Minister and clarify the situation and clarify the content of the letter that had been sent to policy holders in Norfolk Island at the 21st October date. That letter was received as I understand it on Monday of this week which clarified the situation. It was addressed to the Chief Minister from Richard Bowden, the Managing Director of Bupa Australia, clarifying the situation. I had the opportunity to discuss that with the Chief Minister whilst I was in Brisbane, he phoned me and I asked if he could contact the Office of the Administrator to pursue some of the other options that we had been discussing whilst this process was underway and that included the option of the Commonwealth moving to amend the Private Health Insurance Act 2007 to exclude any reference to Norfolk Island. In other words, the situation would be that it would no longer prevent private health insurers from providing cover for health services provided in Norfolk Island. That is the route that we will now be pursuing with some vigour. As I said

we had already had preliminary discussion with the Office of the Administrator about that and I understand that he has been in communication with Minister Debus and asked for representations to be made to Minister Roxon, the Federal Minister for Health and Aging to I guess to test the waters to see what the opportunities that might present for us to seek and amendment to allow the continuation of MBF cover in Norfolk Island for services provided here. We'll continue to pursue that with some vigour obviously. I referred to that latest letter that was received by the Chief Minister earlier this week. That comes on the back of significant representation that's been made to MBF and through the office of the Administrator and through my office in relation to this matter to try and calm the concerns of policy holders in Norfolk Island. The effect of this Bill will in its provisions, provide cover, subject obviously to those persons who have not been, or who are currently not Members of the healthcare scheme, and who are MBF policy holders, cover under our healthcare scheme as if they had been eligible Members previously. It doesn't affect all 90 plus individuals on Norfolk Island that are covered under the provisions of MBF policies in Norfolk Island. It only relates as far as I've been able to ascertain to about 10 to 12 people at most, who had not been Members of the healthcare scheme previously and obviously that suggests that 80 odd of those people with MBF cover actually also pay the healthcare levy and are already Members of the healthcare scheme so it is designed only for a few people but as the explanatory memorandum says, this has arisen through no fault of their own and as a good and caring community its incumbent upon us to ensure that people are not left exposed to potential significantly damaging health costs in the future. I've acknowledged a number of people in relation to this matter but I would like to thank the MBF Members on Norfolk Island for their patience and understanding as we try to negotiate this rocky road of discussion with MBF and with the Commonwealth in relation to this and in particular Robyn Menghetti who has been coordinating responses to the MBF Members in Norfolk Island, His Honour the Administrator Owen Walsh for his advise and assistance in this matter. As I said, it's not over yet but the provisions of this Bill will provide a degree of security to Members of the Norfolk Island community that I've explained have been caught up in the situation as an interim step whilst we pursue those other initiatives to maintain Membership and cover in Norfolk Island for those holding MBF policies. I commend the Bill to the House. I certainly look forward to any discussion and I look forward to the support of Members around the table for the passage of this legislation in due course. It is not in my view necessary for it to be an urgent Bill, simply because the provisions of the legislation once it is passed and assented to, relate back to 1 January 2009 so subject to passage obviously those few people that I am referring to that are caught up in this mess will have the confidence of being covered under our healthcare scheme, obviously subject to them paying their levies as everybody else does. I commend the Bill to the House

SPEAKER

Thank you Mr Gardner and you did answer one question that I was going to ask you, as to whether you would seek leave to introduce this as an urgent Bill but you've quite clearly stated that it's not necessary

MR GARDNER

Thank you Mr Speaker, on that matter if Members were comfortable for it to be dealt with today I'm more than happy to pursue that. It's not necessary. I would much prefer it sit on the table so there can be some full and frank discussion about it if necessary and we don't find something in it that might trip us up that might mean that we would then have to come back urgently to the table. I'm comfortable that it provides the necessary safety net for people in Norfolk Island and as I said I look forward to the support of Members around the table

MR MAGRI

Mr Speaker I just wanted to check one thing with the Minister. First of all I would like to acknowledge his efforts in trying to resolve this issue. He's been working quite diligently in trying to resolve this issue and I can understand the anxiety in the community but if I'm correct, I believe this issue was first brought to our attention, and I stand to be corrected, in late September, would that be correct.

MR GARDNER

Late October

MR MAGRI Late October was it. And if I'm also correct I believe that this is to do with an Australian Act of Parliament and its interpretation and the relationship between that Act and the MBF private insurance company and my question basically to the Minister is given how I've seen him work determinedly to try and resolve this, I wonder if he could provide me with any definitive proof that the Commonwealth has intervened with the same determination to try to resolve this before it became necessary to introduce this Bill to the House today because I largely see that they are the ones that in a position to resolve this without the need for this Bill. I will be supporting this Bill because as you say this is part of our duty of care to the community

MR GARDNER Thank you Mr Speaker, yes, look I'm happy to answer that. By way of letter dated the 28th November 2008 to the Chief Minister from His Honour the Administrator Owen Walsh, he wrote to the Chief Minister advising that the Honourable Bob Debus had asked Owen to inform the Norfolk Island Government that he has written to the Federal Minister for Health and Aging Nicola Roxon, asking whether there are options for addressing a private health insurance concern raised by residents in relation to the above mentioned decision, that is, the decision of MBF. The Minister has undertaken to advise his office of Minister Roxon's response when received. I'm aware of it. I've got a bundle of papers here of various emails that have been sent backwards and forwards. I'm happy to make these available to Mr Magri if it's going to assist him in understanding that there has been a joint and very cooperative approach to this between the Office of the Administrator, the Norfolk Island Government by my office and the office of the Chief Minister in trying to address this and trying to find a speedy resolution to it. We have the benefit, and it's in a lot of ways its a wonderful thing, of being able to quickly promulgate legislation, introduce it to the House and whiz it through. It doesn't happen quite as quickly as we would like at times at the Commonwealth Ministers as well and I think there's all good intention and a cooperative working relationship in trying to resolve this, so as I said I'm happy to make that documentation available to Mr Magri to have a look at if there's any lingering doubts as to the good intent of the Commonwealth in trying to assist us to resolve this issue

MR SHERIDAN Thank you Mr Speaker I intend to support the bill. I fully understand the situation these people are in. I just want to ask the Minister a question hypothetically you might say. I understand that this is designed so that the people on MBF can transfer over without waiting for a five year, if they have a pre-existing ailment, have to wait five years before they can claim on our healthcare system. Now just say there were two people on Norfolk Island six months ago. One joined MBF and one joined the Healthcare system and they had the same condition. Now the healthcare system you would have to wait five years before you were covered for that condition because it was pre existing before you joined. Under MBF they would have to wait for 12 months. It may have been covered immediately but by allowing them to transfer on the 1st January and have full cover, wouldn't we be discriminating against the person who joined our local healthcare system by having to wait five years and that's my only concern. There may be only a few people now if these people aren't entitled under the MBF system to access benefits at this point in time and may need another 12 months to qualify, wouldn't we be better off to maybe have that same sort of time frame under our healthcare system so that everybody doesn't come under it at the one time. Thank you

MR GARDNER Thank you Mr Speaker, I'm not aware of any incidents to that which Mr Sheridan is referring. What I am saying is if somebody had changed to MBF and sought a suspension from the provisions of the healthcare legislation they would have already been an eligible person for the purposes of the Healthcare Act so they would have already been eligible to be part of our healthcare scheme. I am not aware of any of these persons that are caught in this predicament that have not been long term Members of MBF and resident in Norfolk Island

MRS JACK Thank you Mr Speaker I will abstain from this now and will abstain from voting as well. I think this would be proper for me to do so being an MBF Member at this stage

MR GARDNER Thank you Mr Speaker, I hope Mrs Jack isn't feeling guilty about that because this Bill doesn't relate to her at all. This Bill is only dealing with those people who are MBF policy holders who are not already either eligible as Members of the healthcare scheme or are Members of the healthcare scheme, thank you

SPEAKER Any further debate. Mr Gardner. I seek a final motion

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

SPEAKER The question is that debate be adjourned and the resumption of Debate made an order of the day for a subsequent day of sitting and I put that question

QUESTION PUT
AGREED

Thank you. That motion is agreed to

ROAD TRAFFIC (AMENDMENT) BILL 2008

Mr Magri Thank you Mr speaker I present the Road Traffic (Amendment No 2) Bill 2008 and move that the bill be agreed to in principle. Mr Speaker I also table the explanatory memorandum to the Bill and will read the explanatory memorandum into Hansard. It has become apparent that the availability of mopeds or motorised tricycles could become a useful adjunct for tourist operators, but without making appropriate provision in the law the use of such vehicles opens the issue of liability for operators as well as drivers if involved in accidents.

This Bill therefore seeks to make provision in the Road Traffic law for the use of such vehicles by making provision for their registration and licensing of drivers. The Bill is principally concerned to bring these vehicles within the cover of the existing legislation and does so by amending the definitions of "driving" to include mopeds and motorised tricycles and include a definition of "cycle" to make it clear that it does not include motorised vehicles unless it is clear from the context that it does. Necessarily the Bill introduces a definition of "moped" which is a motorised bicycle or tricycle with an engine cylinder capacity of 50 millilitres or less and a maximum power output of 200 watts and a maximum speed capability of 50 kilometres per hour. The Bill also defines "motor cycle" and "motor tricycle". The Bill also clarifies the power of the Registrar of Motor Vehicles to determine which class of driving licences apply for different classes of vehicle or the kind of endorsements that may be made on a licence to authorise driving different kinds of vehicle. The Bill makes various amendments bringing mopeds and motor tricycles into the legislation in matters such as the restriction of the issue of registration of vehicles to persons under 16 years; to issue number plates; to clarify that licences are to be issued for the kind of licence applied for and renewed only for the kind of licence that has expired; and to require moped and motor tricycle drivers to wear safety helmets. Mr Speaker I'm not sure whether I need to move. I have further debate. Mr Speaker the introduction of this Bill has arisen out of several different representations that I've had from Members of the community who, as the explanatory memorandum explains, believe that as in other jurisdictions this type of transport would be a useful, and as in the explanatory memorandum the word used is "adjunct" for tourist operators. I don't intend to debate this Bill too much today but I would imagine that others may well do so

MR GARDNER Thank you Mr Speaker, just a couple of queries. I certainly welcome the Bill coming forward to clarify the position of mopeds and motor tricycles in Norfolk Island and I think the representations that we've had maybe stem back over two or three years for finding a mechanism to allow those things to be used to compliment our tourism industry in Norfolk Island and the explanatory memorandum makes reference to tourism operators and obviously as a prime tourism destination we need to ensure that we maintain a certain duty of care as far as the provision of all of those tourism services. I haven't been able to find anything in the Bill that makes any reference to standards that may be applicable to the mopeds and the motor tricycles and the reason I say that, is I note the Minister's reference to other jurisdictions and I take it that he's referring to Australia and New Zealand and my research on the net seems to suggest that Australia has design rules that broadly apply across all of the States and Territories of Australia in relation to these types of vehicles. I know that the New Zealand provisions for licencing of similar sorts of vehicles basically pick up the Australian design rules in their entirety and apply them in New Zealand. My query or my question is, is the Minister proposing by regulation to make reference to some sort of standard, ie Australian design rules for those vehicles as a precursor to registration being affected. Now one might ask why is that. Again when I've gone back through the net and I've had a look at things there are people who construct three wheeled tricycles and build them to any sort of design and without any regulations or anything being about it is possible for any combination at all to be developed or built as a moped or a motor tricycle so really what I'm saying is that I'm just looking for an easy reference for people that might be proposing to go into business to say what are the standards that need to be met as far as the design of these things are concerned. My research suggests that maybe the Australian design rules are those that are most applicable and most easily followed and they have a very easy check list and if reference was made to that I certainly would have no issue with this progressing

MR MAGRI Thank you Mr Speaker and thank you Mr Gardner for the question. This particular amendment to the principal Act, the Road Traffic Act, allows for the registration of these particular type of motor vehicles built into the current regulations surrounding registration of vehicles is a requirement that registration be done by authorised inspectors. There's quite a few authorised registration inspectors on Norfolk Island and this particular vehicle is covered in depth under the light vehicle inspection manual. I couldn't tell you whether that is an Australian manual or a New Zealand manual but I'm happy to provide Mr Gardner with a copy of that manual that sets out the provisions for the registration of motor vehicles.

SPEAKER Thank you Mr Magri. Any final debate Honourable Members. No. Then I seek a final motion Mr Magri

MR MAGRI Mr Speaker I move that debate be adjourned and the resumption of Debate made an order of the day for a subsequent day of

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 and I put that question

QUESTION PUT
AGREED

Thank you. That motion is agreed to, debate is so adjourned

PLANT AND FRUIT DISEASES (AMENDMENT) BILL 2008

MRS JACK Mr Speaker I present the Plant and Fruit Diseases (Amendment) Bill 2008 and move that the bill be agreed to in principle. Mr Speaker the

purpose of this Bill is to amend the *Plant and Fruit Diseases Act 1959* to allow for the importation of fruit only from Australia or other approved countries and provide effective quarantine measure to maintain Norfolk Island's relatively pest and disease-free status. The Bill removes the blanket prohibition on all fruit imports other than "potatoes, onions, edible nuts or grain of wheat" to allow the issue of a permit for importation provided the fruit meets the requirements that it complies with the Regulations and that it comes from Australia or another approved country. The Bill includes a new offence of providing false or misleading information in connection with the importation of anything subject to the provisions of the Act and existing provisions provide for the penalty of 6 month or 20 penalty units or both. The regulation making power is extended to make it clear that Regulations may adopt as required rules applying in other places in connection with the quarantine of fruit and plant material. The new provision also includes a note that such rules could include the *Plant Quarantine Manual – Tasmania* in force from time to time and it is the intent that these Rules are likely to be adopted in the first instance, as they are very stringent. Mr Speaker this amendment is placed before the House today as the result of requests made to me by some of my fellow MLA's and by Members of the Norfolk Island community including tourist accommodation houses seeking to provide fresh fruit to their guests. I must add though Mr Speaker, that the original request was for the ability to import apples. Members will note that I've lifted the limitation from one particular type of fruit to a complete opening up of importation but I'll return to that aspect a little later on. Mr Speaker during the 11th Legislative Assembly in order to assist in the growing of an expanded range of fruit on Norfolk Island I introduced protocols for the importation of two types of bare rooted fruit trees. Mango's and a broad range of citrus trees. The reason for this was two fold. To increase the range of fruit available on Norfolk Island and to lengthen the growing season for some fruit varieties already growing on Norfolk Island. In October 2006 saw the first shipment of mangoes arrive while mid 2008 saw the first range of citrus onto the island. I understand that most trees have survived but the flow on effect, that is from tree to market to lunch boxes or restaurants etc takes time, so I've been asked to bring forward this amendment to the Plant and Fruit Diseases Act that will allow the importation of fruit. In order to bring about this amendment I've considered the following. possible quarantine issues. When dealing with the importation of the bare-rooted fruit trees protocols were put in place. I can understand that similar concerns could be raised with the importation of fruit and so that is why reference is made to, in clause 8 of the amendment, which deals with section 22 to insert at the end of that section currently in the Act that "The Regulations may adopt, with such changes as may be considered necessary or appropriate, all or part of the terms and conditions in force in another State or Territory concerning the quarantine of fruit and plant material to be imported into that State or Territory." And there is a note to that as alluded to in the explanatory memorandum that this could include, for example, adoption in whole or part of the *Plant Quarantine Manual – Tasmania* in force from time to time.". I am advised that the Plant Quarantine Manual – Tasmania is viewed as the most rigorous out of all the other Australian states and territories and in fact is being challenged by other states and territories. Another area I considered are current growers on Norfolk. I do not believe that growers on Norfolk are at risk. The cost for importation is more than just the freight rate /kilo plus the cost of the product. There is the freight consolidation fee, insurance costs, transportation to the air freight shed as well as the cost of quarantine. I believe that final cost to consumer will greatly affect the demand for supply. Having said that Mr Speaker I do not believe that full cost consideration will halt imports. There is most definitely a need to import fruits that we cannot grow here and in continual poor weather conditions such as we experienced at the start of this year a need to be able to import fruit to supplement local supplies of the foods normally grown and available. And that leads me to the third point where we are trying to attract to Norfolk greater numbers of baby boomers. Their needs are different to the post war retirees that have been our strongest market over the past years. They are seen as more discerning and are more prepared to pay for what they consider 'the norm'. If we are to make in roads in attracting a broader range of visitors to Norfolk then we have to start providing more of what they are used to and a greater range of fruit is one aspect of those expectations. A further consideration was providing a wider alternative of fresh

fruit for all ages within the Norfolk community can only have a beneficial impact on our general health and well being. Members will note clause 6, a new subsection into the Act and that is the section that reads “notwithstanding subsections 1 and 2(a), a permit must not be issued to import apples other than fruit grown in and imported from Australia or another place approved by the Administrator by notice in the Gazette”. This is included due to concerns of importing apples out of New Zealand owing to the presence of fire blight bacteria in some areas of New Zealand and concerns that our growers could be affected. Mr Speaker I am well aware that this view may not be one that is acceptable by all members however this legislation falls under schedule 3 and I am of the belief that if I tried to pull it out I don't believe this amendment would make it, however we can always try. I have no problem with leaving it in and when the time, staff and resources permit will work to amend the section. The final matter I wish to raise is the decision to use the word 'fruit' to its full extent that is as it is defined in the current Act rather than be type of fruit specific such as 'apples'. Mr Speaker the word fruit is not one that includes fruit as one that most members of the community understand it. That is fruit and vegetables one would talk about at the greengrocers. The definition that is in the Act defines 'fruits' as meaning the edible product of any plant and includes the whole or any part of the seed, nut, skin, peel or shell of any fruit. What the amendment does is allows this definition to be used to the full extent. A complete opening up to 'fruit' importation. Mr Speaker I commend the Bill

MR MAGRI Mr Speaker I guess those listening this afternoon they would probably regard me as contrary but I'm not going to be supporting this Bill either and I've actually had quite long conversations with the Minister about this and I do applaud her for bringing it forward but with every piece of legislation there's some positive impacts and some negative impacts and I'm concerned about the negative impacts in relation to this Bill and what I'll do is I'll try and get the Minister to try and describe how she might reconcile with some of those negative impacts when she's thinking about introducing this Bill so I'll just ask a series of questions. The Minister in her introductory statement points out the definition of fruit as an edible product of any plant and includes the whole or any part of the seed, nut, skin, peel or shell of any fruit. Now what that actually means is that there is no differentiation between fruit or vegetable and what this amendment really does is allow for the importation of fruits and of what we commonly call vegetables and I just wonder whether the Members has considered the livelihoods of the local growers and commercial suppliers of vegetables when she was introducing this Bill

MRS JACK Thank you Mr Speaker I was expecting a range of questions from Mr Magri

MR MAGRI I'll give them to you one at a time

MRS JACK Thank you Mr Speaker. I thought I had made that clear. Yes I have. And as I said earlier I don't believe that you could bring some of those vegetables in cheaper and the quarantine matters in dealing with it, there are a lot of add on costs, it's not just a simple matter of going to the markets and picking stuff up and taking them to the freight shed and shipping them over. There are areas under the plant manual of Tasmania, there are specific areas and whether you are going through fruit fly zones or on the edge of them or if you are in a fruit fly zone there are a whole lot of other aspects to consider that have considerable add on costs so I am doing this as a request. I've had the request from people who sell fruit, people who even grow fruit, asking me to bring this on so that they can expand their range of what they are offering to the community. I would expect that they've gone in to some of those business considerations and still find that it's not going to impact on the viability of the remainder of their growing and or retailing section so I will leave it to them, I'm just being the implement to allow them to do it

MR GARDNER Thank you Mr Speaker, if Mr Magri's finished

MR MAGRI No, Mr Speaker I can go for quite a while on this one. I just wonder and for the benefit of the listening public I guess it's probably important when I'm asking these questions, is to realise that what we are considering today is opening up the import of fruit and what we commonly call vegetables and some of the implications that might arise out of us passing this Bill, but a further question is how the Minister might explain for the benefit of those people in the community that have invested significant time and money in developing orchards, many with the idea of receiving a commercial return at some time in the future, how they might reconcile with these proposed changes

MRS JACK Thank you Mr Speaker can I just say that I've been approached by many Members of the community who see some of the rotting fruit on the ground that doesn't make it for sale and that for many, only seem to be able to get fruit if they know someone. There are two sides to every story here Mr Speaker and it was never my intention to go out and intentionally try and disturb those growers and their ability to grow. What I'm asking them to do is perhaps be more effective and the community is certainly feeling the pinch of not having a wide availability of fruit. They are wanting to import because they don't see the fruit come through the shops or the market stalls. I'm just answering a need out there now. If the growers can start providing the fruit and selling it and be competitive then they have nothing to worry about. Nothing at all as I see it. But there is a need for perhaps some more better farming methods, or better growing methods or better selling methods. The need for them perhaps to form a co operative. I know there was some talk by my predecessor Toon, was wanting to do this. He was also wanting to encourage people to not allow fruit to get onto the ground but maybe start a juicing factory. I remember that was a passion of his. So there is a need out there that we have to start stimulating what we have already and if this can be the conduit to start that, just to make growers more effective, some of them, there are some very effective growers already, but we need to have the greater range and I'm just here to try and stimulate that

MR MAGRI Thank you Mr Speaker just one final question in relation to, under the principal Act there's a requirement that if you want to bring in I believe it's nuts and potatoes and onions and those type of things, that you need to obtain a permit from the executive Member and that provision will exist under the new arrangement but the conditions will be set out by regulation. I wonder if the Minister might be able to provide this House with some idea of what those regulations might be in relation to receiving a permit to import fruit or vegetables

MRS JACK Thank you Mr Speaker are you going on about the quarantine requirements or the actual basic permit. I mean the actual basic permit format would be allowing person so and so to import under the conditions that were attached to the permit. If you were looking for detail in what the quarantine requirements would be I suggest you get on the web and put in plant quarantine manual – Tasmania and it comes up. A 50 page double sided printed document that lists all the fruit and vegetables or all fruits and it tells you the various types of quarantine they have to go through in order to make it into Tasmania

MR GARDNER Thank you Mr Speaker, I've been discussing the preparation of this Bill with the Minister for some time now and provided some feedback on the initial draft and I note that most of my concerns at that time have been given some consideration. But there's a few things here that I would like some further thought given to and maybe that would give me the necessary comfort to support the Bill. The Minister has been referring to the Quarantine Manual of Tasmania and I understand that advise sought from AQUIS in this regard and suggested and the Minister quite rightly intimated that other States and Territories have challenged Tasmania's provisions and particularly in relation to the incidence of fruit fly and it had been suggested that the provisions within the Tasmanian quarantine manual were overly onerous and seen as

not being necessary and being out of step with general international provisions. It had also, as I understand the advice from AQUIS had suggested that we needed to be looking at a State type quarantine or something that reflect State type quarantine restrictions rather than national quarantine restrictions ie, a need to look at what would be in place for interstate trade within Australia rather than international cross border trade in quarantine and there's a significant difference between those. Some positive differences and some negative differences. You only have to ask Western Australia and Tasmania about some of the problems that they encounter in their trade with other States because of the quarantine regimes that are in place and I think Western Australia and Tasmania are renowned for wanting to keep all the pests and diseases out and some of the other States and Territories take some umbrage at that but that's how it operates in mainland Australia. This note in the bill is that it could include for example adoption of the Tasmanian model. It doesn't need to be that and I would be concerned if suddenly we were now going to holus bolus adopt a much stricter regime for the importation of things that we have been bringing in which Minister Magri was referring to which I think is onions and potatoes and the like. If the provisions in the Tasmanian manual was suddenly going to present us with an arrangement that made the importation of those things even more expensive and adding to the cost of those goods in Norfolk Island, certainly it would encourage more people on Norfolk Island to grow them if they were more expensive and that's probably a good thing, and probably a bad thing. It doesn't overcome the problem of the shortage and then when there are shortages it doesn't overcome the problem of the affordability of those sort of goods in the shops so I think it's important that we understand that we are not necessarily adopting Tasmania's from the outset that maybe we need to consider that the provisions that currently exist for the importation of those goods may in fact be sufficient for the purposes of permits in the future. Now if that can be spelt out, that's fine. But we might find the fact that Tasmania's provisions, I haven't seen them, but Tasmania's provisions are actually a lot more relaxed than those we currently have and that is an assessment that needs to be made as we go down this path. If they could be relaxed for those staple products the importers and I think the customer on the shop floor will thank us for doing that because they will realise that there's a benefit from it. But the question that always remains obviously, is the potential impact and it's all about managing the potential for quarantine. That's what it's about. If you didn't want to be impacted by any disease or bug or anything unwanted you just close down your borders completely and say no, nothing. But that is not practical and it's not the reality in most first world countries worldwide. They are fairly liberal in this day and age save for where there is the potential impact to crops and plant material and the like that are a mainstay export for production of a nation hence why Australia generally is not keen to see apples come in from New Zealand because of the potential for the importation of fireblight. Probably a reason why we would need to assess carefully the potential of the introduction of fruit fly. The effect that it might have on cultural fruit species such as guava and the like to ensure that the problems that we already encounter with the worm aren't magnified with the accidental introduction of fruit fly for example, but if you are using the Tasmanian manual and that's the best there is in Australia it's probably a good thing but we need to be thinking about those. Mr Speaker these things are not new. The consideration for the importation of fruit has been around as long as I have been down here and I remember a few years ago we deliberately set ourselves on a target and deferred further discussion on the direct importation of fruit into Norfolk Island by trying to encourage and trying to put in place appropriate quarantine mechanisms for the importation of fruit tree material and the like and we explored things like tissue culture and improved seed and the recent examples of the importation of bare rooted fruit trees. I think on a couple of occasions we allowed for the importation of grape cuttings for example and established both the wineries on Norfolk Island. I'm not sure whether the jury's still out as to whether that succeeded in our aim. Clearly there is a great deal of potential to continue to exploit that. I have no doubt about that. Whether our quarantine regime has been able to adequately cater to that, I would argue no. Maybe we've been a little too strict but I certainly would not like to see something like this have a detrimental impact on an already established business that is providing meaningful employment on Norfolk Island and the one that

immediately springs to mind, immediately springs to mind because a mushroom is a fruiting body of mycelium so it is classed as a fruit under this legislation. Moving in this direction puts the viability of that business in Norfolk Island under tremendous threat and the reason I say that is I know what mushrooms per kilo cost on Norfolk Island. I know what you can pick them up in the markets in Sydney or Auckland for. They are light, they are easily transported, you can probably land that sort of product in Norfolk Island and have it on the shelf for about half of what is realised on the shelves today. Now we have to way up whether we think that's a good move. Are we prepared to consider to put somebody's livelihood under threat, something that is almost unique to Norfolk Island in a way that it is an industry on Norfolk Island that we've been trying to encourage. The message in this I think is we need to strike a very careful balance about how we go through this. I'm a person who loves to eat mangoes. I would love to have mangoes available to us for four or five months of the year instead of the sporadic supply that we get now and you can import mangoes from various parts of the world now. They do it into Australia. You pay up to \$5 or \$6 for a mango imported from Mexico in the off season in Australia and when fruits are in season, they don't get a Guernsey, simply because they can't compete with the local product. And I think that that is going to be something that will occur here if this happens but I'm of the belief that we probably need to be a little more prescriptive about exactly what it is as far as fruit is concerned. If we want to talk about vegetables, well we will probably need to prescribe them and identify them properly and if we think there is a need to expand vegetables in Norfolk Island and I really do struggle to understand why we would want to do that against wanting to seriously invest in ensuring that we provide a good supply and balanced supply of vegetables throughout the year which I know can be done, it just is a matter of dedicating ourselves to ensuring that happens and what that does is it gives confidence in the community that they can have regular supplies and gee, things are a lot better now than they were twenty years ago so it demonstrates that it can be done and we can improve on that and weighing that up against the potential for impacting negatively on some of the industry that we have established in Norfolk Island. There is no urgency to this. This is a wonderful thing that we have this Bill on the table because it's been a long time coming and I know the Minister is keen to progress it so let's just do some of these exercises and have a long hard look at it. The reference to apples. I understand the trans Tasman politics of apples. I understand the trans Tasman politics of chicken meat and pork and things like that. It's really about protecting markets more so than ensuring that you don't go destroying somebody else's business or industry, but to hang out something like fireblight as being an issue that's going to impact negatively in Norfolk Island I really would like to see which industry fireblight in itself if it was introduced, and I don't believe that the potential is particularly great, particularly if you go through the right supply channels, whether the introduction of fire blight poses a threat in Norfolk Island and exactly what industry in Norfolk Island it poses a threat to. Sure if it was introduced into Norfolk Island and it was established upon some species in Norfolk Island the danger is probably the transportation of that from Norfolk Island back into Australia but whilst Australia maintains a significant quarantine barrier at their international ports, the likelihood of that getting into Australia from Norfolk Island is absolutely no greater than that coming from anywhere else in the world even New Zealand. But that said, whilst this Bill does talk about the importation of fruit from Australia it does leave the door open for any other approved by the Administrator by notice in the Gazette and obviously the Administrator will seek advice from the relevant authorities in Australia based upon whatever proposal for fruit or in this case vegetable might be proposed for importation and that really just tallies with my reference to Mexico and bringing in mangoes. I think it's useful to have the Bill on the table. I am concerned about the potential impact on some of the established businesses. I'm not against bringing certain fruits into the island as far as the management of that, whether anybody's going to make any money out of that, that's something that is yet to be determined but at the end of the day I would hate to see even more rotting material on the ground on Norfolk Island simply because we've been swamped with, I would argue, an inferior product at cheaper prices available from Australia and New Zealand

MR B CHRISTIAN Thank you Mr Speaker as I'm not a ten year veteran of debate as my colleague Mr Gardner I will attempt to get my point across. It seems to me that apples ain't apples in this case. Some seventeen months when I and a few other members around the table were pushing this issue of the importation of apples on a trial basis. It seems to be now, that after all the time that has taken, and the Minister assures us that it was the quarantine requirements that we were going through to maybe investigate and allowing for the importation of apples and today I read her introductory or proposed legislation and it seems to have opened the floodgates for all types of fruit and vegetables. I'm at a bit of a loss as to when this eventuated. I was under the impression that we were to look at the possibility of the importation of apples, as my colleagues have pointed out, we already allow the importation of potatoes which are grown quite well on the island and they are grown on a very regular basis but we still allow for the importation of those potatoes. Onions I believe are grown quite well on Norfolk Island but we allow for the importation of onions. What I believed the intention of this legislation was to be, was to add to that list as concerns had been raised in the community and by other Members around the table to add apples to that list. Now to me it's a totally different debate if you're talking apples as opposed to all fruit and vegetables which as Mr Magri pointed out, that's what this is, it's all fruit and vegetables, it's very difficult for me to support that given what Mr Gardner has said about the threat to local industries and all the wide array of problems that can cause, but why can't we basically allow for the trial of the importation of apples, and go on a case by case basis instead of opening the floodgates and saying you can import absolutely anything you like because to me, I can't support that. Not in any form or fashion. I would like to see it amended to actually import apples on a trial basis. That's my opinion. Yes, this Bill will sit on the table for thirty days I would like to hear from growers and I would also like to hear from families with young children who I know from personal experience, have a difficult time providing their children throughout the year with fresh fruit to go to where-ever they go during the day. They seem to be filling their lunchboxes with processed food and all the things that everyone tells them are bad for them, yet we seem to have to do it through necessity. Yes sure there are places on Norfolk Island and people lucky enough to have access to fruit and I've heard people in this community say, they can get fruit and vegetables year around, but not everyone has that luxury. I'm just in a two way street here Mr Speaker I'm disagreeing with it, but agreeing with it because I would rather see it streamlined a bit better

MR SHERIDAN Thank you Mr Speaker I only have one small issue to have into debate now. I'm on that two way street as well. But considering that we're currently undertaking a review of our quarantine boundaries and its processes and I think Mr Brendon Christian might even be on that team, I would presume that this would go hand in hand and they would really look at the processes and the quarantine aspects of importing vegetables that Mrs Jack is talking about. I presume this review would take that into consideration

MR MAGRI Mr Speaker I think it would probably be more appropriate if Mrs Jack responded to those if she wanted to first. I'm quite happy to do that

MRS JACK Thank you Mr Speaker could I just say that Mr Christian is right it was going to be apples and quite frankly it was such a long drawn out process to try and get that legislation here, and then I was being not hammered but certainly pressed by certain people in the community to broaden it that I thought right, I'll just broaden it and come to this forum and we can have the great discussion we are having today because I appreciate what the Members are saying and the concerns about growers but it is easy to contract it, in a detail stage amendment, and say we are going to deal with apples or list five fruits or whatever you want to do and I just wanted to finally get the legislation in the House and just leave it to the House to decide as to how broad or how contracted they want to go and I have no issues with what's being discussed believe you me we can leave it in Members hands and we can have the

discussion. I haven't spoken to all the growers Mr Speaker, I've answered some growers who have come to me with what they wanted to have dealt with, what some retailers, some tourist accommodation owners, some individuals in the community have done, and this is what you have. I just opened it all up and then it's up to us in this place to say well hang on, I've got other businesses or considerations to bring into this forum and let's look at it this way

MR B CHRISTIAN Thank you Mr Speaker I'll leave my debate until next month and just encourage Mr Sheridan that has been remarked to the committee looking into quarantine boundaries, I'm sure that seeing Mr Sheridan is actually going to be on this committee that he will bring this up at the appropriate time, thank you

MR MAGRI Thank you Mr Speaker I'm pleased the Minister is prepared to accept a narrowing of the scope of this amendment and I think some credit needs to be given where its due, that she has brought something to the House that is of concern to a large segment of this community and that's the concern that where some Members of the community don't have very much access to any fruit at all and some Members in the community do and I am sure that I'm going to be accosted over the next thirty days by those families that can't provide fruit for the lunch boxes for their kids and those people who don't have access to family fruit patches who want to have access to fruit but there's a lot of implications to this particular Bill and we talked about quarantine and all those sort of things and I just want to make a couple of points here. Australia, we are talking about using the Tasmanian quarantine legislation or protocols, Australia signed up in fact it's a prodigious signatory to just about every international agreement but the one that is of concern here is the international free trade agreements that it signed up for and under that international agreement it is very difficult for Australia to argue against the import of anything from anywhere and that's how you come to see these well publicized versions of the import of apples from New Zealand with the express reason that they can't come in being a disease whether it be New Zealand fireblight or a similar issue happened with the import of salmon into Tasmania but under those international agreements they cannot prevent the import just because they don't want them. In fact at the last time I was in Canberra I sat down at question time and Bob Catter was arguing against the destruction of 7000 businesses in his jurisdiction due to the fact that the quarantine import applications for bananas from South East Asia had just been agreed to and he pointed out that of the applications that AQUIS had received, not one has ever been denied and that raises the problem about not necessarily having these arguments tied to quarantine but to health as well and I can use a fairly good example here and this is my pet argument with, it's a good example that I can use, and it's the import of fish. Mrs Jack suggested that the way we could protect our local growers is through the higher cost of import and insurance and those sort of things. I think that the imported Chinese or Vietnamese catfish that we sell at Foodland is probably just under a third of what we can provide for going out half a mile and catching it ourselves. The imported vegetables from China has devastated Australia's agricultural sector and people find themselves buying Chinese vegetables contaminated with feval cholaform and at a price way lower than what the Australian farmer can produce so there's a lot to consider in this discussion and I certainly believe it's a discussion that we have to have and I applaud Mrs Jack for bringing it forward but I hope the discussion can be narrowed to apples so that I can say that I don't agree with that either!

SPEAKER Any further debate Honourable Members. Thank you Mrs Jack I seek a final motion

MRS JACK Mr Speaker I move that debate be adjourned and the resumption of Debate made an order of the day for a subsequent day of sitting

SPEAKER The question is that debate be adjourned and the resumption of Debate made an order of the day for a subsequent day of sitting and I put that question

QUESTION PUT
AGREED

Thank you. That motion is agreed to, debate is so adjourned

ORDERS OF THE DAY**AIRPORT (AMENDMENT) BILL 2008**

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

MR N CHRISTIAN Thank you Mr Speaker. This is a fairly simple amendment to the Airport Act 1991. It seeks to protect the Administration in respect of commercial operators using the airport and in particular protects the Administration from the possibility of losing out when an operator becomes insolvent or ceases operations for commercial reasons and does not pay the Administration what is owed in respect of landing fees and the Bill is intended to extend the regulation making power to ensure that it will be possible in future to require new operators and that's defined as those who are not at present flying into Norfolk Island or those that are not owned by or operated for the Administration to lodge security deposits with the Administration and Mr Speaker the method that we've used to achieve this is to amend section 3 by adding subsections 4, 5 and 6 and subsection 5 says that the regulations may require an aircraft operator other than an aircraft operator operating a scheduled passenger service at the date of coming into force of this subsection to deposit with the Administration a security amount equal to three months estimated landing charges or \$500,000 whichever is the greater so obviously this would not apply to Norfolk Air nor would it apply to Air New Zealand in its current operations, but it would apply to any other medium to large operator coming into Norfolk Island. The reason the \$500,000 has been picked is as I understand it that is consistent with what major airports like Brisbane and Sydney may require and that it is also fairly close to the \$600,000 that we lost when Norfolk Jet Express ceased business so there is some basis to the numbers and subsection 6 just makes it clear that subsection 5 does not apply to an aircraft operator that is owned or operated by or for the Administration so that cover applies to Norfolk Air and Mr Speaker I commend the Bill to the House and trust that my parliamentary colleagues will support it

MR MAGRI Mr Speaker Thank you. A question to the Minister. In relation to its application I understand that this amendment allows for discretion in the charging of this, it is not necessarily mandatory

MR N CHRISTIAN Thank you Mr Speaker yes, as I understand it the amendment quite clearly says that the regulations might require an aircraft operator so obviously the Administration on receiving an application from somebody would assess the risk and take the appropriate course of action

MR B CHRISTIAN Thank you Mr Speaker I support the intention of this legislation. Just one clarification from the Minister. Minister would this affect an existing or proposed charter operation that flies into Norfolk Island as well. You mentioned Air New Zealand and Norfolk Air and that but would that affect any of the charter operations that operate now through New Zealand and Lord Howe

MR N CHRISTIAN Thank you Mr Speaker on a small scale, no it wouldn't but if there was someone coming in for instance that would be likely to run up an account of \$30-40,000 per week, they are the sort of people that we'd be interested in having a bond from

SPEAKER Thank you. 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. The Bill is agreed to in principle

We move now to the detail stage. Is it the wish of the House to dispense with the detail stage. Thank you. We move on and Mr Christian, I seek a final motion please

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

SPEAKER Thank you Mr Christian. Is there final debate? Then I put the question that the motion be agreed to

QUESTION PUT
AGREED

The Ayes have it. The Bill is so agreed

ELECTRICITY SUPPLY (AMENDMENT) BILL 2008

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

MR N CHRISTIAN Thank you Mr Speaker. This Bill provides that the Executive Member may issue permits for solar powered systems that meet the regulation requirements to be connected to the power grid. In addition for providing for the ability to connect to the grid it also provides for penalties where you connect to the grid without having the necessary permits and it also provides penalties for making false or misleading information and once again, the endeavour is to achieve this by amending the Electricity Supply Act 1985 by making some amendments to section 11 and in section 11 we insert a section, this is a new section 11A supply of solar generated electricity to the Administration, subsection 1 would read solar energy generation facility means the generation facility that generates electricity by converting solar energy into electricity, subsection 2 if satisfied that the solar energy generation facility complies with the regulations, the executive Member may exempt a person from the requirements to make an application under subsection 10 or 11 in respect of the connection of that facility to the supply mains for the purpose of supplying electricity to the Administration and subsection 3, a person wishing to apply for an exemption under subsection 2 must apply to the Executive Member in accordance with a form supplied by the Executive Member and basically that just makes it a lot easier for somebody to connect to the grid. In the past I think you've sort of been in or out. There's been no in between and this provides a mechanism now for all of the people who want to put I think they call them micro generation units is the correct term used in Australia onto their commercial properties or domestic households and connect it to the grid and I think this is a pretty exciting initiative for Norfolk Island and once again I hope that my parliamentary colleagues will support me in my endeavours. Thank you

MR SHERIDAN Mr Speaker thank you. I wasn't here last month when he tabled this and I fully support the Minister in tabling this. I really applaud the Minister for making this happen to enable the residents of Norfolk Island to be able to access not only the electricity that's generated from a natural resource like the sun, but also this will enable the residents to fully access rebate systems etc that are provided by the Commonwealth. Without this, well none of those rebates would be forthcoming because

they wouldn't be connected to the grid and I see this as the first step in ensuring that Norfolk Island I believe can become quite green, and I fully encourage this Government to enable all residents on Norfolk Island to be able to access this facility to enable them to install these panels and make use of the free energy that's just floating down from above. Thank you Mr Speaker

MR ANDERSON Mr Speaker I should also like to applaud Mr Christian on this move. I think it's an excellent move and as well as householders I would like to see industry and commerce generally take advantage and I'll be supporting the Bill

MR MAGRI Thank you Mr Speaker there's no question about my support of this Bill either and I think that the way the community has embraced it is an example that the introduction of this type of thing is long overdue and I also applaud the Minister for acting on it. Just a couple of minor things. I just wonder whether in the actual conditions as to whether the unit is satisfied its going to be organised through the regulations. I wonder if the regulations are going to state a set of conditions that might be argued in future as to whether you can or cannot put this thing on the grid or whether the regulations are simply going to state that it is this type, as approved by the Commonwealth, this particular type of photovoltaic that is approved at this stage and then as we assess other ones we will add to those regulations. Is that the intention at this stage

MR N CHRISTIAN Thank you Mr Speaker what the regulations will do, is fairly loose if you like. I will not restrict the application of the legislation to systems that receive Commonwealth grants because a private individual may want to buy his own system with no recourse to the Commonwealth whatsoever and I wouldn't want to prevent them from connecting their system to the grid. Basically the only restriction will be that it is a photovoltaic system that produces decent quality electricity and doesn't have a battery storage

MR MAGRI Mr Speaker a question to the Minister. Minister by what mechanism are you going to say that it is decent quality or mains quality electricity that, that system will provide. What are the ways, is it probably just going to be the advice of the Electricity Manager that you will take

MR N CHRISTIAN Correct. It will be on the advice of the Electricity Manager and I would expect that anything that's sold in Australia which is where most of this stuff will be sourced from or comply with the equivalent New Zealand or Australian standard and that's what we'll adopt and that's what we do with our electrical licences and the like

MR MAGRI Mr Speaker just a further question and it's in relation to a question that Mr Christian put to the Minister earlier on and it goes to the fact that at some stage, depending on the take up rate of the photovoltaics, that there will be a point and quite rightly the Minister says it might be some years down the track, it might be four or five or six or seven or eight or however many years, hopefully sooner rather than later that it will start, the current conditions of paying back the electricity at the same rate that it is pumped back into the grid, which at today's rate is 71 cents, that may have to be changed and I wonder whether the Minister could seek some advice from the Manager about how he would intend to manage the introduction of a crossing of that threshold even though it might be in four or five years time, and just provide some advice to the Legislative Assembly as to how he might manage that. I think we all recognise that the costs of providing electricity are not simply diesel. There's also the cost of maintaining the reticulation and with the fact that this isn't mains power, there's also the need to maintain 100% backup capability in this, so there's core costs in the business and I just wonder whether he could seek that advice from the Electricity Manager or whether he has already sought that advice from the Manager

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

MR NOBBS Thank you Mr Speaker first and foremost, the radio forum that we would normally engage in after the sitting will have to be postponed at this stage as the Executive will be involved in some meetings early tomorrow morning, however, I would like to pass on two separate messages if that's alright. One is in regard to the Christmas Pageant this evening, which is organised by the Chamber of Commerce. I wish them well with that and hope that everyone who is able to attend does so and has a good time, and I'd also like to thank the MLA's the support staff the CEO and Public Service, the statutory boards and bodies, Members of Committees, the voluntary groups, Council of Elders Members, school students and teachers and everyone on Norfolk Island and my family, I would like to wish them all a happy festive season and a really good New Year

MR GARDNER Thank you Mr Speaker, I would like to echo the words of the Chief Minister particularly in relation to the support that I get from my family in this job. It makes them want to tear their hair out from time to time. I'm sure we all experience that. To the Legislative Assembly staff for their ongoing support throughout this last year and particularly the Public Service and those who I work with closely within the service in my areas of responsibility, those statutory bodies including the Tourist Bureau and Hospital that I have regular communication with, their support is valued, greatly valued and both of them provide in one provides the health of the community and the other provides the funding that provides for that health of our community so they both provide for the health of the community in indirect ways but are both very important parts of our make up. Boards and committees, all the volunteers as the Chief Minister has said, particular thanks to the younger emerging generation, particularly some of those still at school who have shown a keen interest in self Government and are keen to get a better understanding of how self Government operates in Norfolk Island. It's pleasing to see that we have so many people who are keen to want to participate in the process. Not necessarily have to sit around this table but to participate in the process generally. It's very encouraging to see that. To those who support me and to my critics. Thank you very much to both of them for providing the necessary balance. It's always useful to hear both sides of the stories, and in particular to my colleagues around the table and our visitors to Norfolk Island, a very Merry Christmas, and a happy New Year and all the best and let's hope that 2009 is an improvement on this last twelve months

MEMBERS Hear Hear

MRS JACK Thank you Mr Speaker likewise seasons greetings to my colleagues around the table. The support staff here within the compound that have given me tremendous assistance during the previous twelve months, to the new CEO and all Members of the Public Service and again, those who work closely with me in my responsibilities, to Members of the Museum Trust, the Social Service Board, Members of the Planning and Environment Board, I wish them all a Merry Christmas and thank them all for their voluntary services given in such detail and at times, for lengthy meeting periods over the previous year. The support that gives in turn to the community. At times it's a thankless task and I would just like to let them know that I do appreciate it, and we around this table appreciate the work that they give selflessly to this community. I would also like to acknowledge the work of the P & C. they do a great effort up at the school and are to be commended for that. Also to the departing principal this year, Mr Frank Stanton, I would like to thank him for his three and a half years of service to the Norfolk Island Central School and wish him well in his new school. It's been very pleasant working with Frank. We've had a great rapport. Again, to all of those visitors on Norfolk Island I hope that you have an enjoyable time if you are staying here for Christmas and if you are going away I hope you take happy memories and look forward to a new year. I would like to thank my husband for his continuing support in this and we've had some

very robust discussions in this last year, so I hope we have a break over the Christmas Season. Just Merry Christmas Mr Speaker and a Happy New Year to All. Thank you

MR N CHRISTIAN Thank you Mr Speaker. Many in the community are wondering how I intend to resolve the dispute between the Administration and NIDS. Mr Speaker in respect of Voap calls that utilise Norfolk Telecom's landlines and which are switched through Norfolk Telecom's exchange, I propose to treat NIDS and Norfolk Telecom as equals, and intend to make changes to our Telecommunications legislation to provide for a Telecommunications levy. The first round of discussions with NIDS representatives will occur tomorrow, with a view to resolving our differences. Thank you Mr Speaker

MR MAGRI Thank you Mr Speaker I just wish everyone a very Merry Christmas as well, but as the Minister with responsibility for roads and the Road Traffic Act and safe driving I just wish everybody a very Merry Christmas but drive safely. I just wanted to go on further with the Christmas Cheer idea and talk a little bit about the Christmas Pageant which is a terrific initiative of the Chamber of Commerce and I think should be good fun. I'm certainly looking forward to the free merry go round and the free fairy floss tonight but one of the roles that I've played in this is assisting in the judging of some of the lighting displays and shop displays that people have put up around the island and some people have put in an incredible effort. I'll be announcing the winner of the lights that we judged the other night and gee it's going to be close, and I would encourage everyone to go around and have a look at some of the efforts that have been put in. one particular one that didn't really seem to fit into any category which blew me away was the Norfolk Island Hospital and the effort by the nurses there in making their own decorations and decorating the Hospital, so I'm not suggesting anybody cause themselves injury to go and have a look, but if they could just make the effort to go up and have a look at the efforts of Joy and the other nurses up there have made in decorating the hospital, I think it will make you proud as to the type of care that our hospital provides so a Merry Christmas to everyone

MR SHERIDAN Mr Speaker thank you and just a quick one. I would like to thank, in particular, my family for this past year, and also the community that has supported me and even those ones who haven't supported me, Merry Christmas and orl de baes fe Nyuu Yia

MR B CHRISTIAN Thank you Mr Speaker I would like to echo those same sentiments and wish everyone a Merry Christmas and a very happy New Year and I hope to see you throughout the New Year period. Thank you

MR ANDERSON Mr Speaker I also would like to wish everyone a Merry Christmas, my colleagues for putting up with me here and I would also like to wish the Boards that I serve on, the Tourist Board and the Social Security, to wish them a Merry Christmas, I've enjoyed being on those Boards as previously the Chamber of Commerce and the boys took my thunder in trying to sponsor this night tonight, but it will be a good night, come along. Merry Christmas everyone and thank you

SPEAKER Being the last cab off the rank, it is certainly my pleasure here this afternoon Honourable Members to acknowledge with grateful thanks the assistance I've received from you all in the last twelve months, and I wish you all of course a very Merry Christmas and a prosperous New Year and let's hope the finances dictate that it will be a prosperous New Year for us next year and certainly extend good wishes to your families and certainly to the support staff in the Old Military Barracks and their families, and certainly across to the New Military Barracks, I certainly extend warm wishes to the Office of the Administrator, to His Honour Mr Owen Walsh and his wife Bianca, I certainly hope that they enjoy a very pleasant Christmas and New Year over on the hill to my right, and I certainly extend very good wishes to the Administration staff and the staff of the Public Service, to the senior citizens on the island I hope you have a

very pleasant Christmas and a New Year and certainly to my colleague over here Rueben, thank you for all your help over the last twelve months, I hope you have a good Christmas and to those at the Radio Station and others that have assisted us throughout this year, the Hospital, the Airport staff, Chamber of Commerce, residents and certainly visitors to the Island. Thank you ladies and gentlemen and thank you Members. I now put the question that the motion be agreed to that the House do now adjourn

QUESTION PUT
AGREED

Therefore Honourable Members this House stands adjourned until Wednesday 21st January 2009, at 10.00 am.

